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SCSL-04-15-T
(25049-25055)

25049

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone

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

Registrar: Mr. Lovemore G. Munlo SC

Date filed: 4 August 2006

THE PROSECUTOR

Against

Issa Hassan Sesay
Morris Kallon
Augustine Gbao

Case No. SCSL-04-15-T

PUBLIC

**CONSEQUENTIAL FILING BY THE PROSECUTION OF EXHIBITS PURSUANT TO
THE DECISION ON PROSECUTION NOTICE PURSUANT TO RULE 92BIS TO ADMIT
INFORMATION INTO EVIDENCE**

Office of the Prosecutor:
Mr. Christopher Staker
Mr. James Johnson
Mr. Peter Harrison

Defense Counsel for Issa Hassan Sesay
Mr. Wayne Jordash
Ms. Sareta Ashraph

Defense Counsel for Morris Kallon
Mr. Shekou Touray
Mr. Charles Taku
Mr. Melron Nicol-Wilson

Defense Counsel for Augustine Gbao
Mr. Andreas O'Shea
Mr. John Cammegh

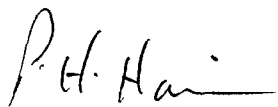
I. INTRODUCTION

1. On 2 August 2006, Trial Chamber I issued the “Decision On Prosecution Notice Pursuant to Rule 92bis To Admit Information Into Evidence.”¹ At page 7 of the Decision the Trial Chamber ordered the Prosecution to file: a complete copy of page 2 (Court Management page 19100) of the Joint Communique, Meeting between the Special Representative of the UN Secretary General to Sierra Leone and the Delegation of the Revolutionary United Front, Abidjan, 19-21 February 1999 (the “Joint Communique”); and a better quality recording of the video entitled “Cry Freetown”.
2. All of the copies of the Joint Communique in the possession of the Prosecution have the same inadequacy. It appears that a piece of paper blocked some words on page 2 of the Joint Communique when the document was being photocopied. The Prosecution located a copy of the Joint Communique on 3 August 2006 on the website of www.sierra-leone.org. The content of the document is identical but the format is not; the version originally delivered to the Trial Chamber is 4 pages in length and bears the signatures of the parties to the Joint Communique, whereas the version found at www.sierra-leone.org is formatted onto two pages and does not bear the signatures of the parties to the Joint Communique. The version found at www.sierra-leone.org is attached as Appendix A.
3. The words obscured from page 2 of the Joint Communique are legible in the version copied from www.sierra-leone.org and can be found towards the bottom third of page 1. The Prosecution asks the Trial Chamber to accept into evidence both the version of the Joint Communique originally filed with the Trial Chamber and the version copied from www.sierra-leone.org, to the extent that the latter document is required to determine the words that are not legible in the original version filed with the Trial Chamber.
4. Attached as Appendix B is a better quality recording of the video entitled “Cry Freetown”.

¹ *Prosecutor v. Sesay Kallon Gbao*, SCSL-04-15-T-618, “Decision On prosecution Notice Pursuant to Rule 92bis To Admit Information Into Evidence”, 2 August 2006.

Filed in Freetown, on 4 August 2006

For the Prosecution,

A handwritten signature in cursive script, appearing to read "P. H. Harrison", written in black ink.

Peter Harrison

Appendix A

MEETING BETWEEN THE SPECIAL REPRESENTATIVE OF THE UN SECRETARY GENERAL TO
SIERRA LEONE AND THE DELEGATION OF THE REVOLUTIONARY UNITED FRONT

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ABIDJAN, 19-21 FEBRUARY 1999

JOINT COMMUNIQUE

1. The Special Representative of the United Nations Secretary General to Sierra Leone, Mr. Francis G. Okelo, accompanied by the UNOMSIL Deputy Chief Military Observer, Col. David Chepkwony and Political Affairs Officer, Mr. Modem Lawson-Betum, and the Legal Representative of the Revolutionary United Front (RUF), Mr. Omrie Michael Golley, and the RUF Senior Military Adviser, Gen. Ibrahim Bah, met on 19-21 February 1999 at the HOTEL IVOIRE in Abidjan (Cote d'Ivoire) to review the situation in Sierra Leone, including the holding of dialogue between the Government of Sierra Leone (GOSL) and the RUF pursuant to the offer made by President Ahmed Tejan Kabbah on 7 February 1999.

2. The Special Representative and the RUF Delegation also discussed the need for the observance of human rights and international humanitarian laws, and for addressing the serious humanitarian crisis in Sierra Leone, and taking practical steps to speed up the convening of the internal RUF consultations and dialogue between the RUF and the Government of Sierra Leone, including: i) The RUF commitment to peace; ii) The venue, format and duration of preliminary and subsequent substantive consultations; iii) The

requirements for the declaration of a ceasefire; iv) The need to provide logistical assistance to RUF and to facilitate communication between the RUF and the Government of Sierra Leone and the ECOMOG High Command.

3. The Special Representative and the RUF Delegation stressed the need to make every effort to end the suffering of the people of Sierra Leone and to vigorously and relentlessly pursue dialogue to achieve genuine and lasting peace and stability in Sierra Leone. In this regard, the RUF Delegation welcomed the recent offer of dialogue by President Ahmed Tejan Kabbah and his renewed commitment to peace talks. The RUF Delegation also called on the United Nations to continue to provide the needed moral authority and support for the dialogue and the peace process.

