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SCSL-04-15-T  
(33399-33406)

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# THE SPECIAL COURT FOR SIERRA LEONE

## BEFORE:

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

Registrar: Mr. Herman von Hebel

Date filed: 20<sup>th</sup> March 2009

The Prosecutor

-v-

Issa Hassan Sesay  
Morris Kallon  
Augustine Gbao

Case No: SCSL - 04 - 15 - T

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Public

## CORRIGENDUM TO SESAY DEFENCE SENTENCING BRIEF

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### Office of the Prosecutor

Mr. Stephen Rapp  
Mr. Reginald Fynn  
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

### Defence Counsel for Augustine Gbao

Mr. John Cammegh  
Mr. Scott Martin

SPECIAL COURT FOR SIERRA LEONE  
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1. In paragraph 41 of the Sesay Defence Closing Brief, it was stated that “a defendant’s voluntary surrender to the Tribunal has also been recognised as a mitigating factor since it reflects a respect for the international administration of justice.”<sup>1</sup> It follows that a defendant is entitled to rely upon this mitigating circumstance even when detained in a “surprise” arrest.”<sup>2</sup>
2. The attached Annex ought to have been attached to this paragraph to show Sesay’s awareness of the setting up of both the Special Court and the Truth and Reconciliation Commission and his willingness to appear before both.
3. The Annex is an interview with Ralph Sawyer of Critique News, published in December 2001/ January 2002, in which Sesay is quoted as saying  

“If I am called, I will go because the special court is an international court which will have to investigate at first hand for proper clarification before indictment. I am ready to answer any question to my involvement in the war”
4. The Defence requests that the Trial Chamber admit the attached Annex as Annex L to the Sesay Defence Sentencing Brief.

Dated 20<sup>th</sup> March 2009

  
Wayne Jordash  
Sareta Ashraph

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<sup>1</sup> *Prosecutor v. Rutaganira*, Judgment and Sentence (TC), 14 March 2005, ICTR-95-1C-T (‘*Rutaganira*, Judgment and Sentence’), para. 145.

<sup>2</sup> *Prosecutor v. Sesay et al.*, Sesay Defence Sentencing Brief, 17<sup>th</sup> March 2009, SCSL-04-15-T-1242, (‘Sesay Defence Sentencing Brief’), para. 41.

**BOOK OF AUTHORITIES**

*Prosecutor v. Rutaganira*, Judgment and Sentence (TC), 14 March 2005, ICTR-95-1C-T  
*Prosecutor v. Sesay et al.*, Sesay Defence Sentencing Brief, 17<sup>th</sup> March 2009, SCSL-04-15-T-1242,

**ANNEX**

L Interview of Issa Sesay by Critique News, December 2001/ January 2002

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**Annex L**

**Interview of Issa Sesay by Critique News, December 2001/  
January 2002**



# CRITIQUE *News*

## SPECIAL COURT TENSION

♦ SANKOH, JOHNY PAUL  
UNRUFFLED

♦ ISSAH SESAY  
WORRIED

I DID NOT PLAN TO  
OVERTHROW THE  
GOVERNMENT

♦ SILLA



# Special interview with Issah Sesay

**I**mmediately after the swearing into office of the special court Judges which signaled the commencement albeit skeletally of its assignment to investigate and indict those found to have committed acts international humanitarian laws, associated with war crimes, there is wide apprehension in several camps which participated in the decade long war. This special court phobia is more pronounced in the erstwhile RUF camp. Critique magazine sought to know the mood in that camp and caught up its interim leader, General Issah Sesay in a special interview where he bared his mind on various issues including the Special court and war crimes in a special interview conducted by Ralph Ese'donnu Sawyer here are excerpts.

**Critique News:** what is your opinion regarding the TRC and the Special court?

**ISSAH SESAY** well if I am invited to the TRC, I will go there. I believe the TRC is a part and parcel of the Lome peace agreement and should be respected. I am ready to cooperate with the TRC. As for the Special court, I believe I did not commit any atrocity, I know that I was not involved in any atrocity either as an individual or in league with anybody. So if I am called, I will go because the special court is an international court which will have to investigate at first hand for proper clarification before indictment. I am ready to answer any question as

to my involvement in the war. I am looking up to the government and the special court on the issue at stake. As an international court, we expect them to be neutral and honest to the people of this country. As for me, I am not too worried because, I know how I fought during the days of the war, I use to protect civilians, even in my control areas, the civilian populace can attest to this. Though we are all



**Issah Sesay**

worried, but not too much, because I know that the prosecutors and judges are human beings like you and me. I hope and believe they will not be one sided and biased against us. I played a great role in the disarmament process by talking to the fighters for the interests of the people. I made them know that we cannot continue to fight our own people who were already tired of war. I used my position as the interim leader then, for the general interest of my country and so, we gave peace a chance. I worked very hard to achieve this feat which everybody should always bear

in mind. Though, Ambassador Oluyemi Adeniji, Generals Opande and Agwai, and a host of others know this and can bear me witness. I worked with them in every respectful manner to achieve peace in this country and I know the RUF is ready for total peace in this country. I promised the government and people of Sierra Leone, and the international community peace and I honoured my promise, is that what I should be indicted for?

