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SPECIAL COURT FOR SIERRA LEONE

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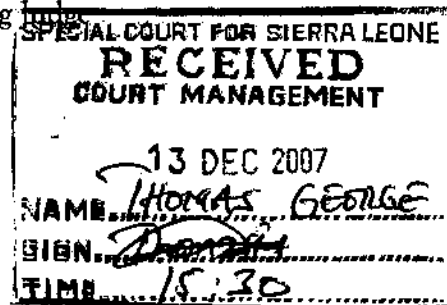
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IN THE APPEALS CHAMBER

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: 13 December 2007



PROSECUTOR Against MOININA FOFANA
ALLIEU KONDEWA
(Case No.SCSL-2004-14-A)

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

Office of the Prosecutor:
Dr. Christopher Staker

Defence Counsel for Moinina Fofana:
Mr. Wilfred Davidson Bola Carol

Defence Counsel for Allieu Kondewa:
Mr. Yada Williams

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 “Renewed Joint Defence and Prosecution Motion for Extension of Time for the Filing of Response Briefs” filed on 12 December 2007 (the “Motion”), wherein the Parties jointly request an extension of three (3) weeks so that they may file their response briefs on or before 28 January 2008 for the following reasons:
 - a. The Parties will not have adequate time to research and respond to the numerous and important questions raised in the respective Appeals briefs;
 - b. The Prosecution will be required to review evidence presented during 156 days of hearings in order to respond to the allegations of factual error submitted by the Kondewa Appeal;
 - c. Members of the Kondewa defence team were only appointed after the Principal Defender’s Decision Assigning Appeal Counsel to Allieu Kondewa of 19 October 2007;
 - d. 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;
3. **NOTING** the “Decision on Urgent Joint Defence and Prosecution Motion for Extension of Time for the Filing of Response Briefs”, filed on 6 December 2007 in which the Appeals Chamber denied the “Joint Defence and Prosecution Motion for Extension of Time for the Filing of Response Briefs”, filed on 29 November 2007, finding that no good cause for an extension of time had been shown as the parties’ appeal briefs had not yet been filed;
4. **FURTHER NOTING** the appeal briefs of the Prosecution and of Kondewa were filed on 11 December 2007;

DELIBERATIONS

- 5. **NOTING** Rule 116 of the Rules of Procedure and Evidence (“Rules”), which provides that the Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause;
- 6. **CONSIDERING** the Parties’ submissions based on an evaluation of the complexities of the issues presented by the Parties’ appeals briefs and noting that staff who travel on leave during the judicial recess will not have access to confidential materials necessary to brief writing;
- 7. **CONSIDERING** the Appeals briefs were filed on 11 December 2007, and that pursuant to the Order Scheduling Judicial Recess, filed on 17 October 2007, the judicial recess runs from 17 December 2007 to 4 January 2008, inclusive;
- 8. **NOTING** the joint request for an additional three weeks for the Parties to prepare their response briefs;
- 9. **CONSIDERING** the Parties have five days prior to the recess and time during the recess to prepare their response briefs, an extension of two weeks is sufficient to accommodate the Parties’ request;
- 10. **FINDING** that good cause has been shown for an extension of time of two weeks.

FOR THE ABOVE REASONS, THE APPEALS CHAMBER HEREBY GRANTS the Motion in part and **ORDERS** the response briefs, if any, to be filed by 21 January 2008 at 4:00 p.m.

Done at Freetown this 13 December 2007.

Justice George Gelaga King,
Presiding

Justice Emmanuel Ayoola

Justice Renate Winter

Justice Raja Fernando

Justice Jon Kamanda

