

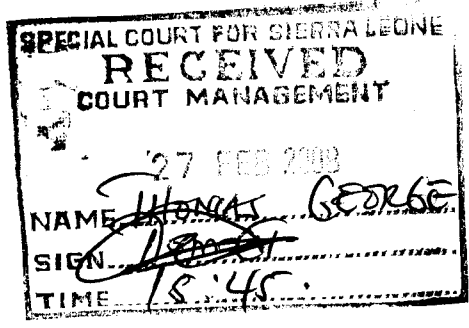
1007.)

SCSL-04-15-T  
(24389-24401)

SPECIAL COURT FOR SIERRA LEONE  
TRIAL CHAMBER I

24389

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



**Registrar:** Mr. Herman Von Hebel

**Date filed:** 27<sup>th</sup> February 2008

**THE PROSECUTOR**

against

**ISSA HASSAN SESAY  
MORRIS KALLON  
AUGUSTINE GBAO**

Case No. SCSL -2004-15-T

**PUBLIC**

**REPLY TO PROSECUTION RESPONSE TO KALLON APPLICATION FOR  
LEAVE TO MAKE A MOTION IN EXCESS OF THE PAGE LIMIT**

**Office of the Prosecutor:**

Peter Harrison  
Reginald Fynn

**Counsel for Issa Sesay:**

Wayne Jordash  
Sareta Ashraph

**Counsel for Morris Kallon:**

Charles Taku  
Kennedy Ogetto  
Lansana Dumbuya  
Tanoo Mylvaganam

**Court-Appointed Counsel for  
Augustine Gbao:**

John Cammegh  
Scott Martin

## INTRODUCTION

1. On 14 February 2008, the Second Accused, Morris Kallon filed an application to make a motion in excess ten pages, in accordance with the provisions of the Practice Direction on Filing Documents before the Special Court for Sierra Leone (“the Practice Direction”).<sup>1</sup> A draft motion, which was the subject of the Application, was annexed thereto, (“the Motion”).
2. On 22 February 2008, the Prosecution filed a reponse to the Application<sup>2</sup> contending, *inter alia*, that “where the motion itself is one which cannot be filed pursuant to the Rules because the time for filing such motions is at the pre-trial stage, or in certain instances as part of a final trial brief to ensure the integrity of the process, then there can be no exceptional circumstances to file an oversized document in support of such relief”, that “[t]he current Application is not timely” and requesting that the Application be dismissed.
3. The Kallon Defence hereby files its reply.

## THE PRACTICE DIRECTION

4. Article 6(C) of the Practice Direction states:
 

“Preliminary motions, motions, responses to such motions and replies to such shall not exceed 10 pages or 3,000 words whichever is greater.”  
[Underlining omitted]
5. Article 6(G) of the Practice Direction states, *inter alia*:
 

“A Party...seeking to file a document which exceeds the page limits set out in this article shall obtain authorisation in advance from a Judge or a Chamber and shall provide an explanation of the exceptional circumstances that necessitate the oversized filing.” [Emphasis added]
6. It is submitted that, according to the legal standard applicable to the Application, as discerned from wording of Article 6(G) and relevant jurisprudence which has sought to interpret it, it is incumbent on the moving party to make a showing that the *nature* of the motion, in comparison with other motions, is “exceptional” such

<sup>1</sup> *P v. Sesay et al.*, SCSL-04-15-T-985, Public with Confidential Annex: Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 14 Feb. 08, (“the Application”).

<sup>2</sup> *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08, (“the Response”).

that would “necessitate... [an] oversized filing.” It is submitted that the Application abundantly fulfills that requirement.

