

368

SCSL-2004-15-T
(11481-11486)

11481

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: 5 May 2005

THE PROSECUTOR

Against

**Issa Hassan Sesay
Morris Kallon
Augustine Gbao**

Case No. SCSL – 2004 – 15 – T

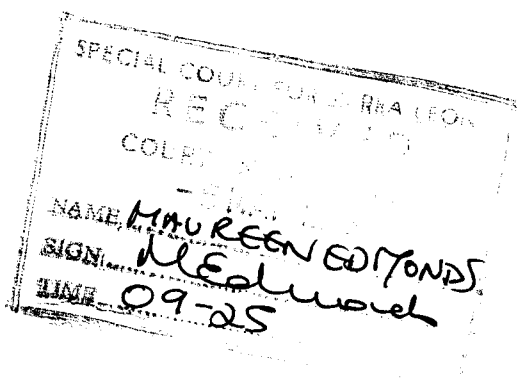
**URGENT APPLICATION FOR AN EXTENSION OF TIME WITH THE ORDER
ON URGENT PROSECUTION APPLICATION FOR EXTENSION OF TIME
DATED 2 MAY 2005**

Office of the Prosecutor:
Luc Côté
Lesley Taylor

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Wayne Jordash
Sareta Ashraph

Defence Counsel for Morris Kallon
Shekou Touray
Vincent Nmehielle
Melron Nicol-Wilson

Defence Counsel for Augustine Gbao
Andreas O'Shea
John Cammegh



Special Court for Sierra Leone
OFFICE OF THE PROSECUTOR
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THE PROSECUTOR

Against

**Issa Hassan Sesay
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**URGENT APPLICATION FOR AN EXTENSION OF TIME WITH THE ORDER
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DATED 2 MAY 2005**

1. On 9 March 2005 the Trial Chamber issued the Order for Compliance of Prosecution with Rule 94 *Bis* (“the Original Order”) in which the Prosecution was ordered to disclose to the Defence any expert reports it will seek to rely on at trial before 5.00 pm on 4 May 2005.
2. On 29 April 2005 the Prosecution filed its Urgent Application for Extension of Time for Compliance with the Order for Compliance of Prosecution with Rule 94*bis* Dated 9 March 2005 with respect to the expert report of Colonel Richard Iron (witness TF1-301).
3. On 2 May 2005 the Trial Chamber issued the Order on Urgent Prosecution Application for Extension of Time (“the Second Order”) allowing the Prosecution until close of business on Friday 6 May 2005 and file the expert report of witness TF1-301.
4. Due to further difficulties with the worldwide express courier, the Prosecution is now advised that the expected delivery date of the report of Colonel Iron is 10

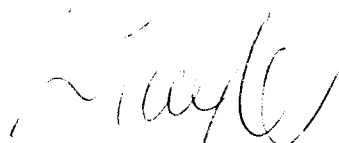
May 2005. An email from Sergeant Carnell, assistant to Colonel Iron, is annexed hereto explaining the difficulties he has experienced with UPS Worldwide Express. Accordingly, the Prosecution respectfully requests an extension of time to comply with the Second Order.

5. The Prosecution reiterates that it took all reasonable steps to secure the report of witness TF1-301 by the deadline established in the Original Order: the original quoted date for delivery was 2 May 2005. The Prosecution also notes that in all other respects the deadline established by the Original Order was met. The vicissitudes of delivery using express couriers are beyond the control of the Prosecution. Nonetheless, the Prosecution does apologise for the inconvenience caused.
6. In these circumstances the Prosecution requests an extension of time to comply with the Second Order and respectfully suggests that the extension of time be allowed to 5.00pm on 11 May 2005.

Dated this 5th Day of May

In Freetown,

Sierra Leone



Lesley Taylor
Senior Trial Counsel

ANNEXURE

11485



"Carnell, Shane "
<carnell@act.nato.int>

05/04/2005 06:31 PM

To ""Lesley Taylor"" <taylor11@un.org>

cc

bcc

Subject RE: RYF REPORT

Lesley,

Not content with the answer that I received over the phone from UPS with regard to the delivery date, I have spent the best part of the morning at the UPS depot and also at Office Depot trying to get someone willing to accept responsibility for UPS failing to do what they advertise they can do. Not only this it appears I have uncovered another problem. The delivery date is now scheduled for Tue 10 May 05.

To cut a long story short UPS use software supplied by Pitney Bowes and it is this software that is clearly out of date yet UPS continue to advertise in store 2 working days worldwide. No-one seems willing to accept responsibility, yet because of the package I have sent UPS now acknowledge there is a problem.

I thought I should let you know due to the extension which will now not be met. I don't know if you can apply for a new extension?

My sincere apologies.

shane

From: Lesley Taylor [mailto:taylor11@un.org]

Sent: Wednesday, May 04, 2005 8:58 AM

To: carnell@act.nato.int

Subject: RE: RYF REPORT

Many thanks Shane

Lesley Taylor
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taylor11@un.org

"Carnell, Shane " <carnell@act.nato.int>

05/04/2005 12:36 PM

To ""Lesley Taylor"" <taylor11@un.org>

cc

Subject RE: RYF REPORT

Lesley,

I have called UPS and checked the website. I don't know why the tracking hasn't been updated, but speaking over the phone to customer services the last location they can tell me of was that the package was at London Heathrow on 02 May 05 at 1020 hrs. This in itself creates a problem because I paid for express delivery, the quickest they could manage, and was quoted and paid for delivery by close of play 02 May 05. I will keep checking and phoning regarding the package and endeavour to keep you updated.

Regards

shane

From: Lesley Taylor [mailto:taylor11@un.org]
Sent: Wednesday, May 04, 2005 3:49 AM
To: carnell@act.nato.int
Cc: Iron, Richard; 'taylor11@un.org'
Subject: Re: RYF REPORT

Hi Shane,

I was wondering if I could trouble you to give UPS a call. I have used the tracking number on the website, and also used the email tracking facility, but all I get is "in transit". The last sighting was an export marking in the USA on 29 April.

I would feel a little more comfortable if I knew where "in transit" it was, given the small amendments we need to make this end.

Many thanks for all your help.

Regards
Lesley

(Thank you also for your email of last Friday. I annexed it to our application to extend the deadline for filing. We succeeded and now have to 5pm Friday.)

Lesley Taylor
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