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SCSL-04-16-T
(19344-19348)

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**SPECIAL COURT FOR
SIERRA LEONE**

Case No. SCSL-2004-16-T

Before: Justice Richard Lussick, Presiding
Justice Teresa Doherty
Justice Julia Sebutinde

Registrar: Lovemore G. Munlo, SC

Date filed: 28 November 2006

SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT MANAGEMENT

28 NOV 2006

NAME Adverg Nsiima K.
SIGN Nsiima
TIME 11:20

THE PROSECUTOR

against

ALEX TAMBA BRIMA

BRIMA BAZZY KAMARA

and

SANTIGIE BORBOR KANU

PUBLIC

**KANU – DEFENCE RESPONSE TO URGENT PROSECUTION MOTION FOR RELIEF TO FILE
A FINAL BRIEF NOT EXCEEDING 500 PAGES**

Office of the Prosecutor:
Christopher Staker
Karim Agha

Defence Counsel for Kanu:
Geert-Jan A. Knoops, Lead Counsel
Cary J. Knoops, Co-Counsel
A.E. Manly-Spain, Co-Counsel

I INTRODUCTION

1. On 27 November 2006, the Prosecution filed a “Urgent Prosecution Motion for Relief to File a Final Brief Not Exceeding 500 Pages” (“**Motion**”).¹
2. The Defence herewith submits its response thereto, respectfully objecting to said Motion.

II ARGUMENT

3. In the first place, the Defence observes that the closing arguments are set for 7 and 8 December, which is only six to seven days after the filing date of the Trial Brief. The Defence submits it should at the very least thoroughly analyze the Prosecution’s Trial Brief before holding its closing arguments. As evidenced by the Rule 98 response,² the Prosecution’s case varies from the issues presented in its Pre-Trial Brief.³ The Defence is thus not able to fully predict the case the Prosecution will bring forward against the Third Accused. As such, the Defence would need time to read and analyze the Prosecution’s case in the Trial Brief before being able to present its closing arguments. The Defence is thus not in a position to assess what the extra hundred pages would reveal and therefore in light of the short time laps till the closing arguments, it would be prejudiced in terms of time and resources.
4. Whilst agreeing to the date of the filing of the Trial Brief and the subsequent closing arguments, the Defence had in mind the current amount of pages. It agreed the amount of pages now allocated to the Prosecution and Defence, knowing that it would be able to peruse such document within said time. An

¹ *Prosecutor v. Brima et al.*, Public Urgent Prosecution Motion for Relief to File a Final Brief Not Exceeding 500 Pages, 27 November 2006, Case No. SCSL-2004-16-T-590.

² *Prosecutor v. Brima et al.*, Prosecution Response to Defence Motions for Judgement of Acquittal Pursuant to Rule 98, 23 January 2006, Case No. SCSL-2004-16-T-458.

³ *Prosecutor v. Brima et al.*, Prosecution’s Pre-Trial Brief Pursuant to Order for Filing Pre-Trial Briefs (under Rules 54 and 73bis) of 13 February 2004, 5 March 2004, Case No. SCSL-2004-16-PT-029.

additional 100 pages will be too much for the Defence to analyse in said period, given the resources and time of the Defence.

5. As indicated in our e-mail of 25 November, it would be highly inconvenient for the Kanu Defence team to postpone the closing arguments, as our whole planning was made around these dates (see **exhibit 1**).

6. In the second place, the Prosecution indicates: “the Defence would not be prejudiced as each Accused is entitled to file a brief of 200 pages, resulting in a total of 600 pages for the Defence.” The Defence humbly submits that such comparison is unfair and incorrect. Whilst the Prosecution can combine its arguments for the three Accused, the various Accused will present all their arguments separately from each other, resulting in an obvious need for more pages. Therefore, the Defence contends this argument should be dismissed.

III CONCLUSION

7. For the above reasons, the Defence submits that it would be unfairly prejudiced by the Motion’s requested relief, and respectfully prays the honourable Trial Chamber to dismiss the Prosecution Motion.

Respectfully submitted,

On 28 November 2006



G.-J. Alexander Knoops

TABLE OF AUTHORITIES

Prosecutor v. Brima et al., Prosecution's Pre-Trial Brief Pursuant to Order for Filing Pre-Trial Briefs (under Rules 54 and 73bis) of 13 February 2004, 5 March 2004, Case No. SCSL-2004-16-PT-029.

Prosecutor v. Brima et al., Prosecution Response to Defence Motions for Judgement of Acquittal Pursuant to Rule 98, 23 January 2006, Case No. SCSL-2004-16-T-458.

Prosecutor v. Brima et al., Public Urgent Prosecution Motion for Relief to File a Final Brief Not Exceeding 500 Pages, 27 November 2006, Case No. SCSL-2004-16-T-590.

EXHIBIT 1

19348

From: "Simon M Meisenberg" <meisenberg@un.org>
To: <k_vdvoort@hotmail.com>
Cc: <alex@knoops.info>; <carlton-hanciles@un.org>; <meisenberg@un.org>
Sent: 25 November 2006 10:29
Subject: Re: Closing arguments

Dear Karlijn,

I have received your email and will inform you about the Trial Chambers decision on Monday.

Thanks for your speedy response.

Simon

"Karlijn van der Voort" <k_vdvoort@hotmail.com>

To <meisenberg@un.org>

25/11/2006 09:09

cc <carlton-hanciles@un.org>, <alex@knoops.info>

Subject Closing arguments

Dear Simon,

There's something wrong with the SCSL webmail, so I'm sending you this from my private mail. Please, if possible, respond to this address as well.

We discussed with our team, and our team opposes your proposal for delay of the closing arguments. Mr. Manly-Spain will probably do the closing arguments, and Anne-Marie and I have specifically booked our flight after the planned date, we're flying out on 11 December.

Anne-Marie will be sworn in as a lawyer on 12 December in Amsterdam, and I have a meeting on 13 December, which makes it impossible for us to postpone our return flights.

This would mean that there would be no one to advise Mr. Manly-Spain on international legal matters during the oral arguments, which would, of course, be to our case's detriment.

Please let me know the Trial Chamber's position.

Kind regards,

Karlijn

28/11/2006