## THE REPLY

### (a) **The Response Incorrectly Seeks to Address the Merits of the *Motion* Rather Than the Merits of the *Application***

7. An application made pursuant to Article 6(G) of the Practice Direction prays the Chamber to analyse the *nature* of the issues raised in a motion and to make a determination that such issues constitute the “exceptional circumstances” required by the Practice Direction to justify making a motion in excess of ten pages. Thus, “the need to address certain matters in depth and to do so with reference to the trial record”<sup>3</sup> and the “matters raised...namely challenges to the jurisdiction and allegations of defects in the form of the indictment”<sup>4</sup> have both effectively discharged the legal standard applicable to oversized filings in previous decisions before Trial Chambers of the International Criminal Tribunal for the Former Yugoslavia, (“ICTY”). The Application cites and demonstrates the “volume and scope of the evidence which the [M]otion seeks to exclude”<sup>5</sup> and the “scope and fundamental nature of the legal issues raised” therein<sup>6</sup> and, in so doing, shows that “exceptional circumstances” exist. The Response makes no effective refutation of that.
8. Instead, the Response confuses the issue presently before the Chamber. Paragraphs 9, 10, 11, 12, 16, 17 and 18 discuss the timeliness and merits of the issues raised in the *Motion*. These arguments are irrelevant. The Prosecution’s confusion in this matter is expressed succinctly by the phrase “[t]he current Application is not timely.”<sup>7</sup> This is an incorrect statement of the law, presupposing a limitation period, in respect of Article 6(G) applications, which does not exist.
9. The Prosecution is anticipating issues not yet in controversy and, in so doing, is

<sup>3</sup> See the Application, at para 5; quoting *P v. Krstic*, IT-98-33-A, Order on Extension of Pages, 12 May 03.

<sup>4</sup> See the Application, at para 9; quoting *P v. Seselj*, IT-03-67-PT Decision on Certification to Appeal and to Extend the Deadline for Filing Certain Preliminary Motions, 18 Nov. 03, (“the *Seselj* Decision”).

<sup>5</sup> See the Application, at para 5-8.

<sup>6</sup> See the Application, at para 9-11.

<sup>7</sup> The Response, at para 18.

improperly attempting a pre-emptive introduction of matters before the Chamber in order to preclude the Accused from making submissions in his defence. Under Rule 73(A), the Accused may make a motion before the Chamber *as of right*. As such, and with the utmost respect to the jurisdiction of the Court, the Application does not seek leave to make a motion *per se*, but rather to make a motion of a certain size, in order to adequately represent the Accused.

10. Accordingly, it is submitted that paragraphs 9, 10, 11, 12, 16, 17 and 18 should be disregarded.

**(b) The Response Incorrectly Cites Cases Which Are Distinguishable and Inaccurately Interprets Jurisprudence**

11. The Response incorrectly interprets the *Seselj* Decision, in attempting to discredit the Application.<sup>8</sup> It is submitted that the correct interpretation is that the Trial Chamber, not having received submissions from the accused on the matter, made allowance for the fact that the accused represented himself and “reviewed the exceptional circumstances”, *proprio motu*. This interpretation is supported by the plain and literal meaning of the *Seselj* Decision, as cited in the Response. The Trial Chamber did not lower the standard established by Article 6(G) merely because the defendant had no legal representation, as paragraphs 13 to 15 of the Response appear to suggest. Therefore, the *Seselj* Decision is accurately cited in the Application.<sup>9</sup>

12. In the alternative, should the Chamber disagree with this interpretation of the *Seselj* Decision, the Defence notes *Kordic* in which it was held that an accused person should not be punished for the shortcomings of his counsel by being denied authorisation to make an oversized filing.<sup>10</sup> Should the Chamber adopt this reasoning it would inevitably arrive at the conclusion that Mr Kallon should, in any case, be afforded the same rights as the accused *Seselj*, thereby effectively refuting the Prosecution’s argument which appears to imply that a Trial Chamber

<sup>8</sup> The Response, at para 13-15; referring to the Application, at para 9.

<sup>9</sup> The Application, at para 9.

<sup>10</sup> *P v. Kordic*, IT-95-14/2-A, Decision on Application by Cerkez for Leave to Reply and Other Relief, 16 May 2003, at para 8; see also *id.* (it “would not . . . be right to refuse this application because [defence counsel] have not been as efficient as they are expected to be.”).

should more readily find “exceptional circumstances” in the case of a self-represented defendant.

