SCSL-04-15-T
(26052-26064)

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SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

Freetown – Sierra Leone

Before: Hon. Justice Benjamin Mutanga Itoe, Presiding
Hon. Justice Bankole Thompson
Hon. Justice Pierre Boutet

Registrar: Mr. Herman von Hebel

Date filed: 21 May 2008

THE PROSECUTOR **Against** **Issa Hassan Sesay**
Morris Kallon
Augustine Gbao

Case No. SCSL-04-15-T

PUBLIC
PROSECUTION RESPONSE TO GBAO REQUEST FOR LEAVE TO ADD TWO DOCUMENTS TO ITS EXHIBIT LIST AND TO ADMIT THEM AS EVIDENCE

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I. INTRODUCTION

1. On 16 May 2008, the Accused Gbao filed a "Public Gbao Request for Leave to Add Two Documents to its Exhibit List and to Admit Them as Evidence, with Confidential Annexes,"[1] ("Application"). The Confidential Annexes are an unredacted version of a UNAMSIL Board of Inquiry Report, a redacted version has already been marked as Exhibit 190[2] ("Annex 1"), and a signed statement of witness Major Ganase Jaganathan ("Annex 2"), whose protective measures were rescinded by court order.[3] The Prosecution takes the view that neither Annex needs to be filed confidentially.

2. In their original format, Annex 2 was one of several attachments appended to Annex 1. Both were disclosed to the Defence on 17 May 2006. Major Jaganathan testified on 20 and 21 June 2006. Neither document was shown to Major Jaganathan when he testified, although part of his cross-examination by the Third Accused included the following exchange:

> 7 Q. Also in answer to Mr Jordash's questions, when he asked you
> 8 if you were aware of a board of inquiry report into the May
> 9 1st incident, you said you were not.
> 10 A. Yes, Your Honour.
> 11 Q. I would just like to explore that a moment, because to some
> 12 extent it's a surprising answer. You wrote a book about your
> 13 experiences in Sierra Leone.
> 14 A. Yes, Your Honour.
> 15 Q. When you wrote that book, apart from relying on your own
> 16 experiences, which were, of course, extensive, did you also speak
> 17 to colleagues and look into other things that you hadn't known at
> 18 the time?
> 19 A. Yes, Your Honour. In fact, I was doing some research to
> 20 complete my book.
> 21 Q. During the course of those inquiries, you never heard of a
> 22 board of inquiry report into the alleged hostage taking incident?
> 23 A. The question posed by the defence counsel earlier was about
> 24 the inquiry report, but I had already left Sierra Leone on
> 25 July 27th, Your Honour.
> 26 Q. Yes.

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[1] *Prosecutor v. Sesay et al,* SCSL-2004-15-T-1126, "Gbao Request for Leave to Add Two Documents to its Exhibit List and to Admit Them as Evidence, with Confidential Annexes," 15 May 2008.
[2] Only two paragraphs were redacted from Exhibit 190, paragraphs 13 and 14. These redactions were ordered by the Trial Chamber: see *Prosecutor v. Sesay et al,* SCSL-2004-15-T-620, "Decision on Prosecution Motion to Admit into Evidence a Documents Referred to in Cross-Examination," 2 August 2006, p. 5.
[3] *Prosecutor v. Sesay et al,* SCSL-2004-15-T-556, "Decision on Prosecution Motion to Vary Protective Measures for Group I Witnesses TF1-042 and TF1-044," 23 May 2006.

27 A. The report came out very much later. I was not here when
28 the report came out.
29 Q. So you are aware of the existence of a report?

1 A. Of course. As I said, after I left this country I did some
2 research and I was aware of this report later.
3 Q. Were you approached to give a statement to this board of
4 inquiry?
5 A. Yes. All victims were required to give a statement, and I
6 was one of them.
7 Q. So you did give a statement --
8 A. I gave a statement, yes.
9 Q. -- essentially saying similar things to what you've said
10 today?
11 A. Yes, Your Honour.
12 Q. Now, there is a gentlemen who has been mentioned in the
13 context of the May 1st incident, Colonel Ngondi, a Kenyan?
14 A. Yes, Your Honour. Honour.[4]

....

