

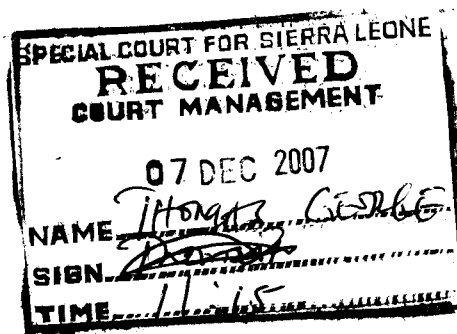
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SCSL-04-15-T
(32213 - 32215)

32213

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

Before: Hon. Justice George Gelaga King, Presiding
Hon. Justice Emmanuel Ayoola
Hon. Justice Renate Winter
Hon. Justice Raja Fernando
Hon. Justice Jon Kamanda



Registrar: Mr. Herman Von Hebel

Date filed: 7 December 2007

THE PROSECUTOR

Against

Issa Hassan Sesay
Morris Kallon
Augustine Gbao

Case No. SCSL-04-15-T

PUBLIC

JOINT PROSECUTION AND DEFENCE REQUEST FOR AN ORDER FOR EXPEDITED FILING

Office of the Prosecutor:

Mr. Peter Harrison
Mr. Charles Hardaway
Mr. Reginald Fynn

Defense Counsel for Issa Hassan Sesay

Mr. Wayne Jordash
Ms. Sareta Ashraph

Defense Counsel for Morris Kallon

Mr. Shekou Touray
Mr. Charles Taku
Mr. Kennedy Ogetto
Mr. Lansana Dumbuya

Defense Counsel for Augustine Gbao

Mr. John Cammegh
Ms. Prudence Acirokop

I. INTRODUCTION

1. On 6 December 2007, the judges of Trial Chamber One, comprised of the Hon. Justice Benjamin Mutanga Itoe, Presiding and the Hon. Justice Pierre Boutet delivered their ruling on the Sesay and Gbao Motion for Voluntary Withdrawal or Disqualification of Justice Bankole Thompson from the RUF Case. After a brief procedural reading of the case, followed by an extensive review of the issues presented in the motion, including relied upon jurisprudence; the trial chamber dismissed the motion in its entirety.
2. Based upon the urgency and the extraordinary circumstances regarding this particular issue, the Trial Chamber, immediately heard oral submissions of the parties for leave to appeal the Trial Chambers ruling under Rule 73 (B) as opposed to waiting for written submissions. Upon hearing the arguments of the parties the Trial Chamber determined that extraordinary circumstances existed and that failure to grant leave for appeal would cause irreparable prejudice to the parties and granted leave to appeal.

II. SUBMISSIONS

3. This joint Prosecution and Defense request for an expedited filing order from the Appeals Chamber is based upon several factors. While the Appeals Chamber has addressed the issue of disqualification of a judge as it relates to the Appeals Chamber, the issue has yet to be considered regarding the disqualification of a sitting trial judge during on going trial proceedings. Furthermore, given the fact that trial proceedings are ongoing, it would serve the interests of justice and avoid irreparable prejudice to have this matter before the Appeals Chamber as expeditiously as possible. In the event the Appeals Chamber would overturn the Trial Chamber's Decision on this issue, it would be imperative to quickly resolve the issues concerning the continuation of the trial in light of Justice Thompson's permanent removal from the case.

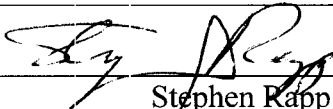
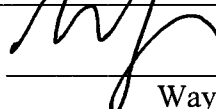


III. REQUEST

4. Therefore, the Prosecution and Defense jointly request that the Appeals Chamber order that any submissions on appeal be filed by 4 pm, 12 December 2007, that any response be filed by 4 pm, 14 December 2007, and that any reply be filed by

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4 pm, 17 December 2007. In light of the Judicial Recess beginning on 17 December 2007, the Appeals Chamber will need to order Court Management to accept the filing of any reply on 17 December 2007. In addition, the Prosecution and Defense, jointly request that the Appeals Chamber consider this Appeal as expeditiously as possible.

Filed in Freetown,
7 December 2007

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|  _____ Stephen Rapp Prosecutor |  _____ Wayne Jordash pp Shekou Touray  pp John Cammegh  |
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