

777.)

SCSL-04-14-T
21014-21017
SPECIAL COURT FOR SIERRA LEONE

21014

In Trial Chamber I

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

Registrar: Herman von Hebel, Acting Registrar

Date: 24th of May 2007

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
24 MAY 2007	
NAME	Adela Nsiima K.
SIGN	Nsiima
TIME	15:30

THE PROSECUTOR

-against-

SAMUEL HINGA NORMAN, MOINANA FOFANA, and ALLIEU KONDEWA

SCSL-2004-14-T

PUBLIC

Norman Defence Motion for Extension of Time To Seek Leave to Appeal Against the Decision on Registrar's Submission of Death of Accused Samuel Hinga Norman and Consequential Issues.

For the Office of the Prosecutor:

Mr Stephen Rapp
Mr James C. Johnson
Mr Joseph Kamara

For Samuel Hinga Norman:

Dr Bu-Buakei Jabbi

For Moinina Fofana:

Mr Victor Koppe
Mr Michiel Pestman
Mr Arrow Bockarie
Mr Steven Powles

For Allieu Kondewa:

Mr Charles Margai
Mr Ansu Lansana
Mr Yada Williams
Ms Susan Wright

INTRODUCTION

1. On the 23rd of February 2007, The Registrar filed with the Trial Chamber the Death Certificate for Sam Hinga Norman. Following that, the Registrar also filed a document entitled “Registrar’s submission pursuant to Rule 33(B) Relating to the Death of Mr Sam Hinga Norman,” on the 6th of March 2007 and asked the Trial Chamber to “take any measures that it may deem appropriate in relation to Mr. Norman’s demise¹. On the 21st of May 2007, the Court delivered its Decision on the said application after receiving submissions from Prosecution and Defence Teams including Counsel for Hinga Norman.
2. Counsel for the late Accused Samuel Hinga Norman is making this application before Trial Chamber I for an Extension of Time within which to seek for leave to appeal the Decision on Registrar’s Submission of Evidence of Death of Accused Samuel Hinga Norman and Consequential Issues.²
3. Counsel is requesting for one additional week, until 31st May 2007, at 4:00 p.m. to enable him seek for leave to appeal against the Trial Chamber Decision on Registrar’s Submission of Evidence of Death of Accused Samuel Hinga Norman and Consequential Issues.³
4. This application is brought pursuant to Rule 7(*bis*) of the Rules of Procedure and Evidence. (The Rules)

SUBMISSIONS

Rationale for the Application:

5. Counsel submits that the entire Defence Team of the late accused are already in their respective countries and no provision was made for them to be in Sierra Leone or to be involved in legal issues beyond the end of the trial in 2006 or after death of the Accused.
6. Counsel submits that he was in the Provinces attending to other important duties when the decision of the Trial Chamber was delivered on the 21st of May 2007 at 14.52.pm.
7. Counsel submits that throughout this period while he was in the Provinces he was practically cut off from legal work and electronic communication of any sought and was therefore not in a position to know about the Decision of the Trial Chamber.

¹ SCSL-04-14-T-765 Registrar’s Submission Pursuant to Rule 33 (B) Relating to the Death of Mr Sam Hinga Norman. 6th March 2007

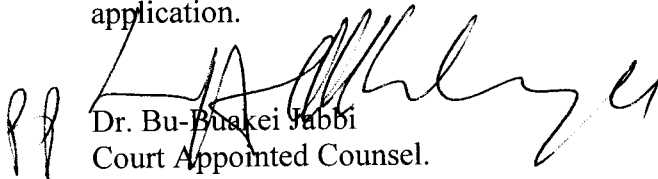
² SCSL-04-14-T-776 Decision on Registrar’s Submission of Evidence of Death of Accused Samuel Hinga Norman and Consequential Issues of 21 May 2007

³ Ibid

8. Counsel hereby submits that upon his return from the Provinces on the 23rd of May 2007, Counsel's attention was drawn by the Office of the Principal Defender to the Decision of the Trial Chamber and would need time to review the various documents to enable him to file a reasoned leave to appeal before the Trial Chamber.
9. Therefore, to hold Counsel responsible for the current filing deadline would not be helping in resolving the current legal and factual issues or the consequences that have arisen or likely to arise in the judicial determination of the case of late Hinga Norman.
10. To ensure that the interests of justice are served and that the legal and factual issues arising as a result of the death of the Accused Sam Hinga Norman are resolved, Counsel for the late Accused Hinga Norman requests the Trial Chamber grant him extension of time within which to seek leave to appeal.
11. Counsel further submits that this is a grey area in international law and it will be in the interest of justice for the Court to grant this application for a fair determination of the issues at stake.
12. Moreover, one additional week will not prejudice the Prosecution nor will it delay the cause of justice or unduly threaten judicial efficiency. In its Decision on Norman Motion for Extension of Time⁴ the court stated that there exist exceptional circumstances to grant a brief extension. Counsel submits that the standard set by the court in that Decision having been met in this particular case, the application should be granted.

CONCLUSION

13. Thus, Counsel for the accused Hinga Norman is hereby requesting that the Trial Chamber grant an extension of time of one additional week, until Thursday 31 May, 2007, to file a reasoned leave to appeal the Decision on Registrar's submission of Evidence of Death of Accused Samuel Hinga Norman and Consequential Issues. Counsel submits that there can hardly be any prejudice resulting from the grant of extension of time either to general fairness or to the expeditiousness of the proceedings and hereby urge the Chamber to grant its application.



 Dr. Bu-Buakei Jabbi
 Court Appointed Counsel.

⁴ SCSL-04-14-T-773 of 16th March 2007

INDEX OF AUTHORITIES

1. SCSL-04-14-T-776 Decision on Registrar's Submission of Evidence of Death of Accused Samuel Hinga Norman and Consequential Issues.
2. SCSL-04-14-T-773 Norman Motion for Extension of Time.
3. SCSL-04-14-T-765 Registrar's Submission Pursuant to Rule 33 (B) Relating to the Death of Mr. Sam Hinga Norman