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SCSL-03-01-A
(131-136)

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**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR**

IN THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Pre-Hearing Judge,

Registrar: Ms. Binta Mansaray

Date filed: 24 July 2012

THE PROSECUTOR **Against** **CHARLES GHANKAY TAYLOR**
(Case No. SCSL-03-01-A)

PUBLIC

**PROSECUTION CONSOLIDATED MOTION PURSUANT TO SCHEDULING ORDER FOR
WRITTEN SUBMISSIONS REGARDING RULES 111, 112 AND 113**

Office of the Prosecutor:

Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Mr. Mohamed A. Bangura
Ms. Nina Tavakoli
Ms. Leigh Lawrie
Mr. Christopher Santora
Ms. Kathryn Howarth
Ms. Ruth Mary Hackler
Ms. Ula Nathai-Lutchman
Mr. James Pace
Mr. Cómán Kenny

Defence Counsel for the Accused:

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Mr. Eugene O'Sullivan
Mr. Christopher Gosnell
Ms. Kate Gibson
Ms. Madga Karagiannakis

SPECIAL COURT FOR SIERRA LEONE	
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TIME	15:10

I. INTRODUCTION

1. The Prosecution files this consolidated motion pursuant to the Pre-Hearing Judge's "Scheduling Order for Written Submissions Regarding Rules 111, 112 and 113",¹ Rule 116 and Practice Direction on dealing with Documents in The Hague - Sub-Office ("Practice Direction"), Article 6(G).
2. The Prosecution requests extensions of time limits for filing its appellate pleadings for the reasons stated herein. As regards:
 - (a) Rule 111, the Prosecution asks for a two week extension to file its Appellant's Submissions, or, should the Defence be granted a greater extension of time, the Prosecution requests the same extension of time given to the Defence, to ensure "equal opportunity for appellate submissions";²
 - (b) Rule 112, the Prosecution requests it be given the same amount of time for its Respondent's Submissions as the Defence is given for its Rule 111 submissions in order to fully research and respond to the Defence Appellant's Submissions; and
 - (c) Rule 113, the Prosecution requests a five day extension of time to file its Submissions in Reply.
3. In relation to the page limits for its pleadings pursuant to Rules 111, 112, 113, the Prosecution requests:
 - (a) 30 additional pages for its Rule 111 Appellant's Submissions (from 100 to 130 pages);
 - (b) the same extension of page limit for its Rule 112 submissions as is granted to the Defence for its Rule 111 submissions; and
 - (c) a 10 page extension for its Rule 113 Submissions in Reply (from 30 to 40 pages).

¹ Scheduling Order for Written Submissions Regarding Rules 111, 112 and 113, SCSL-03-01-A-1303, 20 July 2012.

² See *Prosecutor v. Sesay et al.*, SCSL-04-15-A-1263, Decision on "Kallon Defence Motion for Extension of Time to File Appeal Brief and Extension of Page Limit", 4 May 2009 ("RUF Extension Decision"), p. 3.

4. The requests for additional time set out herein do not include any additional time that may be required should the Appeals Chamber allow the Defence to present additional evidence.³

II. SUBMISSIONS

5. Pursuant to Rule 116 of the Rules, the Appeals Chamber has the discretion to extend a time limit upon a showing of “good cause.” Under Article 6(G) of the Practice Direction, advanced authorisation must be obtained upon an explanation of exceptional circumstances in order to file a document which exceeds the page limits.
 - (i) *Extension of Time Limit and exceeding the Page Limit for Appellant’s Submissions*
6. There is good cause to extend the time limit for the Prosecution to file its Appellant’s Submissions. The extension granted for the filing of the parties’ notice of appeal allowed the Prosecution to prepare a focused notice of appeal. However, each of the four grounds of appeal contained in the Prosecution’s notice raises legal issues of significant complexity. To prepare a consolidated and comprehensive brief that accurately and effectively addresses these complexities requires additional review of the Trial Chamber’s findings in this extraordinarily long judgement,⁴ and of the relevant jurisprudence. Under the circumstances, there is “good cause” to extend the time limit by two weeks as requested by the Prosecution.
7. If the Chamber is minded to grant the Defence a greater extension of the time limit than that requested by the Prosecution, the Prosecution requests that any such extension also be accorded to it to ensure “equal opportunity for appellate submissions”,⁵ thereby ensuring that no undue advantage is given to the party receiving a greater extension of time.⁶ In addition, granting equal time to both parties is consistent with past practice before this Court.⁷

³ Public with Confidential Annex A Notice of Appeal of Charles Ghankay Taylor, SCSL-03-01-1301, p. 31, para. 104.

