

SCSL-2004-15-PT

(5741 - 5742)

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**SPECIAL COURT FOR SIERRA LEONE**

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**THE TRIAL CHAMBER**

Before: Judge Pierre Boutet  
Designated Judge

Registrar: Robin Vincent

Date: 5 May 2004

PROSECUTOR	Against	Issa Hassan Sesay Morris Kallon Augustine Gbao (Case No.SCSL-04-15-PT)
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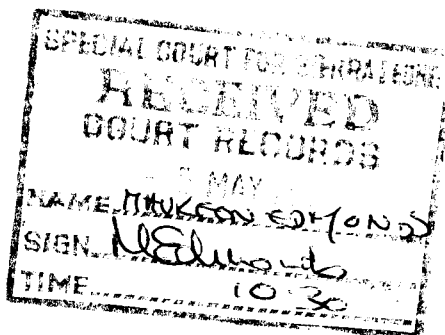
**GBAO - DECISION ON DEFENCE URGENT REQUEST FOR EXTENSION OF TIME TO RESPOND TO PROSECUTION'S MOTION TO HEAR EVIDENCE CONCURRENTLY**

Office of the Prosecutor:

Luc Côté  
Robert Petit

Defence Counsel for Augustine Gbao:

Girish Thanki  
Andreas O'Shea



**THE SPECIAL COURT FOR SIERRA LEONE** (“Special Court”)

**I, JUDGE PIERRE BOUTET**, sitting as Designated Judge pursuant to Rule 28 of the Rules of Procedure and Evidence (“Rules”);

**NOTING** the Prosecution’s Motion for Concurrent Hearing of Evidence Common to Cases SCSL-2004-15-PT and SCSL-2004-16-PT (“Motion for Concurrent Evidence”) filed on 30 April 2004 by the Office of the Prosecutor (“Prosecution”);

**SEIZED OF** the Urgent Request for Extension of Time to Respond to Prosecution Motion to Hear Evidence Concurrently (“Motion”), filed on 4 May 2004 on behalf of Augustine Gbao (“Accused”);

**NOTING** the Order for Expedited Filing of 30 April 2004 according to which any response to the Motion for Concurrent Evidence shall be filed on or before Wednesday, 5 May 2004;

**CONSIDERING** that the Motion requests an extension of time to respond to the Motion for Concurrent Evidence on the basis of the absence of members of the defence team for the Accused;<sup>1</sup>

**MINDFUL** of the rights of the Accused, and in particular of the provisions of Article 17 of the Statute of the Special Court on the right to have adequate time and facilities for the preparation of his defence;

**CONSIDERING** that the Motion, filed on 4 May 2004, requests extension of time to respond to the Motion for Concurrent Evidence until 10 April 2004;<sup>2</sup>

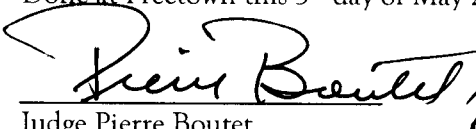
**FINDING** that such extension of time renders the Motion ambiguous and impossible to accede to, and therefore requires its dismissal as inadmissible there being no clear indication of the precise time extension sought;

**FINDING FURTHER** that in the present circumstances there does not exist good and sufficient cause or exceptional circumstances to grant such an extension of time to prepare a response to the Motion for Concurring Evidence;

**PURSUANT** to Rule 54 of the Rules,

**HEREBY DENY** the request and dismiss the Motion.

Done at Freetown this 5<sup>th</sup> day of May 2004



Judge Pierre Boutet

Designated Judge



<sup>1</sup> Motion, paras 4-5.

<sup>2</sup> *Id.*, para. 1. In addition, the Motion contains other ambiguous references to April 2004. See *id.*, paras 5-6.