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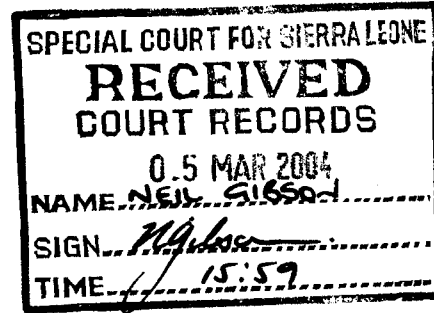
SPECIAL COURT FOR SIERRA LEONE
DEFENCE OFFICE
FREETOWN - SIERRA LEONE

IN THE TRIAL CHAMBER

Before: Judge Bankole Thompson
Judge Pierre Boutet
Judge Benjamin Mutanga Itoe

Registrar: Mr Robin Vincent

Date Filed: 5th March 2004



PROSECUTOR against

MORRIS KALLON
(Case SCSL-2004-15-PT)

**DEFENCE MOTION FOR EXTENSION OF TIME FOR COUNSEL TO FILE
DEFENCE REPLY TO "PROSECUTION RESPONSE TO DEFENCE MOTION FOR
QUASHING CONSOLIDATED INDICTMENT"**

Office of the Prosecutor:

Luc Côté
Robert Petit
Boi- Tia Stevens

Defence Office:

Sylvain Roy
Rupert Skilbeck
Haddijatou Kah-Jallow.

- 1) The Defence Office files this motion on behalf of Morris Kallon to request an extension of time to file a reply to the Prosecution Response to the Defence Motion for Quashing of Consolidated Indictments.

PROCEDURAL BACKGROUND.

- 2) The accused, Morris Kallon is indicted before the Special Court for Sierra Leone pursuant to a warrant of arrest and indictment dated the 7th March 2003.
- 3) On the 1st of May 2003 the Registrar provisionally appointed Mr James Oury and Mr Steven Powles as Assigned Counsel for Mr Kallon.
- 4) On the 10th December 2003. Mr James Oury agreed to represent the accused under the terms of a legal service contract entered into with the Principal Defender.
- 5) On the 16th February 2004 Mr Kallon wrote a letter to the Principal Defender requesting the withdrawal of Assignment of Counsel.
- 6) On the 27th February 2004 the Principal Defender issued a decision withdrawing Mr Oury and Mr Powles as Counsel to Morris Kallon.
- 7) On the 10th February 2004 Counsel for Mr Morris Kallon filed a Motion for Quashing of Consolidated Indictment. The Prosecutor filed a Response on the 13th February 2004. A Reply was due on 25th February 2004.
- 8) Counsel has yet to be assigned to Mr Kallon and all relevant materials pertaining to Mr Kallon's case are still in the custody of Mr Oury and Powles and have not been returned to the Defence Office for onward transmission to assigned Counsel.

LEGAL BASIS FOR THIS MOTION.

- 9) The rights of the accused are enshrined in Article 17 of the Statute of the Special Court for Sierra Leone which articulates that:

“1. All accused shall be equal before the Special Court for Sierra Leone

[...]

4. In the determination of any charge against the accused pursuant to the present Statute, he or she will be entitled to the following minimum guarantees in full equality.

(b) to have adequate time and facilities for the preparation of his or her defence and to communicate with Counsel of his or her choosing”.

10) Rule 45 of the Rules of Procedure and Evidence provides that the Registrar “shall establish, maintain and develop a Defence Office, for the purpose of ensuring the rights of suspects and accused. The Defence shall be headed by a Principal Defender”

11) Rule 45(c) further states that the “Principal Defender shall in providing effective defence maintain a list of highly qualified criminal defence Counsel whom he believes are appropriate to act as duty Counsel or to lead the defence or appeal of an accused, and that any request for replacement of an assigned Counsel shall be made to the Principal Defender.”

12) Article 5 of the Directive for the Assignment of Counsel provides:

“Subject to the provisions of Article 14 of this Directive a suspect or accused who wishes to be assigned Counsel shall make a request to the Defence Office by means of the appropriate form established by the Principal Defender in consultation with the Registrar. A request shall be lodged with the Defence Office or transmitted to it by the suspect or accused himself or by person authorised to do so on his behalf”.

SUBMISSIONS.

Need for adequate representation.

