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SCSL-04-15-T
(27103-27105)

27103



SPECIAL COURT FOR SIERRA LEONE

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TRIAL CHAMBER I

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

Registrar: Herman von Hebel

Date: 25th of June 2008

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

Public Document

DECISION ON SESAY MOTION TO REQUEST THE TRIAL CHAMBER TO HEAR EVIDENCE CONCERNING THE PROSECUTION'S WITNESS MANAGEMENT UNIT AND ITS PAYMENTS TO WITNESSES.

Office of the Prosecutor:

Peter Harrison
Joseph Kamara
Reginald Fynn
Charles Hardaway
Vincent Wagona

Defence Counsel for Issa Hassan Sesay:

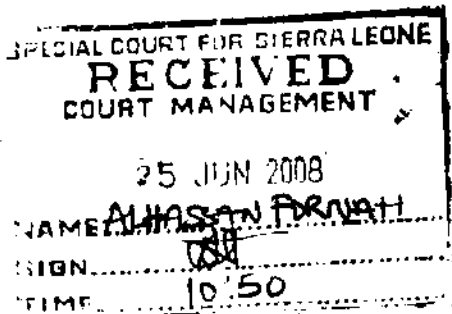
Wayne Jordash
Sareta Ashraph

Defence Counsel for Morris Kallon:

Charles Taku
Kennedy Ogeto
Tanoo Mylvaganam

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;

SEISED of the Sesay Motion to Request the Trial Chamber to Hear Evidence Concerning the Prosecution's Witness Management Unit and its Payments to Witnesses, filed publicly by Defence Counsel for the First Accused, Issa Hassan Sesay ("Defence Sesay") on 30 May 2008 ("Motion");

NOTING the Kallon Response to Motion Requesting the Trial Chamber to Hear Evidence Concerning the Prosecution's Witness Management Unit and its Payments to Witnesses, filed publicly by Defence Counsel of the Second Accused, Morris Kallon ("Defence Kallon") on the 3rd of June 2008 ("Kallon Response");

NOTING the Gbao Notice of Support to Sesay Motion Requesting the Trial Chamber to Hear Evidence Concerning the Prosecution's Witness Management Unit and its Payments to Witnesses, filed publicly by Defence for the Third Accused, Augustine Gbao ("Defence Gbao") on the 3rd of June 2008 ("Gbao Notice");

NOTING the Response from the Office of the Prosecutor ("Prosecution") to the Sesay Request to Hear Evidence Concerning the Prosecution's Witness Management Unit, filed publicly on the 5th of June 2008 ("Prosecution Response");

NOTING the Defence Reply to Prosecution Response to Motion Requesting the Trial Chamber to Hear Evidence Concerning the Prosecution's Witness Management Unit and its Payments to Witnesses, filed publicly on the 6th of June 2008 ("Reply");

RECALLING that Counsel for the First Accused had, in the course of his Examination in Chief of witnesses called by the Prosecution, the opportunity to put these questions to the said witnesses and did exercise that right with some witnesses;

OBSERVING that Counsel for the First Accused did not pursue this line of Cross Examination while further witnesses were being called by the Prosecution;

RECALLING that Counsel for the First Accused did not call any such witnesses nor did they attempt as part of their case to introduce any such evidence neither of these matters nor of any such exhibits;

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CONSIDERING that the First Accused closed its case on the 13th of March 2008;

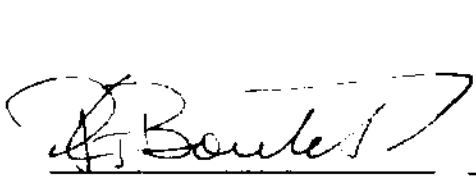
HAVING reviewed the submissions;

We FIND that the objection was not raised at the 'earliest opportunity' and that no 'material prejudice' has been caused to the 'objecting parties';

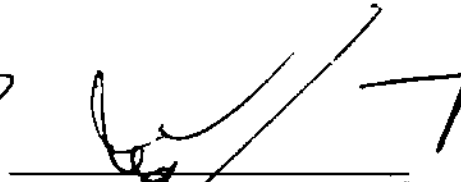
We therefore conclude that the application is meretricious; and

ACCORDINGLY DISMISS the Application in its Entirety.

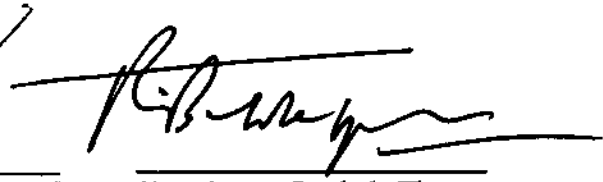
Done at Freetown, Sierra Leone, this 25th day of June 2008



Hon. Justice Pierre Boutet



Hon. Justice Benjamin Mutanga Itoe
Presiding Judge
Trial Chamber I



Hon. Justice Bankole Thompson