3 Q. Can I put it to you that when Colonel Ngondi gave evidence
4 before this board of inquiry, he had indicated that in his view
5 further negotiations were necessary before the disarmament
6 proceeded?
7 A. I disagree, Your Honour. I would like to quote one
8 incident.
9 Q. Do you disagree that he had made that statement to the
10 board of inquiry?
11 A. I am not sure what he meant, because I gave my statement.
12 What he gave in his statement, I would not know, Your Honour.
13 Q. All right. Had he ever said that to you? Had he ever
14 expressed a concern of that nature to you?
15 A. No, Your Honour.[5]

3. After Major Jaganathan's testimony the Prosecution filed a written motion arguing that because counsel for the First and Third Accused cross-examined Major Ganase Jaganathan on Annex 1, it should be admitted into evidence.[6]
4. The Trial Chamber subsequently ordered that Annex 1 be admitted as an Exhibit (with paragraphs 13 and 14 redacted) "for the sole purpose of understanding the full context of

[4] Transcript *Prosecutor v. Sesay et al,* 20 June 2006, pp. 106-107.
[5] Transcript *Prosecutor v. Sesay et al,* 20 June 2006, pp. 108.
[6] *Prosecutor v. Sesay et al,* SCSL-2004-15-T-620, "Decision on Prosecution Motion to Admit into Evidence a Documents Referred to in Cross-Examination," 2 August 2006, p. 2-3.

the Defence cross-examination."[7]

5. The Prosecution motion to admit Exhibit 190 referred to Rule 89(C).[8] The Third Accused's Application also relies on Rule 89. However, because the Application seeks to admit a report and a witness statement it may be helpful to the Trial Chamber if the Prosecution comments on the possible application of Rules 92*bis* and 92*ter* to the subject matter of the Application. The first issue for consideration is whether Annexes 1 and 2 should be added to the Gbao exhibit list.

II. ADDING ANNEXES 1 AND 2 TO THE GBAO EXHIBIT LIST

6. There appears to be no need for the Third Accused to add Annex 1 to his exhibit list as a redacted version of the document already is an Exhibit in the trial. In the event the Trial Chamber takes the view that an application should be made to add Annex 1 to the Gbao exhibit list, then such an application is not opposed.

7. Paragraphs 5 and 6 of the Application acknowledge the requirement that the Third Accused must show good cause why he should be permitted to add exhibits to his exhibit list. The test developed by this Trial Chamber for showing "good cause" was stated in a Decision where the Prosecution sought to add a witness to its witness list:

> 9. As regards the requirement of good cause being shown, the operative principle is that the Prosecution must advance credible reasons for failing to fulfill, within the time limits imposed by Rule 66(A)(ii), the obligation of disclosing to the Defence the existence of these witnesses and, in particular must satisfy the Chamber that it has met these stipulated criteria:
>
> > i) That the circumstances surrounding these reasons as advanced by the Prosecution are directly related, and are material to the facts in issue;
> > ii) That the facts to be provided by these witnesses in their statements and eventually in their testimony, are relevant to determining the issues at stake and would contribute to serving and fostering the overall interest of the law and justice;
> > iii) That granting leave to call new witnesses and the disclosure of new statements, will not unfairly prejudice the right of the accused to a fair and expeditious trial as guaranteed by Article 17(4)(a) and 17(4)(b) of the Statute as well as by the provisions of Rules 26bis of the Rules;
> > iv) That the evidence the Prosecution is now seeking to call, could not have been discovered or made available at a point earlier in time notwithstanding the exercise of due diligence on their part.[9] [underlining added]

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[7] *Prosecutor v. Sesay et al,* SCSL-2004-15-T-620, "Decision on Prosecution Motion to Admit into Evidence a Documents Referred to in Cross-Examination," 2 August 2006, p. 4.
[8] *Prosecutor v. Sesay et al,* SCSL-2004-15-T-594, "Prosecution Motion to Admit into Evidence a Document Referred to in Cross-Examination," 11 July 2006, para. 2.
[9] *Prosecutor v. Sesay et al,* SCSL-04-15-T-579, "Written Reasons for the Decision on Prosecution Request for Leave to Call Additional Witness TF1-371 and for Order for Protective Measures," 15 June 2006, para. 9.

