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SCSL-04-15-1
(26037 - 26039)

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IN THE SPECIAL COURT FOR SIERRA LEONE

THE TRIAL CHAMBER

Before: Judge Bankole Thompson, presiding
Judge Pierre Boutet
Judge Benjamin Itoe

Registrar: Mr Lovemore G Munro SC

Date filed: Friday 2 March 2007

Case No. SCSL 2004 – 15 – T

THE PROSECUTOR

Against

**ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO**

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
02 MAR 2007	
NAME	THOMAS GEORGE
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PUBLIC

GBAO REQUEST FOR EXTENSION OF TIME FOR FILING OF JOINT STATEMENT

Office of the Prosecutor

James Johnson
Peter Harrison

Court Appointed Counsel for Augustine Gbao

Andreas O'Shea
John Cammegh

Counsel for co-accused

Wayne Jordash and Sareta Ashraph for Issa Sesay
Shekou Touray, Charles Taku and Melron Nicol-Wilson for Morris Kallon

1. On 30 October 2006, this Chamber rendered its Order on the Commencement of Trial in which it, *inter alia*, provided that:

That the prosecution and each of the defence teams submit, as soon as practicable, and in any event no later than the 16th February 2007, a joint statement of agreed facts and matters which are not in dispute as well as a joint statement of contested matters of fact and law.¹

2. On 27 February 2007, the Chamber ordered:

The Defence and the Prosecution to file their joint statement of agreed facts within 7 days from the return of Accused Sesay in the jurisdiction of the Special Court.²

3. We interpret the first order to permit either separate joint statements or one joint statement for all the teams, or at least that if there are three joint statements that their content may be identical.
4. In this context we interpret the Chamber order of 27 February as permitting expressly or by implication all three teams to defer compliance under the conditions prescribed. In other words, we interpret the word 'Defence' as being capable of including all three teams and therefore being the proper interpretation as the one most favourable to the accused. The implication results from the desirability of a joint statement agreeable to all teams.
5. This is a request for an extension of time which is filed to cover the eventuality that the Chamber disagrees with our interpretation of its Orders.
6. The Defence for Gbao is concerned to preserve its right to be tried in a manner whereby the accused is in no way prejudiced by a joint trial. It is in the interests of the accused to avoid in so far as possible any confrontation with

¹ Scheduling Order Concerning the Preparation and the Commencement of the Defence Case, 30 October 2006, SCSL-04-15-T-659 paragraph 3.

² Decision on Sesay Defence Application for Extension of Time to File a 'Joint Statement of Agreed Facts', 27 February 2007, SCSL-04-15-T-713, at the disposition.

other accused in this trial. This is a strategic decision taken by counsel in the interests of the accused. That being the case, we wish to avoid committing ourselves to any agreements which might place the accused in a position of confrontation with other accused in his trial.

7. Accordingly, we deem it prejudicial to our defence strategy and therefore the interests of the accused to file any separate joint statement of agreed position on facts or law until we know the position of the Sesay team on any proposed agreements.

8. In that light:

IT IS HEREBY REQUESTED THAT:

The Chamber, in the event that it disagrees with our interpretation of its Orders, grant an extension of time to the Gbao defence, and by necessary implication from our aforesaid reasoning, the Kallon defence if that team supports this application, for the filing of any joint statement as referred to in the Chamber's Scheduling Order of 30 October 2006.

In name of

Andreas O'Shea



Counsel for Gbao

2 March 2007