

SPECIAL COURT FOR SIERRA LEONE
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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: 8th of May 2006

PROSECUTOR

Against

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

Public Document

**ORDER REGARDING PROSECUTION MOTION TO VARY THE “DECISION ON
PROSECUTION REQUEST FOR LEAVE TO CALL AN ADDITIONAL EXPERT
WITNESS”**

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 I”) 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;

SEISED of the *Prosecution Motion to Vary the “Decision on Prosecution Request for Leave to Call an Additional Expert Witness”* filed on the 5th of April 2006 in which the Prosecution is seeking to call Prosecution Witness TF1-369 at any point after the 19th of June 2006;

NOTING that none of the Defence Counsel in the trial against Issa Hassan Sesay, Morris Kallon and Augustine Gbao have responded to this Motion;

RECALLING this Chamber’s *Decision on Prosecution Request for Leave to Call an Additional Expert Witness* dated the 10th of June 2005 which granted leave to the Prosecution to call Witness TF1-369;[\[1\]](#)

RECALLING FURTHER that this Chamber ordered that “the Prosecution may call this Expert Witness to testify in the RUF trial at the end of the presentation of the Prosecution case, but not earlier unless otherwise agreed to by the Defence, should the Defence intend to cross-examine the said Expert Witness”;

CONSIDERING that the Prosecution indicated in its Motion that it had sought the consent of the Defence in calling Witness TF1-369 before the end of the Prosecution case and that Counsel for Sesay had given consent while the other Counsel had not responded;

NOTING that the eighth trial session in the case against Sesay, Kallon and Gbao will commence on the 20th of June 2006,[\[2\]](#) over one year after Prosecution Witness TF1-369 was added to the Prosecution’s witness list;

NOTING FURTHER that this Chamber’s recent *Decision on Prosecution Request for Leave to Call Additional Witness TF1-371 and for Order for Protective Measures*[\[3\]](#) has now ordered that Witness TF1-371 be heard at the end of the Prosecution’s case;

SATISFIED that there will be no prejudice to the Defence should the Prosecution be permitted to call Witness TF1-369 at any point during the eighth trial session;

HEREBY GRANTS the Prosecution Motion; and consequentially

ORDERS that the Prosecution may call Witness TF1-369 at any point in the presentation of its case after the 20th of June 2006;

FURTHER REMINDS the Prosecution to file the order in which it intends to call Witness TF1-369 and the other witnesses expected to testify during this trial session 14 days prior to the trial session in accordance with the *Order to Prosecution to Provide Order of Witnesses*.[\[4\]](#)

Done at Freetown, Sierra Leone, this 8th day of May 2006

Hon. Justice Benjamin Mutanga
Itoe

Hon. Justice Pierre Boutet

Hon. Justice Bankole
Thompson

Presiding Judge
Trial Chamber I

[Seal of the Special Court for Sierra Leone]

[1] Pursuant to this Chamber's subsequent confidential *Order on Prosecution Motion to Request Protective Measures for Witnesses TF1-041 and TF1-369* filed on the 28th of February 2006, this Decision was re-classified as confidential in order to protect the witness who is now subjected to protective measures, *inter alia*, the protection of her identity through the use of pseudonym TF1-369.

[2] *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Order Detailing Judicial Calendar, 8 February 2006.

[3] *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Decision on Prosecution Request for Leave to Call Additional Witness TF1-371 and for Order for Protective Measures, 6 April 2006.

[4] *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Order to Prosecution to Provide Order of Witnesses, 15 September 2004.