8 Annex 2 was disclosed on 17 May 2006, over a month before Major Jaganathan testified. Annex 2 could have been listed much earlier, therefore, the application to add Annex 2 to the Third Accused's exhibit list should be dismissed.

III. RULES 89, 92BIS AND 92TER

9. Rule 89(C) provides that a Trial Chamber may admit any relevant evidence. It settles an important question of substantive law and makes clear that the Trial Chamber may admit evidence so long as that evidence is relevant to the proceedings.

10. Rules 92*bis* and 92*ter* stipulate certain procedural matters which must be addressed before documentary evidence may be admitted into evidence. They also create substantive rules of evidence, in particular, Rule 92*bis* requires that evidence tendered under this Rule must not go to proof of the acts and conduct of the accused. Those Rules state as follows:

> **Rule 92*bis*: Alternative Proof of Facts**
> (A) In addition to the provisions of Rule 92*ter*, a Chamber may, in lieu of oral testimony, admit as evidence, in whole or in part, information including written statements and transcripts, that do not go to proof of the acts and conduct of the accused.
>
> (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purpose for which it is submitted and if its reliability is susceptible of confirmation.
>
> (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.
>
> **Rule 92*ter*: Other Admission of Written Statements and Transcripts**
> With the agreement of the parties, a Trial Chamber may admit, in whole or in part, the evidence of a witness in the form of a written statement or transcript of evidence given by a witness in proceedings before the Tribunal, under the following conditions:
>
> (i) the witness is present in court;
> (ii) the witness is available for cross-examination and any questioning by the Judges; and
> (iii) the witness attests that the written statement or transcript accurately reflects that witness' declaration and what the witness would say if examined.

11. At the time the Prosecution applied to have Exhibit 190 admitted as an Exhibit, Rule 92*bis* had not been amended to include the provision that evidence tendered under the Rule must not go to proof of acts and conduct of the accused.[10] However, it is apparent from the Decision to that motion that the Trial Chamber ordered the redactions because it would have been unfair to the Second Accused to admit into evidence a document containing information describing the acts and conduct of the Second Accused.[11]

12. The May 2007 amendment to Rule 92*bis*, in particular the provision that information going to proof of the acts and conduct of an accused cannot be tendered under the Rule, must be applied and it would be contrary to proper statutory interpretation to permit information inadmissible under Rule 92*bis* to be admitted under Rule 89. The *maxim lex specialis derogat generali* governs. Rule 89(C) is the general statement of the admissibility of relevant evidence. Rule 92*bis*, on the other hand, specifically directs what sort of written information may be put into evidence, the content of that information, and the time requirements for tendering it. In *Prosecutor v. Kupreskic et al*, the ICTY Trial Chamber made the following comments:

> In these cases the choice between the two provisions is dictated by the maxim *in toto iure generi per speciem derogatur* (or *lex specialis derogat generali*), whereby the more specific or less sweeping provision should be chosen. This maxim reflects a principle laid down both in general international law and in many national criminal systems (see e.g. Article 55 paragraph 2 of the Dutch Criminal Code and Article 15 of the Italian Criminal Code).
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> 684. The rationale behind the principle of speciality is that if an action is legally regulated both by a general provision and by a specific one,

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[10] The application was filed on 11 July 2006. Rule 92*bis* was amended on 14 May 2007. Prior to 14 May 2007 Rule 92*bis* read as follows:

> **Rule 92*bis*: Alternative Proof of Facts** (*amended 14 March 2004*)
> (A) A Chamber may admit as evidence, in whole or in part, information in lieu of oral testimony.
> (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purpose for which it is submitted and if its reliability is susceptible of confirmation.
> (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.

