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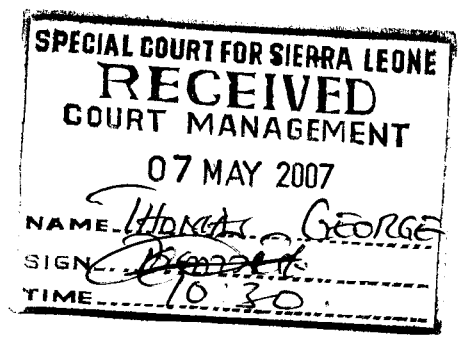
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**SPECIAL COURT FOR SIERRA LEONE**  
**OFFICE OF THE PROSECUTOR**  
Freetown - Sierra Leone

Before: Hon. Justice Pierre Boutet, Presiding  
Hon. Justice Bankole Thompson  
Hon. Justice Benjamin Itoe

Acting Registrar: Mr. Herman von Hebel

Date filed: 7 May 2007



**THE PROSECUTOR**                      **Against**                      **Issa Hassan Sesay**  
**Morris Kallon**  
**Augustine Gbao**

Case No. SCSL-04-15-T

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**PUBLIC**

**NOTICE IN RELATION TO PROSECUTION RESPONSE TO FIRST ACCUSED'S MOTION DATED 24 APRIL 2007**

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Office of the Prosecutor:  
Mr. Christopher Staker  
Mr. Peter Harrison

Defense Counsel for Issa Hassan Sesay  
Mr. Wayne Jordash  
Ms. Sareta Ashraph

Defense Counsel for Morris Kallon  
Mr. Shekou Touray  
Mr. Charles Taku  
Mr. Melron Nicol-Wilson

Defense Counsel for Augustine Gbao  
Mr. Andreas O'Shea  
Mr. John Cammegh

1. On 1 May 2007, the Prosecution filed its “Prosecution Response to the First Accused’s Motion Dated 24 April 2007” (“**Response**”).<sup>1</sup> This document is the Prosecution’s response to the motion entitled “Defence Motion Seeking a Stay of the Indictment and Dismissal of All Supplemental Charges (Prosecution’s Abuse of Process and/or Failure to Investigate Diligently)” (the “**Motion**”), filed on behalf of the Accused Issa Hassan Sesay on 24 April 2007.<sup>2</sup>
2. One of the authorities cited in the Response, on which the Prosecution relies, is a decision of the Trial Chamber of the International Criminal Tribunal for Rwanda (“**ICTR**”), *Prosecutor v. Karemera*, ICTR-98-44-T, “Decision on Defence Motions to Prohibit Witness Proofing”, Trial Chamber, 15 December 2006 (“**Karemera Decision**”).
3. The Prosecution draws the attention of the Trial Chamber to the fact that on 14 March 2007, the Trial Chamber of the ICTR granted the defence in that case certification to bring an interlocutory appeal against that decision.<sup>3</sup> However, that interlocutory appeal against the *Karemera* Decision has not yet been decided, and it cannot be assumed that it will be allowed. Pending a decision on that interlocutory appeal, the Prosecution continues to rely on the *Karemera* Decision as part of its arguments in the Response, that decision being, in the Prosecution’s submission, consistent with the other case law cited in the Response.

Done in Freetown,

7 May 2007

For the Prosecution,



Christopher Staker  
Deputy Prosecutor



Peter Harrison  
Senior Trial Attorney

<sup>1</sup> *Prosecutor v Sesay, Kallon, Gbao*, SCSL-04-15-T-765, “Prosecution Response to the First Accused’s Motion Dated 24 April 2007, 1 May 2007 (“**Response**”).

<sup>2</sup> *Prosecutor v Sesay, Kallon, Gbao*, SCSL-04-15-T-765, “Defence Motion Seeking a Stay of the Indictment and Dismissal of All Supplemental Charges (Prosecution’s Abuse of Process and/or Failure to Investigate Diligently”, filed on behalf of the Accused Issa Hassan Sesay, 24 April 2007 (“**Motion**”).

<sup>3</sup> *Prosecutor v. Karemera*, ICTR-98-44-T, “Decision on Defence Motions for Certification to Appeal Decision on Witness Proofing”, Trial Chamber, 14 March 2007.

**Index of Authorities**

1. *Prosecutor v Sesay, Kallon, Gbao*, SCSL-04-15-T-765, “Prosecution Response to the First Accused’s Motion Dated 24 April 2007, 1 May 2007.
  
2. *Prosecutor v Sesay, Kallon, Gbao*, SCSL-04-15-T-765, “Defence Motion Seeking a Stay of the Indictment and Dismissal of All Supplemental Charges (Prosecution’s Abuse of Process and/or Failure to Investigate Diligently”, filed on behalf of the Accused Issa Hassan Sesay, 24 April 2007.
  
3. *Prosecutor v. Karemera*, ICTR-98-44-T, “Decision on Defence Motions to Prohibit Witness Proofing”, Trial Chamber, 15 December 2006.  
<http://69.94.11.53/ENGLISH/cases/Karemera/decisions/151206b.pdf>
  
4. *Prosecutor v. Karemera*, ICTR-98-44-T, “Decision on Defence Motions for Certification to Appeal Decision on Witness Proofing”, Trial Chamber, 14 March 2007.  
<http://69.94.11.53/ENGLISH/cases/Karemera/decisions/070314b.pdf>