1343) SCSL-03-01-A (2716-2721) 2716

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: 18 October 2012

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

PUBLIC WITH ANNEX 1

PROSECUTION RESPONSE TO DEFENCE MOTION FOR LEAVE TO FILE A SUR-REPLY

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Nicholas Koumjian

Defence Counsel for the Accused:
Mr. Morris Anyah
Mr. Eugene O'Sullivan
Mr. Christopher Gosnell
Ms. Kate Gibson
Ms. Magda Karagiannakis

I. INTRODUCTION

1. The Prosecution does not oppose the Defence "Motion for Leave to File a Sur-Reply to Prosecution Reply to Defence Response to Urgent Prosecution Motion Regarding the Defence's Failure to Comply with the Practice Direction"[1] (Motion). The Prosecution files this Response to address two points raised in the Motion.

II. SUBMISSIONS

2. The measures included in the Prosecution Reply[2] which form the basis of the Motion were properly included in the Reply as they directly address allegations raised in the Defence Response[3] that the Prosecution had "recklessly proceeded" with "malicious allegations" without any factual basis.[4]

3. In relation to the two CD-ROMs at issue herein, the Prosecution filed the two CD-ROMs constituting Annex A when it filed its Reply with Court Management Service (CMS) on 16 October 2012. Attached as Annex 1 is the filing form that accompanied the Reply, which shows that the CDs were part of the filing. After accepting the filing, CMS contacted the Prosecution to inform it that CMS could not make copies of the CD-ROMs for service upon the Defence. The next day, CMS called the Prosecution asking for two additional sets of Annex A—one to serve on the Defence and one so CMS could retain a copy. The Prosecution provided the sets shortly thereafter, providing DVDs as it did not have a sufficient number of CD-ROMs to accommodate the request.

4. The Prosecution has consulted the "Practice Direction on dealing with Documents in The Hague – Sub-Office" and is reminded that Article 4(I) of the Practice Direction provides that electronic materials shall be provided in sufficient number for service on the Chamber and parties. The Prosecution concedes that it was in error for not filing a sufficient number of copies of Annex A, but stresses that a complete copy was filed with

[1] SCSL-03-01-A-1342, 17 October 2012.
[2] Prosecution Reply to Defence Response to Urgent Prosecution Motion Regarding the Defence's Failure to Comply with the Practice Direction, SCSL-03-01-A-1340, 16 October 2012.
[3] Defence Response to *Urgent Prosecution Motion Regarding the Defence's Failure to Comply with the Practice Direction,* SCSL-03-01-A-1337, 15 October 2012 (Response).
[4] Response, paras. 7-9.

the Reply. The Prosecution provided the requisite additional copies as soon as possible after the CMS requested the copies on the morning of 17 October 2012.

III. CONCLUSION

5. The Prosecution does not object to the Defence motion and leaves the matter to the sound discretion of the Pre-Hearing Judge.

Filed in The Hague, The Netherlands
For the Prosecution,
18 October 2012

Brenda J. Hollis
The Prosecutor

List of Authorities

SCSL Practice Direction

Special Court for Sierra Leone "Practice Direction on dealing with Documents in The Hague - Sub-Office", adopted on 16 January 2008, amended 25 April 2008

SCSL Filings

Motion for Leave to File a Sur-Reply to Prosecution Reply to Defence Response to Urgent Prosecution Motion Regarding the Defence's Failure to Comply with the Practice Direction, SCSL-03-01-A-1342, 17 October 2012

Prosecution Reply to Defence Response to Urgent Prosecution Motion Regarding the Defence's Failure to Comply with the Practice Direction, SCSL-03-01-A-1340, 16 October 2012

Defence Response to *Urgent Prosecution Motion Regarding the Defence's Failure to Comply with the Practice Direction,* SCSL-03-01-A-1337, 15 October 2012

Annex 1

Copy of the Filing Form submitted with the Prosecution Reply

SPECIAL COURT FOR SIERRA LEONE

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To: The Listing Officer, Court Management Section, Registry				
For filing and onward service to: (NB: as Parties are responsible for service on their counterparts and the Registry is merely facilitating transmission, please complete this section accurately and provide actual names of counsel your document is directed at). **Trial Chamber** ☐ Designated Judge: ☐ **Trial Chamber II** **Appeal Chamber** ☒ Pre-Hearing Appeals Judge ☐ Appeals Chamber ☐ President ☒ **Defence Counsel:** ☒ **Prosecution Counsel:** ☒ **Defence Office:** ☐ **Others required:**				
Filed by:	☐ Chamber ☐ Judge	☐ Defence (name)	☒ Prosecutor **Brenda J. Hollis** **(The Prosecutor)**	☐ Other: (name)
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Document's Full Title	**PUBLIC** **PROSECUTION REPLY TO DEFENCE RESPONSE TO URGENT PROSECUTION MOTION REGARDING THE DEFENCE'S FAILURE TO COMPLY WITH THE PRACTICE DIRECTION**			
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