13) The Statute of the Special Court for Sierra Leone, The Rules of Procedure and Evidence and the Directive on the Assignment of Defence Counsel all make it abundantly clear that it is of fundamental importance that each accused person is properly represented by assigned Counsel. At this stage in the trial process where issues germane to the effective and adequate defence of Mr Kallon have to be addressed, it is important that the Trial Counsel makes all important decisions rather than Duty Counsel of the Defence Office.

14) International jurisprudence supports the granting of an extension of time in the interests of justice. This has been granted for different reasons such as the complexity of the case¹, the need to prepare a case within reasonable extended time limits,² the necessity to prepare a number of grounds of appeal,³ the fact that Counsel underestimated the time needed to

¹ *Prosecutor v Dusko Tadic*. Decision on Motion for Extension of Time Limit. 21st November 2000.

² *Prosecutor v Zoran Zigic*. Decision on the Defence Motion to Extend the Time Limit for Submitting Preliminary Motions. 24th June 1998

³ *Elizaphan Ntakirutimana and Gerard Ntakirutimana v The Prosecutor*, Order Granting an Extension of Time for the Filing of the Appellant’s Appeal Briefs.

undertake the extensive legal research required⁴ and the fact that Counsel has only recently been appointed.⁵

15) Assigned Counsel must be granted the opportunity to obtain all the materials which are patently relevant to Mr Morris Kallon's Case in order to adequately file the reply to the Prosecution Response to the Defence Motion for Quashing of Consolidated Indictment and to file the Response to the Prosecution Motion on the Indication of Specific Changes to the Indictment.

16) The Defence Office is not privy to the contents of all documents relating to Mr Kallon's case therefore any submission made by the Defence Office in regard to Mr Morris Kallon's case on any substantive issue may be merely speculative.

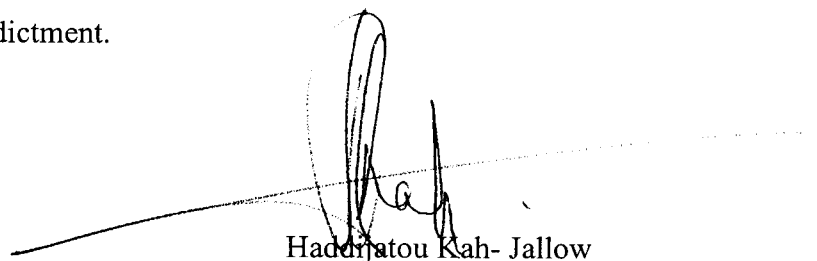
Good Cause

17) Good cause clearly exists for an extension of time to be afforded the Defence Office in order to appoint Counsel to Mr Morris Kallon who subsequently will file a reply to the Defence Motion to Quashing of Consolidated Indictment.

18) It is in the interest of Justice and in accordance with the dictates of the Rules of Procedure and Evidence, the Statute and the Directive on the Assignment of Counsel that Mr Kallon is provided Counsel to represent him and in the instant case file a Reply to the aforementioned Motion. To hold otherwise would undermine the fairness of the proceedings and exposes the accused to irreparable prejudice in preventing adequate consideration of the motions by Counsel.

REQUESTS

19) In light of the foregoing the Defence Office request for an extension of time to allow Counsel for Morris Kallon file a Reply to the Prosecution Response to the Defence Motion for Quashing a Consolidated Indictment.



Haddjatou Kah- Jallow

⁴ *Prosecutor v Radislav Krstic*, Order for the Extension of Time, 1st May 2003.

⁵ *Prosecutor v Draga Obrenovic*, Order Granting an Extension of Time. 4th October 2001.

LIST OF AUTHORITIES.

- The Prosecutor v Dusko Tadic. Decision on Motion For Extension of Time Limit. 21st November 2000.
- The Prosecutor v Zoran Zigic. Decision on the Defence motion to Extend the Time Limit For Submitting Preliminary Motions. 24th June 1998.
- The Prosecutor v Dragen Obrenovic, Vidoje Blagojevic, Dragan Jokic. Order Granting An Extension Of Time. IT-01-43-PT .4th October 2001.
- The Prosecutor v Dusko Tadic. Decision on Motion For Extension of Time Limit. 21st November 2000.
- Prosecutor v Radic Order for an Extension of Time. Case IT-98-33-A. 1st May 2003.
- Elizaphan Ntakirutimana and Gerard Ntakirutimana v Prosecutor. Granting An Extension of Time For the Filing of the Appellants' Appeal Briefs. Case No. ICTR-96-10-A and ICTR-96-17-A. 20th May 2003.

