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SCSL-2003-09-PT-019
(252-256)

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IN THE SPECIAL COURT FOR SIERRA LEONE

Case No. SCSL 2003 – 09 – I

THE PROSECUTOR

Against

AUGUSTINE GBAO also known as AUGUSTINE BAO

URGENT REQUEST FOR DIRECTION ON THE TIME TO RESPOND TO
AND/OR AN EXTENSION OF TIME FOR THE FILING OF A RESPONSE
TO THE PROSECUTION MOTIONS

And

THE SUSPENSION OF ANY RULING ON THE ISSUE OF PROTECTIVE
MEASURES THAT MAY BE PENDING BEFORE OTHER PROCEEDINGS
BEFORE THE SPECIAL COURT AS A RESULT OF SIMILAR MOTIONS
FILED TO THOSE THAT HAVE BEEN FILED BY THE PROSECUTION IN
THIS CASE

SPECIAL COURT FOR SIERRA LEONE	
COURT RECORDS	
RECEIVED	
NAME	BETRISE UREKLE
SIGNATURE	<i>[Signature]</i>
DATE	12 May 2003
TIME	13:20

1. ***Given that*** the prosecution have filed two motions raising issues of enormous significance for the fair trial of Mr Gbao and potentially all accused before the Special Court for Sierra Leone as well as for the protection of victims and witnesses who may appear or otherwise testify before the Special Court for Sierra Leone.
2. ***Considering*** that these important questions are being addressed for the first time before the Special Court for Sierra Leone;
3. ***Considering further*** that defence counsel has been given an indication that the measures requested are potentially unusually restrictive as compared to normal practice before criminal jurisdictions and that the issues of law and policy might involve relatively difficult thought and research;
4. ***Considering therefore*** that matters of fundamental and general importance have been raised for these and other proceedings before the Special Court for Sierra Leone;
5. ***Noting especially*** Rules 7(A), 7(C) and 54 of the Rules of procedure and evidence;
6. ***Observing*** that the prosecution has indicated that it has no objection to an extension of time for the filing of a response;

7. **Noting** that defence counsel for Mr Gbao at this stage only has hearsay knowledge of the existence of such motions, and has not seen these motions;
8. **Noting** that defence counsel wishes to come to Sierra Leone on the 16th May to address this and other issues with his client, and is going to be absorbed for two days in the arrangement of the approval, visa and ticket for this trip;
9. **Noting further** that any ruling on this request should be without prejudice to the court's ruling on the wider question of what constitutes proper service and when does time begin to run for the purpose of responding to prosecution motions, a matter which requires clarity and is addressed in a separate request from Mr Gbao, through his counsel, of less immediate urgency;
10. **It is hereby requested** that Mr Gbao, through his counsel, be accorded 14 days from the date of receipt of these motions by defence counsel himself or themselves to respond;
11. **Further or in the alternative, it is hereby requested** that the period of 7 days as specified in rule 7 of the Rules of Procedure and Evidence be extended to 14 days from the date of receipt of the motion by defence counsel himself or themselves;
12. **For the purposes of the above it is asked** that 'receipt by defence counsel' be deemed to mean, where the motions are personally served on defence counsel,

at that time, and where the motions are sent by e-mail, post or courier, at the time of delivery to defence counsel's specified address;

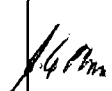
FURTHER:

13. ***Given that*** defence counsel is aware that similar motions have been filed in other cases, which if ruled on before Mr Gbao is heard, may prejudice any ruling on the same or similar matters in his case;
14. ***Given that*** no motions for joinder of accused have yet been filed, but that future such applications for two or more accused are quite possible and that the same rules relating to protective measures would need to be applied in any future joint proceedings;
15. ***Noting that*** the time of filing of these prosecution motions in all probability overlaps with the consideration of similar motions in other proceedings;
16. ***It is hereby requested that*** no ruling be made in other cases where this matter is currently under consideration until such time as the Court is ready to rule on the matter in Mr Gbao's case, having heard him on the matter through a written response.

RELIEF REQUESTED:**IT BE ORDERED THAT:**

1. Counsel for Mr Gbao be granted 14 days from the date of receipt by him of the two motions filed by the prosecution with the Registry on or about 8 May 2003. for the filing of a response to such motions;
2. No rulings on protective measures will be made in other proceedings before the Special Court, until Mr Gbao, through his counsel, has been given an opportunity to be heard on this matter.

Professor Andreas O'Shea, Counsel for Mr Gbao



SIGNED

12 MAY 2003

DATED