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SCSL - 2003 - 07 - PT - 058  
(1007 - 1015)

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**SPECIAL COURT FOR SIERRA LEONE**

**TRIAL CHAMBER**

**Before:** Judge Thompson, Presiding Judge  
Judge Itoe  
Judge Boutet

**Registrar:** Robin Vincent

**Date:** 30 June 2003

**The Prosecutor Against:** **Morris Kallon**

(Case No. SCSL-2003-07-PT)

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**APPLICATION FOR EXTENSION OF TIME TO FILE REPLY TO  
'PROSECUTION RESPONSE TO THE FIRST DEFENCE PRELIMINARY  
MOTION (LOME AGREEMENT)**

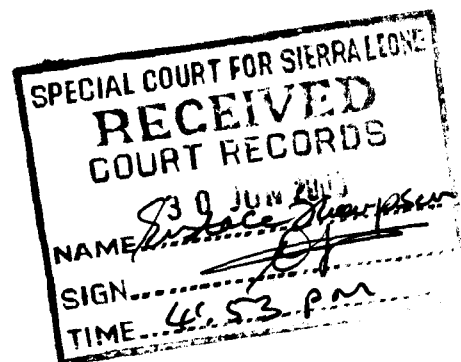
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**Office of the Prosecutor:**

Desmond de Silva QC, Deputy Prosecutor  
Luc Cote, Chief of Prosecution  
Walter Marcus-Jones, Senior Appellate Counsel  
Christopher Staker, Senior Appellate Counsel  
Abdul Tejan-Cole, Appellate Counsel

**Defence Counsel:**

James Oury, Co-Counsel  
Steven Powles, Co-Counsel  
Melron Nicol-Wilson, Legal Assistant



1. The Defence filed 'Preliminary Motion Based on Lack of Jurisdiction/Abuse of Process: Amnesty Provided by the Lome Accord' ("Preliminary Motion") on 16 June 2003. The Prosecution filed 'Prosecution Reponse to the First Defence Preliminary Motion (Lome Accord)' (*sic*) ("Response" or "Prosecution Response") on 23 June 2003.<sup>1</sup> The Defence were granted an extension of time (30 June 2003) to file its Reply to the Prosecution Response.
2. Having received and considered the Prosecution Response, it is clear to the Defence that it will not be possible to effectively consider the Defence position and file a comprehensive Reply to the Prosecution Response without first having sight of various documents in the possession of both the Government of Sierra Leone and the Prosecution.
3. The Defence have accordingly written to both the Government of Sierra Leone and Prosecution seeking disclosure of the various documents required before the filing of any Reply. [See letters to Attorney-General and Prosecution attached – the letters set out the various documents the Defence seek disclosure of]. The Defence has asked that both the Government of Sierra Leone and the Prosecution to provide the requested documents within seven days, the Defence being anxious to proceed with this matter expeditiously. In the event that either the Government of Sierra Leone or the Prosecution indicate that they require more time to provide such documents the Defence will advise the Trial Chamber accordingly.
4. In the event that the Government of Sierra Leone fail to assist the Defence with provision of the documents requested, to ensure the expeditious conclusion of this matter the Defence will request the Trial Chamber to issue a *subpoena duces tecum* to the relevant individual in the Government of Sierra Leone pursuant to Rule 54. Similarly, in the event of failure to provide requested documents by the Prosecution, the Defence will seek an order for disclosure from the Trial Chamber.


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<sup>1</sup> Note: The Response was received by the Defence, via the Court Registry, on 26 June 2003.

5. It is imperative that the Defence have access to the documents requested in the letters attached before the Defence file its Reply to the Prosecution Response. It is anticipated that the documents requested will contain information of fundamental importance to the Defence in formulating its Reply to the points made in the Prosecution Response. Without sight of such documents prior to filing the Reply will seriously disadvantage the Defence and amount to a denial of adequate time and facilities in which to prepare the defence as guaranteed by Article 14(3)(b) of the ICCPR and Article 17(4)(b) of the Special Court Statute.
6. The provision of time to the Defence to obtain material and documents that will unquestionably be material to the preparation of its Reply amounts to good cause and an extension of time to file Defence Reply should be granted by the Trial Chamber pursuant to Rule 73.
7. It is hoped that the Defence will receive the requested documents and material within seven days. The Defence will then need seven days thereafter to consider the documents and file its Reply to the Prosecution Response. In the event that either the Government of Sierra Leone or the Prosecution require more time in which to provide the requested documents, or in the event that they fail to co-operate, necessitating the intervention of the Trial Chamber, additional time will be required in which to prepare and file Reply by the Defence.

**Relief Sought:**

8. An extension of time to 14 July 2003 to file Reply to Prosecution Response.
- and-
9. Leave to apply for an additional extension of time by 14 July 2003 in the event that materials and documents are not forthcoming from either Government of Sierra Leone or Prosecution by 7 July 2003.

  
to James Oury

  
Steven Powles

London, 30 June 2003.

