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SCSL-04-15-T
(32570-32573)

SPECIAL COURT FOR SIERRA LEONE

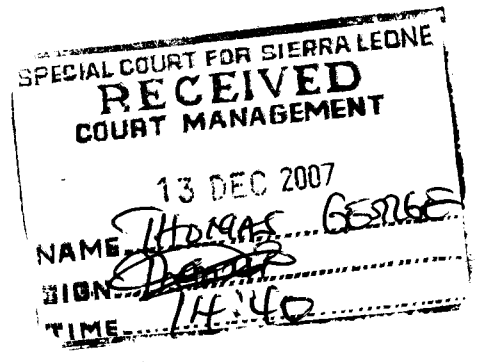
THE APPEALS CHAMBER

32570

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

Registrar: Mr. Herman Von Hebel

Date Filed: 13 December 2007



THE PROSECUTOR

against

**ISSA HASSAN SESAY
MORRIS KALLON
AUGUSTINE GBAO**

Case No. SCSL - 2004 15-T

PUBLIC

**CORRIGENDUM TO KALLON NOTICE OF APPEAL AND SUBMISSIONS ON THE
DECISION ON SESAY AND GBAO MOTION FOR VOLUNTARY
WITHDRAWAL OR DISQUALIFICATION OF HON. JUSTICE BANKOLE
THOMPSON FROM RUF CASE**

Office of the Prosecutor:
Peter Harrison
Reginald Fynn

Counsel for Issa Sesay
Wayne Jordash
Sareta Ashraph

Counsel for Morris Kallon
Shekou Touray
Charles Taku
Kennedy Ogetto
Lansana Dumbuya

**Court - appointed Counsel for
Augustine Gbao**

John Cammegh

INTRODUCTION

On 12th December 2007 the Kallon Defence filed its Notice of Appeal and Submissions on The Decision on Sesay and Gbao motion for voluntary withdrawal or disqualification of Hon. Justice Bankole Thompson from the RUF case. The Defence wishes to correct, through this corrigendum a number of errors in the Notice of Appeal and submissions above as follows:

1. Under “grounds of Appeal”

(a) Para 12 should read as follows : Ground Five, the Trial chamber erred in Law and fact by finding that in his Dissenting opinion the Honourable Justice Thompson made no comments or expressed views or opinions with respect to the accused themselves **or** their alleged criminality.

(b) Paragraph 13 should read as follows: Ground Six, the Trial Chamber erred in Law in placing undue reliance on the assurances of the Honourable Justice Thompson.

2. Under “Relief Sought” paragraph 14 should read: **The Appellant prays the Appeals Chamber to**, followed by the relief sought
3. Paragraph 19, the second sentence should read: “It is submitted that as a matter of technical linguistics the observations of the Learned Judge, such as “widespread violence of immense dimensions,” read in **conjunction** with “tyranny”, necessarily do imply criminality on the part of the objects of such observations.
4. Paragraph 33 should read: The Defence submits that to suggest that there is a level of bias **which** may be acceptable on the part of a judge in any criminal proceedings is an absurdity and a serious assault on the **notion** of a fair Trial.

5. Paragraph 34 fourth sentence should read: Accordingly, Article 13 guarantees that “Judges shall be persons of impartiality” there is no provision for leniency that would permit Judges **to exhibit only** a reasonable level of impartiality.
6. Paragraph 36 should read: The Appeals Chamber of the ICTR has also demonstrated the seriousness of issues related to bias by disqualifying 2 judges merely because they acquiesced in the continuation of a Trial together with a judge in respect of whom an appearance of **bias** had been established.
7. Paragraph 45: the reference to the Decision – in brackets - should be paragraph **72 and not 96.**
8. Paragraph 47 should read: The Appellant therefore submits that notwithstanding the **lack of** express mention of the accused themselves by the Hon. Judge in his dissenting opinion, his comments are nevertheless prejudicial to the 3 accused in this case.
9. After paragraph 47 under ground 6 of the Appeal the submissions following should be indicated as paragraphs 48 and 49 respectively.
10. Paragraph 48 should contain a footnote and read as follows: the Chamber partly relied on the apparent assurances by the Hon justice Thompson that he would issue a judgment in the RUF case that is exclusively based on whether or not the Prosecution has proven the guilt of the accused beyond a reasonable doubt.¹


¹ The Decision paragraph 92

11. Footnote 45 should simply read: **The decision at paragraph 84.** The rest of the wording appearing at that footnote should be deleted.
12. Under list of authorities, **B (iii)** should be added to be; **ICTY / ICTR** under which should be:


Karamera et al v Prosecutor: Reasons for Decision on interlocutory Appeals regarding the Continuation of Proceedings with a substitute Judge and on Nzirorera's Motion for leave to consider new material – ICTR Appeals Chamber Decision of 22 October 2004.

DONE in Freetown on this13th.....day of...December.....2007

For Defendant **KALLON**,

pp. 

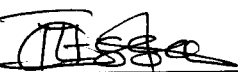
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