[11] *Prosecutor v. Sesay et al*, SCSL-2004-15-T-620, "Decision on Prosecution Motion to Admit into Evidence a Documents Referred to in Cross-Examination," 2 August 2006.

> the latter prevails as most appropriate, being more specifically directed towards that action. Particularly in case of discrepancy between the two provisions, it would be logical to assume that the law-making body intended to give pride of place to the provision governing the action more directly and in greater detail.[12]

13. The Prosecution applied in its motion to have the entirety of Exhibit 190 admitted into evidence and the Prosecution sees it as in its interest, as the prosecuting authority, that paragraphs 13 and 14 of Exhibit 190 be admitted. However, the law on this point is clear. Paragraphs 13 and 14 make specific reference to Brig. Kallon, who the Prosecution says is the Second Accused, and those paragraphs refer to criminal acts and conduct of Brig. Kallon. It would be wrong in law to admit under the general provision of Rule 89(C) evidence that would be inadmissible under the specific provision of Rule 92*bis*.

14. At present Exhibit 190, with paragraphs 13 and 14 redacted, is admissible "for the sole purpose of understanding the full context of the Defence cross-examination." The Application should be granted to the extent that Exhibit 190, with paragraphs 13 and 14 redacted, is admissible for all purposes of the trial. The information which goes to the acts and conduct of the accused has already been redacted consistent with Rule 92*bis* (A), and the information in Exhibit 190 is relevant and susceptible to confirmation pursuant to Rule 92*bis* (B). As the document is already an Exhibit, Rule 92bis (C) appears to have no application, in the event the Trial Chamber takes a different view the Prosecution waives the 10 days notice period.

15. The Application does not refer to Rule 92*ter* and that Rule can have no application to the issue of the admissibility of Annex 1 because that document cannot fall within the meaning of a witness statement, as proscribed by Rule 92*ter*.

IV. EXONERATING THE THIRD ACCUSED

16. The Application suggests that Annexes 1 and 2 could be admitted for the limited purpose of exonerating the Third Accused and prohibiting its use for any other purpose.[13] No authorities are cited in support of this exception to the law of evidence, and with respect to these Annexes the suggestion should be rejected.

17. When the Prosecution applied to have Annex 1 become an Exhibit, that motion was

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[12] *Prosecutor v. Kupreskic et al,* Case No. IT-95-16-T, "Judgement," 14 January 2000.
[13] Application, para. 28.

opposed by the Third Accused. That opposition was likely a factor in the Trial Chamber's decision to redact paragraphs 13 and 14. A party is entitled to change its position about any document, nonetheless, Annex 1 does not exonerate the Third Accused. In its common usage "exonerate" means to exculpate.[14] The content of paragraphs 13 and 14 of Exhibit 190 do not exculpate the Third Accused, they simply recite acts and conduct of Brig. Kallon on 1 May 2000. The Third Accused may intend to attack the credit of the Second Accused, but the credibility of the Second Accused is not relevant to the culpability of the Third Accused. The best that can be said on behalf of the Third Accused is that paragraphs 13 and 14 neither inculpate nor exculpate the Third Accused. It would be contrary to Rule 92*bis* to admit the content of paragraphs 13 and 14, and no principled distinction can be drawn to justify creating an exception to this Rule with respect to Annex 1.

