

(12649 - 12651)

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown - Sierra Leone

Before: Judge Benjamin Mutanga Itoe, Presiding Judge
Judge Bankole Thompson
Judge Pierre Boutet

Registrar: Mr. Robin Vincent

Date filed: 16 May 2005

THE PROSECUTOR

Against

SAM HINGA NORMAN
MOINANA FOFANA
ALIEU KONDEWA

Case No. SCSL - 2004 - 14 - T

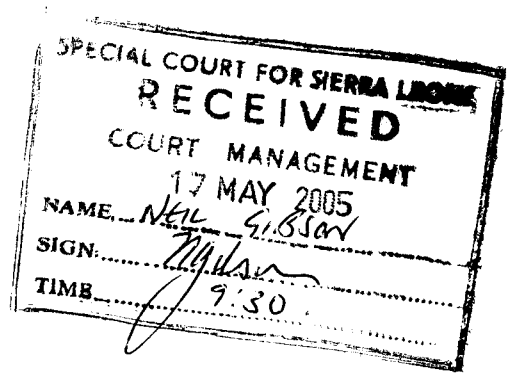
**URGENT PROSECUTION REQUEST TO DISCLOSE AND FILE EXPERT
REPORTS PURSUANT TO RULE 94bis PENDING DECISION ON
"PROSECUTION REQUEST FOR LEAVE TO CALL ADDITIONAL WITNESSES
AND FOR ORDERS FOR PROTECTIVE MEASURES"**

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Defence Counsel for Moinana Fofana
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I. BACKGROUND

1. On 15 February 2005, the Prosecution filed the “Prosecution Request For Leave To Call Additional Witnesses And For Orders For Protective Measures Pursuant To Rules 69 And 73bis (E)” (the “Prosecution Request”). The Prosecution Request sought leave to add a child soldier expert witness and a military expert witness.
2. At the time that the Prosecution Request was made, the expert reports for the proposed child soldier expert witness and the military expert witness had not been prepared. These reports are now available and ready to be disclosed to the Defence and filed with the Court.

II. PROSECUTION’S PROPOSED EXPERT WITNESSES

3. Rule 94bis of the Rules of Procedure and Evidence provides:
 “Notwithstanding the provisions of Rule 66(A), Rule 73bis (B)(iv)(b) and Rule 73ter (B)(iii)(b) of the present Rules, the full statement of any expert witness called by a party shall be disclosed to the opposing party as early as possible and shall be filed with the Trial Chamber not less than twenty one days prior to the date on which the expert is expected to testify.”


4. Consistent with Rule 94*bis*, Rule 66(A)(ii) and the “Order for Compliance of Prosecution with Rule 94*bis*” issued on 16 July 2004¹, the Prosecution seeks leave to disclose the said expert reports to the Defence and to file them with the Court.
5. In the event that the Prosecution Request for leave to call additional witnesses is granted, the Prosecution intends to call both proposed expert witnesses during the week of 13 June 2005. Both proposed witnesses reside outside of Sierra Leone and are difficult to schedule for testimony due to their professional commitments. Therefore, the Prosecution brings this request in order to give the Defence adequate time to review the expert reports

II. RELIEF SOUGHT

6. The Prosecution respectfully seeks leave to file with the Trial Chamber and disclose to Defence the “Confidential – Report on the Situation in Sierra Leone in Relation to Children with the Fighting Forces” and the “Military Expert Witness Report on the Civil Defence Forces”.

Filed in Freetown, 16 May 2005

For the Prosecution,



James C. Johnson
Senior Trial Attorney

¹ *Prosecutor v. Norman et. al.*, SCSL-04-14-PT, “Order for Compliance of Prosecution with Rule 94*bis*”, 16 July 2004.