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SCSL-04-15-T
(18434-18436)

18434

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: 28th March 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 TF1-156 and TF1-179**

Office of the Prosecutor

James C. Johnson
Peter Harrison
Amira Hudroge

Defence

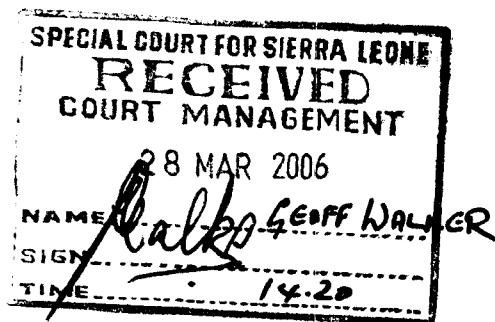
Wayne Jordash
Sareta Ashraph
Chantal Refahi

Defence Counsel for Kallon

Shekou Touray
Charles Taku
Melron Nichol-Wilson

Defence Counsel for Gbao

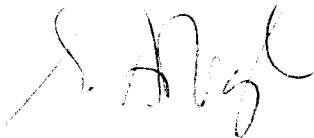
Andreas O'Shea
John Cammegh



INTRODUCTION

1. On 23rd March 2006, the Prosecution filed its “Prosecution Notice under Rule 92*bis* to Admit the Transcripts of Testimony of TF1-156 and TF1-179” (the “Application”).¹
2. Defence on behalf of Mr. Sesay (the “Defence”) maintains its submissions as to the proper application of Rule 92*bis*, as set out in paragraphs 3-17 of the ‘Sesay Defence Reply to Prosecution Notice under Rule 92*bis* to admit the transcript of testimony of TF1-334’.²
3. The Defence agrees that the evidence sought to be admitted under Rule 92*bis* 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. In this specific instance, the Defence, therefore, does not oppose the admission of the relevant transcripts under Rule 92*bis*.
5. In the event that the relevant transcripts are admitted under Rule 92*bis*, the Defence wishes to indicate that it will not be conducting cross-examination of TF1-156 and TF1-179.

Dated 28th March 2006



WAYNE JORDASH
SARETA ASHRAPH
CHANTAL REFAHI

¹ SCSL-04-15-T-521 (18400-18408)

² SCSL-04-15-T-511 (18284-18289)

³ Paragraph 12 of the Application, SCSL-04-15-T-521

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