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SCSL-04-15-T
(26859-26862)

26859

THE SPECIAL COURT FOR SIERRA LEONE

BEFORE:

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

Registrar: Mr. Herman von Hebel

Date filed: 30th May 2008

The Prosecutor

-v-

**Issa Hassan Sesay
Morris Kallon
Augustine Gbao**

Case No: SCSL – 04 – 15 – T

Public

Addendum to Sesay Defence Application for Notice to be taken of Adjudicated Facts pursuant to Rule 94(B)

Office of the Prosecutor
Mr. Peter Harrison
Mr. Joseph Kamara
Mr. Reginald Fynn
Mr. Charles Hardaway
Mr. Vincent Wagana

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

Defence Counsel for Morris Kallon
Mr. Charles Taku
Mr. Kennedy Ogetto
Ms. Tanoo Mylvaganam

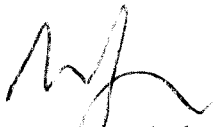
Defence Counsel for Augustine Gbao
Mr. John Cammegh
Mr. Scott Martin

SPECIAL COURT FOR SIERRA LEONE
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COURT MANAGEMENT

30 MAY 2008
NAME E. BOLA HARRISON
SIGN [Signature]
TIME 15:40

1. On 28th May 2008, the Appeals Chamber delivered its Judgment¹ in relation to the prosecution and defence appeals in respect of the Accused Fofana and Kondewa.
2. The Sesay defence requests that the facts as set out in paragraphs 301, 304, 306 and 207 of the Judgment² be considered as part of its Application for Notice to be taken of Adjudicated Facts³ and consequently files this Addendum.

Dated 30th May 2008



Wayne Jordash

Sareta Ashraph

¹ CDF Appeals Judgment, Prosecutor v. Fofana et al., 28th May 2008, SCSL-04-14-829.

² Set out in Annex C.

³ Sesay Defence Application for Notice to be taken of Adjudicated Facts pursuant to Rule 94(B), Prosecutor v. Sesay et al., 23rd May 2008, SCSL-04-15-1144.

BOOK OF AUTHORITIES

CDF Appeals Judgment, Prosecutor v. Fofana et al., 28th May 2008, SCSL-04-14-829.

Sesay Defence Application for Notice to be taken of Adjudicated Facts pursuant to Rule 94(B), Prosecutor v. Sesay et al., 23rd May 2008, SCSL-04-15-1144.

ANNEXES

C Adjudicated Facts from the CDF Appeals Judgment, 28th May 2008

Annex C: Adjudicated Facts from the CDF Appeals Judgment, 28th May 2008

1. During the second attack on Tongo, immediately after the military operation on the rebel checkpoint, the Kamajors “took control” of the civilians and killed civilians consisting of 151 Limbas, Lokos and Temnes. Most of the crimes committed on civilians during the third attack on Tongo on 14 – 15 January 1998 occurred after the rebels retreated. Those crimes included a mass killing of a group of 65 civilians.⁴
2. The attacks in Kenema (including Tongo) were launched and carried out after the departure of the rebels and juntas.⁵
3. The attacks were specifically directed against a civilian population.⁶
4. The criminal conduct against those civilians were neither random nor isolated acts but were perpetrated pursuant to a common pattern of targeting the civilian population.⁷

⁴ CDF Appeals Judgment, para. 301.

⁵ CDF Appeals Judgment, para. 304.

⁶ CDF Appeals Judgment, para. 306.

⁷ CDF Appeals Judgment, para. 307.