Our Ref: JEO/ajw/1141/1

30<sup>th</sup> June 2003

Mr Eke Ahmed Halloway  
Attorney General and Minister of Justice  
Third Floor  
Guma Building  
Freetown  
Sierra Leone

Dear Sir

**RE: THE PROSECUTOR -V- MORRIS KALLON**  
**CASE NO: SCSL-2003-07-PT - REQUEST FOR CO-OPERATION**

We confirm that we act on behalf of Morris Kallon in proceedings that he faces before the Special Court. Mr Kallon is alleged to have occupied various positions of command within the Revolutionary United Front (“RUF”). As part of the preliminary arguments before the Special Court the Government’s participation in the Ceasefire Agreement reached with the RUF on a without prejudice basis on the 18<sup>th</sup> May 1999 and thereafter in the signing of the Lomé Agreement following extensive negotiations on the 7<sup>th</sup> July 1999 have become relevant.

The defence, in a spirit of intended co-operation seek disclosure of the following documents in order to assist with the formulation of an intended reply to submissions made by the Prosecution.

The disclosure of such documentation is sought within 7 days having regard to the Special Court’s desire to see matters progressed on an expeditious basis.

For ease documentation shall mean, (but is not limited to) correspondence, minutes of meetings, agendas, attendance notes, memorandums.

Agreement on Ceasefire in Sierra Leone – 18<sup>th</sup> May 1999 [Annex 1 to the Lomé Agreement dated 7<sup>th</sup> July 1999]

1. Documentation regarding negotiations in the context of this Agreement both prior to and in specific regard to it as between The Government of Sierra Leone and the RUF.

Peace Agreement between The Government of Sierra Leone and the Revolutionary United Front of Sierra Leone [Lomé Agreement] dated 7<sup>th</sup> July 1999

2. Documentation regarding the negotiations from the conclusion of the Ceasefire Agreement on 18<sup>th</sup> May 1999 (see above) and the commencement of the meeting in Lomé on the 25<sup>th</sup> May 1999.
3. Documentation regarding the negotiations which took place between the 25<sup>th</sup> May 1999 and the ultimate signing of the Lomé Agreement on the 7<sup>th</sup> July 1999.
4. A copy of the “Declaration in the Final Communiqué” of the meeting in Lomé of the Ministers of Foreign Affairs of ECOWAS dated 25<sup>th</sup> May 1999.

Part One – Article II Cease-fire Monitoring

5. All documentation regarding the RUF in the context of the Cease-Fire Monitoring Committees (“CMC”) duty to monitor, verify and report all violations of the ceasefire.
6. All documentation regarding the RUF passing between the CMC and the Joint Monitoring Commission (“JMC”).
7. All documentation regarding investigations and appropriate actions taken by the JMC in the context of reports made by the CMC and otherwise in the context of the RUF.

Part Three – Article IX Pardon and Amnesty

8. All documentation relevant to the implementation of Article IX (paragraphs 1-3 inclusive) of the Lomé Agreement on the 7<sup>th</sup> July 1999.

Part Five – Articles XXVI Human Rights Violations

9. All documentation regarding the implementation of paragraph 1 of Article XXVI of the Lomé Agreement.


Lomé Agreement - Implementation

10. Save as to 8 and 9 above, all documentation relevant to the proposed implementation of the Lomé Agreement since signing to date.

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We look forward to hearing from you.

Yours faithfully

  
of **OURY CLARK SOLICITORS**

cc: Chief of Prosecution – Special Court

Our Ref: JEO/ajw/1141/1

30<sup>th</sup> June 2003

Mr Luc Cote  
Chief of Prosecution  
Special Court for Sierra Leone  
14 Scan Drive, Off Spur Road  
Freetown  
Sierra Leone

**By Fax & Airmail – 00 39 08 31 257118**

Dear Sir

**RE: THE PROSECUTOR –V- MORRIS KALLON**  
**CASE NO: SCSL-2003-07-PT – REQUEST FOR DISCLOSURE**

Having regard to the Prosecution's Response to the First Defence Preliminary Motion (Lomé Agreement) ("the Response") the Defence<sup>1</sup>, in a spirit of co-operation, seek voluntary disclosure of the following documents in order to assist the defence in the formulation of their intended Reply.

The disclosure of such documentation is sought within 7 days having regard to your assertion that matters are to be progressed with the utmost expedition<sup>2</sup>.

For ease documentation shall mean, (but is not limited to) correspondence, minutes of meetings, agendas, attendance notes, memorandums.

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<sup>1</sup> See, for example, II Argument Section D paragraph 12 and Section E paragraph 19

<sup>2</sup> Prosecution Response to Application for Extension of Time to Reply to Prosecution Response to Preliminary Motions dated 23<sup>rd</sup> June 2003.



3. Documentation regarding the negotiations which took place between the 25<sup>th</sup> May 1999 and the ultimate signing of the Lomé Agreement on the 7<sup>th</sup> July 1999.
4. A copy of the "Declaration in the Final Communiqué" of the meeting in Lomé of the Ministers of Foreign Affairs of ECOWAS dated 25<sup>th</sup> May 1999.

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10. Save as to 8 and 9 above, all documentation relevant to the proposed implementation of the Lomé Agreement since signing to date.

We look forward to hearing from you.

Yours faithfully



**OURY CLARK SOLICITORS**

cc: Attorney General of Sierra Leone