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SCSL-04-15-T  
(25710 - 25712)

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SPECIAL COURT FOR SIERRA LEONE  
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TRIAL CHAMBER I

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

Registrar: Herman von Hebel

Date: 21<sup>st</sup> of April 2008

PROSECUTOR Against ISSA HASSAN SESAY  
MORRIS KALLON  
AUGUSTINE GBAO  
(Case No. SCSL-04-15-T)

Public Document

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DECISION ON KALLON REQUEST FOR LEAVE TO VARY WITNESS LIST AND FOR  
RESPECTIVE PROTECTIVE MEASURES AND CONFIDENTIAL ANNEX A

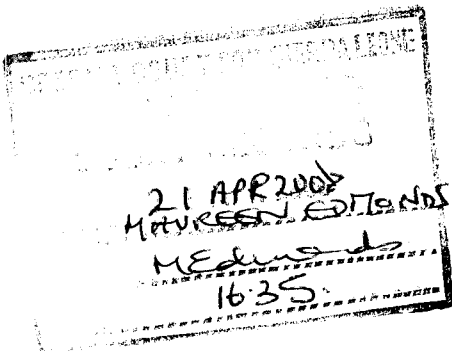
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Office of the Prosecutor:  
Peter Harrison  
Reginald Fynn

Defence Counsel for Issa Hassan Sesay:  
Wayne Jordash  
Sareta Ashraph

Defence Counsel for Morris Kallon:  
Charles Taku  
Kennedy Ogeto  
Lar sana Dumbuya  
Tanoo Mylvaganam

Court-Appointed Counsel for Augustine Gbao:  
John Cammegh  
Scott Martin



TRIAL CHAMBER I ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court") composed of Hon. Justice Benjamin Mutanga Itoe, Presiding Judge, Hon. Justice Bankole Thompson, and Hon. Justice Pierre Boutet;

SEIZED of the Kallon Request for Leave to Vary Witness List and for Respective Protective Measures and Confidential Annex A, filed publicly by Defence Counsel for the Second Accused, Morris Kallon ("Defence") on 25 March 2008 ("Request");

MINDFUL of the Disclosure of Witness Identifying Information, filed confidentially by the Defence on 31 March 2008 ("Disclosure");

NOTING the Response filed by the Office of the Prosecutor ("Prosecution") on 4 April 2008 ("Response");

NOTING the Reply to the Response, filed by the Defence on 7 April 2008 ("Reply");

NOTING the Corrigendum to the Request, filed by the Defence on 18 April 2008 ("Corrigendum");

MINDFUL of the Decision on Kallon Request for Leave to Vary Witness List and for Protective Measures, 16 January 2008<sup>1</sup>;

MINDFUL of the Chamber's Decision on Sesay Defence Application for a Week's Adjournment - Insufficient Resources in Violation of Article 17(4)(b) of the Statute of the Special Court, filed on 5 March 2008<sup>2</sup>, and the Decision on the Sesay Defence Team's Application for Judicial Review of the Registrar's Refusal to Provide Additional Funds for an Additional Counsel as Part of the Implementation of the Arbitration Agreement of the 26<sup>th</sup> of April of 2007 (TC), filed on 12 February 2008<sup>3</sup>;

MINDFUL of the Chamber's Oral Rulings concerning protective measures on 4 and 7 March 2008<sup>4</sup>;

PURSUANT to Articles 16 and 17 of the Statute of the Special Court ("Statute") and Rules 26bis, 34, 69, 73ter and 75 of the Rules of Procedure and Evidence ("Rules");

<sup>1</sup> *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Decision on Kallon Request for Leave to Vary Witness List and for Protective Measures, 16 January 2008, paras 14, 19.

<sup>2</sup> *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-14-T, Decision on Sesay Defence Application for a Week's Adjournment - Insufficient Resources in Violation of Article 17(4)(b) of the Statute of the Special Court, 5 March 2008, paras 44, 47.

<sup>3</sup> *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Decision on the Sesay Defence Team's Application for Judicial Review of the Registrar's Refusal to Provide Additional Funds for an Additional Counsel as Part of the Implementation of the Arbitration Agreement of the 26<sup>th</sup> of April of 2007 (TC), 12 February 2008, paras 49, 52, 53.

<sup>4</sup> Transcript of 4 March 2008, p. 68, lines 6-13; p. 35, lines 7-21; p. 52, lines 16-25; p. 53, lines 1-3; p. 59, lines 6-8 & 15-18; p. 60, lines 11-20. Further, Transcript of 6 March 2008, p. 122, lines 9-23.

Case No. SCSL-04-15-T	2.	21 <sup>st</sup> April 2008
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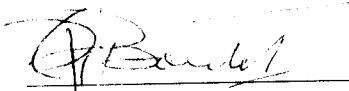
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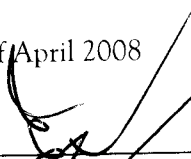
THE TRIAL CHAMBER:

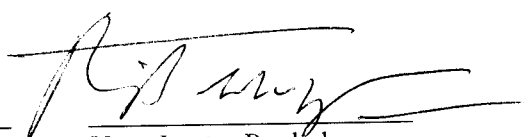
GRANTS the Defence's Request to Vary its Witness List;

DENIES the Defence's Request for Trial-Related Protective Measures for the Proposed Witnesses, as the Defence has not provided information on the country of residency of the Proposed Witnesses, nor has shown a *prima facie* need for protection.

Done at Freetown, Sierra Leone, this 21<sup>st</sup> of April 2008

  
\_\_\_\_\_  
Hon. Justice Pierre Boutet

  
\_\_\_\_\_  
Hon. Justice Benjamin Mutanga Itoe  
Presiding Judge  
Trial Chamber I

  
\_\_\_\_\_  
Hon. Justice Bankole Thompson

[Seal of the Special Court for Sierra Leone]