IN THE TRIAL CHAMBER

Before:

Judge Claude Jorda, Presiding

Judge Fouad Riad

Judge Almiro Rodrigues

Registrar:

Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of:

24 June 1998

THE PROSECUTOR

v.

ZORAN ZIGIC

**DECISION ON THE DEFENCE MOTION TO EXTEND
THE TIME LIMIT FOR SUBMITTING PRELIMINARY MOTIONS**

The Office of the Prosecutor:

Ms. Brenda Hollis

Mr. Michael Keagan

Defence Counsel:

Mr. Simo Tosic

I, Claude Jorda, Presiding Judge of Trial Chamber I,

CONSIDERING the motion submitted by Mr. Simo Tosic, Defence Counsel (hereinafter "Counsel") on 16 May 1998,

PURSUANT to Sub-rule 72(A)(iv) of the Rules of Procedure and Evidence,

NOTING that the initial appearance of the accused before the Tribunal was held on 20 April 1998,

NOTING that the accused is mentioned in two indictments,

NOTING that, in his submission of 16 May 1998, Counsel requested that the Trial Chamber order an extension of the time-limit for filing preliminary motions which had previously been set for 20 June 1998 on the grounds that the accused had received the supporting material for both indictments in Serbo-Croat only on 15 May 1998 and that, at that date, the Defence had not yet received Serbo-Croat version of the said materials and had in fact received them only in English,

NOTING that Mr. Tosic is unable to work in either of the official languages of the Tribunal; that,

because he had been granted authorisation exceptionally by the Registrar for that reason, it appears fair to have the time period for filing preliminary motions start to run from the date the accused receives the supporting material in Serbo-Croatian,

NOTING that the accused should be permitted to prepare his defence and that the time-limit requested by Counsel appears reasonable,

FOR THE FOREGOING REASONS,

ORDER that the time-limit for filing preliminary motions by the accused, Zoran Zigic, be extended until the date of 15 July 1998.

Done in French and English, the French version being authoritative.

(Signed)

Claude Jorda
Presiding Judge Trial Chamber I

Done this twenty-fourth day of June 1998
At The Hague
The Netherlands

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Case: IT-01-43-PT
IT-98-33/1-PT
IT-01-44-PT

IN THE TRIAL CHAMBER

Before:

**Judge David Hunt, Presiding Judge
Judge Florence Mumba
Judge Liu Daqun**

Registrar:

Mr Hans Holthuis

Decision of:

4 October 2001

Prosecutor v Dragan OBRENOVIC

Prosecutor v Vidoje BLAGOJEVIC

Prosecutor v Dragan JOKIC

ORDER GRANTING AN EXTENSION OF TIME

The Office of the Prosecutor:

**Mr Peter McCloskey
Mr Mark Vlastic
Ms Janet Stewart**

Counsel for accused

**Mr David Wilson for Dragan Obrenovic
Mr Michael G Karnavas for Vidoje Blagojevic
Mr Miodrag Stojanovic for Dragan Jokic**

I Judge David Hunt, Pre-Trial Judge,

NOTING the "Prosecution's Motion for Joinder" ("Motion") filed on 11 September 2001 and the order of the President of 14 September 2001 assigning the Motion to Trial Chamber II for determination;

NOTING the "Scheduling Order" ("Order") issued by the Pre-Trial Judge on 18 September 2001 ordering that the accused Dragan Obrenovic ("Obrenovic"), Vidoje Blagojevic ("Blagojevic") and

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Dragan Jokic ("Jokic") file within 14 days of the date of the Order a response to the Motion of the prosecution;

NOTING the "Accused's Request for Extension of Time to File an Opposition to Prosecutor's Motion for Joinder" ("Request") filed by Counsel for the accused Blagojevic on 27 September 2001 seeking an extension of time of 60 days from the time of full disclosure by the Prosecutor pursuant to Rule 66 of the Rules of Procedure and Evidence ("Rules");

NOTING the "Prosecution Reply to Accused's Request for Extension of Time to File An Opposition to Prosecutor's Motion for Joinder" ("Reply") filed on 2 October 2001 in which the Prosecutor objects to the extension of time sought on the basis that the Request is "misleading" as the Prosecutor has met and exceeded her disclosure requirements pursuant to Rule 66 (A) (i);

