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SCSL-04-15-T
(30666-30668)



30666

SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

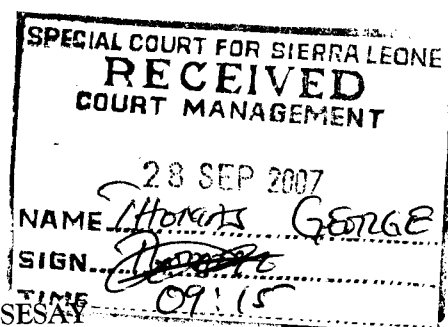
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TRIAL CHAMBER I

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

Registrar: Mr. Herman von Hebel

Date: 28th of September 2007



PROSECUTOR

Against

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

Public Document

**DECISION ON DEFENCE APPLICATION TO WITHDRAW MOTION REQUESTING
REASONS FOR PROSECUTION OBJECTION TO AUTHENTICITY OF THE EXHIBITS
FILED BY ISSA SESAY**

Office of the Prosecutor:

Peter Harrison
Reginald Fynn

Defence Counsel for Issa Hassan Sesay:

Wayne Jordash
Sareta Ashraph

Defence Counsel for Morris Kallon:

Shekou Touray
Charles Taku
Melron Nicol-Wilson

Court Appointed Counsel for Augustine Gbao:

John Cammegh

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;

NOTING the Motion Requesting Reasons for Prosecution Objection to Authenticity of the Exhibits Filed by Issa Sesay, filed publicly by the Defence for the First Accused, Issa Hassan Sesay (“Sesay Defence”) on the 30th of April 2007 (“Motion”) requesting that the Office of the Prosecutor (“Prosecution”) provide a reasoned explanation for its objection to each and all Sesay Defence exhibits as indicated in its Exhibits Chart on the grounds of lack of authenticity;¹

NOTING the Response to the said Motion filed by the Prosecution on the 8th of May 2007 (“Response”);

NOTING that the Sesay Defence did not file any Reply to the Prosecution Response;

REITERATING that, the parties cannot without leave of the Trial Chamber withdraw a Motion after it has been filed;²

NOTING that during the Status Conference held in this case on the 26th of September 2007, the Sesay Defence indicated its intention to withdraw the Motion on the basis of the Prosecution Response thereto;³

CONSIDERING the reasons outlined by the Sesay Defence at the said Status Conference for its withdrawal of the Motion;⁴

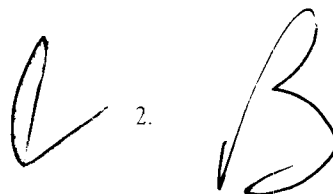
THE TRIAL CHAMBER

¹ Motion, paras 5 and 10. See also *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Filing of Documents in Compliance with the Scheduling Order Concerning the Preparation and the Commencement of the Defence Case dated 30 October 2006, 5 March 2007, Annex B (“Exhibits Chart”).

² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Norman - Interim Order and Scheduling Order, 2 April 2004, footnote 1. See also *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Sesay - Decision on Application to Withdraw Motion Seeking the Disqualification of Justice Robertson from All Judicial Functions Involving the RUF (AC), 15 October 2004; *ibid*, Decision on Prosecution Application to Withdraw Ex Parte and Confidential Motions, 4 May 2007.

³ Transcripts, Status Conference, 26 September 2007, p. 28-29.

⁴ *Ibid*.

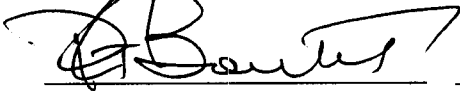
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28th September 2007

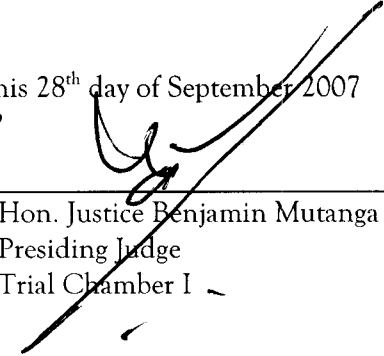
GRANTS leave to the *Sesay* Defence to withdraw the said Motion. The Motion is accordingly struck out.

INSTRUCTS Court Management Section to strike out the Motion from the Record.

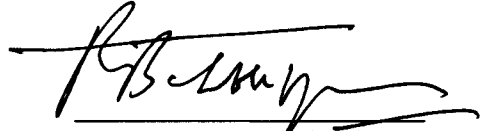
Done at Freetown, Sierra Leone, this 28th day of September 2007



Hon. Justice Pierre Boutet



Hon. Justice Benjamin Mutanga Itoe
Presiding Judge
Trial Chamber I



Hon. Justice Bankole Thompson

