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SCSL-2003-05-PT-060
(1355-1360)

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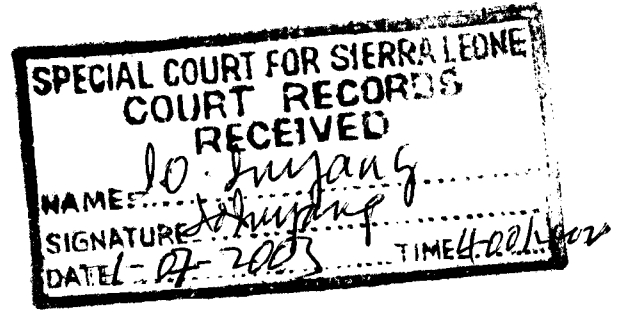
IN THE SPECIAL COURT FOR SIERRA LEONE

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

Registrar: Mr. Robin Vincent

Date sent for filing: June 30, 2003

Date filed:



THE PROSECUTOR

Against

ISSA HASSAN SESAY
(Case No. SCSL 2003-05-PT)

MOTION REQUESTING SUSPENSION OF DELAYS TO FILE PRELIMINARY
MOTIONS OR NEW REQUEST FOR AN EXTENSION OF DELAYS

Office of the Prosecutor:

Defence Counsel:

Luc Cote, Chief of the Prosecution

William Hartzog, Lead Counsel

Robert Petit, Senior Trial Counsel

INTRODUCTION

1. Lead Counsel for the accused is currently conducting the defence of Mr. Issa Hassan Sesay alone, the team composition having changed on June 25, 2003. There has been no communication between counsel and co-counsel since the 26th of June on matters pertaining to the defence of the accused.
2. Lead counsel cannot meet the current deadlines for the filing of the preliminary motions and does not want to compromise the defence of the accused, nor does counsel wish to let the time limit lapse and passively waive the right to file preliminary motions on behalf of the accused.
3. Counsel requests the suspension of all motions and replies not involving the preliminary motions under Rule 72 that counsel is working on, specifically, the soon to be required Defence Reply to Prosecutor's Response to Defence Motion for an Extension of Time and the Request for leave to appeal delay stipulated in Judge Bankole Thompson's decision of today the 30th of June, 2003.
4. Counsel additionally request that all the delays for filing preliminary motions be extended to at least two-weeks beyond the time requested in the Motion for an extension of time filed on June 24, 2003.
5. Counsel additionally request that the delay for the completion and filing of all preliminary

THE FACTUAL BASIS

6. Even if the (new) deadlines requested in the Motion Requesting an Extension of Time (the first request for an extension of time to file preliminary motions - "1st motion" - submitted to the court on June 24, 2003) were granted, in the present circumstances lead counsel cannot meet even those requested timelines alone and asks the Trial Chamber to note that today, June 30, 2003, a new Decision was served on him, requiring him to file a request for leave to

appeal within seven (7) days (if the accused desires to request so) regarding the decision of Judge Bankole Thompson concerning the Prosecutor's access to the accused.

7. As noted in the Motion referred to above, the "1st motion", the defence in this case is already involved in several interlocutory motions, responses and replies and has prayed the Trial Chamber to extend the delays when there were two counsel jointly responding to complex and particular circumstances in the case and working on the preliminary motions.
8. Lead counsel has had and is currently having serious talks with a leading criminal firm in Montréal that is capable of managing the file and the trial preparation matters in a complex case such as the instant case and its challenges. Lead counsel has fully informed the Defence Office of these difficulties and has informed two of the other defence teams of this problem; if the Montréal discussions do not produce a team for Mr. Sesay's defence, lead counsel has scheduled several meetings with Senior Counsel of international calibre and stature in London, England, where he expects to finalize the team membership (co-counsel (2), case manager, legal assistants, etc.. if the Montréal talks should be inconclusive. Counsel submit that taking the time to establish a North American team is a worthwhile endeavour and should be accorded the time it requires. Counsel has informed the accused of this dilemma and has been reassured of his confidence in lead counsel.
9. Lead counsel will be returning to Sierra Leone on or about July 10, 2003 and will be able to file a preliminary motion subject to approval, verification and corroboration by the accused between the 21st and the 30th of July, as indicated in the "1st motion", this delay will be only slightly altered and is not expected to be postponed again.
10. Lead counsel requests that the soon-to-be required Reply concerning the defence motion on Defects in the Indictment, *be suspended* until counsel has been able to complete the reconstruction of the team. This motion was

entirely developed by co-counsel, no longer working in the defence team, although read and approved by undersigned counsel.

11. Counsel has put in place a research component and possesses four research papers on a soon to be filed preliminary motion of major interest to the accused and which raises an **entirely new question** for the court as an institution. Counsel pray that the Trial Chamber will be mindful of the many difficulties brought to their attention and grant adequate relief to allow the complete filing of all of the following preliminary motions: **I**) the existing defence motion alleging "Defects in the Indictment", **II**) the soon forthcoming motion on jurisdiction (referred to above and well on the way - an institutional challenge to the court's jurisdiction (requested filing date, no later than July 14, 2003), **III**) a motion also referred to above and requiring instruction by the accused. If time allows, counsel would like to file a **IVth** motion concerning Superior Responsibility and one on Joint Criminal Enterprise, for which contract discussions are in process with an international expert).

Extract from the 1st motion:

Schedule of preliminary motions proposed by Defence counsel:

- a. Defects in the form of the Indictment: filed June 23, 2003;
- b. Challenge to the Special Court's jurisdiction (other than Constitutional): July 7th to 14, 2003;
- c. Challenge to the Indictment (issues concerning Superior Responsibility and Joint Criminal Enterprise); Expert Counsel and Defence Counsel to complete and filed by July 14 -21, 2003;
- d. Motion necessitating further consultation and verification with accused, Mr. Sesay: Lead Counsel anticipates returning to Sierra Leone on or about July 7, 2003 and requests that filing date be extended to July 21- 30, 2003.

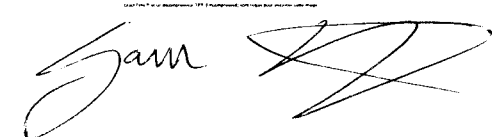
Order Sought

12. **Suspend** all delays, replies and delays to request appeal, ...etc. in all motions other than the preliminary motions for which counsel prays relief in the instant motion to enable the rapid and timely completion of the above described Preliminary Motions which are counsel's current top priority.

13. **Extend** the time limits specifically for the filing of all preliminary motions and consequent replies (e.g. Defects in the indictment), for an additional period beyond the delay sought in the motion filed on the 24th of June, the "1st Motion". In all cases an additional two-week extension would be adequate.

Respectfully submitted

Dated June 30 2003, at Montréal, Canada



For William Hartzog
Lead Counsel for Issa Hassan Sesay

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William Hartzog
<whartzog@waxmand
orval.com>

To: Sam Scratch <scratch@un.org>
cc: billhartzog@videotron.ca
Subject: Motion for Suspension of delay

06/30/2003 05:45 PM

Dear Sam,

Would you be so kind as to sign and file this motion for the suspension of delay on my behalf?

If possible I would also appreciate it if the Defence Office Representative who travels to Bonthe this week could kindly give a copy of this motion and the Motion for the Extension of Delays filed on June 24th to Mr. Sesay.

With kind regards,

Bill Hartzog
Lead Counsel for Issa Hassan Sesay



Motion for Suspension.doc

signature authorization