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SCSL-2003-08-PT-056
(1585-1587)

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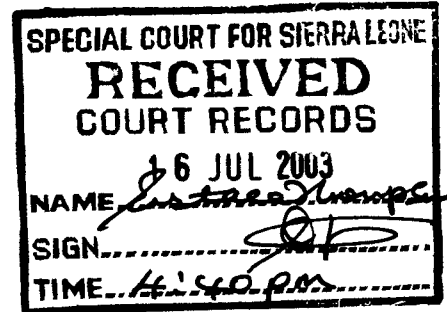
SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
FREETOWN - SIERRA LEONE

IN THE TRIAL CHAMBER

Before: Judge Bankole Thompson, Presiding Judge
Judge Pierre Boutet
Judge Benjamin Mutanga Itoe

Registrar: Mr Robin Vincent

Date filed: 16 July 2003



THE PROSECUTOR

Against

SAM HINGA NORMAN

CASE NO. SCSL - 2003 - 08 - PT

**PROSECUTION RESPONSE TO THE DEFENCE "REQUEST FOR EXTENSION
OF TIME WITHIN WHICH TO FILE DEFENCE REPLY TO PROSECUTOR'S
RESPONSE TO DEFENCE PRELIMINARY MOTIONS"**

Office of the Prosecutor:

Mr Desmond de Silva, QC, Deputy Prosecutor
Mr Luc Côté, Chief of Prosecutions
Mr Walter Marcus-Jones, Senior Appellate Counsel
Mr Abdul Tejan-Cole, Appellate Counsel
Mr Tom Perriello, Appellate Advisor

Defence Counsel:

Mr James Blyden Jenkins-Johnson
Mr Sulaiman Banja Tejan-Sie II

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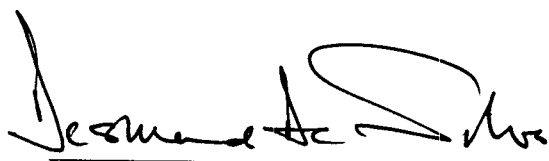
1. The Prosecution responds to the Defence “Request for Extension of Time Within Which to File Defence Reply to Prosecutor’s Response to Defence Preliminary Motions” (the “**Defence Request**”), as follows.
2. The Prosecution notes with puzzlement that the Defence Request for extension of time was filed on 15 July 2003, four days after the time limit had expired pursuant to Rule 7(c) of the Rules of Procedure and Evidence (the “**Rules**”), and indeed, the day after the Defence had filed its replies, on 14 July 2003. The Prosecution also notes a discrepancy whereby the Defence Request concedes that the Defence was served with the Prosecution Responses on 8 July 2003, but two of the Defence replies assert that the Defence was served with Prosecution Responses on 9 July 2003. The Prosecution asserts that requests for extension of time should be made prior to the expiration of time limits, in order that Rule 7(c) not be breached. The Prosecution also notes that non-compliance with the Rules is a ground for objection pursuant to Rule 5, and that failure to comply with time

limits constitutes a waiver of rights in accordance with Rule 72(f) Preliminary Motions. The Prosecution invites the Chamber to find that on future occasions, requests for extension of time must be made prior to the expiration of time limits and to disallow applications for extension after the fact.

3. Further, the Prosecution wishes to note that incapacitation of one defence counsel does not relieve the other defence counsel of his duty to comply with the Rules. The whole purpose of having two counsel is so that they may cooperate and share the work appropriately in response to circumstances that arise. Service on one Defence counsel is service on the Defence.
4. Nevertheless, the Prosecution considers that given the importance of preliminary motions on jurisdiction, an exception should be made and an extension should be granted by the Court in order to remedy the deficient filing of the Defence Replies to Prosecution Responses on Jurisdiction. In this way, the Replies will be considered by the Chamber as they deliberate on the important matters raised in the Motions and Responses.

Freetown, 16 July 2003,

For the Prosecution,



Desmond de Silva, QC
Deputy Prosecutor