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SCSL-04-15-A  
(3691-3692)

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**SPECIAL COURT FOR SIERRA LEONE**

**IN THE APPEALS CHAMBER**

**Before:** Justice Renate Winter, Pre-Hearing Judge

**Acting Registrar:** Binta Mansaray

**Date:** 22 June 2009

|                   |                |   |
|-------------------|----------------|---|
| <b>PROSECUTOR</b> | <b>Against</b> | <b>ISSA HASSAN SESAY<br/>MORRIS KALLON<br/>AUGUSTINE GBAO<br/>(Case No. SCSL-04-15-A)</b> |
|-------------------|----------------|---|

**DECISION ON URGENT REQUEST TO FILE A MOTION IN EXCESS OF TEN PAGES**

**Office of the Prosecutor:**

Christopher Staker  
Vincent Wagona  
Nina Jørgensen  
Reginald Fynn  
Elisabeth Baumgartner  
Régine Gachoud

**Defence Counsel Issa Hassan Sesay:**

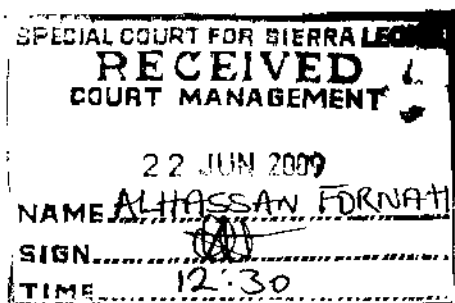
Wayne Jordash  
Sareta Ashraph  
Jared Kneitel

**Defence Counsel for Morris Kallon:**

Charles Taku  
Kennedy Ogeto

**Defence Counsel for Augustine Gbao:**

John Cammegh  
Scott Martin



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I, Hon. Justice Renate Winter, Pre-Hearing Judge in this case,

**BEING SEISED** of the "Urgent Request to File a Motion in Excess of Ten Pages," filed by Defence counsel for Issa Hassan Sesay ("Defence") on 19 June 2009 (the "Motion") in which the Defence requests leave to file an unspecified number of additional pages in a motion to be filed pursuant to Rule 115, and states that it anticipates that the motion "will not exceed twenty pages";

**NOTING** that the Prosecution has not filed a response, and communicated orally to the Senior Legal Officer of the Appeals Chamber that it does not intend to do so;

**NOTING** that Rule 109(B)(i) provides that the Pre-Hearing Judge "shall take any measures related to procedural matters, including the issuing of decisions, orders and directions with a view to preparing the ease for a fair and expeditious hearing";

**NOTING** that Rule 115 permits a party to apply by motion to the Pre-Hearing Judge to present before the Appeals Chamber additional evidence which was not available to it at the trial;

**CONSIDERING** that I am properly seised of the Motion because it is procedural in nature and pertains to a filing that will be made before me as the Pre-Hearing Judge;

**CONSIDERING** that Article 6(B)(i) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone, as amended 10 June 2005, provides that motions "shall not exceed 10 pages or 3,000 words, whichever is greater";

**RECALLING** that, pursuant to Article 6(G) of the Practice Direction, an extension of the page limits prescribed in Article 6(B)(i) of the Practice Direction may be granted if the moving Party demonstrates exceptional circumstances that necessitate the oversized filing;

**CONSIDERING** that the Defence submits that in its motion pursuant to Rule 115 it will advance arguments regarding additional evidence related to five witnesses and that the submissions related to each witness could each constitute a separate motion;

**CONSIDERING** that in this case the judicial economy of allowing the Defence to submit a single motion rather than filing several separate but related motions constitutes circumstances warranting leave to file additional pages;

**HEREBY GRANT** the Motion in part, and **ORDER** that the Defence may file a motion pursuant to Rule 115 not to exceed twenty (20) pages.

Done this 22nd day of June 2009 at Freetown, Sierra Leone.

*Renate Winter*

Justice Renate Winter,  
Pre-Hearing Judge

[Seal of the Special Court for Sierra Leone]

