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SCSL-04-15-T  
(25989-25992)

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**THE SPECIAL COURT FOR SIERRA LEONE**

**BEFORE:**

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

Registrar: Mr. Lovemore Green Munlo, SC

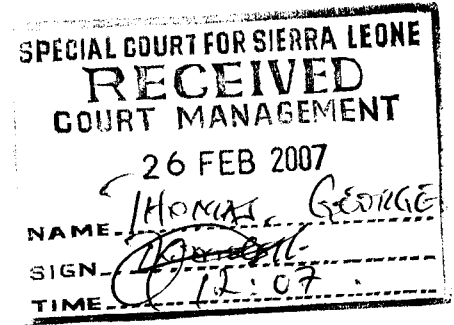
Date filed: 26<sup>th</sup> February 2007

The Prosecutor

-v-

Issa Hassan Sesay

Case No: SCSL – 04 – 15 – T



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Public

Defence Application for Extension of Time to  
File a "Joint Statement of Agreed Facts"

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**Office of the Prosecutor**

Peter Harrison  
Mohammed Bangura

**Defence**

Wayne Jordash  
Sareta Ashraph

### Introduction

1. On the 30<sup>th</sup> October 2006 the Trial Chamber issued a Scheduling Order concerning the Preparation and the Commencement of the Defence Case,<sup>1</sup> inter alia ordering that the Prosecution and each of the Defence Teams submit a joint statement of agreed facts.<sup>2</sup> On the 7<sup>th</sup> February 2007 the Defence was granted an extension to the Scheduling Order to the 5<sup>th</sup> March 2007.<sup>3</sup>
2. The Defence herewith seeks an application to adjourn the filing of a joint statement of agreed facts.

### Reasons

3. The Defence has drafted a series of proposed agreed facts. The Defence intends to disclose them to the Co-Accused in an attempt to obtain their agreement to the proposals. The Defence will then disclose them to the Prosecution and file them with the Trial Chamber. At this stage however the Defence is unable to seek and obtain Mr. Sesay's agreement to the proposals due to his enforced absence from Sierra Leone on health grounds.
4. In these circumstances the Defence is unable to proceed further with the drafted proposals until Mr. Sesay returns to the jurisdiction, sometime in early March 2007.
5. If the Trial Chamber grants the extension the Defence estimates it will be able to obtain Mr. Sesay's consent to the proposals within days of his arrival into Sierra Leone, health permitting. The Defence would then immediately send the proposals to the Co-Accused with a request for timely consideration.
6. It is submitted that the extension would not prejudice any of the parties. Moreover the Defence is unable to proceed with this aspect of the Order without clear instructions from Mr. Sesay. It is submitted that to do so would breach Counsel's professional duty which requires Counsel to act upon Mr. Sesay's instructions on issues which pertain to agreement with the Prosecution.

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<sup>1</sup> *Prosecutor v. Sesay*, SCSL-04-15-T-659, "Scheduling Order Concerning the Preparation and the Commencement of the Defence Case," 30<sup>th</sup> October 2006.

<sup>2</sup> *Id.* para. 3.

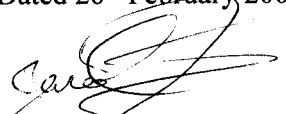
<sup>3</sup> *Prosecutor v. Sesay*, SCSL-04-15-T-705, "Decision and Order on Defence Application for an Adjournment of 16<sup>th</sup> of February Deadline for Filing of Defence Material," 7<sup>th</sup> February 2007.

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**Request**

7. The Defence seeks an adjournment or variation of the aforementioned aspect of the Scheduling Order. The Defence would naturally comply with any timetable fixed by the Trial Chamber which would allow instructions to be sought and obtained concerning the detail of the proposed agreements.

Dated 26<sup>th</sup> February 2007

  
PP Wayne Jordash  
PP Sareta Ashraph

Book of Authorities

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**Decisions and Orders**

*Prosecutor v. Sesay*, SCSL-04-15-T-659, "Scheduling Order Concerning the Preparation and the Commencement of the Defence Case," 30<sup>th</sup> October 2006.

*Prosecutor v. Sesay*, SCSL-04-15-T-705, "Decision and Order on Defence Application for an Adjournment of 16<sup>th</sup> of February Deadline for Filing of Defence Material," 7<sup>th</sup> February 2007.