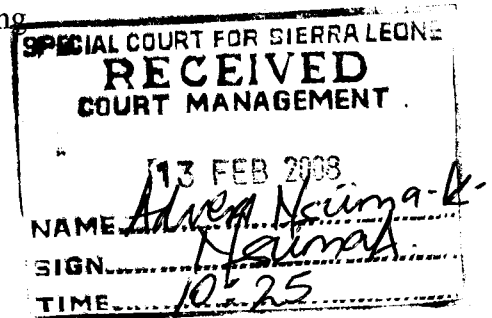# SPECIAL COURT FOR SIERRA LEONE

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: 13 February 2008

THE PROSECUTOR   Against   **Issa Hassan Sesay**

                                         Morris Kallon

                                         Augustine Gbao

Case No. SCSL-04-15-T

PUBLIC
PROSECUTION RESPONSE TO SESAY DEFENCE MOTION FOR ADMISSION OF WRITTEN EVIDENCE PURSUANT TO RULE 92*ter*

Office of the Prosecutor:
Pete Harrison
Vincent Wagona

Defence Counsel for Sesay
Wayne Jordash
Sareta Ashraph

Defence Counsel for Kallon
Charles Taku
Kennedy Ogetto
Lansana Dumbuya

Court Appointed Defence Counsel for Gbao
John Cammegh
Scott Martin

I. ARGUMENT AND CONCLUSION

1. On 8 February 2008, the Accused Sesay filec the "Defence Motion for Admission of Written Evidence Pursuant to Rule 92*ter*,"[1] ("Motion").

2. The Prosecution gives its agreement, as required by Rule 92*ter*, that the statement of TF1-015 attached to the Motion may be admitted as evidence in the trial, so long as the following conditions required by Rule 92ter are complied with:

   (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.

3. The Prosecution intends to cross-examine witness TF1-015.

Filed in Freetown,

13 February 2008

For the Prosecution,

Pete Harrison

---

[1] *Prosecutor v. Sesay et al,* SCSL-2004-15-T-971, "Defence Motion for Admission of Written Evidence Pursuant to Rule 92*ter*,"8 February 2008.

List of Authorities

Decisions and Judgements

Prosecutor v. Sesay et al, SCSL-2004-15-T-971, "Defence Motion for Admission of Written Evidence Pursuant to Rule 92*ter*," 8 February 2008.

Rules

Rule 92*ter*, of the Rules of Procedure and Evidence.