NOTING FURTHER that the Prosecutor does not object to the granting of an extension of time to Blagojevic of 30 days from 17 September 2001;

NOTING FURTHER that Jokic has only recently retained trial counsel to appear for him;

NOTING FURTHER the "Accused Obrenovic's Opposition to Motion for Joinder" ("Opposition") filed by Counsel for Obrenovic on 2 October 2001 in which Obrenovic seeks permission to file a supplemental memorandum on the issue of joinder no later than the final date set by the Tribunal for the filing of oppositions to joinder by Blagojevic and Jokic;

CONSIDERING that good cause has been shown for an extension of the time in which all three accused have to respond,

BUT CONSIDERING that the Request by Blagojevic proceeds upon a mistaken basis as to the nature of the issue to be determined by the Motion, and that the time sought by him in which to respond to the Motion is excessive and unjustified;

PURSUANT TO Rule 65 *bis* of the Rules;

HEREBY ORDERS:

1. That Blagojevic and Jokic are granted an extension of time of 30 days from the date of this Order to respond to the Prosecutor's Motion.
2. That Obrenovic is granted an extension of 30 days from the date of this Order to file a supplementary memorandum to the accused Obrenovic's Opposition to the Motion.

Dated this 4th day of October 2001,
At The Hague,
The Netherlands.

Judge David Hunt
Pre-Trial Judge

[Seal of the Tribunal]

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IN THE APPEALS CHAMBER

Before:
Judge David Hunt, Pre-Appeal Judge

Registrar:
Mr Hans Holthuis

Order of:
1 May 2003

PROSECUTOR
v
Radislav KRSTIC

ORDER ON EXTENSION OF TIME

Counsel for the Prosecution:

Mr Norman Farrell
Mr Mathias Marcussen

Counsel for the Appellant:

Mr Nenad Petrusic
Mr Norman Sepenuk

I, Judge David Hunt, Pre-Appeal Judge in this appeal,

NOTING the "Defence Appeal Brief Concerning Rule 68 Violations", filed confidentially on 10 April 2003 ("Defence Motion");

BEING SEISED OF an "Extremely Urgent Motion for Extension of Time" ("Motion for Extension of Time"), filed by the Prosecution on 1 May 2003, whereby it seeks an extension of time in which to file its Response to the Defence Motion;

NOTING that the Prosecution says that it has underestimated the time needed to undertake the extensive legal research required to address the present matter fully;¹

NOTING the Scheduling Order of 22 April 2003 in which the Appeals Chamber ordered the Prosecution to respond to the Defence Motion no later than 1 May 2003 and invited the Prosecution to

pay particular attention when doing so to the issue of prejudice in relation to alleged violations of Rule 68 of the Rules of Procedure and Evidence;²

CONSIDERING that the number of issues to be dealt with in the Response, including the question of prejudice, may require additional time for the Prosecution to adequately address these matters;

CONSIDERING also that the Defence has said that it does not object to the extension of time being granted;³

CONSIDERING that good cause has been shown;

HEREBY GRANT LEAVE to the Prosecution to file its Response no later than 8 May 2003.

Done in both English and French, the English text being authoritative.

Done this 1st of May 2003,
At The Hague,
The Netherlands.

Judge David Hunt
Pre-Appeal Judge

[Seal of the Tribunal]

1. Motion for Extension of Time, par 2.
2. Page 2.
3. Motion for Extension of Time, par 7.



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before: Judge Mehmet GÜNEY, Pre-Appeal Judge

Registrar: Mr. Adama DIENG

Decision of: 20 May 2003

Élizaphan Ntakirutimana and Gérard Ntakirutimana
v/
THE PROSECUTOR

Case No. ICTR-96-10-A and ICTR-96-17-A

ORDER GRANTING AN EXTENSION OF TIME FOR THE FILING OF THE APPELLANTS' APPEAL BRIEFS

Counsel for the Prosecutor:
Mr Norman FARRELL

Counsel for Elizaphan Ntakirutimana
Mr Ramsey CLARK

Counsel for Gérard Ntakirutimana
Mr David JACOBS

I, Mehmet Güney, Pre-Appeal Judge,

NOTING the Judgement and Sentence rendered in the present case on 21 February 2003 by Trial Chamber I of the International Tribunal;

NOTING the Notices of Appeal filed pursuant to Rule 108 of the Rules of Procedure and Evidence ("the Rules") by Elizaphan Ntakirutimana and Gérard Ntakirutimana ("the Appellants") and the Prosecution respectively on 21 March 2003;

