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SCSL-04-14-A
(032 - 034)

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

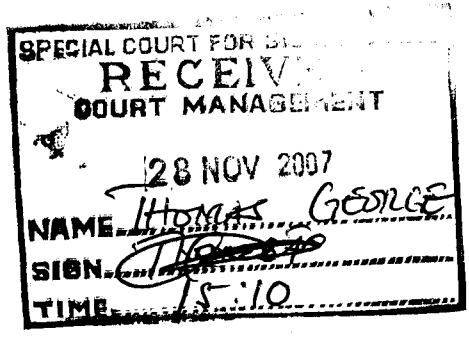
032

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
Hon. Justice Jon Kamanda

Registrar: Mr. Herman Von Hebel

Date filed: 29 November 2007



THE PROSECUTOR

Against

Moinina Fofana
Allieu Kondewa

Case No. SCSL-04-14-A

PUBLIC

URGENT

JOINT DEFENCE AND PROSECUTION MOTION FOR EXTENSION OF TIME FOR THE FILING OF RESPONSE BRIEFS

Office of the Prosecutor:
Dr. Christopher Staker

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

Court Appointed Counsel for Allieu Kondewa:
Mr. Yada Williams

THE DEFENCE FOR BOTH CONVICTED PERSONS, AND THE PROSECUTION, jointly file this motion for an order extending, by three weeks, the time limit under Rule 116 for the filing of the parties' response briefs, until 28 January 2008.

1. Pursuant to the Appeals Chamber's order of 7 November 2007, the appeals briefs to be filed by the Prosecution and on behalf of Kondewa are due to be filed by 11 December 2007. No notice of appeal was filed on behalf of Fofana.
2. Pursuant to Rule 112 of the Rules of Procedure and Evidence, the response briefs of Fofana and Kondewa to the Prosecution appeal brief, and the Prosecution's response brief to the Kondewa appeal brief, are due to be filed within 14 days of the filing of the appeal briefs, namely 25 December 2007. As this date falls within the judicial recess, pursuant to the President's "Order Scheduling Judicial Recess" of 17 October 2006, the deadline for the filing the response briefs is 7 January 2008.
3. The Defence for both convicted persons and the Prosecution jointly request an extension of this time limit of 3 weeks, until 28 January 2008.
4. THE GROUNDS for this motion are as follows:
 - a) The international staff of the Appeals Section of the Office of the Prosecutor wish to take leave over the period of the judicial recess, and to leave Sierra Leone, as is customary at this time of the year. The Prosecution understands that it is also customary for Defence counsel to take holidays at this festive time of the year. Substantive work on the response briefs would therefore be expected to commence after the end of the judicial recess.
 - b) The normal time limit under Rule 112 of two weeks for the filing of response briefs is considered by all of the parties to be insufficient in this case. As the parties argued in their "Joint Defence and Prosecution Motion for Extension of Time for the Filing of Appeal Briefs and Extension of Page Limits for Appeal Briefs" dated 23 October 2007, the Trial Judgment engages many important questions of law, questions of fact and questions of procedure. The importance and number of the issues contemplated for appeal make it necessary for the parties to have adequate time to undertake proper research

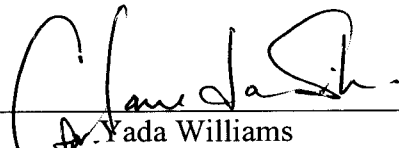
and drafting of their briefs, in a manner that will truly assist the Appeals Chamber in its own task of adjudication. The parties are committed to ensuring that these proceedings are conducted as expeditiously and efficiently as possible, and without unnecessary delay. However, it is also submitted that, 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 reasonably necessary time be afforded to the parties to ensure that the issues are 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. The Parties note that in this case, the Appeals Chamber granted an extension of four weeks for the filing of the appeal briefs.

5. All parties are agreed that in the circumstances, the requested extensions of time and page limits are proportionate and not unreasonable.
6. The parties respectfully request the Appeals Chamber to decide the motion as a matter of urgency, to enable the parties to organize their work.

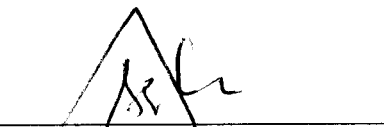
Filed in Freetown,
29 November 2007



Christopher Staker
Deputy Prosecutor



Yada Williams
Counsel for Allieu Kondewa



Wifred Davidson Bola Carol
Counsel for Moinina Fofana