13. The Response also cites the ICTY case of *Martic* in which the Prosecution were denied leave to file an extended 60 page Pre-Trial Brief.<sup>11</sup> The Response seeks to equate the scope of that case to the RUF case. However, it is clearly distinguished by the fact that the Prosecution in this case filed a Pre-Trial Brief of 112 pages<sup>12</sup> and a Supplemental Pre-Trial Brief of 279 pages, totalling 391 pages of pre-trial brief pleadings.<sup>13</sup> Notably, both the ICTY and the Special Court for Sierra Leone (“the Special Court”) enforce limits of 50 pages for pre-trial briefs.<sup>14</sup> Thus, in approximate terms, the Prosecution were permitted “an 8-fold enlargement of the... page limit”.<sup>15</sup>
14. Additionally, the Response cites a decision from *Galic* but does not relate it to the Application.<sup>16</sup> However, to the extent that the Response seeks to analogise that decision, in that an explanation to the effect that “the Prosecution must... summarize evidence, outline the form of responsibility incurred by the accused and state its legal position” did not warrant oversized filing, the comparison is misplaced. As was alluded to in that decision, all final briefs and appellant briefs must analyse *all* incriminating and exculpatory evidence, determine the relevant modes of responsibility, discuss applicable law and relate it to the evidence extracted from the trial record. This is not normally the case for an interlocutory motion. Issues of that nature, dealt with in an appellant brief or final brief, are not exceptional whereas, it is submitted that such issues dealt with in an interlocutory motion would constitute “exceptional circumstances” within the meaning of Article 6(G) of the Practice Direction. The page limits themselves anticipate a

<sup>11</sup> The Response, at para 6; quoting *P v. Martić*, IT-95-11-PT, Decision on Prosecution’s Motion for Leave to File Pre-Trial Brief of Sixty Pages, 5 May 04, at pg 1.

<sup>12</sup> *P v. Sesay et al.*, SCSL-04-15-PT-037, Prosecution’s Pre-Trial Brief Pursuant to Order for Filing Pre-Trial Briefs (Under Rules 54 and 73 *bis*) of 13 February 2004, 27 Feb. 04.

<sup>13</sup> *P v. Sesay et al.*, SCSL-04-15-PT-82, Prosecution Supplemental Pre-Trial Brief Pursuant to Order to the Prosecution to File a Supplemental Pre-Trial Brief of 30 March as Amended by Order to Extend the Time for Filing of the Prosecution Supplemental Pre-Trial Brief of 2 April 2004, 21 April 04.

<sup>14</sup> Art 6(A) of the Practice Direction.

<sup>15</sup> Note the allegation in the Response, at para 5, where the Prosecution seek dismissal of the Application for this very reason.

<sup>16</sup> The Response, at para 7; quoting *P v. Galic*, IT-98-29-PT, Decision on Defence’s Request for Leave to Exceed Page Limit in Defence’s Appellant’s Brief, Pre-Appeal Judge, 19 May 04, at pg 2.

more extensive content in respect of final briefs, appellant briefs and other documents in comparison with interlocutory motions.

15. Elsewhere, the Response seeks to present decisions from the *ad hoc* tribunals denying applications to exceed page limits as legal authority which should guide the Chamber in its determination of the matters raised by the Application. Its purported utilisation of the decisions is misconceived. In general, the question of whether exceptional circumstances exist is a question of fact to be determined on a case-by-case basis, in contemplation of all the relevant factual circumstances. Nonetheless, it is submitted that where a decision addresses a discrete issue and subsequently reaches a finding, that finding not being contingent on the circumstances of the case but rather a legal statement of general application, then it may be of assistance to the Chamber in its evaluation of the matters before it. The Application cites such jurisprudence.<sup>17</sup> However, decisions cited in the Response make extensive reference to the facts of each case. Those facts are *not* analogous to the facts currently under consideration and, indeed, the Prosecution omits to supply any accompanying explanation which would persuade the Chamber otherwise.
16. The Response cites decisions on applications to extend the page limit in respect of final briefs, pre-trial briefs and appellant briefs. These are not instructive to the matters under consideration in the present case. As explained above, content which constitutes “exceptional circumstances” in respect of an interlocutory motion would not necessarily be exceptional in other briefs, which necessarily deal with more lengthy issues. It is evident from the passages cited in the Response that the findings made therein are inextricably contingent on the facts of the cases under consideration at the time and that those facts differ from the facts under consideration in the Application to such an extent that they are not instructive.<sup>18</sup> Therefore, decisions cited in the Response are of limited relevance,

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<sup>17</sup> See the Application, at para 5; quoting *P v. Krstic*, IT-98-33-A, Order on Extension of Pages, 12 May 03; and the Application, at para 9; quoting the *Seselj* Decision.

