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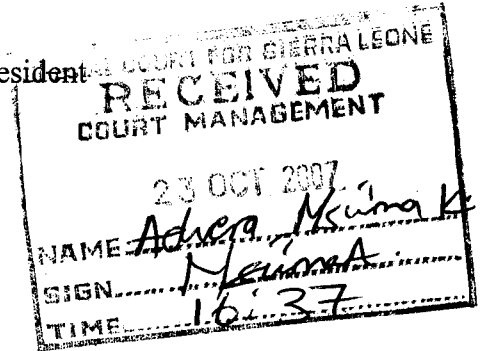
SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone

IN THE APPEALS CHAMBER

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

Registrar: Mr Herman Von Hebel

Date filed: 23 October 2007



THE PROSECUTOR

Against

Moinina Fofana
Allieu Kondewa

Case No. SCSL-04-14-A

PUBLIC

**JOINT DEFENCE AND PROSECUTION MOTION FOR EXTENSION OF TIME FOR THE FILING
OF APPEAL BRIEFS AND EXTENSION OF PAGE LIMITS FOR APPEAL BRIEFS**

Office of the Prosecutor:
Dr. Christopher Staker
Mr. Chile Eboe-Osuji
Mr. Joseph Kamara
Mr. Karim Agha
Ms. Anne Althaus

Court Appointed Counsel for Moinina Fofana:
Mr. Wilfred Davidson Bola Carol

Court Appointed Counsel for Allieu Kondewa:
Mr. Yada Williams

1. THE DEFENCE FOR BOTH CONVICTED PERSONS, AND THE PROSECUTION, jointly file a motion for the following relief:

- a) an order extending, by four weeks, the time limit under Rule 116 for the filing of all parties' appeal briefs, until 11 December 2007; and
- b) an order extending, to 200 pages, the page limit for each party's appeal brief, in view of Article 6(E)(i) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone (the '**Practice Direction**'),¹ for the parties' appeal briefs to be filed pursuant to Rule 111.

2. THE GROUNDS for this motion are as follows:

- a) As regards the extension of time-limit, the parties are agreed that the delay in appointing counsel to conduct the appeal on behalf of the Defence delayed their preparation in earnest for the appellate proceedings. Furthermore, the Trial Judgment engages many important questions of law, questions of fact and questions of procedure. For instance, the Prosecution's Notice of Appeal contains ten grounds of appeal. The importance and number of the issues contemplated for appeal make it necessary for the parties to have adequate time to undertake proper research and drafting of their briefs, in a manner that will truly assist the Appeal Chamber in its own task of adjudication.
- b) As regards page limits, it is noted, for instance, that the Prosecution has raised ten grounds of appeal. Limiting the Prosecution to the current page limit of 135 pages will leave them only an average of 13 and a half pages to argue each ground of appeal. It is noted that that parties must (a) write their brief in 1.5 line spacing;² (b) leave a 2.5cm margin on all four sides of a page; and (c) use a minimum of 12 point type face of the Times New Roman font.³ In view

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

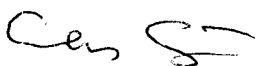
² See Article 4(g) Practice Direction on Filing of Documents before the Special Court for Sierra Leone of 27 February 2003, as amended.

³ *Ibid*, Article 4(f).

of these restrictions, it will not be possible for the parties to do justice to all of the grounds of appeal within the prescribed page limit. While appeal briefs, or any other filing, should not be unnecessarily long, it is urged that a party must be afforded the opportunity to present its case fairly. It is also urged 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.

- c) It is further urged 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 ten grounds of appeal.
3. All parties are agreed that in the circumstances, the requested extensions of time and page limits are proportionate and not unreasonable. The Defence for Fofana so agrees in relation to the other parties, even if the Fofana Defence does not file a notice of appeal or an appeal brief.
4. The parties respectfully request the Appeals Chamber to decide the motion as a matter of urgency, to enable the parties to organize their work.

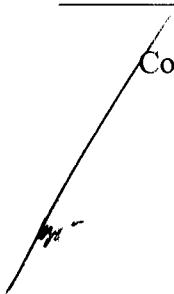
Filed in Freetown,
23 October 2007



Christopher Staker
Deputy Prosecutor



Yada Williams
Counsel for Allieu Kondewa



Wilfred Davidson Bola Carol
Counsel for Moinina Fofana