

922.)

SCSL-04-15-T
(32507 - 32509)

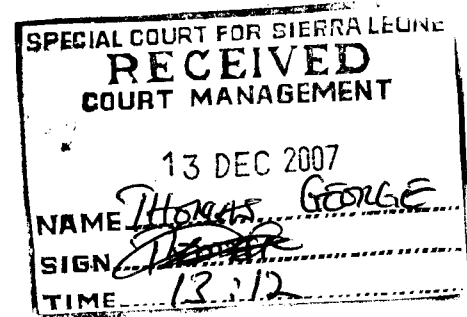
SPECIAL COURT FOR SIERRA LEONE
APPEAL CHAMBER

32507

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: 13th December 2007



THE PROSECUTOR

v.

Issa Hassan Sesay
Morris Kallon
Augustine Gbao

Case No. SCSL-04-15-T

PUBLIC

ADDENDUM TO

SESAY APPEAL AGAINST THE DECISION ON SESAY AND GBAO MOTION FOR
VOLUNTARY RECUSAL OR DISQUALIFICATION OF JUDGE BANKOLE
THOMPSON FROM THE RUF CASE

Office of the Prosecutor:

Mr. Peter Harrison
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. Ogetto Kennedy

Court-Appointed Counsel for Augustine Gbao

Mr. John Cammegh
Ms. Prudence Acirokop

CORRECTION

1. On the 12th December 2007 the Sesay Defence filed an Appeal against the Decision on Sesay and Gbao Motion for Voluntary Recusal or Disqualification of Judge Bankole Thompson from the RUF case. The following is a correction to (i) the Title page which contained a misspelling of the word “Decision” and (ii) an error in paragraph 18 which inadvertently referred to the **RUF accused** instead of the identification of “some” **members of the RUF**. Paragraph 18 should have read:

ii. Further error in the approach to the ascertainable facts

The Trial Chamber appeared not to approach the assessment of the appearance of bias as an issue intimately related to an assessment of the *degree* of prejudgment of the RUF and the RUF accused. Thus, the Trial Chamber erred in suggesting that “even if Hon. Justice Thompson had made findings that criminal acts were committed by the RUF, this would not have been any different from the position already taken by the Defence”.¹ This is plainly wrong. The Trial Chamber’s task was to consider whether the Separate Opinion evinced an unacceptable appearance of bias. This required an assessment of the *degree* of prejudgment apparent from the Separate Opinion. The fact that *one* of the accused (Sesay) admitted in the defence opening that “some” **members of the RUF** committed crimes does not provide *carte blanche* to the Hon. Justice Thompson to attribute crimes or other wrong doing to the RUF without further explanation or qualification.


¹ The *Decision*, para. 77.
The Prosecutor against Issa Hassan Sesay, Morris Kallon and Augustine Gbao
Case No. SCSL-2004-15-T

32509

2. The Defence apologises for the inconvenience.

Dated 13th December 2007



 Wayne Jordash
Sareta Ashraph