<sup>18</sup> See, eg. the Response, at para 3; quoting *P v. Brdjanin*, IT-01-6-A, Decision on Appellant’s Motion for Extension of Time to File a Consolidated Brief and for Enlargement of Page Limit, 22 June 05. (where Justice Shahabuddeen cites the Appellant’s failure to organise grounds of appeal in a space-effective manner, as a ground for dismissing the application in question).

if any.<sup>19</sup>

17. The Response notes, at paragraph 5, that “[t]he Application seeks an 8-fold enlargement of the 10 page limit by the Practice Direction.” The Application sets out, in detail, the reasons for the length of the Motion, and the extensive and conscientious measures taken by the Defence team to maintain a concise approach. It is submitted that the issues raised could not have been adequately presented in a shorter document. The Kallon Defence recalls that “[i]n every relevant respect, the state of the evidence in the record is beyond the control of the Defence.”<sup>20</sup> It is noted that the Prosecution were granted leave to file pre-trial brief pleadings which equated to an “8-fold enlargement” of the page limit. Pre-trial briefs serve to supply notice of the evidence which will be adduced at trial. Thus, as with the Motion, its length is dependant upon the breadth and diversity of the Prosecution evidence. It is submitted that, in its submissions pertaining to the same issues, the Chamber should allow the Defence to file a document proportionally of the same size. The maxim of equality of arms between the parties supports that position.

**(c) Additional Jurisprudence: Filings Analogous to the Motion Have Justified Oversized Filings**

<sup>19</sup> See the Response, at para 3; quoting *P v. Kunarac et al.*, IT-96-22&23/1-A, Decision on Joint Request for Authorisation to Exceed Prescribed Page Limits, Pre-Appeal Judge, 10 July 01, at pg 2; the Response, at para 3; quoting *P v. Brdjanin*, IT-36-A, Decision on Appellant’s Motion for Extension of Time to File a Consolidated Brief and for Enlargement of Page Limit, 22 June 05, (deciding an application to exceed the page limit in respect of an appellant brief); the Response, at para 6; quoting *P v. Martić*, IT-95-11-PT, Decision on Prosecution’s Motion for Leave to File Pre-Trial Brief of Sixty Pages, 5 May 04, at pg 1, (also deciding an application to exceed the page limit in respect of an appellant brief. At para 4, the Response cites the decision of Justice Shahabuddeen, as follows, *inter alia*: the Appellant “has [not]demonstrated... that the nature of...[the] issues makes this case “extraordinary” in comparison with other cases addressed by the Appeals Chamber. It is inferred that a showing that the issues of the case were “extraordinary” in comparison with other cases, would discharge the standard for justifying an extension of the page limit in the case of an Appellant Brief. However, in order to apply that standard to an interlocutory motion it is submitted that the correct interpretation of the law, as stated by Justice Shahabuddeen, is that the moving party must show that the issues raised by the *Motion* are extraordinary, in comparison with other *motions*, rather than that the issues of this case are extraordinary in comparison with other cases at the Special Court. It is submitted that this requirement has been abundantly satisfied); the Response, at para 6; quoting *P v. Kvočka et al.*, IT-98-30/1-T, Decision on Motion for Variation of Length of Prosecution’s Final Brief, 29 March, 01, at pg 2, (deciding an application to exceed the page limit in respect of a final brief); and the Response, at para 7; quoting *P v. Stakić*, IT-97-24-PT, Decision on Prosecution’s Motion for Variation of the Length of Pre-Trial Brief, 14 Nov. 01, at pg 2, (deciding an application to exceed the page limit in respect of an pre-trial brief).

