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SCSL-04-16-A

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(050 - 054)

SPECIAL COURT FOR SIERRA LEONE
Freetown – Sierra Leone

IN THE APPEALS CHAMBER

Before: Hon. Justice George Gelaga King, President
Hon. Justice Emmanuel Ayoola
Hon. Justice A. Raja N. Fernando
Hon. Justice Renate Winter
Hon. Justice Geoffrey Robertson, QC

Acting Registrar: Mr. Herman Von Hebel

Date filed: 2 August 2007

THE PROSECUTOR

Against

**Alex Tamba Brima
Brima Bazzy Kamara
Santigie Borbor Kanu**

Case No. SCSL-04-16-A

PUBLIC

URGENT

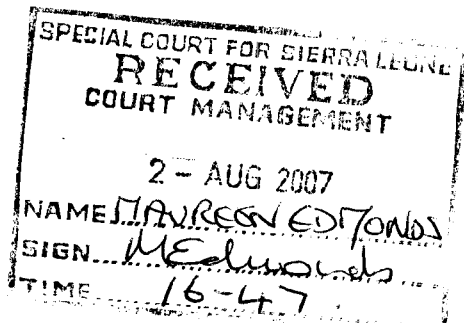
**PROSECUTION MOTION FOR AN EXTENSION OF THE PAGE LIMIT
FOR ITS APPEAL BRIEF**

Office of the Prosecutor:
Dr. Christopher Staker

Defence Counsel for Alex Tamba Brima
Mr. Kojo Graham

Defence Counsel for Brima Bazzy Kamara
Mr. Andrew Daniels

Defence Counsel for Santigie Borbor Kanu
Mr. Agibola E. Manley-Spain



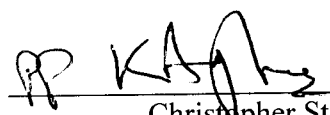
1. The Prosecution files this motion seeking an order extending the page limit, under Article 6(E)(i) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone (the “**Practice Direction**”),¹ for the Prosecution appeal brief to be filed pursuant to Rule 111.
2. The Prosecution proposes to file a consolidated appeal brief, dealing with all grounds of appeal in relation to all three Convicted Persons. The Prosecution notes that under Article 6(E)(i), the filing of a consolidated appeal brief is not compulsory. If the Prosecution were to file separate appeal briefs in respect of each of the Convicted Persons, the page limit prescribed by Article 6(E)(i) for each of those briefs would be 100 pages, entitling the Prosecution to file a total of 300 pages of submissions. However, under Article 6(E)(i), where the Prosecution files a consolidated brief, the page limit for the consolidated brief in an appeal involving three Convicted Persons is 170 pages or 50,000 words, whichever is the greater.
3. The Prosecution seeks an extension of this page limit, to enable the Prosecution to file a consolidated appeal brief of up to 250 pages. It is noted that this is still less than the page limit that would apply if the Prosecution were to file separate appeal briefs in respect of each of the Convicted Persons. Furthermore, it is still less than the combined total page limit for all of the Defence appeal briefs. Under Article 6(E)(i), each of the Convicted Persons is entitled to file an appeal brief of up to 100 pages, so that the combined total of all of the Defence appeal briefs in this case may be up to 300 pages.
4. The Prosecution is committed to ensuring that its appeal brief is as succinct and focussed as possible. However, the Prosecution considers at this stage that it will not be possible for the Prosecution to do justice to all of its grounds of appeal within the prescribed page limit. While appeal briefs, or any other filing,

¹ Adopted on 27 February 2003 (as last amended on 10 June 2005).

should not be unnecessarily long, it is submitted that a party must be afforded the opportunity to present its case fairly. It is also submitted that, particularly in the case of issues raised before the Appeals Chamber in a post-judgement appeal, it is in the interests of justice that the issues be fully argued by the parties. This is because there is no further appeal from the final judgement of the Appeals Chamber, and also because the judgement of the Appeals Chamber on these issues will be a precedent at the appellate level that will significantly affect the development of international law in general, and will be an appellate-level precedent in cases before this and other international criminal courts and tribunals in the future.

5. It is further submitted that in determining the page limit to be afforded to a party, regard must be had to the number and nature of that party's grounds of appeal. In a case where a party raises only one or two grounds of appeal, the normal page limit may be far more than is necessary. In this case, the Prosecution raises nine grounds of appeal, some of which require a treatment of multitudinous findings made throughout the Trial Chamber's Judgement, which is over 600 pages long. The Prosecution submits that in the circumstances, the requested extension is proportionate and not unreasonable.
6. The Prosecution further submits that allowing the requested extension of the page limit may shorten the length of any oral hearing which may be held in this appeal.
7. The Prosecution therefore requests an extension of the page limit for its appeal brief, to not more than 250 pages.
8. The Prosecution also respectfully requests the Appeals Chamber to decide this motion as a matter of urgency, to enable the Prosecution to organize its work.

Filed in Freetown,
2 August 2007



Christopher Staker
Deputy Prosecutor

INDEX OF AUTHORITIES

SCSL:

1. Practice Direction on Filing Documents before the Special Court for Sierra Leone, adopted on 27 February 2003 (as last amended on 10 June 2005).