

SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

FREETOWN – SIERRA LEONE

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

Registrar: Robin Vincent

Date filed: 3 June 2005

THE PROSECUTOR**Against**

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

**EXTREMELY URGENT PROSECUTION REQUEST FOR AN EXTENSION
 OF TIME TO SEEK LEAVE TO APPEAL**

Office of the Prosecutor:

Luc Côté
 James C. Johnson
 Kevin Tavener

Defence Counsel for Sam Hinga Norman

Dr. Bu-Buakei Jabbi
 John Wesley Hall, Jr

Defence Counsel for Moinina Fofana

Victor Koppe
 Michiel Pestman
 Arrow J. Bockarie

Defence Counsel for Allieu Kondewa

Charles Margai
 Yada Williams
 Ansu Lansana

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
03 JUN 2005	
NAME:	<i>Neil Gibson</i>
SIGN:	<i>M. Gibson</i>
TIME:	<i>11:35</i>

THE PROSECUTOR**Against****SAMUEL HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA
(Case No. SCSL-2004-14-T)**

**EXTREMELY URGENT PROSECUTION REQUEST FOR AN EXTENSION
OF TIME TO SEEK LEAVE TO APPEAL**

I. INTRODUCTION

1. On 23 May 2005 the Trial Chamber I of this Court rendered the “Decision on the Urgent Prosecution Motion Filed on the 15th of February 2005 for a Ruling on the admissibility of Evidence” (“**Decision on the Admissibility of Evidence**”), where the Trial Chamber stated “a reasoned written Decision will be published in due course to which shall be appended the Dissenting Opinion.”¹
2. On 1st June 2005, the Trial Chamber by a majority decision, ruled in relation to the presentation of certain testimony that would introduce to a certain extent sexual crimes related evidence but not for the purpose of proving such, that: “the chamber has not been able to find any new and convincing legal logic to change its original position taken on this issue in its ruling dated the 23rd of May 2005 rendering such evidence inadmissible as being, so to speak, forbidden evidentiary territory.”² Again on 2nd June 2005, the Trial Chamber ruled that certain testimony could not be presented in court based on the same prior ruling of 23rd May 2003.³
3. Under Rule 73 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, the Prosecution when seeking leave to appeal, is required to do so within three days of an impugned decision. Consequently, the Prosecution would

¹ *Prosecutor v Norman et al*, SCSL-04-14-T, “Decision on the Urgent Prosecution Motion Filed on the 15th of February 2005 for a Ruling on the admissibility of Evidence”, 23 May 2005.

² Transcript 1st of June, page 2 line 15 on.

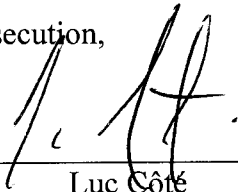
³ Transcript 2nd of June.

be required to file a motion seeking leave to appeal the above mentioned rulings of the 1st and 2nd of June 2005 on or before 6 June 2005.

4. As the two later decisions of the 1st and 2nd of June 2005, are justified on the Decision on the Admissibility of Evidence of 23 May 2005 for which a written reasoned decision and a dissenting opinion are still pending, the Prosecution cannot consider its position until the awaited reasons are published.
5. The Prosecution is therefore requesting an extension of time to file leave to appeal the 1st and 2nd of June decisions and asks that the time limit to file such leave to appeal runs from the date of publication of the awaited reasons and dissenting opinion.
6. The extension of time will allow the Prosecution to file one reasoned request for leave to appeal, if that option is exercised, and to avoid unnecessary duplication of applications and responses.
7. At this time, the Prosecution intends to close its case independently of the Trial Chamber's decision on any potential request seeking leave to appeal.

Freetown, 3 June 2005.

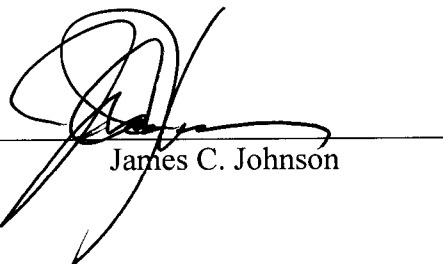
For the Prosecution,



Luc Côté



Kevin Tavener



James C. Johnson