BEING SEISED of an "Urgent Defence Motion for an Extension of Time for the Filing of the Appellants' Briefs", filed jointly by Elizaphan Ntakirutimana and Gérard Ntakirutimana on 9 May 2003 ("the Request") wherein the Appellants request on the basis of Rule 116 of the Rules an extension of time of 45 days from 3 June 2003 in which to file their Appellant Briefs;

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NOTING the Prosecution's "Response to Urgent Defence Motion for an Extension of Time for the Filing of the Appellant's Appeal Briefs" filed on 13 May 2003 in which the Prosecution consents to the extension of time sought by the Appellants and requests that any extension of time granted should apply equally to the Prosecution;

NOTING Rule 111 of the Rules, which provides, *inter alia*, that the Appellant's Brief shall be filed within seventy-five days of filing of the Notice of Appeal;

NOTING Rule 116 of the Rules which provides that the Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause;

CONSIDERING that in their Request, the Appellants submit, *inter alia*, that Counsel for Gérard Ntakirutimana is involved in the case *The Prosecutor v. Georges Rutaganda, Case no. ICTR-96-3-A* and that there are a number of grounds of appeal to prepare in the present case;

CONSIDERING that all the other submissions in the Request are not relevant to the Request;

CONSIDERING that the Appellants have indicated that they intend to present submissions on most legal issues in only one brief to avoid repetition;

CONSIDERING that subject to the above, the specific circumstances of the Request constitute good cause in this case;

CONSIDERING, however, that an extension of time of 45 days is not justified in this case;

PURSUANT TO Rule 116 of the Rules;

HEREBY GRANT the Request for an extension of time and **ORDER** that the Appellants and the Prosecution file their Appellant Briefs no later than Monday 23 June 2003.

Done in English and French, the English text being authoritative.

Mehmet Güney
Pre-Appeal Judge

Dated this twentieth day of May 2003,
At The Hague,
The Netherlands.

[Seal of the Tribunal]

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THE APPEALS CHAMBER OF THE INTERNATIONAL TRIBUNAL

Before:

**President Claude Jorda
Judge Mohamed Bennouna
Judge Patricia Wald
Judge Fausto Pocar
Judge Liu Daqun**

Registrar:

Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of:

21 November 2000

THE PROSECUTOR

v.

DUSKO TADIC

**DECISION ON MOTION
FOR EXTENSION OF TIME-LIMIT**

Counsel to Appellant:

Mr. Vladimir Domazet, for Milan Vujin

The Office of the Prosecutor:

Mr. Upawansa Yapa

Other parties:

Mr. Anthony Abell

THE APPEALS CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter "the International Tribunal"),

NOTING the Motion by interested party, Dusko Tadic, to vary, by extension, the time-limit prescribed for a response to the Appellant's Brief filed in English on 14 November 2000 (hereinafter "the Motion"),

NOTING the Decision on the Application for leave to appeal rendered on 27 October 2000,

NOTING the Appellant's Brief filed in English on 3 November 2000 (hereinafter "the Brief"),

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PURSUANT to Rule 127 of the Rules of Procedure and Evidence (hereinafter "the Rules") and the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the International Tribunal (IT/155) (hereinafter "the Direction"),

CONSIDERING that, pursuant to Article 8 of the Direction, a Respondent's Brief must be filed within ten days of the filing of the Brief, that is, in this case, by no later than 13 November 2000,

CONSIDERING that, in the Motion, Dusko Tadic contends *inter alia* that good cause within the meaning of Rule 127(B) of the Rules is: (i) he received the Brief on 6 November 2000 and (ii) the issues raised in the case are complex,

CONSIDERING that pursuant to Rule 127(B) of the Rules, the Appeals Chamber may enlarge any time prescribed by or under the Rules on good cause being shown by motion,

CONSIDERING that the grounds put forward constitute good cause within the meaning of Rule 127(B) of the Rules bearing in mind the specific circumstances of the case,

FOR THE FOREGOING REASONS,

ORDERS that the Respondent's Brief be filed no later than Friday, 1 December 2000,

Done in French and English, the French version being authoritative.

Done this twenty-first day of November 2000
At The Hague
The Netherlands

(signed)

Claude Jorda
President of the International Tribunal

[Seal of the Tribunal]