**CRITIQUE NEWS:** Are you being blamed for that decision now?

**Issah:** Yes, just after the disarmament and even before the end of the disarmament. Some of our members became disgruntled when I said Kono, Makeni should be disarmed, for that reason, some of my senior colleagues abandoned me and moved to other parts, you know, they said I betrayed them. They accused me of selling them out, simply because I cooperated with the peace process. Shortly before INEC's deadline for nominations, I went to Pademba prisons to meet with Mr. Sankoh pertaining the nominations after his name was rejected, he rebuffed me. That is after I had consultations with Ambassador Adeniji, I went with Ambassador Sandry, who is the deputy UN ambassador, the police IG Keith Biddle some representatives from the international community, we deliberated but later Mr Sankoh denied seeing

*See page 10*



# Special interview with Issah Sesay

From page 9

me and we came back. Since that time, most of RUF senior members became very disgruntled. They accused me of being bribed by the international community and the government of Sierra Leone to sell our leader, but I know within me and God that nobody bribed me. I did it for the sake of our people and the respect of ECOWAS leaders, for they were the ones who called me to Monrovia the first time, that, they are not ready to work with Foday Fankoh any longer. We had a meeting for about eight hours, since that time, I have respect for presidents Obasanjo, Konare and others. Since then, I worked for peace. Now we have achieved peace and organized a fair election. We know that we were incapable of challenging past elections, but for the interest of sustainable peace, we should let bygone be bygone. Now we are under the traveling ban, they don't allow us to go anywhere, we still co-operate for the interest of peace.

**CRITIQUE NEWS:** *Have you raised the issue of the traveling ban with the government or the UN?*

**Issah :** Yes, several times. We raised the issue with practically every one concerned. We have met with the international community, the SRSG on two occasions. We have written series of letters to the various authorities. We also met some experts who came from New York the last time regarding the traveling ban. We have fulfilled all our com-

mitments and today, we have peace. For the interest of this hard won peace, we should all forgive and forget the past and think of how to push the country forward. The traveling ban on us should be lifted so that we can go about our respective lives peacefully.

**CRITIQUE NEWS:** *When last did you see Foday Sankoh?*

**Issah:** About a year ago, during my first visit to Freetown on the occasion of the symbolic burning of arms at Lungi. I saw him at Hill Station. Choithram Hospital, I was meeting him for the second time. As you know, he refused to talk with me simply because he believed that I betrayed him. He categorically said that he does not want to talk to me. Since that time, I have not seen him.

**CRITIQUE NEWS:** *Are you concerned that he is still in prison?*

**Issah:** Yes, I am concerned that he is still in prison. He was our leader, he is also a bonafide Sierra Leonean. We are of the opinion that since we have achieved peace, every body should be freed including Foday Sankoh in the true spirit of reconciliation. That way, we can all join hands together to work for the reconstruction of Sierra Leone.

**CRITIQUE NEWS:** *What arrangement have you made for his defence should he be indicted?*

**Issah:** We are in contact with Lawyer Okanya who has been representing him all along and is still in agreement to carry on with his defense. Things are

really difficult with us now. We cannot afford any legal fees. We also know that his wife, Fatou is around and she is also trying to organize a defense team for him. Though, since her entry into the country, she has not contacted me. She is also of the opinion that I betrayed her husband and I don't really know the mechanism she is working on regarding the defense of Foday Sankoh.

**CRITIQUE NEWS:** *Do you walk around freely, without people pointing fingers at you?*

**Issah:** For now, I am a free man anywhere I go. The grass root people like to see me. Wherever I go, people like to speak with me. The citizens are peaceful, they are happy to see me because they appreciate the work I did by bringing peace to them. They also know that I worked with the government and the international community to achieve total peace in this country. So I believe I am a free man. I do not create problem neither do I want problem for anybody. Based on that, I move around quietly in the town.

**CRITIQUE NEWS:** *Do you think the special court is necessary?*

**Issah:** I will not say the special court is necessary or not. The special court is here now and we have a government in Sierra Leone. The government and the people seems to be happy for the special court to

See page 11

# SPECIAL INTERVIEW WITH ISSAH SESAY

From page 10

be conducted here. As an individual, I have nothing to say. I only know that the special court is here. We believe in total reconciliation. We respect the TRC because it will not hold anybody responsible or jail anybody. The special court will hold people responsible. Now people are worried. I am also worried because information is going all around that we are all going to be arrested and detained. People are just talking, so we know we co-operated for the interest of peace, anyway we are here looking on to the government and the special court.

**CRITIQUE NEWS:** *If your traveling ban is lifted, what do you want to do with your life?*

**Issah:** I am a Sierra Leonean you know, I just want to advance my-

self. I want to go to school and read to become somebody in life. I cannot say what I would like to study until my traveling ban is lifted by which time I will decide. What I know is that I am a peaceful man and I need to try something for my future.

**CRITIQUE NEWS:** *Are you married?*

**Issah:** Yes, I have a wife. I am thirty two years old.

**CRITIQUE NEWS:** Finally, what do you have to tell Sierra Leoneans?

**Issah:** I am appealing to the president, his excellency Dr Ahmad Tejan Kabbah, that, as the RUFP figure head, I worked with the international community and the home government to bring peace to our beleaguered country. We have gone through elections

which he won. We should all still join hands together to push the country forward and have it reconstructed. We know that he is praised world wide for bringing peace, but he should know that this peace was made possible by my sincere ness which was motivated by true love for my people and country. He should give us the chance to develop our lives. We are still young men with a lot of potentials. I believe he will use his good office to further create oneness in the country. He should pursue total reconciliation, by using his good office to release those still in detention because of the war and tell the international community to lift the travelling ban so that we can be free like every other Sierra Leonean world wide ●