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SCSL-04-15-A
(3688-3690)

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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
Hon. Justice Emmanuel Ayoola, and
Hon. Justice Shireen Avis Fisher

Acting Registrar: Ms. Binta Mansaray

Date filed: 19 June 2009

THE PROSECUTOR

V.

ISSA HASSAN SESAY

Case No. SCSL-04-15-A

URGENT

Request to File a Motion in Excess of Ten Pages

Office of the Prosecutor

Mr. Vincent Wagona
Mr. Reginald Fynn

Defence Counsel for Issa Sesay

Mr. Wayne Jordash
Ms. Sareta Ashraph
Mr. Jared Kneitel

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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INTRODUCTION

1. The Defence intends to file a motion, pursuant to Rule 115, seeking to introduce additional evidence (i.e., transcripts, exhibits, or portions thereof) from *Prosecutor v. Taylor* for consideration on appeal.

2. In the interests of justice, and to provide the Appeals Chamber with the necessary detail concerning how the additional evidence impacts upon the Appellant’s convictions, the Defence requests leave to file a motion in excess of the ten-page limit.¹

3. The Defence anticipates that this motion – providing a full explanation on the relevance, credibility, and materiality of the evidence that the Defence seeks to introduce – will not exceed twenty pages.

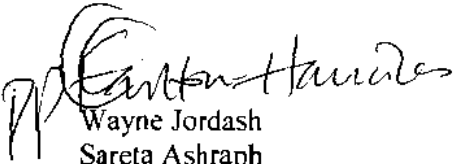
4. The anticipated motion will be seeking the introduction of, *inter alia*, portions of Exhibit D-63, and portions of the transcripts from TF1-060, TF1-077, TF1-263, TF1-367, and Karmoh Kanneh’s evidence in *Taylor*.² Portions of Exhibit D-63 and portions of TF1-060 and Kanneh’s testimony from *Taylor* will demonstrate that the convictions of unlawful killings, enslavement, and child soldiers in connection with mining at Cyborg Pit and Tongo Fields are unsafe. The anticipated motion will further seek the introduction of portions of TF1-077 and TF1-367’s evidence from *Taylor* to impugn TF1-367’s credibility in *Sesay et al.*; to demonstrate that TF1-077 was first captured in December 1999 (and not December 1998 as found by the Trial Chamber) thereby demonstrating that TF1-077’s allegation of forced mining must have been referring to a time in 2000, outside of the Indictment period; to cast further doubt on the Chamber’s finding that there was an organized system of forced labour in Kono District; and to demonstrate that the evidence upon which the Chamber found Sesay was involved in planning enslavement (e.g., receipt of diamonds; transferring civilians from Makni and Magburaka to mine in Kono), must also have been with reference to a time outside of the Indictment period. The anticipated motion will further seek the introduction of portions of TF1-263 and Kanneh’s evidence from *Taylor* demonstrating that civilians were not beaten or killed at military training bases and children were not deployed to front lines to engage in military activities.

¹ Article 6(C) of the Practice Direction (as amended 10 June 2005), “Length of Documents,” indicates that motions shall not exceed ten pages in length.

² The Defence does not intend here to limit itself to these witnesses or the reasons outlined below for seeking the introduction of this evidence.

5. In considering this motion to extend the page limit, the Defence submits that the aforementioned could be properly filed as several separate motions, each addressing a particular subject area (e.g., planning enslavement in Kono District) and each falling within the prescribed ten-page limit. However, for the sake of judicial economy and in the interests of brevity, the Defence would seek, instead, to file a single motion.

Dated 19 June 2009


Wayne Jordash
Sareta Ashraph
Jared Kneitel