<sup>20</sup> The Application, at para 7.

18. The Application advances two grounds which both separately and cumulatively demonstrate the “exceptional circumstances” of the Motion. Firstly, the “volume and scope of the evidence which the [M]otion seeks to exclude”<sup>21</sup> and secondly, the “scope and fundamental nature of the legal issues raised” therein.<sup>22</sup> The Response requests that the Chamber dismiss the Application and, thus, challenges the validity of both grounds. In support of the first ground, namely, the volume and scope of the evidence which the Motion seeks to exclude, the Kallon notes *Haradinaj*, in which the Trial Chamber of the ICTY held that “the volume and complexity” of a motion could constitute “exceptional circumstances that justify giving authorization for an extension of the page limit” and granted a Defence application to file a motion in excess of the 10 page limit;<sup>23</sup> and *Galic* in which a Prosecution motion for an extension of the page limit was granted and wherein the “number of documents and potential witnesses sought to be admitted as additional evidence” constituted “exceptional circumstances” which justified oversized filing.<sup>24</sup> The Motion is both voluminous and complex, as in *Haradinaj*. Furthermore, it deals with a quantity of evidence and number of witnesses which could be characterised as “extraordinary” in comparison with other interlocutory motions, as in *Galic*. Therefore, it is submitted that the factual circumstances to which the findings of both decisions relate are analogous to the facts of the Application.

**(d) The Prosecution Has Improperly Attempted to Reopen Issues Pertaining to a Previous Motion**

19. On 7 February 2008, the Kallon Defence filed a motion challenging the form of the indictment, *inter alia*.<sup>25</sup> In their Response has improperly reopened issues pertaining to the Previous Motion as well as attempting to pre-emptively introduce

<sup>21</sup> See the Application, at para 5-8.

<sup>22</sup> See the Application, at para 9-11.

<sup>23</sup> *P v. Haradinaj et al.*, IT-04-84-PT, Decision on Prosecution's Urgent Application for Authorisation to Exceed Page Limit for Responses, 5 May 05, (emphasis added).

<sup>24</sup> *Galic v. Prosecutor*, IT-98-29-A, Decision on Prosecution's Request for an Extension of Pages, 21 July 04.

<sup>25</sup> *P v. Sesay et al.*, SCSL-04-15-T, Kallon Motion on Challenges to the Form of the Indictment and for Reconsideration of Order Rejecting Filing and Imposing Sanctions, 7 Feb. 08, (“the Previous Motion”); see also *P v. Sesay et al.*, SCSL-04-15-PT, Corrected Amended Consolidated Indictment, (“the Indictment”).



matters relating to the Motion.<sup>26</sup> The Kallon Defence is therefore justified in raising the following issues in relation to the Previous Motion.<sup>27</sup>

20. On 22 February 2008, the Appeals Chamber delivered judgment in *Brima et al.* Presently all that is available to the parties is a transcript of the summary as delivered in open court.<sup>28</sup> The Kallon Defence reserves the right; with the Court's leave, to make fuller submissions on this issue once the full written judgment is made available to the parties. However, should the Chamber wish to deliver its decision on the Previous Motion with the benefit of the AFRC Appeals Summary only, the Defence requests that the Chamber be guided by the following issues raised by the Accused:

The Previous Motion cites the Trial Chamber Judgment of *Brima et al.*,<sup>29</sup> most notably in support of its submissions requesting dismissal of joint criminal enterprise ("JCE"), as a mode of liability, in its entirety.<sup>30</sup> The AFRC Appeals Summary indicates that the Appeals Chamber have overturned the aspects of AFRC Trial Judgment relevant to the Previous Motion.<sup>31</sup> The Kallon Defence wishes to note that the Appeals Chamber did not dispose of the two most fundamental issues raised by the Previous Motion, namely, pleading *mens rea* and members of the JCE as physical perpetrators of crimes elsewhere in the indictment as have been held by the recently rendered Appeals Chamber judgment in *Simba*.<sup>32</sup> JCE should be dismissed on those bases alone.

