

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 Gbao Request for Leave to Call Four Additional Witnesses and for Order for Protective Measures, with Annex A, filed publicly by Defence Counsel for the Third Accused, Augustine Gbao (“Defence”) on 30 April 2008 (“Request”);

NOTING the Order for Expedited Filing, filed by the Trial Chamber on 6 May 2008;

NOTING the Response filed by the Office of the Prosecutor (“Prosecution”) on 8 May 2008 (“Response”);

NOTING the Reply to the Response, filed by the Defence on 9 May 2008 (“Reply”);

NOTING that the Defence had informed the Parties in Open Court on the 12th of March 2008 of its probable application for four additional witnesses¹;

MINDFUL of the Decision on Kallon Request for Leave to Vary Witness List and for Protective Measures, 16 January 2008²;

MINDFUL of the Chamber’s Order during the Status Conference held on the 12th of March 2008 (“Status Conference”) in which the Chamber ordered the Gbao Defence to complete its case on or before the 24th of June 2008³;

PURSUANT to Articles 16 and 17 of the Statute of the Special Court (“Statute”) and Rules 26bis, 34, 59, 73ter, 75 and 94bis of the Rules of Procedure and Evidence (“Rules”);

¹ Transcript of 12th March 2008, p. 40, lines 9-12. Amongst the four witnesses, two of them were previously in the Gbao Defence Witness List and one was previously a Witness on the Sesay Defence witness list.

² *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, 17 and 18-19.

³ Transcript of 12th March 2008, p. 25, lines 13-20.

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FINDS that "good cause" has been shown and that no prejudice to other parties would result from the addition of these witnesses⁴;

HEREBY GRANTS the Gbao Defence Request to Call the following Additional Witnesses namely: DAG-047, DAG-063, DAG-112 and DAG-113;

AND CONSEQUENTIALLY ORDERS

- 1) that the existing protective measures ordered in this case for the Defence witnesses to be called by the Gbao Defence be extended to proposed witnesses DAG-047, DAG-063 and DAG-113⁵; and
- 2) that within 3 days of the present Decision, the Defence file with the Court, with redactions as necessary, a "core" and a "back-up" Updated Witness List of all the witnesses that it intends to call, including:
 - (a) the name and pseudonym of each witness if not already disclosed;
 - (b) a detailed summary of each witness' testimony which should, be sufficiently descriptive to allow the Prosecution and the Chamber to fully appreciate and understand the nature and content of the proposed testimony;
 - (c) the points of the Indictment about which each witness will testify, including the exact paragraph/s and the specific count/s;
 - (d) the estimated length of time for each witness to testify and the language in which the testimony is expected to be given; and
 - (e) an indication of whether the witness will testify in person or pursuant to Rule 92bis, 92ter or 92quater of the Rules.

⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Prosecution Request for Leave to Call Additional Witnesses, 29 July 2004, paras 28-32. See also *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Decision on Prosecution Request to Call Additional Witnesses and Disclose Additional Witness Statements, 11 February 2005, para 26.

⁵ *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Decision on Gbao Motion for Protective Measures and Confidential Motion for Delayed Disclosure and Related Measures for Witnesses, 1 March 2007, para 43.


FURTHER ORDERS

- (1) that the Defence shall only call the four additional witnesses upon the completion of the testimony of the first eight (8) witnesses now appearing on the Gbao Defence core witness list;
- (2) that the expert witness shall be the last defence witness to be called;
- (3) that the Defence shall disclose to the Prosecution and the other Parties its expert report not later than 4.00pm Tuesday the 20th of May 2008.

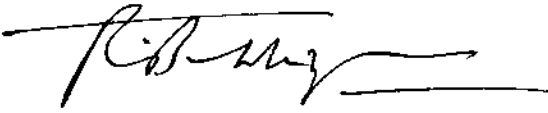
Done at Freetown, Sierra Leone, this 19th day of May 2008



 Hon. Justice Pierre Boutet



 Hon. Justice Benjamin Mutanga Itoe
 Presiding Judge
 Trial Chamber I



 Hon. Justice Bankole Thompson

