

NOTING that the Motion, Responses and Reply thereto were filed confidentially and accordingly have not been disclosed to the Public;

NOTING that the Chamber published its Written Reasoned Decision on this matter on the 22nd of July 2008 which was filed confidentially;

NOTING that a Separate Concurring Opinion of Hon. Justice Benjamin Mutanga Itoe on the Chambers Written Reasoned Decision was also confidentially filed on the 22nd of July 2008;

CONSIDERING that the records show that Major Maroa was listed as a witness for both the Sesay and Kallon Defence Teams but was never called to testify;

NOTING that the Sesay Defence Team applied for and obtained Protective Measures[1] for Major Maroa and currently Major Maroa still holds the status of a protected witness under the pseudonym, DIS-312, as was granted by the Trial Chamber;

RECALLING that the Chamber granted Protective Measures to various Kallon Defence witnesses however, the Protective Measures for Major Maroa were removed because the Chamber noted that Major Maroa was an international witness and the Kallon Defence did not make an application to show a prima facie need for his protection[2];

MINDFUL of the Chamber's Decision on the Sesay Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, filed on the 30th of November 2006 ("First Sesay Decision") and its Decision on the Sesay Defence Application for Leave to Appeal Decision on Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, filed on the 1st of March 2007;

MINDFUL of the Decisions of this Trial Chamber concerning protective measures for other Defence witnesses, including the Decision on Gbao Motion for Immediate Protective Measures and Confidential Motion for Delayed Disclosure and Related Measures for Witnesses ("Gbao Decision"), filed on the 1st of March 2007 and the Decision on Kallon Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, filed on the 19th of March 2007;

MINDFUL of the Decision of the Second Sesay Defence Motion for Immediate Protective Measures for Witnesses, filed on the 16th of May 2007;

CONSIDERING that there exists no justification to maintain the Protective Measures that had been granted to Major Maroa in its Decision of 30th November 2006[3];

MINDFUL of the Provision of Article 17 of the Statute of the Special Court for Sierra Leone and Rules 26bis, 54 and 69 of the Rules of Procedure and Evidence ("the Rules");

ACCORDINGLY THE TRIAL CHAMBER in the interest of justice and in order to ensure consistency revokes the protective measures it granted to Major Maroa as a witness for the Sesay Defence;

AND, CONSEQUENTIALLY

ORDERS the Court Management Section of the Special Court for Sierra Leone to accordingly re-classify and change the status of the filing of the "Written Reasoned Decision on Gbao Motion Requesting the Trial Chamber to Stay Trial Proceedings of Counts 15-18 against the

third Accused for Prosecution's Violation of Rule 68 and Abuse of Process," and the "Separate Concurring Opinion of Hon. Justice Benjamin Mutanga Itoe" dated 22nd July 2008 from a Confidential Document to a Public Document.

ORDERS that the Motion[4], Responses[5] and Reply[6] thereto which were filed confidentially be re-filed as Public Documents.

FURTHER ORDERS that this instant consequential order be filed and published as a Public Document. Done at Freetown, Sierra Leone, this 28th day of July 2008

Hon. Justice Benjamin Mutanga Itoe
Hon. Justice Pierre Boutet, Presiding Judge, Trial Chamber I
Hon. Justice Bankole Thompson

[Seal of the Special Court for Sierra Leone]

[1] Prosecutor V. Sesay et al, SCSL-04-15-T, "Decision on Sesay Defence Motion for Immediate Protective Measure for Witnesses and Victims and for Non-Public Disclosure," dated 30 November 2006.

[2] Prosecutor V. Sesay et al, SCSL-04-15-T, "Decision on Kallon Request for Leave to Vary Witness List and for Protective Measures," dated 16th January 2008, para. 20.

[3] Prosecutor V. Sesay et al, SCSL-04-15-T, "Decision on Sesay Defence Motion for Immediate Protective Measure for Witnesses and Victims and for Non-Public Disclosure," dated 30 November 2006.

[4] Urgent Gbao Motion Requesting the Trial Chamber to Stay Trial Proceedings of Counts 15-18 against the third Accused for Prosecution's Violation of Rule 68 and Abuse of Process, filed Confidentially with Redactions and Annex, by the Defence for the Third Accused, Augustine Gbao filed on 9th June 2008.

[5] Prosecutions Response confidentially filed on the 12th of June 2008 and Kallon Response confidentially filed on the 12th of June 2008.

[6] Gbao Defence Reply filed confidentially on the 13th of June 2008.