18. Similarly, Annex 2 does not exonerate the Third Accused. Annex 2 is a written statement that was disclosed over a month before the witness testified. The statement was not put to the witness and it is now being offered to attack the credit of the witness. The principle of orality governs the Trial Chamber's proceedings, and it has been described as the "...the fundamental principle [that] ... witnesses shall as a general rule be heard directly by the Judges of the Trial Chamber."[15]

19. The Application avoids taking a position on whether Annex 2 is a prior consistent statement or a prior inconsistent statement, although one can infer from the Application that the Third Accused sees it as a prior inconsistent statement. Nonetheless, under either category it is inadmissible. With respect to the former category, the law is that:

> Generally, prior consistent statements have not been admitted before the ICTY, the reason being that such evidence is cumulative and of limited probative value. Thus, in the *Kordic* Dossier decision described below, the Trial Chamber refused to admit the transcript of the testimony of a witness who had already given evidence and had been subject to cross-examination in the trial.[16]

20. Attempts to tender prior consistent statements is sometimes referred to as oath-helping, an attempt to bolster evidence given under oath by demonstrating that a person said

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[14] The Concise Oxford Dictionary, Oxford, Clarendon Press.
[15] *Prosecutor v. Kupreskic et al*, Case No. IT-95-16 "Appeals Chamber Decision on Appeal by Dragan Papic Against Ruling to Proceed by Deposition,"15 July 1999, at para. 18.
[16] May and Wierda, International Criminal Evidence, 2002, p. 236.

something similar at an earlier time. Such evidence is obviously redundant and repetitive, and serves no proper judicial function.

21. A prior inconsistent statement may be used to challenge the credibility of a witness, but the inconsistency must be put to the witness to afford the witness the opportunity to comment or explain the alleged inconsistency. This is a matter of fairness to a witness and essential to assisting the Trial Chamber in its role of assessing the weight to be given to evidence. The following principles were stated in *Prosecutor v. Norman et al*:

> (i) A Witness may be cross-examined as to previous statements made by him or her in writing or reduced into writing or recorded on audio tape or video tape or otherwise, relative to the subject matter of the case in circumstances where an inconsistency has emerged during the course of *viva voce* testimony between a prior statement and the testimony.
> (ii) In conducting cross-examination and inconsistencies between *viva voce* testimony and a previous statement, the witness should first be asked whether or not he or she has made the statement being referred to. The circumstances of making the statement, sufficient to designate the situation, must be put to the witness when asking this question.
> (iii) Should the witness disclaim making the statement, evidence may be provided in support of the allegation that he or she did in fact make it.
> (iv) That a witness may be cross-examined as to previous statements made by him or her relative to the subject matter of the case without the statement being shown to him or her. However, where it is intended to contradict such witness with a statement, his or her attention must, before the contradictory proof can be given, be directed to those parts of the statement alleged to be contradictory.
> (v) That the Trial Chamber may direct that the portion of the witness statement that is the subject of cross-examination and alleged contradiction with a viva voce testimony be admitted into a court record and marked as an exhibit.[17]

22. The Application does not rely on Rule 92*ter*, had it been relied upon the Prosecution would not have consented to the statement being tendered under that Rule. For the reasons referred to above Rule 92bis is the *lex specialis* in relation to Rule 89(C), and Annex 2 contains evidence that go to the acts and conduct of the accused, and therefore, is not admissible.

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[17] *Prosecutor v. Norman et al*, SCSL—04-14-PT-152, "Decision on Disclosure of Witness Statements and Cross-Examination," 16 July 2004, para. 21.

23. The Third Accused is entitled to apply to the Trial Chamber to recall Major Jaganathan. Tendering a statement, without permitting the witness to comment on it would be contrary to long-established principles of law.

V. CONCLUSION

24. A redacted version of Annex 1 is already Exhibit 190 in the trial and there would appear to be no requirement to add that document to the Third Accused's exhibit list. In the event leave is required to add it to the exhibit list, then such application is not opposed. Good cause has not been demonstrated to justify adding Annex 2 to the Third Accused's exhibit list. The document was disclosed to the Third Accused on 17 May 2006, and it could have been included in his exhibit list long ago.

25. No objection is taken to Exhibit 190, the redacted version of Annex 1, being admissible for all purposes of the trial. Both paragraphs 13 and 14 of Annex 1 are proof of the acts and conduct of the Second Accused and are not admissible pursuant to Rule 92*bis*.