I. COMMITMENT TO DIALOGUE AND THE PEACE PROCESS

4. The RUF Delegation reiterated the firm commitment of its Movement to engage in a constructive and sincere dialogue with the Government of Sierra Leone, leading to sustainable peace and stability, in accordance with the aspirations of the Sierra Leonean people. In this connection, it stressed the crucial importance of creating a dialogue on the understanding that: i) The legitimacy of the elected Government of President Ahmed Tejan Kabbah was never questioned by the RUF; ii) The RUF is not fighting against the innocent civilian population but against ECOMOG and CDF; iii) No preconditions should be set by either party, which would impede the start of dialogue.

5. The Special Representative conveyed the unswerving commitment of the Security Council and the UN Secretary General to support all efforts aimed at ensuring an early start of dialogue and setting a reasonable time frame for achieving peaceful resolution of the Sierra Leonean conflict.

II. VENUE, FORMAT AND DURATION OF THE CONSULTATIONS BETWEEN FODAY SANKOH AND MEMBERS OF RUF

6. The Special Representative and the RUF Delegation stressed the need for a meeting between Foday Sankoh and RUF members in order for the Front to prepare itself for the substantive dialogue with the Government. These internal consultations will give Foday Sankoh the opportunity to be fully briefed and to undergo medical check-up.

7. The Special representative and the RUF Delegation also stressed that the internal RUF consultations should be held in a secure place to allow for effective and extensive discussions during a reasonable time period, and that the issue of venue and format for the internal consultations should be addressed in a spirit of mutual accommodation. The Special Representative and the RUF Delegation further underlined that the issue of venue and format for the internal consultations should not delay the start of substantive dialogue.

8. The RUF Delegation said that while taking note of the proposals of venue made by the Government regarding the internal RUF consultations, it would make the following recommendations in order of preference, subject to final ratification: i) Ouagadougou (under the sponsorship of the Chairman of the Organization of African Unity, President Blaise Compaore of Burkina Faso); ii) Abidjan (Cote d'Ivoire); iii) Lome (Togo as Chairman of ECOWAS). The Delegation expressed the hope that the necessary arrangements would be made to provide security, safe passage and transportation guarantees to enable Mr. Foday Sankoh and the RUF Delegation to travel to whatever venue would finally be agreed upon. It further expressed the wish that the United Nations would consider the possibility of assigning Military Observers to be involved in making the needed security arrangements.

9. The RUF Delegation stated that the RUF and the AFRC constituted a single unified structure.

10. The RUF Delegation also requested the United Nations to assist in: i) Facilitating the establishment of regular

contacts between the RUF and the Government of Sierra Leone and the ECOMOG High Command; ii) Lifting the travel ban imposed by the Security Council on the RUF/AFRC leaders to permit them to participate in the internal RUF consultations and the subsequent RUF/GOSL dialogue.

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III. DECLARATION OF CEASEFIRE:

11. The RUF Delegation and the Special Representative recognized the importance of a ceasefire to facilitate dialogue. In this context, the RUF Delegation expressed the readiness of the RUF to consider a ceasefire with the Government of Sierra Leone, ECOMOG and the CDF at the beginning of the internal RUF consultations provided United Nations Military Observers were immediately deployed to monitor and verify strict compliance with the said ceasefire. However, it maintained that in the spirit of peace and reconciliation, Foday Sankoh should not be held in custody after the preliminary consultations as this would constitute a retrograde step in the dialogue process.

IV. RESPECT FOR HUMAN RIGHTS:

12. The Special Representative stressed the importance of the observance of human rights in accordance with international standards, as called for by the Security Council and the UN Secretary General, and urged all parties to the conflict to publicly make this commitment. The RUF Delegation agreed to make this commitment publicly and stated that the RUF will take punitive measures against any of its members who would violate human rights. In this context, the RUF Delegation stated that it condemned and will continue to condemn all human rights violations and atrocities including amputations, mutilations, maiming, rape etc...perpetrated against the civilian population.

V. HUMANITARIAN ASSISTANCE TO THE CIVILIAN POPULATION:

13. The RUF Delegation and the Special Representative stressed the need to make every effort to facilitate the unhindered provision of humanitarian assistance to the needy population in all parts of Sierra Leone. In this regard, the RUF Delegation stated that the RUF will strictly respect the neutrality of humanitarian organizations and their staff, and will taken the necessary practical steps to facilitate their operations including the designation of Senior Humanitarian Liaison Officers to liaise with these organizations and to ensure free access to the needy population in all areas of the country, including those under RUF control. The Special Representative and the RUF Delegation stated that the humanitarian organizations should, in turn, observe the principle of neutrality in the conduct of their operations.

VI. FOLLOW-UP CONTACTS:

14. The Special Representative and the RUF Delegation agreed to maintain regular contacts as a follow up to the outstanding issues discussed in the present communique.

SIGNED FOR THE RUF:

Mr. Omrie Michael Golley
Legal Representative,
Revolutionary United Front

Gen. Ibrahima Bah
Senior Military Adviser,
Revolutionary United Front

Mr. Francis G. Okelo
Special Representative of the Secretary
General to Sierra Leone

WITNESSED BY
S.E.M. Amara ESSY
FOREIGN MINISTER
REPUBLIC OF CÔTE D'IVOIRE

Done at Abidjan Cote d'Ivoire, on 21 February 1999

Appendix B