

(9443-9445)



**SPECIAL COURT FOR SIERRA LEONE**

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

**IN THE APPEALS CHAMBER**

**Before:** Justice Emmanuel Ayoola, Presiding  
Justice Raja Fernando  
Justice Gelaga King  
Justice Renate Winter

**Registrar:** Robin Vincent

**Date:** 15 October 2004

**PROSECUTOR**                      **Against**                      Issa Hassan Sesay  
Morris Kallon  
Augustine Gbao  
(Case No.SCSL04-15-T)

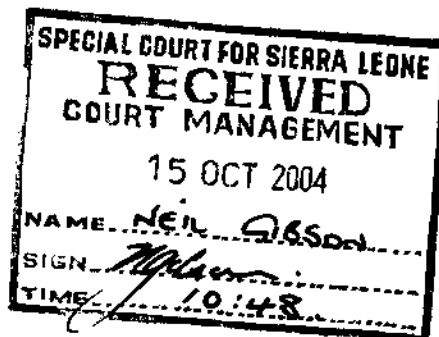
**SESAY - DECISION ON APPLICATION TO WITHDRAW MOTION SEEKING THE DISQUALIFICATION OF JUSTICE ROBERTSON FROM ALL JUDICIAL FUNCTIONS INVOLVING THE RUF**

Office of the Prosecutor:

Luc Côté  
Abdul Tejan Cole  
Boi-Tia Stevens  
Pete Harrison

Defence Counsel for Issa Sesay:

Wayne Jordash  
Serry Kamal  
Sareta Ashraph



THE APPEALS CHAMBER of the Special Court for Sierra Leone ("Special Court");

NOTING the Motion seeking the disqualification of Justice Robertson from all judicial functions involving the RUF (including those exercised pursuant to Rule 24 of the Rules of Procedure and Evidence) ("Motion") filed on 28 May 2004;

NOTING the Prosecution Response to Motion seeking the disqualification of Justice Robertson from all judicial functions involving the RUF (including those exercised pursuant to Rule 24 of the Rules of Procedure and Evidence) filed on 4 June 2004;

NOTING the Defence Reply to Prosecution Response to Motion seeking the disqualification of Justice Robertson from all judicial functions involving the RUF (including those exercised pursuant to Rule 24 of the Rules of Procedure and Evidence) filed on 9 June 2004;

CONSIDERING the letter from the Defence Office on behalf of Counsel for Sesay withdrawing the Motion seeking the disqualification of Justice Robertson from all judicial functions involving the RUF (including those exercised pursuant to Rule 24 of the Rules of Procedure and Evidence) dated 6 August 2004;

CONSIDERING that the merits of the Motion have been fully argued before this Chamber;

HEREBY grants leave to withdraw the Motion on terms that no future application is brought relating to the same issue and facts. The Motion is accordingly struck out.

Done at Freetown this fifteenth day of October 2004

Justice Ayoola  
Presiding

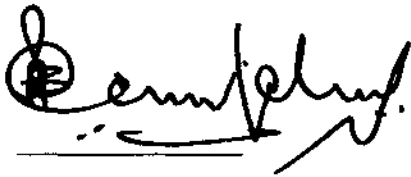
Justice Fernando

Justice Winter

Justice King appends a separate opinion.

## SEPARATE OPINION OF JUSTICE KING

1. I am of the view that on application received from the Defence Office on behalf of Counsel for Sesay withdrawing the Motion seeking the disqualification of Justice Robertson from all judicial functions involving the RUF (including those exercised pursuant to Rule 24 of the Rules of Procedure and Evidence) dated 6 August 2004, the Motion should be dismissed simpliciter, with or without costs.
2. I would, therefore, simply dismiss the Motion.



Justice King

