

1167

SCSL-04-15-T
(26949-26951)
SPECIAL COURT FOR SIERRA LEONE

26949

TRIAL CHAMBER I

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

Registrar: Mr. Herman von Hebel

Date filed: 3 June 2008

THE PROSECUTOR

against

ISSA HASSAN SESAY
MORRIS KALLON
AUGUSTINE GBAO

Case No. SCSL-2004-15-T

PUBLIC

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

Office of the Prosecutor

Peter Harrison
Reginald Fynn

Defence Counsel for Issa Sesay

Wayne Jordash
Sareta Ashraph

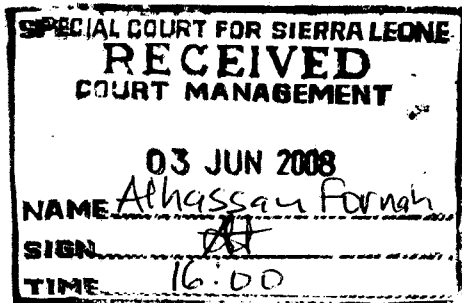
Defence Counsel for Morris Kallon

Charles Teku
Kennedy Ogetto
Tanoo Mylvaganam

Court-Appointed Counsel for

Augustine Gbao

John Cammegh
Scott Martin



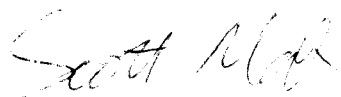
1. On 30 May 2008 the Defence for the Second Accused filed a request asking the Trial Chamber to hear evidence concerning the Prosecution's Witness Management Unit ('WMU') and its payments to Prosecution witnesses.¹
2. The Defence for Issa Sesay requests the Trial Chamber, pursuant to its rule 54 powers, to:²
 - (i) Order the Prosecution to provide a person or persons to attend the Trial Chamber to provide witness testimony concerning the role and function of the WMU in relation to witnesses and the details of all its payments to witnesses;
 - (ii) Order the disclosure of all payment records of the WMU to facilitate the aforementioned hearing;
 - (iii) Order the Prosecution to clarify the relationship between the WMU and the WVS, if any;
 - (iv) Order the Registry to clarify his supervision, if any, of the propriety of the WMU payments to witnesses;
 - (v) Order the WVS to provide information concerning its relationship with the WMU and its oversight, if any, of the WMU; and
 - (vi) Any other ancillary Order the Trial Chamber deems necessary.
3. Defence for the Third Accused supports the application. It concurs with and adopts the arguments and request of the Sesay Defence.
4. Defence counsel for the Third Accused believes that it would be in the interests of Justice to provide the Court and the public with an explanation as to how and why witnesses were provided financial assistance by the Prosecution.
5. In addition, it is submitted that failing to hear evidence as to Prosecution's payments to its witnesses would affect the right of the Accused to a fair trial, a right the Trial Chamber is duty-bound to protect.³

¹ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-1161, Motion to Request the Trial Chamber to Hear Evidence Concerning the Prosecution's Witness Management Unit and Its Payment to Witnesses, 30 May 2008.

² *Ibid.*, para.3.

³ Rule 26bis of the Rules of Procedure and Evidence of the Special Court for Sierra Leone as amended on 19 November 2007.

Freetown, 3 June 2008.



Defence Counsel for Augustine Gbao

John Cammegh

Scott Martin