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SCSL-04-15-T
(18538-18541)

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SPECIAL COURT FOR SIERRA LEONE

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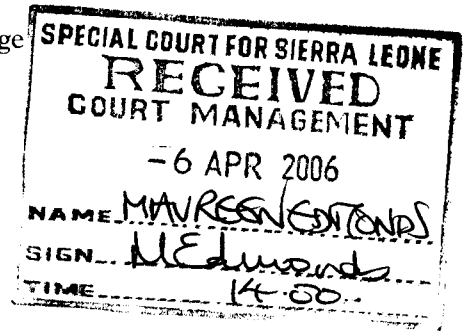
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TRIAL CHAMBER I

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

Registrar: Mr. Lovemore G. Munlo SC

Date: 6th of April, 2006



PROSECUTOR

Against

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

Public Document

**DECISION ON PROSECUTION REQUEST FOR LEAVE TO CALL ADDITIONAL WITNESS
TF1-371 AND FOR ORDER FOR PROTECTIVE MEASURES**

Office of the Prosecutor:

Desmond de Silva QC
James Johnson
Peter Harrison

Defence Counsel for Issa Hassan Sesay:

Wayne Jordash
Sareta Ashraph

Defence Counsel for Morris Kallon:

Shekou Touray
Charles Taku
Melron Nicol-Wilson

Court Appointed Counsel for Augustine Gbao:

Andreas O'Shea
John Cammegh

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

SEIZED OF “Confidential, with *Ex Parte* Under Seal Annex Prosecution Request for Leave to Call Additional Witness and for Order for Protective Measures pursuant to Rules 69 and 73bis(E)” filed confidentially by the Office of the Prosecutor (“Prosecution”) on the 10th of March, 2006 (“Motion”) by which the Prosecution applies for leave to add proposed witness TF1-371 (“Proposed Witness”) to its current “core” Witness List, and further applies for the current applicable protective measures for its protected witnesses to be extended to the said Witness and, in particular, that he be categorized as Group I Witness, Category C, namely insider witness;¹

NOTING the Response to the Motion filed by Defence for the First Accused, Issa Sesay, on the 20th of March, 2006;

NOTING that Defence for the Second Accused, Morris Kallon, did not file any response to the Motion within the prescribed time limits;

NOTING the Response to the Motion filed by Defence for the Third Accused, Augustine Gbao, on the 20th of March, 2006 ;

NOTING the Reply filed by the Prosecution on the 27th of March, 2006 (“Reply”);

NOTING the Prosecution “Updated Witness List” filed on the 20th of February, 2006 (“Witness List”);

NOTING the “Prosecution Notice to Transfer Witnesses from the Back-up Witness List to the Core Witness List” filed on the 5th of April, 2006;

MINDFUL OF the “Order Detailing Judicial Calendar” filed on the 20th of January, 2006;

MINDFUL of this Trial Chamber’s jurisprudence concerning the addition of witnesses to the Prosecution witness list.²

¹ Motion, paras 3, 15-16.

² For the relevant jurisprudence in this case, see *Prosecutor v. Sesay, Kallon and Gbao*, Case No. SCSL-04-15-T Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements, 11 February 2005; *id.*, Decision on Prosecution Request for leave to Call Additional Witnesses, 29 July 2004; See also *Id.*, Decision on

MINDFUL of the various Decisions and Orders of this Trial Chamber concerning protective measures, including the “Decisions on the Prosecutor’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure” for each individual accused in the RUF trial³ and, in particular, the “Decision on Prosecution Motion for Modification of Protective Measures for Witnesses” filed on the 5th of July 2004;⁴

FINDING that good cause has been shown by the Prosecution warranting the granting of the Motion and that the addition of the Proposed Witness to its current Witness List is in the interest of justice.

PURSUANT TO Article 17 of the Statute of the Special Court (“Statute”) and Rules 26bis, 54, 66, 69, 73bis and 75 of the Rules of Procedure and Evidence (“Rules”);

AFTER HAVING DELIBERATED, HEREBY:

GRANTS the Prosecution Motion; and consequentially

ORDERS as follows:

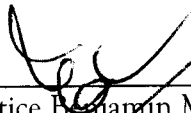
- 1) That the Proposed Witness be added to the current Prosecution “Core” Witness List;
- 2) That Proposed Witness be categorized as Group I Witness, Category C, namely Insider Witness, and accordingly be granted the relevant protective measures of the Decision on Prosecution Motion for Modification of Protective Measures for Witnesses of the 5th of July, 2004 and, in particular, that he be referred to with the pseudonym of Witness TF1-371;
- 3) That the Prosecution immediately disclose to the Defence the redacted statements of protected Witnesses TF1-371;
- 4) That the Prosecution should not call Witness TF1-371 to testify before the end of the presentation of the Prosecution case, unless otherwise agreed to by the Defence;

Prosecution Request for Leave to Call and Additional Witness and Notice to Admit Witness’ Solemn Declaration pursuant to Rule 73bis(E) and Rule 92bis, 5 April 2006.

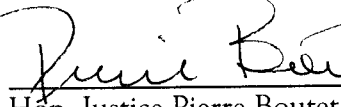
³ *Prosecutor v. Sesay*, Case No. SCSL-03-05-PT, Decision on the Prosecutor’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 23 May 2003, *Prosecutor v. Kallon*, Case No. SCSL-03-07-PT, Decision on the Prosecutor’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 23 May 2003, and *Prosecutor v. Gbao*, Case No. SCSL-03-09-PT, Decision on the Prosecutor’s Motion for Immediate Protective Measures for Witnesses and Victims and for Non-public Disclosure, 10 October 2003.

A comprehensive and reasoned written Decision will be published in due course.

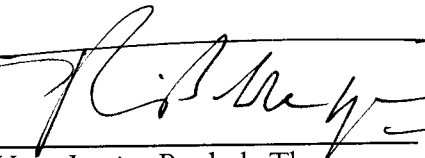
Done at Freetown, Sierra Leone, this 6th of April, 2006



Hon. Justice Benjamin Mutanga Itoe

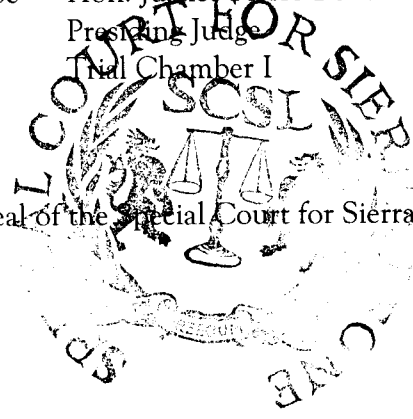


Hon. Justice Pierre Boutet
Presiding Judge
Trial Chamber I



Hon. Justice Bankole Thompson

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⁴ *Prosecutor v. Sesay, Kallon and Gbao*, Case No. SCSL-04-15-T, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004. See also *id.*, Order to Review Current Protective Measures, 31 March 2006.