26. Objection is taken to admitting Annex 2 into evidence. It is a prior statement of Major Jaganathan that was not put to him for comment and the failure to do so is fatal to the application. Alternatively, Annex 2 contains evidence that go to the acts and conduct of the Second Accused and is contrary to Rule 92bis.

27. The Application should be allow to the limited extent of finding that Exhibit 190 is admissible for all purposes of the trial.

Filed in Freetown,

21 May 2008

For the Prosecution,

P. H. Harrison

Pete Harrison

List of Authorities

Decisions and Judgements

Prosecutor v. Sesay et al, SCSL-2004-15-T-1126, "Gbao Request for Leave to Add Two Documents to its Exhibit List and to Admit Them as Evidence, with Confidential Annexes," 15 May 2008.

Prosecutor v. Sesay et al, SCSL-2004-15-T-620, "Decision on Prosecution Motion to Admit into Evidence a Documents Referred to in Cross-Examination," 2 August 2006.

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Transcript *Prosecutor v. Sesay et al,* 20 June 2006, pp. 108.

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ĕxŏn'er|āte (-gz-), v.t. Exculpate; free (person) *from* (blame etc.); release (person *from* duty etc.). Hence or cogn. ~A'TION n., ~ātIVE a., (-gz-). [f. L EX(*onerare* f. *onus -eris* burden), see -ATE³]

ĕxŏphthăl'm|us, -ŏs, n. Protrusion of eyeball. Hence ~IC a. [f. Gk EX(*ophthalmos* eye) adj.]

ĕxôr'bĭt|ant (-gz-), a. Grossly excessive (of price, demand, ambition, person). Hence ~ANCE n., ~antLY² adv., (-gz-). [f. L EX*orbitare* go out of the wheel-track (ORBIT), -ANT]

ĕx'ôrc|īze, v.t. Expel (evil spirit *from, out of,* person or place) by invocation or use of holy name; clear (person, place, *of* evil spirits). So ~ISM, ~IST, nn. [f. LL *exorcizare* f. Gk EX*orkizō* (*horkos* oath)]

ĕxôrd'ĭ|um, n. (pl. *-iums, -ia*). Beginning, introductory part, esp. of discourse or treatise. Hence ~AL a. [L, f. EX(*ordiri* begin)]

ĕxotĕ'rĭc, a. & n. (Of doctrines, modes of speech, etc.) intelligible to outsiders (cf. ESOTERIC); (of disciples) not admitted to esoteric teaching; commonplace, ordinary, popular; (n. pl.) ~ doctrines or treatises. Hence ~AL a., ~alLY² adv. [f. LL f. Gk *exōterikos* (*exōterō* compar., see EXO-, -IC)]

ĕxŏt'ĭc (-gz-), a. & n. **1.** (Of plants, words, fashions) introduced from abroad. **2.** n. ~ plant (also fig.). [f. L f. Gk *exōtikos* (*exō* outside, see -IC)]

ĕxpănd', v.t. & i. Spread out flat (t. & i.); expound, write out, in full (what is condensed or abbreviated, algebraical expression, etc.); develop (t. & i.) *into*; swell, dilate, increase in bulk, (t. & i.); become genial, throw off reserve; *~ed metal*, sheet metal slit and stretched into a lattice, used (esp.) to reinforce concrete. So **ĕxpănsĭBIL'ITY** n., **ĕxpăn'sIBLE** a. [f. L EX(*pandere pans-* spread)]

ĕxpănse', n. Wide area or extent; expansion. [as prec.]