⁴ Status Conference, 18 June 2012, pp. 49757.

⁵ RUF Extension Decision, p. 3.

⁶ Status Conference, 18 June 2012, p. 49761-62.

⁷ RUF Extension Decision (both parties were granted an extra 10 days); *Prosecutor v. Brima et al.*, SCSL-04-16-A-640, Decision on Urgent Joint Defence and Prosecution Motion for an Extension of Time for the Filing of Appeals Briefs, 10 August 2007 (both parties were granted extensions of three weeks);

8. In relation to the page limit for the Prosecution Appellant's Submissions, an additional 30 pages is necessary to fully address all of the grounds of appeal in a cohesive and comprehensive manner. In the circumstances, the extension of the page limit is a reasonably proportionate request and meets the "exceptional circumstances" requirement of the Practice Direction.

(ii) Extension of Time Limit and exceeding the Page Limit for Respondent's Submissions

9. There is good cause to extend the time limit for the Prosecution to file its Respondent's Submissions. Although the Defence raises seven basic issues in its notice of appeal, the breadth of those issues, as set out in its 45 grounds of appeal, covers almost the entirety of the judgement, at least in relation to the alleged factual errors. Granting the Prosecution the same extension of the time limit for its Rule 112 submissions as is given the Defence for its Rule 111 submissions is justified and required for the Prosecution to fully evaluate the Defence Appellant's Submissions, review the relevant portions of the Trial Chamber Judgement and Sentencing Judgement and the relevant jurisprudence, and to provide a comprehensive response to the myriad of Defence grounds of appeal.

10. Given the breadth of issues raised in the 45 grounds of appeal enunciated by the Defence, the Prosecution requests that it be given the same extension of page limit for its Rule 112 submissions as the Defence is given for its Rule 111 submissions is justified. Such extension is also consistent with the practice of the SCSL.⁸

(iii) Extension of Time Limit and exceeding the Page Limit for Submissions in Reply

11. The Prosecution requests a five day extension of the time limit, and an additional 10 pages for filing its Submissions in Reply. Such extensions are necessary to enable the Prosecution to fully reply to any new arguments or issues that may be set out in the

Prosecutor v Fofana and Kondewa, SCSL-04-14-A-804, "Decision on Urgent Joint Defence and Prosecution Motion for an Extension of Time for the Filing of Appeal Briefs and Extension of Page Limits for Appeal Briefs", 7 November 2007 ("CDF Extension Decision") (both parties were granted four weeks extension)..

⁸ RUF Extension Decision, (each party allowed 150 pages); CDF Extension Decision (each party allowed 150 pages); *Prosecutor v Brima et al.*, SCSL-04-16-A-645, "Decision on Urgent Prosecution Motion for an Extension of the Page Limit for its Appeal Briefs", 24 August 2007) (the Prosecution was granted 250 pages, and each Defence team 120 pages).

Defence Respondent's Submissions and/or to any potential inaccuracies which may be contained therein.

III. CONCLUSION

12. For the reasons set out above, the Prosecution respectfully requests a two week extension of the time limit for filing its Rule 111 submissions, or, if the Defence is granted a greater extension of time, the Prosecution requests the same extension to ensure equal opportunity for appellate submissions and thereby ensure that no undue advantage is given to the Defence. The Prosecution further requests that the page limit for its Rule 111 submissions be increased by 30 pages.
13. In regard to its Rule 112 submissions, the Prosecution requests that whatever amount of time is granted to the Defence to file their Rule 111 submissions, the Prosecution be granted the same amount of time to respond to those submissions. The Prosecution further requests that it be granted the same extension of pages for its Rule 112 submissions as the Defence is given for its Rule 111 submissions.
14. Finally, the Prosecution requests a five day extension of the time limit, and a 10 page extension of the page limit for filing its Submissions in Reply pursuant to Rule 113.

Filed in The Hague,

24 July 2012

For the Prosecution,



Brenda J. Hollis

The Prosecutor

INDEX OF AUTHORITIES

SCSL Cases***Prosecutor v. Taylor, SCSL-03-01-A***

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