



**TRIAL CHAMBER II** (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”), composed of Justice Richard Lussick, presiding, Justice Teresa Doherty and Justice Julia Sebutinde;

**SEISED** of the Confidential Joint Defence Motion as to Inability to Provide Details of Certain Witnesses on 10 May 2006 and Anticipation Subpoenas *Ad Testificandum*, filed on 9 May 2006 (“Motion”), in which the Joint Defence seeks leave to extend the deadline for presentation of its final witness list until the beginning of the trial session to be held in September 2006, and anticipates that *subpoenas ad testificandum* may have to be issued;

**NOTING** the Confidential Prosecution Response to Joint Defence Motion Dated 9 May 2006, filed on 15 May 2006 (“Response”), in which the Prosecution questions the “Confidential” filing of the Motion and Reply and submits that the current witness list should be the definitive witness list and that the Defence should be required to show good cause for the addition of further witnesses, and that the Defence should be ordered to expedite the filing of any motions for subpoenas;

**NOTING** the Confidential Joint Defence Reply to Prosecution Response to Defence Motion as to the Inability to Provide Details of Certain Witnesses on 10 May 2006 and Anticipation Subpoenas *Ad Testificandum*, filed on 16 May 2006 (“Reply”);

**RECALLING** the Trial Chamber’s Order for Disclosure Pursuant to Rule 73<sup>ter</sup> and the Start of the Defence Case (“Order”), dated 26 April 2006;

**RECALLING ALSO** the Confidential Joint Defence Disclosure Pursuant to Trial Chamber Order of 26 April 2006 containing a provisional witness list;

**CONSIDERING** the difficulties encountered by the Defence teams in accessing witnesses in certain districts of Sierra Leone and in locating witnesses in Freetown who were initially willing to testify, which may result in changes having to be made to the witness list already filed;

**MINDFUL** of the rights of the Accused, and in particular of the provisions of Article 17(4)(b) of the Statute of the Special Court for Sierra Leone (“Statute”) by virtue of which the Accused have the right “to have adequate time and facilities for the preparation of his or her defence”;

**NOTING** that although it may be necessary for the Defence to apply in due course for the issue of subpoenas, no such necessity has been established at this stage;

**CONSIDERING** that the Joint Defence request to vary the Order by allowing the Defence to file its final witness list by the beginning of the trial session to be held in September 2006 is reasonable, given the particular circumstances;

**SATISFIED** that an order to that effect will be in the interests of justice and will provide the Defence with adequate time to properly comply with the Order;

**SATISFIED ALSO** that the Motion and Reply have been properly filed as “Confidential”;

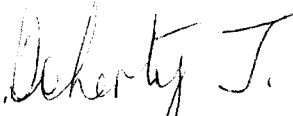
**HEREBY GRANTS THE MOTION** and


**ORDERS:**

- (1) that the Defence file their final witness list pursuant to the Order on or before Monday, 21 August 2006;

(2) that the Motion and Reply remain confidential.

Done at Freetown, Sierra Leone, this 17<sup>th</sup> day of May 2006.

  
Justice Teresa Doherty

  
Justice Richard Lussick  
Presiding Judge

  
Justice Julia Sebutinde

