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SCSL-04-15-A
(196-201)

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SPECIAL COURT FOR SIERRA LEONE

IN THE APPEALS CHAMBER

Before: Hon. Justice Renate Winter, President,
Hon. Justice Jon Kamanda,
Hon. Justice George Gelaga King, and
Hon. Justice Emmanuel Ayoola

Registrar: Mr. Herman Von Hebel

Date filed: 1st May 2009

THE PROSECUTOR

V.

ISSA HASSAN SESAY

Case No. SCSL-2004-15-A

PUBLIC

Corrigendum to Notice of Appeal

Office of the Prosecutor

Mr. Vincent Wagona

Mr. Reginald Fynn

Defence Counsel for Issa Sesay

Mr. Wayne Jordash

Ms. Sareta Ashraph

Defence Counsel for Morris Kallon

Mr. Charles Taku

Mr. Orgetto Kennedy

Court-Appointed

Counsel for Augustine Gbao

Mr. John Cammegh

Mr. Scott Martin

SPECIAL COURT FOR SIERRA LEONE	
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01 MAY 2009	
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1. The Sesay Defence files this Corrigendum to its 28th April 2009 Notice of Appeal¹ requesting the insertion of Annex A (cover sheet) and Annex B (page 12) in lieu of the present cover sheet and page 12.

Filed 1 May 2009



PP Wayne Jordash
Sareta Ashraph

¹ *Prosecutor v. Sesay*, SCSL-04-15-A-1255.

ANNEX A

SPECIAL COURT FOR SIERRA LEONE

IN THE APPEALS CHAMBER

Before: **Hon. Justice Renate Winter, President,
 Hon. Justice Jon Kamanda,
 Hon. Justice George Gelaga King, and
 Hon. Justice Emmanuel Ayoola**

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Mr. Jared Kneitel

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Counsel for Augustine Gbao

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ANNEX B

- i) the reversal of the reasoning employed by the Trial Chamber;
- ii) an independent review of the Prosecution's undisclosed evidence;
- iii) an order to the Prosecution to investigate TF1-108 for false testimony and attempting to pervert the course of justice;
- iv) the dismissal of the evidence of TF1-108 in its totality; and
- v) the substitution of the Appeal Chamber's findings in relation to the relevant charges.

GROUND 19: Adjudicated Facts

41. The Trial Chamber erred in law, fact and/or procedure in dismissing the "Defence Application for Judicial Notice to be taken of Adjudicated Facts under Rule 94(B)."²⁹ The decision and reasons proffered by the Trial Chamber for the exercise of its discretion were so unreasonable as to amount to an abuse. The Trial Chamber failed to exercise its discretion judiciously and deprived the Appellant of a well-founded presumption in favour of these facts. The Defence requests the following relief from the Appeals Chamber: a reversal of the reasoning employed by the Trial Chamber; the re-assessment of the evidence in light of the presumptions and the substitution of the Appeal Chamber's findings in relation to the relevant charges.

GROUND 20: Exclusion of Relevant Defence Evidence

42. The Trial Chamber erred in law, fact and/or procedure in dismissing – in part – the Defence Application "motion and three Sesay Defence applications to admit 23 witness statements under Rule 92 bis"³⁰ This evidence was relevant to *mens rea* and the specific charges. The relief sought by the Defence is a reversal of the reasoning employed by the Trial Chamber, the re-assessment of the evidence and the substitution of relevant findings, particularly – but not exclusively – in relation to the Sesay's convictions: Article 6(1) of the Statute for planning the enslavement of hundreds of civilians to work in mines at Tombodu and throughout Kono District between December 1998 and January 2000, as charged in Count 13 of the Indictment;³¹ Article 6(3) of the Statute for the enslavement of an unknown number of civilians at Yengema training base between December 1998 and about 30 January 2000;³² and under Article 6(1) of the Statute for planning the use of persons under the age of 15 to

²⁹ *Prosecutor v. Sesay et al.*, SCSL-04-15-1144, "Sesay Defence Application for Notice to be Taken of Adjudicated Facts Pursuant to Rule 94(B)", 23 May 2008.

³⁰ *Prosecutor v. Sesay et al.*, SCSL-04-15-1125, "Decision on Sesay Defence Motion and Three Sesay Defence Applications to Admit 23 Witness Statements Under Rule 92bis", 15 May 2008.

³¹ Judgment, Paras. 1329-1330, 2065, and 2116.

³² Judgment, Para. 2065.