21. The Previous Motion also cites the AFRC Trial Judgment in support of its submissions that the pleading of locations in the Indictment is defective. The AFRC Appeals Summary indicates that the Appeals Chamber has endorsed these findings.<sup>33</sup>

<sup>26</sup> See para 7-10, supra; referring to the Response at para 9-12 and 16-18.

<sup>27</sup> Indeed, the Prosecutor has urged the Chamber to wait for the Appeals Chamber Judgment in *Brima et al.*, before rendering decision in the Previous Motion, *P v. Sesay et al.*, SCSL-04-15-T-990, Prosecution Response "Kallon Motion on Challenges to the Form of the Indictment and for Reconsideration of Order Rejecting Filing and Imposing Sanctions", 15 Feb. 08, at para 16

<sup>28</sup> *P v. Brima et al.*, Trial Transcript, 22 Feb. 08, ("AFRC Appeals Summary").

<sup>29</sup> *P v. Brima et al.*, SCSL-04-16-T, Judgement, 20 June 07, (the "AFRC Trial Judgment").

<sup>30</sup> The Previous Motion, at para 14 and 15.

<sup>31</sup> AFRC Appeals Summary, pg 13, line 12-13.

<sup>32</sup> See Previous Motion, at para 14.

<sup>33</sup> AFRC Appeals Summary, pg 12, line 4-9.

22. The AFRC Appeals Summary indicates an Appeals Chamber finding that other inhumane acts represents a distinct crime, not “subsumed” by other counts. Count 8 of the Indictment, other inhumane acts as a crime against humanity, was introduced by the Consolidated Amended Indictment, filed on 13 May 2004.<sup>34</sup> This only serves to emphasise the importance of the disclosure mandated by Rule 50(B)(ii) which was never made by the Prosecution.

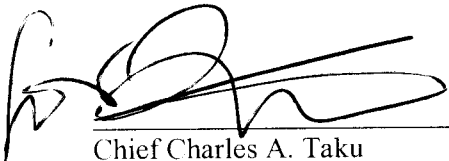
## CONCLUSION

23. The issues which the Motion will raise before the Chamber, should the Application be granted, are “exceptional” in comparison with other motions. The inquiry which the Chamber must make does not extend to the circumstances of the case as a whole, but is confined to the nature of the *Motion*. Nor does the Chamber need concern itself with the merits or timeliness of the Motion, as the Response suggests, as these issues are not yet in controversy. The Practice Direction limits the length of interlocutory pleadings, in furtherance of an expeditious trial. However, the “goal of expediency should never be allowed to over-ride the fundamental rights of an accused to a fair trial”,<sup>35</sup> as has been recognised in the Practice Direction by the provision to extend the limit should the circumstances dictate that such an extension is justified.
24. In light of the foregoing, it is submitted that the Application be granted.

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DONE in Freetown on this 27<sup>th</sup> day of FEBRUARY, 2008.

For Defendant **KALLON**,

  
 Chief Charles A. Taku

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<sup>34</sup> *P. v. Sesay et al.*, SCSL-04-15-T-122, Amended Consolidated indictment, (“the Amended Consolidated Indictment”).

<sup>35</sup> *P. v. Kupreskic et al.*, IT-95-16-A, Judgement, 23 Oct. 01, at para 100.

## LIST OF AUTHORITIES

### (a) Statute, Rules and Practice Direction

1. The Statute of the Special Court for Sierra Leone.
2. The Rules of Procedure and Evidence of the Special Court for Sierra Leone.
3. The Practice Direction of Filing Documents Before the Special Court for Sierra Leone.

