



SPECIAL COURT FOR SIERRA LEONE

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| Date: | 9 TH May 2006 | Case No: | SCSL-04-15-T | The Prosecutor v SESAY, KALLON, GBAO |
| To: | PROSECUTION: X DEFENCE: X CHAMBER: X Trial Chamber 1 OTHER: | | | |
| From: | Maureen Edmonds: Court Management | | | |
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Document(s): **Sesay Defence Reply to Prosecution Notice Under Rule 92bis to Admit the Transcripts of Testimony of TF1-369**

Dated: 9th May 2006

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Signed:

Maureen Edmonds

Dated: 9TH May 2006

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SCSL-04-15-T
(18908-18910)

18908

THE SPECIAL COURT FOR SIERRA LEONE

BEFORE:

Justice Pierre Boutet, Presiding
Justice Bankole Thompson
Justice Benjamin Itoe

Registrar: Mr. Lovemore G. Munlo SC

Date filed: 9th May 2006

The Prosecutor

-v-

Issa Hassan Sesay

Case No: SCSL – 2004 – 15 – T

PUBLIC

**SESAY DEFENCE REPLY TO PROSECUTION NOTICE UNDER RULE 92bis
TO ADMIT THE TRANSCRIPTS OF TESTIMONY OF TF1-369**

Office of the Prosecutor

James C. Johnson
Peter Harrison
Amira Hudroge

Defence

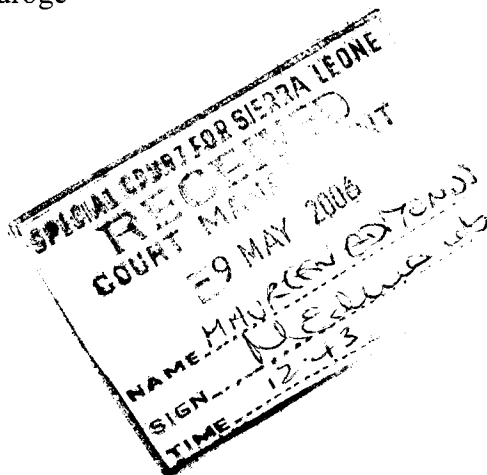
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INTRODUCTION

1. On 3rd May 2006, the Prosecution filed its “Prosecution Notice under Rule 92bis to Admit the Transcripts of Testimony of TF1-369” (the “Application”).¹
2. Defence on behalf of Mr. Sesay (the “Defence”) maintains its submissions as to the proper application of Rule 92bis, as set out in paragraphs 3-17 of the ‘Sesay Defence Reply to Prosecution Notice under Rule 92bis to admit the transcript of testimony of TF1-334’.²
3. The Defence agrees that the evidence sought to be admitted under Rule 92bis in the present Application “is background evidence of the matters alleged in the Indictment.... [and] does not go to prove acts and conduct of the Accused”.³
4. Subject to the evidence of TF1-369 being held as admissible as expert testimony⁴, the Defence does not oppose the admission of the relevant transcripts under Rule 92bis.
5. This Reply is filed late in accordance with the extension of time granted pursuant to the application for extension filed by Gbao⁵.

Dated 9th May 2006



Wayne Jordash
Sareta Ashraph
Chantal Refahi

¹ SCSL-04-15-T-544 (18668-18888)

² SCSL-04-15-T-511 (18284-18289)

³ Paragraph 17 of the Application, SCSL-04-15-T-554

⁴ The Defence will invite the court to hold a voir dire on this issue prior to the admission of the evidence (whether it is to be tendered pursuant to Rule 92 bis or given through oral testimony).

⁵ *The Prosecutor v Sesay, Kallon, Gbao*, SCSL-04-15-T-549, Order for Extension of Time to Respond to the Prosecution Notice under 92bis to Admit the Transcripts of Witness TF1-369, (18905-18907)

BOOK OF AUTHORITIES

1. *Prosecutor v. Sesay et al*, Sesay Defence Reply to Prosecution Notice under Rule 92bis to admit the Transcript of Testimony of TF1-334, SCSL-04-15-T-511, 7th March 2006