

042)

SCSL-11-02-T
(280-296)



SPECIAL COURT FOR SIERRA LEONE

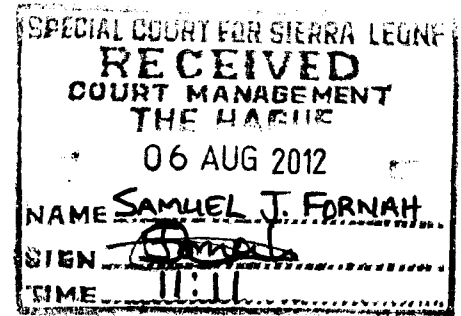
TRIAL CHAMBER II

Before: Justice Teresa Doherty, Presiding Judge
Single Judge, Trial Chamber II

Registrar: Ms. Bintá Mansaray

Case No. SCSL-11-02-T

Date filed: 03 August 2012



The Independent Counsel

-V-

Hassan Papa Bangura
Samuel Kargbo
Santigie Borbor Kanu
Brima Bazy Kamara

PUBLIC WITH CONFIDENTIAL ANNEXES

URGENT DEFENCE APPLICATION FOR PERMISSION TO INSTRUCT HANDWRITING
EXPERT

Independent Counsel:
Mr. Robert L. Herbst
Mr. Mohammed Bangura

Counsel for the Accused:
Mr. Melron Nicol-Wilson
Chief Charles A. Taku
Mr. Kevin A. Metzger
Mr. A.F. Serry Kamal

Office of the Principal Defender:
Mrs. Claire Carlton-Hanciles

1. Noting that there has been no Pre-Defence Conference pursuant to Rule 73*ter*.
2. Further noting the Accused's right to call witnesses in his defence pursuant to Rule 85(A)(ii) and (C) and the provisions contained in Rule 94*bis*.
3. Considering that the Independent Prosecutor adduced opinion evidence from Mr. Hillary Sengabo, Deputy Director of Mpanga Prison, Rwanda, that the latter recognised the handwriting of the Accused, Santigie Borbor Kanu, on the manual telephone log.
4. Following consideration of instructions from Mr. Kanu and the potential effect of the opinion evidence on handwriting adduced by the Independent Prosecutor, the Defence hereby requests permission from the Honourable Court to instruct and call a forensic document and handwriting expert in order to rebut the evidence of Mr. Sengabo.
5. In view of the stage of proceedings the Defence for Mr. Kanu has contacted a reputable Forensic Document and Handwriting specialist, Mrs. Maureen Ward-Gandy¹ of Crawley, west Sussex in the United Kingdom. Mrs. Ward-Gandy has provided her terms of engagement², specimen writing sample requests³ and requires : (a) the original disputed document (b) original specimen writing of the defendant made at different times (25+ preferred) (c) Original witnessed writing on request writing forms provided (d) Synopsis of the case history and relevant statements to clarify disputes.

¹ Mrs. Ward-Gandy, B Ed, CDE, BCFE is a forensic document expert with considerable experience. She is a fellow of the Expert Witness Institute & the American College of Forensic Examiners and was awarded the National Association of Document Examiner's, 'Document Examiner of the Year' at their conference in New Orleans in 2003. Her professional profile, achievements and references are annexed at Confidential Annex 1.

² Annex 2; Terms of engagement

³ Annex 3; specimen writing sample requests, lettered A and B

6. From communications with Mrs. Ward-Gandy it is understood that, if permission is granted and subject to funding, she would expect to complete her work and produce a report within 14 to 18 days of receipt of all original documentation requested.

7. In all the circumstances the Defence humbly requests urgent consideration of this matter with a view to instructing Mrs. Ward-Gandy as soon as practicable.

Respectfully submitted,



Kevin A. Metzger

Counsel for Santigie Borbor Kanu

Dated 02 August 2012



SPECIAL COURT FOR SIERRA LEONE
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Court Management Section – Court Records

CONFIDENTIAL DOCUMENT CERTIFICATE

This certificate replaces the following confidential document which has been filed in the *Confidential* Case File.

Case Name: **Independent Counsel – v- Hassan Papa Bangura et al**
Case Number: **SCSL-11-02-T**
Document Index Number: **042**
Document Date **3 August 2012**
Filing Date **3 August 2012**
Document Type: **Confidential Annexes**
Number of Pages:14 Page Numbers from: **283-296**

- Application
- Order
- Indictment
- Decision
- Motion**

Document Title:
Public with Confidential Annexes URGENT Defence application for permission to instruct Handwriting expert

Name of Officer:

Samuel Fornah

Signed: 