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SCSL-04-15-T  
(26817 - 26819)

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**SPECIAL COURT FOR SIERRA LEONE**

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE  
PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995  
FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

**TRIAL CHAMBER I**

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

**Registrar:** Herman von Hebel

27<sup>th</sup> of May 2008

**Date:**

**PROSECUTOR**                      **Against**                      **Issa Hassan Sesay**  
**Morris Kallon**  
**Augustine Gbao**  
(Case No. SCSL-2004-15-T)

Public Document

**DECISION ON KALLON REQUEST FOR CLARIFICATION OF STATUS OF DMK-444**

Office of the Prosecutor:

Peter Harrison  
Reginald Flynn  
Charles Hardaway  
Vincent Wagona

Defence Counsel for Issa Hassan Sesay:

Wayne Jordash  
Sareta Ashraph

Defence Counsel for Morris Kallon:

Charles Taku  
Kennedy Ogeto  
Tanoo Mylvaganam

Defence Counsel for Augustine Gbao:

John Cammegh  
Scott Martin

SPECIAL COURT FOR SIERRA LEONE  
**RECEIVED**  
COURT MANAGEMENT  
28 MAY 2008  
NAME *Alhassan Fornah*  
SIGN *[Signature]*  
TIME *09:00*

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

HAVING RECEIVED the Extremely Urgent Request for Clarification of the Chamber's Decision Regarding Disclosure of the Identity of Witness DMK-444 filed publicly by the Defence for the Second Accused, Morris Kallon ("Defence") on the 26<sup>th</sup> of May 2008;

NOTING the Chamber Decision filed publicly on the 26<sup>th</sup> of May 2008 ("Decision") in which the Chamber ordered that the name of DMK- 444 be disclosed and that the redacted portion of the transcript with the name of the said witness DMK-444 be unredacted;

NOTING the Urgent Motion to Vary Protective Measures for Witnesses DMK-159, DMK-129, DMK-145, and DMK-146, filed confidentially by the Office of the Prosecutor ("Prosecution") on the 15<sup>th</sup> of April 2008 ("Motion").

NOTING that the Defence in its response filed confidentially on the 18<sup>th</sup> of April 2008, did not object to the relief sought in the application for the lifting of protective measures initially granted to the aforesaid witnesses;

MINDFUL of the Chamber Decision on the 18<sup>th</sup> of April 2008 which granted the Prosecution's application and ordered the variation of the said measures in respect of the aforesaid witnesses and accordingly rescinded all protective measures in respect thereof of witnesses DMK-159, DMK-129, DMK-145 and DMK-146<sup>1</sup>;

MINDFUL of the Chamber Decision of 21<sup>st</sup> April 2008 which denied the Kallon Defence Request for Trial-Related Protective Measures for various witnesses which included DMK-444<sup>2</sup>;

<sup>1</sup> Prosecutor v. Sesay *et al*, SCSL-04-15, Decision to Vary Protective Measures, 18 April 2008.

<sup>2</sup> Prosecutor v. Sesay *et al*, SCSL-04-15, Decision on Kallon Request for Leave to Vary Witness List and for Protective Measures and Confidential Annex A, 21 April 2008 para. 3.

NOTING that the Defence in its application for closed session for the testimony of DMK-145 did acknowledge that there are no reasons why the testimony of the said witness should be given entirely in closed session<sup>3</sup> as there existed no justification for the granting of protective measures;

NOTING that We ordered closed session exclusively Pursuant to Rule 79 (A) (iii) of the Rules;

NOTING that the order for closed session applied to the evidence adduced and did not provide protective measures such as the protection of the identity of witnesses;

PURSUANT to Rules 26*bis* and 54 of the Rules;

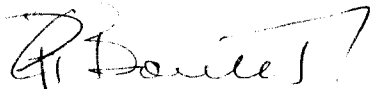
HOLDS as Follows:

1. That the Decision is sufficiently explicit and need no further clarification;
2. That the identities of UNAMSIL witnesses who did not claim protective measures and in respect of whom no such measures were granted and who have already testified or will in due course be testifying should in the interest of justice be disclosed, our earlier decision notwithstanding.

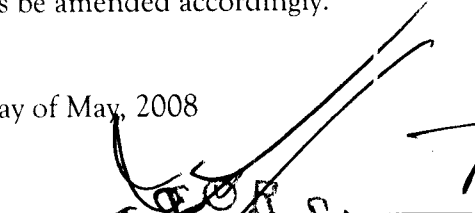
#### CONSEQUENTIALLY ORDERS

1. That the identities of DMK-145, DMK-146 and DMK-159 be disclosed publicly;
2. That the records be amended accordingly.

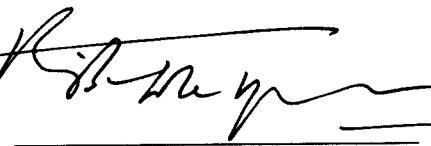
Done in Freetown this 27<sup>th</sup> day of May, 2008



Hon. Justice Pierre Boutet



Hon. Justice Benjamin Munganga Itoe  
Presiding Judge  
Trial Chamber I



Hon. Justice Bankole Thompson

<sup>3</sup> Transcript, 8<sup>th</sup> May 2005, pp.47-43  
Case No. SCSL04-15-T

