

072

SLSL-2003-07-PT-072
(1104-1107)

1104



Gabriela Echeverria
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>

16/07/2003 12:33

To: "goetz@un.org" <goetz@un.org>
cc: "Richard Hermer (E-mail)" <r.hermer@doughtystreet.co.uk>, Carla
Ferstman <carla@redress.org>
Subject: APPLICATION FOR LEAVE TO FILE AS AMICUS CURIAE

Dear Mariana Goetz,

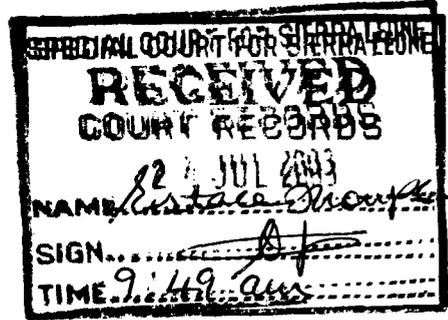
Thank you very much for calling this morning. As requested, you will find attached a scanned copy of the APPLICATION FOR LEAVE TO FILE AS AMICUS CURIAE signed .

Please let me know if you need anything else.

Kid regards,

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(1104-1106)

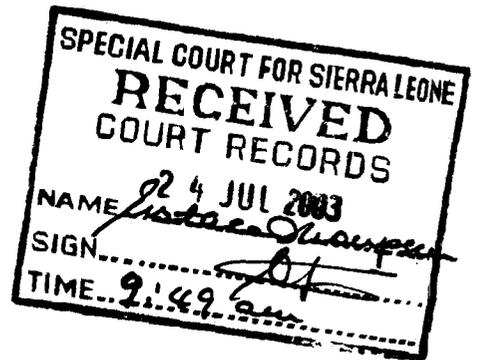
APPLICATION FOR LEAVE TO FILE AS AMICUS CURIAE

Case No. SC-SL - 2003 -07-PT

SPECIAL COURT FOR SIERRA LEONE

Before: Judge Thompson (Presiding)
Judge Itoe
Judge Boutet

In the matter of)	CASE N. SC-SL-2003-07-PT
)	
Prosecutor)	
)	
vs.)	
)	
MORRIS KALLON)	
)	
)	
)	



APPLICATION BY THE REDRESS TRUST AND LAWYERS COMMITTEE FOR HUMAN RIGHTS FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF AND TO PRESENT ORAL SUBMISSIONS

Pursuant to Rule 74 of the Special Court Rules of Procedure and Evidence, the aforementioned nongovernmental organisations and agencies (hereafter "Applicants") respectfully request leave to file an *amicus curiae* brief and to present oral arguments in this case.

The Applicants all have a substantial interest in the outcome of this case. All are internationally-renowned in the area of international human rights and humanitarian law and in the practice and jurisprudence of national, regional and international processes for victims of serious international crimes, including legal remedies in countries of transition. The Applicants have considerable experience in addressing the policy issues arising out of the questions of amnesties in post conflict societies and are able to provide an international legal and geo-political context to the pending Motion. The Applicants interest in this case relates to the important issues that will be addressed, including the provision of amnesties for serious crimes under international law, as well as the wider policy issues involved, in particular, the reconciliation of civil society in Sierra Leone and beyond, issues upon which they are uniquely positioned to opine.

The Applicants respectfully submit a need for additional argument and briefing exists on the following issue(s):

1. An analysis as to whether the Lome amnesties apply to crimes under consideration by the Special Court?
2. An analysis as to whether the Court has power to review the legality of the amnesty?
3. An analysis of the status of the Lome amnesties in international law (including a review of the process of negotiation and victims' rights).
4. An analysis of the Lome amnesties in the context of international and domestic public policy, for example, the impact on the rule of law in post-conflict societies.

Therefore applicants respectfully request leave to file an *amicus curiae* brief addressing the above issues. Subject to the permission of the Court the Applicants intend to submit written submissions and contend that further material assistance can be provided to the Court by the presentation of oral argument.

In so far as the Court considers it appropriate to consolidate this Motion with similar Motions from other Defendants, it is respectfully requested that this Application be treated as formal Notice of an intention to be heard at such a hearing.



RICHARD HERMER
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DOUGHTY STREET CHAMBERS
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On behalf of

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Date: 2 July 2003

To: Judge Thompson, The Presiding Judge of the Trial Chamber
Mr Robin Vincent, Registrar to the Special Court

Copies to: Luc Cote, Chief of Prosecutions
James Oury & Stephen Powles, Counsel for the Defendant