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SCSL-04-15-A
(5096-5097)



5096

SPECIAL COURT FOR SIERRA LEONE

IN THE APPEALS CHAMBER

Before: Justice Renate Winter, Presiding Judge
Justice Jon M. Kamanda
Justice George Gelaga King
Justice Emmanuel Ayoola
Justice Shireen Avis Fisher

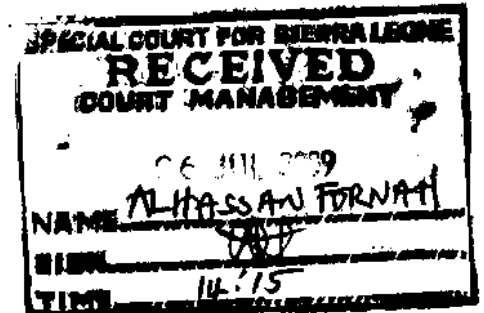
Acting Registrar: Binta Mansaray

Date: 6 July 2009

PROSECUTOR

Against

ISSA HASSAN SESAY
MORRIS KALLON
AUGUSTINE GBAO
(Case No. SCSL-04-15-A)



**DECISION ON REQUEST THAT THE APPEALS CHAMBER ADMIT ADDITIONAL
EVIDENCE FROM PROSECUTOR V. TAYLOR**

Office of the Prosecutor:

Christopher Staker
Vincent Wagona
Nina Jørgensen
Reginald Fynn
Elisabeth Baumgartner
Régine Gachoud

Defence Counsel Issa Hassan Sesay:

Wayne Jordash
Sareta Ashraph
Jared Kneitel

Defence Counsel for Morris Kallon:

Charles Taku
Kennedy Ogeto

Defence Counsel for Augustine Gbao:

John Cammegh
Scott Martin

THE APPEALS CHAMBER of the Special Court for Sierra Leone (“Appeals Chamber”) composed of Justice Renate Winter, Presiding Judge, Justice Jon M. Kamanda, Justice George Gelaga King, Justice Emmanuel Ayoola and Justice Shireen Avis Fisher;

SEIZED of the motion entitled “Public Request that the Appeals Chamber Admit Additional Evidence from *Prosecutor v. Taylor*,” filed on 29 June 2009 (the “Motion”) by the Defence counsel for Issa Hassan Sesay (“Sesay Defence”);

NOTING that the Prosecution has not yet filed its submissions in response;

CONSIDERING that the Sesay Defence filed the Motion “[p]ursuant to Rule 115¹” before the Appeals Chamber and “requests that the Appeals Chamber introduced the additional evidence from *Taylor* and reverse the relevant findings and convictions and/or order any other appropriate remedy²”;

CONSIDERING that Rule 115(A) of the Rules of Procedure and Evidence (“Rules”) requires that an application to present additional evidence before the Appeals Chamber must be made by motion to the Pre-Hearing Judge;

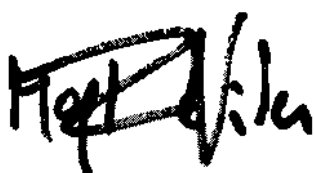
FINDING the Motion as improperly filed;

DISMISSES the Motion;

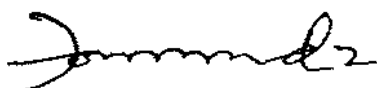
HOWEVER, CONSIDERING that the Motion was timely filed, but that the time limit for filing as provided in Rule 115(A) of the Rules has now elapsed;

GRANTS the Sesay Defence extension of time and liberty to file the Motion before the Pre-Hearing Judge within one day from the filing of this ruling.

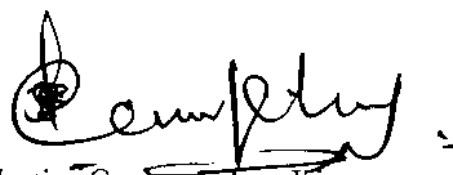
Done this 6th day of July 2009 at Freetown, Sierra Leone.



Justice Renate Winter,
Presiding



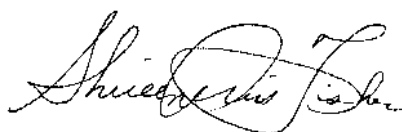
Justice Jon M. Kamanda



Justice George Gelaga King



Justice Emmanuel Ayoola



Justice Shireen Avis Fisher

[Seal of the Special Court for Sierra Leone]



¹ Motion, para. 1.
² Motion, para. 35.