

INTRODUCTION

1. The Kallon Defence (hereinafter referred to as “the Defence”) is filing this motion, seeking an order for extension of time within which to file the Appeal Brief and extension of page limit for the appeal brief. This application is brought under Rules 111 and Rule 116 of the Rules of Procedure and Evidence (hereinafter referred to as “the Rules”)
2. Rule 111 of the Rules provides that “an appellant’s submissions shall be served on the other party or parties and filed with the Registrar within twenty-one days of the notice of appeal pursuant to Rule 108.” The Trial Chamber’s Judgment was delivered on the 25th of February 2009. The Sentencing Judgment was delivered on the 8th of April 2009 and served to the parties on the 14th of April 2009, the deadline for the filing of notices of appeal was the 28th of April and the deadline for appeal briefs is the 17th of May 2009.

SUBMISSIONS

3. The Defence is requesting for an extension of time of eight (8) weeks for filing of the appeal briefs. This will extend the filing date to the 12th of July 2009.
4. The Defence submits that this application is made in good faith and the Defence is committed to ensuring that these proceedings are conducted expeditiously and efficiently as possible and without unnecessary delay.
5. The Defence submits that, however, due to the size of the Trial Chamber’s Judgment in the RUF case¹, the fact that Defence Counsel for the appeal was not appointed until after the Sentencing Judgment was rendered means that an extension of time is necessary for a proper determination of the issues on appeal and is a good cause for an extension of time. In *Fofana*², the Appeals Chamber took into consideration the fact that Counsel for the appellant was assigned after the Sentencing Judgment, and further held that the period of time sought for extension is reasonable and that it is in the interest of justice to grant the extension.
6. Furthermore, the Defence is seeking for an extension of page limit for the appeal brief. The Defence has observed that under Article 6(E)(i) of the

¹ RUF Judgment, 25/02/09, 824 pages.

² *Prosecutor v. Fofana, Kondewa*, 7th November 2007, pp. 3

Practice Direction on Filing Documents before the Special Court for Sierra Leone (amended on 10 June 2005) (the “Practice Direction”), the page limit for the appeal brief of the Prosecution will be 170 pages or 50,000 words, whichever is the greater. Under Article 6(E)(i) of the Practice Direction, the page limit for the appeal brief of each convicted person is 100 pages or 30,000 words, whichever is greater. In *Fofana*³, the Appeals Chamber held that the notice of appeal filed by the parties constitute exceptional circumstances warranting an extension of page limit.

7. The Defence submits that considering the magnitude of this case, the factual and legal issues to be dealt with, 100 pages for the Defence as provided for in the Practice Direction will be inadequate for the appeal briefs. The Kallon Defence has filed its Grounds of Appeal which contains thirty-one (31) grounds of appeal. In view of these restrictions, it will not be possible for the Kallon Defence to do justice to all of the grounds of appeal within the prescribed page limit.
8. The Defence submits that while appeal briefs or any other filing should not be unnecessarily long, it is urged that a party must be afforded a reasonable page limit to present its case fairly. It is also in the interest of justice that issues raised on appeal be fully argued by the parties. This is because there is no other appeal from the final judgment of the Appeals Chamber.
9. The Defence is therefore submitting that the Chamber grant an extension of page limit of 400 to the Kallon Defence Team. The Defence submits that in the circumstances, the requested extensions of time and page limits are proportionate and reasonable.
10. The Defence respectfully request the Appeals Chamber to decide the motion as a matter of urgency, to enable the Kallon Defence to organize its work.

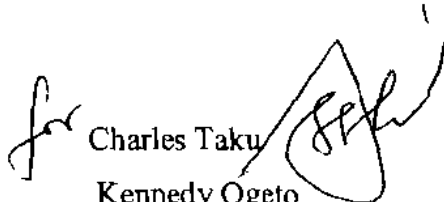
CONCLUSION

11. For the above reasons, the Kallon Defence is requesting the Appeals Chamber to grant the following prayers:
 - (i). An extension of time of eight (8) weeks for filing of the appeal briefs for the Kallon Defence Team.

³ *Prosecutor v. Fofana, Kondewa*, 7th November 2007, pp. 4

(ii). An extension of page limit for the Kallon Defence Team from 100 to 400 pages.

Done and Dated this 30th Day of April 2009


for Charles Taku
Kennedy Ogeto
Kallon Defence