

1101

SCSL-04-15-T
(25716-25723)

25716



SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE
PHONE: +39 0831 257000 or +232 22 297000 or +39 083125 (+Ext)
UN Intermission 178 7000 or 178 (+Ext)
FAX: +232 22 297001 or UN Intermission: 178 7001

Before: Justice Benjamin Itoe, Presiding
Justice Bankole Thompson
Justice Pierre Boutet

Registrar: Mr. Herman von Hebel

Date Filed: 25 April 2008

The Prosecutor

-v-

**Issa Hassan Sesay
Morris Kallon
Augustine Gbao**

Case No:SCSL-2004-15-T

PUBLIC

**SECOND SUBMISSION OF THE REGISTRAR REGARDING SERVICE OF
THE SUBPOENA ON H.E. DR. AMHAD TEJAN KABBAH**

Office of the Prosecutor

Pete Harrison
Vincent Wagona
Charles Hardaway
Reginald Flynn

Defence Counsel for Issa Hassan Sesay

Wayne Lordash
Sareta Ashraph

Defence Counsel for Morris Kallon

Charles Taku
Kennedy Ogeto
Tanoo Mylvaganam
Lansana Dumbuya

Defence Counsel for Augustine Gbao

John Cammegh
Scott Martin



25 APR 2008

MAURSEN EDMONDS
Medwards
1325

SUBMISSIONS

1. The Registrar files this submission pursuant to Rule 33(B) of the Rules of Procedure and Evidence of the Special Court for Sierra Leone. The present submission supplements the information supplied by the Registrar in a previous submission to the Trial Chamber regarding attempts by the Office of the Registrar and the Court Management Section of the Special Court to serve the subpoena on H.E. Dr. Ahmad Tejan Kabbah.¹
2. On 24 April 2008, the Office of the Registrar received an Affidavit from Johnstone Jarrett, Under Sheriff of the Republic of Sierra Leone, dated 24 April 2008, stating that the responsible authorities of the Republic of Sierra Leone were unable to effect service since Dr. Ahmad Tejan Kabbah has left for the Republic of Guinea. (See Annex 1.)
3. In response, the Registrar wrote a letter to Mr. Jarrett dated 24 April 2008, Ref/REG/272/2008/VM, indicating that the Government of the Republic of Sierra Leone was under a continuing obligation to serve the subpoena on Dr. Kabbah, pursuant to Article 17(2)(b) of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone. (See Annex 2.) The letter concluded.

Accordingly, it is the understanding of the Special Court for Sierra Leone that you will make service upon Dr. Kabbah as soon as you are informed of his return to Sierra Leone. Once service has been accomplished, I would appreciate receiving written confirmation from your office so that I can notify Trial Chamber I of the Special Court for Sierra Leone.

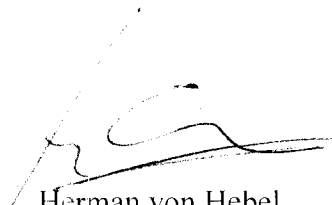
4. A copy of this letter is being delivered by Court Management to the Attorney General and Minister of Justice of the Republic of Sierra Leone.
5. It is anticipated that Dr. Kabbah will return to Sierra Leone on Saturday, 3 May 2008. Accordingly, a representative of Court Management will visit the office of the Attorney General on 2 May 2008 to remind the responsible authorities of the

¹ See "Confidential and Ex Parte Subpoena," *Prosecutor v. Sesay et al.*, SCSL-04-15-1062, 19 March 2008 (the "Subpoena") and "Submission of the Registrar regarding Service of the Subpoena on H.E. Dr. Ahmad Tejan Kabbah," *Prosecutor v. Sesay et al.*, SCSL-04-15-1090, 17 April 2008.

need to complete service on Dr. Kabbah upon his return. Furthermore, a representative of Court Management will visit the office of the Attorney General on 5 May 2008 to verify whether service has been made.

6. I will notify the Trial Chamber of any additional information that I may receive.

Respectfully submitted,



Herman von Hebel

Registrar, SCSL

25719

ANNEX 1

25720



SPECIAL COURT OF SIERRA LEONE

**PROSECUTOR – AGAINST – ISSA HASSAN SESAY
MORRIS KALLON
AUGUSTINE GBAO
CASE NO. SC.SL04-15T**

I JOHNSTONE JARRETT Under Sheriff of the Republic of Sierra Leone make oath and say as follows:-

That I am the Under Sheriff of the Republic of Sierra Leone.

That on the 23rd of April, I received (3) Three) copies of Subpoena from the Office of the Attorney-General and Minister of Justice to be served on Dr. Ahmed Tejan Kabbah.

That on arrival at his house at (Kabba-ya) I was informed by a Mr. Thomas Kamara that Dr. Ahmed Tejan Kabba has left for the Republic of Guinea.

That I make this Affidavit in support of my statement.

[Handwritten Signature]
Deponent

BEFORE ME
VIC. G. MORTON
Commissioner for oaths
& Justice of the Peace
A COMMISSIONER FOR OATHS
Republic of Sierra Leone

**Sworn at Law Courts
Building Siaka Stevens
Street, Freetown this
2nd of the Day of April 2008
at 9.40 o'clock in the
fore noon.**

25721

ANNEX 2

25722



SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE
PHONE: +39 0831 257000 or +232 22 297000 or +39 083125 (+Ext)
UN Intermission 178 7000 or 178 (+Ext)
FAX: +232 22 297001 or UN Intermission: 178 7001

Ref/REG/272/2008/VM

Johnstone Jarrett
Under Sheriff of the Republic of Sierra Leone

24 April 2008

Dear Mr. Jarrett,

I am in receipt of your Affidavit dated 24 April 2008 stating that your attempt to make service on Dr. Ahmad Tejan Kabbah was unsuccessful and that you have been informed that he has left for the Republic of Guinea.

I thank for your assistance in attempting to make service of the subpoena on Dr. Kabbah. However, I also wish to use this opportunity to remind that you that the Government of the Republic of Sierra is under an obligation to execute service of the subpoena on Dr. Kabbah. Article 17(2)(b) of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone states,

The Government shall comply without undue delay with any request for assistance or an order issued by the Chambers, including, but not limited to . . .

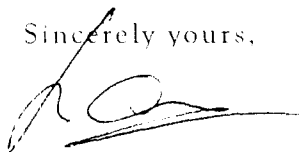
(b) Service of documents

Accordingly, the responsible authorities of the Government of the Republic of Sierra Leone are under a continuing obligation to

25723

attempt to execute service of the subpoena on Dr. Kabbah. Accordingly, it is the understanding of the Special Court for Sierra Leone that you will make service upon Dr. Kabbah as soon as you are informed of his return to Sierra Leone. Once service has been accomplished, I would appreciate receiving written confirmation from your office so that I can notify Trial Chamber I of the Special Court for Sierra Leone.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'H. von Hebel', written over a horizontal line.

Herman von Hebel

CC: The Hon. Minister Abdul Serry Kamal, Attorney General and the Minister of Justice, Government of the Republic of Sierra Leone