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SCSL-11-02-A
(106-108)

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SPECIAL COURT FOR SIERRA LEONE

IN THE APPEALS CHAMBER

Before: Justice Emmanuel Ayoola, Presiding
Justice Renate Winter
Justice Jon Moadeh Kamanda

Registrar: Ms. Binta Mansaray

Date: 08 November 2012

THE INDEPENDENT PROSECUTOR

Against

**HASSAN PAPA BANGURA
SAMUEL KARGBO
SANTIGIE BORBOR KANU
BRIMA BAZZY KAMARA
(Case No. SCSL-11-02-A)**

Public

DECISION ON PROSECUTION MOTION FOR LEAVE TO SUBSTITUTE CORRECT FINAL SIGNATURE PAGE OF PROSECUTOR'S RESPONSE TO PARTIAL NOTICE OF APPEAL AND SUBMISSION OF SAMUEL KARGBO AND TO NOTICES OF APPEAL AND SUBMISSIONS OF HASSAN PAPA BANGURA, SANTIGIE BORBOR KANU AND BRIMA BAZZY KAMARA WITH ANNEX CONTAINING CORRECTED PROSECUTOR'S RESPONSE

Independent Prosecutor:

Mr. Robert L. Herbst

Defence Counsel for Bangura

Mr. Melron Nicol-Wilson

Defence Counsel for Kargbo

Mr. Charles A. Taku

Defence Counsel for Kanu

Mr. Kevin Metzger

Defence Counsel for Kamara

Mr. Abdul Serry Kamal

Principal Defender

Ms Claire Carlton-Hanciles

SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT MANAGEMENT
THE CLERK
08 NOV 2012
NAME ZAINAB T. TOFANAH
SIGN [Signature]
TIME 15:00

THE APPEALS CHAMBER of the Special Court for Sierra Leone (“Special Court”) composed of Justice Emmanuel Ayoola, Presiding, Justice Renate Winter and Justice Jon M. Kamanda, sitting in accord with the President’s “Order Assigning Judges to a Case Before the Appeals Chamber” of 23 October 2012;¹

SEIZED of Appeals in the case of Prosecutor v Hassan Papa Bangura, Samuel Kargbo, Santigie Borbor Kanu and Brima Bazzy Kamara;²

NOTING the Prosecution Response to Partial Notice of Appeal and Submission of Samuel Kargbo and to Notices of Appeal and Submissions of Hassan Papa Bangura, Santigie Borbor Kanu and Brima Bazzy Kamara, filed on 31 October 2012 (“Response”);³

FURTHER SEIZED of the Independent Prosecutor’s Motion for Leave to Substitute Correct Final Signature Page of Prosecutor’s Response to Partial Notice of Appeal and Submission of Samuel Kargbo and to Notices of Appeal and Submissions of Hassan Papa Bangura, Santigie Borbor Kanu and Brima Bazzy Kamara With Annex Containing Corrected Prosecutor’s Response dated 01 November, 2012 (“Motion”);⁴

NOTING that the Motion seeks leave by the Independent Prosecutor to file a substitute corrected Response containing the correct final page and the full paragraph 54;⁵

¹ *Independent Counsel v. Bangura, Kargbo, Kanu and Kamara, SCSL-11-02-A-077*, Order Assigning Judges to a Case Before the Appeals Chamber, 23 October 2012, [Bangura et al, Order Assigning Judges].

² *Independent Counsel v. Bangura, Kargbo, Kanu and Kamara, SCSL-11-02-A-073*, Notice of Partial Appeal of Samuel Kargbo, 19 October 2012; *SCSL-11-02-A-074*, Notice of Appeal in Respect of Santigie Borbor Kanu, 22 October 2012; *SCSL-11-02-A-075*, Motion for Extension of Time to File Grounds of Appeals Pending the Determination of an Application to Justice Theresa Doherty, Sitting as a Single Judge for Clarification of Paragraph 101 of the Sentencing Judgment Delivered on the 11th October 2012 and filed on 16th October 2012, With Annex A - Notice of Appeal, 22 October 2012; *SCSL-11-02-A-076*, Notice of Appeal in Respect of Brima Bazzy Kamara, 22 October 2012.

³ *Independent Counsel v. Bangura, Kargbo, Kanu and Kamara, SCSL-11-02-A-079*, Prosecutor’s Response to Partial Notice of Appeal and Submission of Samuel Kargbo and to Notices of Appeal and Submissions of Hassan Papa Bangura, Santigie Borbor Kanu and Brima Bazzy Kamara, 31 October 2012.

⁴ *Independent Counsel v. Bangura, Kargbo, Kanu and Kamara, SCSL-11-02-A-080*, Prosecution’s Motion for Leave to Substitute Correct Final Signature Page of Prosecution’s Response to Partial Notice of Appeal and Submission of Samuel Kargbo and to Notices of Appeal and Submissions of Hassan Papa Bangura, Santigie Borbor Kanu and Brima Bazzy Kamara, With Annex Containing Corrected Prosecutor’s Response, 01 November 2012.

⁵ Motion, para. 4.

CONSIDERING that, notwithstanding the provisions of Rule 7 (C) of the Rules of Procedure and Evidence ("Rules") for reasons of a fair and expeditious trial it is unnecessary for a response to be filed to the Motion herein;

CONSIDERING that granting leave to the Independent Prosecutor to file its Corrected Response is in the interests of justice and is necessary for the furtherance of the appeal process;

PURSUANT to Rule 54 of the Rules;

ALLOWS the Motion and **GRANTS** leave to the Independent Prosecutor to file the Corrected Prosecutor's Response with the Registrar no later than 4:00pm on the 12th day of November 2012; and

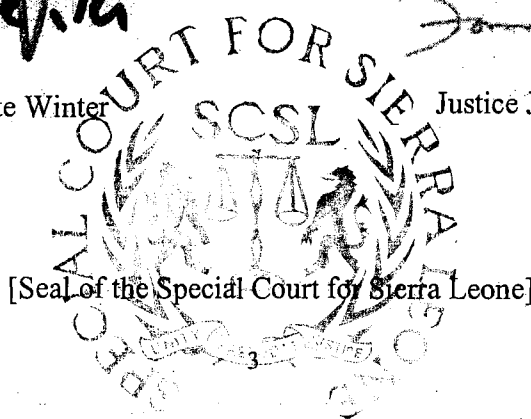
ORDERS that any Reply to the Corrected Prosecutor's Response be filed no later than 4:00pm on the 14th day of November 2012.

Done in The Hague, The Netherlands, this 8th day of November 2012.

Justice Emmanuel Ayoola,
Presiding

Justice Renate Winter

Justice Jon Kamanda



[Seal of the Special Court for Sierra Leone]