### (b) Judgments and Decisions

1. *P v. Brima et al.*, SCSL-04-16-T-613, Judgement, 20 June 07.
2. *P v. Brdjanin*, IT-36-A, Decision on Appellant's Motion for Extension of Time to File a Consolidated Brief and for Enlargement of Page Limit, 22 June 05, (listed in *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08).
3. *P v. Haradinaj et al.*, IT-04-84-PT, Decision on Prosecution's Urgent Application for Authorisation to Exceed Page Limit for Responses, 5 May 05, (available at <http://www.un.org/icty/haradinaj/trialc/decision-e/050505.htm>).
4. *Galic v. Prosecutor*, IT-98-29-A, Decision on Prosecution's Request for an Extension of Pages, 21 July 04 (available at <http://www.un.org/icty/galic/appeal/decision-e/040721-2.htm>).
5. *P v. Galic*, IT-98-29-PT, Decision on Defence's Request for Leave to Exceed Page Limit in Defence's Appellant's Brief, Pre-Appeal Judge, 19 May 04. (listed in *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08).
6. *P v. Martić*, IT-95-11-PT, Decision on Prosecution's Motion for Leave to File Pre-Trial Brief of Sixty Pages, 5 May 04, (listed in *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08).
7. *P v. Kordić*, IT-95-14/2-A, Decision on Application by Cerkez for Leave to Reply and Other Relief, 16 May 03, (available at <http://www.un.org/icty/kordic/appeal/decision-e/030516.htm>).

8. *P v. Krstic*, IT-98-33-A, Order on Extension of Pages, 12 May 03. (available at <http://www.un.org/icty/krstic/Appeal/order-e/030512.htm>).
9. *P v. Seselj*, IT-03-67-PT, Decision on Certification to Appeal and to Extend the Deadline for Filing Certain Preliminary Motions, 13 Nov. 03. (available at <http://www.un.org/icty/seselj/trialc/decision-e/031118-2.htm>).
10. *P v. Martić*, IT-95-11-PT, Decision on Prosecution's Motion for Leave to File Pre-Trial Brief of Sixty Pages, 5 May 04, (listed in *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08).
11. *P v. Stakić*, IT-97-24-PT, Decision on Prosecution's Motion for Variation of the Length of Pre-Trial Brief, 14 Nov. 01, (listed in *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08).
12. *P. v. Kupreskic et al.*, IT-95-16-A, Judgement, 23 Oct. 01, (available at <http://www.un.org/icty/kupreskic/appeal/judgement/kup-aj011023e.pdf>).
13. *P v. Kunarac et al.*, IT-96-22&23/1-A, Decision on Joint Request for Authorisation to Exceed Prescribed Page Limits, Pre-Appeal Judge, 10 July 01, (listed in *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08).
14. *P v. Kvočka et al.*, IT-98-30/1-T, Decision on Motion for Variation of Length of Prosecution's Final Brief, 29 March 01, (listed in *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08).

**(c) Motions and Replies**

1. *P v. Sesay et al.*, SCSL-04-15-T-985, Public Prosecution Response to Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 22 Feb. 08.
2. *P v. Sesay et al.*, SCSL-04-15-T-985, Public with Confidential Annex Kallon Application for Leave to Make a Motion in Excess of the Page Limit, 14 Feb. 08.
3. *P v. Sesay et al.*, SCSL-04-15-T-970, Kallon Motion on Challenges to the Form of the Indictment and for Reconsideration of Order Rejecting Filing and Imposing Sanctions, 7 Feb. 08.

**(d) Pre-Trial Documents**

1. *P v. Sesay et al.*, SCSL-04-15-PT-82, Prosecution Supplemental Pre-Trial Brief

24401

Pursuant to Order to the Prosecution to File a Supplemental Pre-Trial Brief of 30 March as Amended by Order to Extend the Time for Filing of the Prosecution Supplemental Pre-Trial Brief of 2 April 2004, 21 April 04.

2. *P v. Sesay et al.*, SCSL-04-15-PT-037, Prosecution's Pre-Trial Brief Pursuant to Order for Filing Pre-Trial Briefs (Under Rules 54 and 73 *bis*) of 13 February 2004, 27 Feb. 04.
3. *P v. Sesay et al.*, SCSL-04-15-PT-619, Corrected Amended Consolidated Indictment.
4. *P v. Sesay et al.*, SCSL-04-15-T-122, Amended Consolidated Indictment.

**(e) Transcript**

1. *P v. Brima et al.*, Trial Transcript, 22 Feb. 08,