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SCSL-04-14-A
(H42 - H45)

SPECIAL COURT FOR SIERRA LEONE
Freetown - Sierra Leone

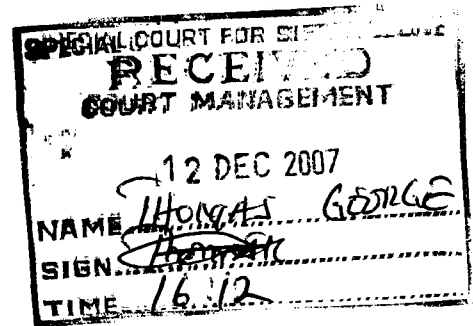
H42

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: 12 December 2007



THE PROSECUTOR

Against

**Moinina Fofana
Allieu Kondewa**

Case No. SCSL-04-14-A

PUBLIC

URGENT

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

Office of the Prosecutor:
Dr. Christopher Staker

Counsel for Moinina Fofana:
Mr. Wilfred Davidson Bola Carol

Counsel for Allieu Kondewa:
Mr. Yada Williams

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1. 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.
2. Pursuant to the Appeals Chamber's order of 7 November 2007, the appeal briefs of the Prosecution and of Kondewa were filed on 11 December 2007. No notice of appeal or appeal brief was filed on behalf of Fofana.
3. 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.
4. On 29 November 2007, the Defence and Prosecution jointly filed a motion seeking an extension of time for the filing of the parties' response briefs, until 28 January 2008.¹ In a decision of 6 December 2007,² the Appeals Chamber denied the motion, finding that no good cause for an extension of time had been shown as the parties' appeal briefs had not yet been filed.
5. The Prosecution and the Defence for Kondewa have now filed their appeal briefs, and all the parties, having now seen each other's appeal briefs, have had the opportunity to make an assessment of how long they will reasonably require to respond to the other party's appeal brief. All parties are agreed that they reasonably require more time to prepare their response briefs than that available under the existing deadline.
6. The Defence for both Convicted Persons and the Prosecution therefore jointly renew their request for an extension of the time limit by 3 weeks, until 28 January 2008.
7. The grounds for the requested extension are essentially the same as those advanced in the earlier motion dated 29 November 2007. The appeal briefs having now been

¹ "Joint Defence and Prosecution Motion for Extension of Time for the Filing of Response Briefs", 29 November 2007.


² "Decision on Urgent Joint Defence and Prosecution Motion for Extension of Time for the Filing of Response Briefs", 6 December 2007.

filed, the parties are now in a position to confirm that they consider that the requested extension is indeed necessary for those reasons.

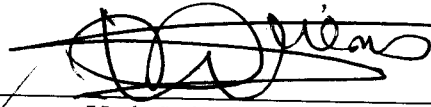
8. The Prosecution notes that the Kondewa Grounds of Appeal raise certain errors of fact based on the evidence that was before the Trial Chamber, and in responding, the Prosecution will be required to review the relevant evidence in the trial record, in a trial that had some 156 days of hearings.
9. The Kondewa Defence also relies in support of its request on the fact that the members of the Kondewa Defence team were only appointed after the Principal Defender's Decision Assigning Appeal Counsel to Allieu Kondewa was delivered on the 19th October 2007.
10. The importance and number of the issues to which each party is required to respond 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. 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.
11. Additionally, the existing deadline spans a holiday period, in which there are numerous public holidays, and during which many of the staff of the Special Court will be on leave.
12. All parties are agreed that in the circumstances, the requested extension of time is proportionate and not unreasonable.
13. The parties respectfully request the Appeals Chamber to decide the motion as a matter of urgency, to enable the parties to organize their work.

H45

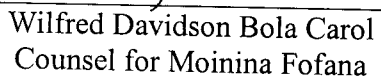
Filed in Freetown,
12 December 2007



Christopher Staker
Deputy Prosecutor



Yada Williams
Counsel for Allieu Kondewa



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Counsel for Moinina Fofana