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SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

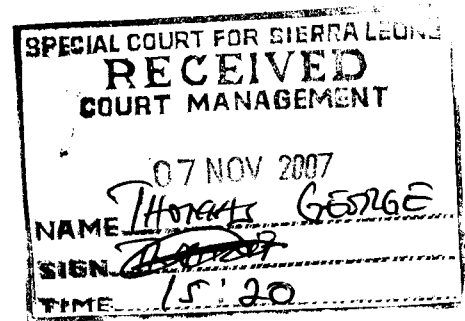
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IN THE APPEALS CHAMBER

Before: Justice George Gelaga King, Presiding Judge
Justice Emmanuel Ayoola
Justice Renate Winter
Justice Raja Fernando
Justice Jon Kamanda

Registrar: Herman von Hebel, Registrar

Date: 7 November 2007



PROSECUTOR

Against

MOININA FOFANA
ALLIEU KONDEWA
(Case No.SCSL-2004-14-T)

**DECISION ON URGENT JOINT DEFENCE AND PROSECUTION MOTION
FOR AN EXTENSION OF TIME FOR THE FILING OF APPEAL BRIEFS AND
EXTENSION OF PAGE LIMITS FOR APPEAL BRIEFS**

Office of the Prosecutor:

Dr. Christopher Staker
Mr. Chile Eboe-Osuji
Mr. Joseph Kamara
Mr. Karim Agha
Ms. Anne Althaus

Defence Counsel for Moinina Fofana:

Mr. Wilfred Davidson Bola Carol

Defence Counsel for Allieu Kondewa:

Mr. Yada Williams

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INTRODUCTION

1. **THE APPEALS CHAMBER** (“Appeals Chamber”) of the Special Court for Sierra Leone (“Special Court”) composed of Justice George Gelaga King, Presiding, Justice Emmanuel Ayoola, Justice Renate Winter, Justice Raja Fernando and Justice Jon Kamanda;
2. **SEISED** of the “Joint Defence and Prosecution Motion for Extension of Time for the Filing of Appeals Briefs and Extension of Page Limits for Appeal Briefs” filed on 23 October 2007 (the “Motion”), wherein the Parties submit the following:
 - i) The Parties jointly request an extension of four (4) weeks so that they may file their appeal briefs on 11 December 2007. The Parties submit that an extension of time is necessary and that good cause exists for it given the delay in appointing counsel and the many important questions of law, fact and procedure involved in the Trial Judgment.
 - ii) The Parties jointly request that the page limits for their appeal briefs be extended to 200 pages, so as to enable them to adequately address the numerous grounds of appeal. In particular, the Parties submit that an extension of page limits would allow them to present their cases fully and fairly before the Appeals Chamber.
 - iii) The Parties submit that in determining whether to grant an extension of page limits, the Appeals Chamber should have regard to the nature and number of grounds of appeal filed. They submit that when all these factors are considered, the requests for extension of time and page limits are both proportionate and reasonable.

DELIBERATIONS

THE APPEALS CHAMBER hereby decides the following:

- i) The Appeals Chamber notes Rule 111 of the Rules of Procedure and Evidence (“Rules”), which requires that each Party must file its appeal brief within 21 days of filing its notice of appeal pursuant to Rule 108. However, pursuant to Rule 116 the Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause;
- ii) Having considered the Parties’ submissions, the Appeals Chamber finds that good cause has been shown for the extension of time sought. Specifically, the Appeals Chamber notes that Counsel for the appellant Kondewa was, by decision of the Principal Defender, assigned on 19 October 2007. Furthermore, the Appeals Chamber finds that the period of time sought for the extension is reasonable, and that it is in the interests of justice to grant the extension;
- iii) With respect to the prayer for extension of page limits, the Appeals Chamber recalls Article 6(E)(i) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone (“Practice Direction”), which requires that appeal briefs against judgement or sentence shall not exceed 100 pages or 30,000 words, whichever is greater. It further provides that that the Prosecutor may file an additional 35 pages, or 10,000 words, whichever is greater, where he files a consolidated brief against additional respondents. In the present case, the Prosecution is filing a consolidated brief against only one additional respondent;
- iv) Article 6(G) of the Practice Direction empowers a Judge or Chamber of the Special Court to authorize an extension of the page limits prescribed in Article 6(E) where the

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Party seeking such an extension shows the existence of 'exceptional circumstances that necessitate the oversized filing;'

- v) The Appeals Chamber finds that the issues raised by the Trial Judgment and the notice of appeal filed by the Parties constitute exceptional circumstances warranting an extension of page limits. However, the Appeals Chamber considers that the request for 200 pages is excessive and finds that an extension to 150 pages will be adequate for the Parties to fully address the issues on appeal.

FOR THE ABOVE REASONS, THE APPEALS CHAMBER HEARBY GRANTS the Motion in part by ordering both Parties to file their appeal briefs no later than 11 December 2007, and to file appeal briefs of no more than 150 pages.

Done at Freetown this 7 November 2007.

Justice George Gelaga King
Presiding

Justice Emmanuel Ayoola

Justice Renate Winter

Justice Raja Fernando

Justice Jon Kamanda

