



**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 Kallon Notice of Intention to rely on and Adopt Certain Aspects of the Accused Issa Sesay’s Testimony with Confidential Annexe (“Notice”) filed by Counsel for the Second Accused, (“the Kallon Defence”) on the 4<sup>th</sup> of April 2008;

**CONSIDERING** the Prosecution Response to the Kallon Notice of Intention to rely on and Adopt Certain Aspects of the Accused Issa Sesay’s Testimony with Confidential Annexe (“Response”) filed on the 14<sup>th</sup> of April 2008;

**CONSIDERING** the Kallon Defence Reply to the Prosecution Response to the Kallon Notice of Intention to rely on and Adopt Certain Aspects of the Accused Issa Sesay’s Testimony with Confidential Annexe filed on the 16<sup>th</sup> of April 2008 (“Defence Reply”);

**RECALLING** that during the Status Conference held on 10<sup>th</sup> January 2008, the Kallon Defence indicated its intention, in the interest of expeditiousness and Judicial economy in the presentation of its case, to rely on certain aspects of the testimonies of the Sesay Defence;<sup>1</sup>

**OBSERVING** that the Kallon Defence drew the attention of the Court to the specific aspects of the First Accused Issa Sesay’s testimony that they seek to rely on in the defence of its case;<sup>2</sup>

**NOTING** that the Prosecution during the Status Conference did not object to the said notification;

**NOTING** that the Prosecution in their Response indicated that it was not their understanding that the Kallon Defence sought to ‘adopt’ aspects of the evidence of the First Accused Issa Sesay, thereby Issa Sesay “becomes a common witness for himself and Kallon;”<sup>3</sup>

**CONSIDERING** the Kallon Defence in their Reply indicated that it formally accepts the said evidence, and the purpose of the notice is to ensure that Kallon’s case in part rests upon or becomes

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<sup>1</sup> Transcript of 10 January 2008, Status Conference, pp. 19-20

<sup>2</sup> See Confidential Annex attached to the Kallon Notice.

<sup>3</sup> Prosecution Response to Kallon Notice of Intention to rely on and adopt Certain Aspects of the Accused Issa Sesay’s Testimony with Confidential Annex, 14<sup>th</sup> April 2008, p. 2, para.

dependent upon those relevant portions of Sesay’s evidence to maintain Judicial economy and ensure trial management;<sup>4</sup>

NOTING the Prosecution admission that Sesay’s evidence is “admissible evidence....on record,” and “any party can in submissions seek to rely on it for corroboration or for some other purpose.”<sup>5</sup>

CONSIDERING that under the provisions of Rule 73, either party may move the Chamber for appropriate ruling or relief by way of motions;

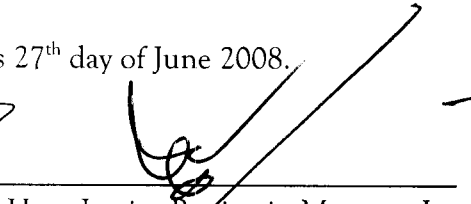
THE CHAMBER FINDS that the Kallon Notice does not comply with the provisions of Rule 73;

ACCORDINGLY the Notice is struck out.

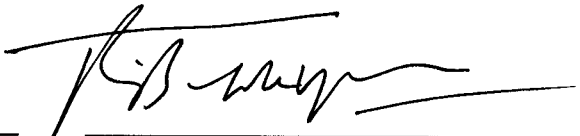
Done at Freetown, Sierra Leone, this 27<sup>th</sup> day of June 2008.



Hon. Justice Pierre Boutet



Hon. Justice Benjamin Mutanga Itoe  
Presiding Judge  
Trial Chamber I



Hon. Justice Bankole Thompson

[Seal of the Special Court for Sierra Leone]



<sup>4</sup> Defence Reply, para. 5

<sup>5</sup> Prosecution Response, para. 9