ĕxpăn'sĭle, a. (Capable) of expansion. [-IL]

ĕxpăn'sion (-shn), n. Expanding; (Commerc.) extension of transactions; ~ (increase) *of the currency*, whence ~IST(2) (-shon-) n.; increase in bulk of steam in cylinder of engine; *triple-~ engine* (in which steam passes through 3 cylinders). [f. LL *expansio* (prec., -ION)]

ĕxpăn'sive, a. Able, tending, to expand (t. & i.); extensive; comprehensive; (of persons, feelings, speech) effusive. Hence ~LY² (-vl-) adv., ~NESS (-vn-), **ĕxpănsĭv'ITY.** nn. [as prec., see -IVE]

ĕx pārt'ē, adv. & a. (law, & transf.). On, in the interests of, one side only; (adj., *ex-parte*) made or said thus, as *an ex-parte statement.* [L]

ĕxpā'tĭ|āte (-shĭ-), v.i. Speak, write, copiously (*on* subject); wander unrestrained (usu. fig.). Hence ~A'TION (-sĭ-) n.; ~atORY (-sha-) a. [f. L EX(*spatiari* walk about, as SPACE), -ATE³]

ĕxpăt'rĭ|āte, v.t. Banish; (refl.) emigrate; (Law of Nations, refl.) renounce citizenship. Hence ~A'TION n. [f. LL EX(*patriare* f. *patria* native land), see -ATE³]

ĕxpĕct', v.t. Look forward to, regard as likely, as *I ~ a storm, ~ to see him, ~ him to come, ~ (that) he will come, ~ him next week, don't ~ me, ~ payment today, not so bad as I ~ed (it to be), just what I ~ed of him*; *shall not ~ you till I* etc. *see you*, leave you to arrive when you please; look for as due, as *I ~ you to be punctual, that you will be punctual, do you ~ payment for this?*; (colloq.) think, suppose, (*that*); (abs.) *she is ~ing* (colloq.), she is pregnant. [f. L EX(*spectare* look, frequent. of *specere* see)]

ĕxpĕc'tancy, n. State of expectation; prospect, esp. of future possession; prospective chance (*of*). [f. L *expectantia* (prec., -ANCY)]

ĕxpĕc'tant, a. & n. **1.** Expecting (*of* or abs.; *~ mother*, pregnant woman); having the prospect, in normal course, of possession, office, etc.; characterized by waiting for events, esp. (Med.) *~ method*; (Law) reversionary. **2.** n. One who expects, candidate for office etc. Hence ~LY² adv. [-ANT]

ĕxpĕctā'tion, n. Awaiting; anticipation, as *beyond, contrary to,* ~; ground for expecting (*of*); (pl.) prospects of inheritance; thing expected; *~ of* LIFE; probability of a thing's happening. [f. L *expectatio* (as prec.; see -ATION)]

ĕxpĕc'tative, a. Of reversion of benefices, reversionary. [f. LL *expectativus* (prec., -ATIVE)]

ĕxpĕc'torant, a. & n. (Medicine) that promotes expectoration. [as foll., see -ANT]

ĕxpĕc'tor|āte, v.t. Eject (phlegm etc.) from chest or lungs by coughing or spitting; (abs.) spit. Hence ~A'TION n. [f. L EX*pectorare* relieve the mind (*pectus -oris* breast), -ATE³]

ĕxpĕd'ĭent, a. & n. **1.** (Usu. predic.) advantageous, suitable, as *do whatever is ~, it is ~ that he should go*; politic rather than just. **2.** n. Contrivance, device. Hence or cogn. **ĕxpĕd'ĭENCE,** -ENCY, nn., ~IAL (-ĕn'shal) a., ~LY² adv. [f. F *expédient* (as foll., see -ENT)]

ĕx'pĕdīte, v.t. Assist the progress of (measure, process, etc.); dispatch (business). [f. L EX*pedire -dit-* lit. free feet of (*pes pedis* foot)]

ĕxpĕdĭ'tion, n. Warlike enterprise; journey, voyage, for definite purpose; men, fleet, sent on this; promptness, speed. Hence ~ARY¹ a., ~IST(3) n., (-shon-). [f. L *expeditio* (as prec., see -ION)]

ĕxpĕdĭ'tious (-shus), a. Doing or done speedily; suited for speedy performance.