

I. INTRODUCTION

1. The First and Third Accused submit that the Decision of the Trial Chamber on 'Prosecution's Request for Leave to Call Additional Witnesses and For the Orders for Protective Measures' is still pending and it is premature for the Prosecution to Disclose and File Expert Reports pending the Decision of the Trial Chamber.
2. The Trial Chamber is sufficiently seized of the matter and is yet to determine whether the proposed expert witnesses qualify as experts and until the Trial Chamber delivers its Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective measures, the Prosecution cannot be seeking leave to disclose and file reports which is tantamount to pre-empting the Decision of the Trial Chamber.
3. The First and Third Accused further submit that the Addition of two expert Witnesses will prejudice their defence.

II. THE PROSECUTION'S PROPOSED EXPERT WITNESSES

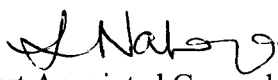
4. The Defence had earlier challenged the experts as the subject matter is within the knowledge and experience of the Court and that the evidence will not be relevant in assisting the Trial Chamber to determine the matter in dispute.
5. The First and Third Accused submit that, based upon the information received so far, the military expert is not qualified to be called by the Prosecution as an Expert witness.
6. The First and Third Accused, therefore object to any further modification or revision of witness lists because unlike the Defence, the Prosecution has ample resources to quickly and effectively conduct its investigations and bring them to a final foreclosure. It is the view of the First and Third Accused that such changes in Witness Lists are just demonstrative of the Lack of un preparedness on the part of the prosecution and might be tantamount to abuse of process and proffer that this is unfair and likely to prejudice their case.
7. Rule 94bis of the Rules of Procedure and Evidence provides that the full statement of any expert witness called by a party shall be disclosed to the opposing party as early as possible and shall be filed to the Trial Chamber not less than twenty-one days prior to the date the expert is expected to testify. The prosecution intends to call the proposed expert witnesses during the week of 13 June 2005 whereby the Defence will not have the requisite time to investigate the expert reports submitted by the Prosecution thereby incommoding their defence.

8. The Prosecution has so far not presented any cogent reasons for the addition of Expert Child Soldier Witness and the witness is both a direct witness as well as expert witness which will be prejudicial to the First and Second Accused for lack of precise type of evidence to be solicited to the witness. The First and Third Accused vehemently oppose the terming of this witness as an "Expert" just because the witness has worked in international organizations .

III. CONCLUSION

9. From the reasons given above the First and Third Accused submit that it will be premature and pre-emptive for leave to be granted to the prosecution to disclose and file expert reports pursuant to Rule 94bis pending decision of the Trial Chamber on "Prosecution Request For Leave to Call Additional Witnesses and Orders for Protective Measures".

Done in Freetown, this 20th Day of May 2005.

for 
Court Appointed Counsel for First & Third Accused

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