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SCSL - 03 - 01 - A
(10450 - 10453)

10450



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

IN THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Presiding
Justice Emmanuel Ayoola
Justice George Gelaga King
Justice Renate Winter
Justice Jon M. Kamanda
Justice Philip Nyamu Waki, Alternate Judge

Registrar: Ms. Binta Mansaray

Date filed: 4 December 2012

THE PROSECUTOR

Against

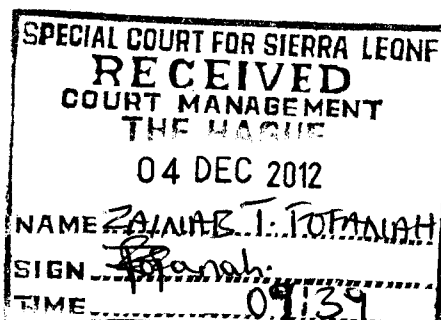
CHARLES GHANKAY TAYLOR
(Case No. SCSL-03-01-A)

PUBLIC

**PROSECUTION RESPONSE TO THE DEFENCE'S "URGENT MOTION FOR
RECONSIDERATION OR REVIEW OF 'SCHEDULING ORDER'"**

Office of the Prosecutor:
Ms. Brenda J. Hollis
Ms. Ruth Mary Hackler

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 files this response to the Defence's "Urgent Motion for Reconsideration or Review of 'Scheduling Order'".¹ The Prosecution joins the Defence in requesting reconsideration or, in the alternative, review of the Impugned Order² for the reasons set out below.

II. APPLICABLE LAW

2. The Prosecution agrees with the applicable law on reconsideration and review as outlined by the Defence in the Motion.³

III. SUBMISSIONS

3. The Prosecution submits that particular circumstances⁴ justify reconsideration or review of the Impugned Order. These circumstances include two undecided Defence motions: one seeking admission of evidence ("Rule 115 Motion"),⁵ and the other seeking the disqualification of Justice Fisher from deciding the Rule 115 Motion ("Disqualification Motion").⁶ The Prosecution notes that the Defence argues the Rule 115 Motion is relevant to Mr. Taylor's Grounds of Appeal 36, 37 and 38.⁷ It further notes that these Grounds could be referred to in the oral argument hearings.
4. The Prosecution agrees with the Defence that the volume and complexity of the stated Grounds of Appeal and the written submissions relating to those Grounds are additional circumstances which warrant the requested relief.⁸ The Impugned Order instructs the parties to not only address legally technical subjects in their oral submissions but to also be prepared to answer questions about any issues raised in the

¹ Urgent Motion for Reconsideration or Review of "Scheduling Order", SCSL-03-01-A-1356, 4 December 2012 ("Motion").

² Scheduling Order, SCSL-03-01-A-1355, 30 November 2012 ("Impugned Order").

³ Motion, paras. 4-12.

⁴ *Niyitegeka v. The Prosecutor*, ICTR-96-14-A, Decision on Defence Extremely Urgent Motion for Reconsideration of Decision dated 16 December 2003, 19 December 2003, p. 3.

⁵ Defence Motion to Present Additional Evidence Pursuant to Rule 115, SCSL-03-01-A-1352, 30 November 2012.

⁶ Charles Ghankay Taylor's Motion for Disqualification of Justice Shireen Avis Fisher from Deciding the Defence Motion to Present Additional Evidence Pursuant to Rule 115, SCSL-03-01-A-1354, 30 November 2012.

⁷ Motion, para. 21.

⁸ Motion, paras. 23-25.

written submissions, four of which were filed on 23⁹ or 30 November,¹⁰ and all of which are highly detailed and extensive in length.¹¹ More than half of the total pages of the submissions have been filed on 23 November or later.¹²

5. Reconsideration or review of the Impugned Order and scheduling oral arguments for a later date would allow the parties to more fully prepare to meet their instructed obligations under the Impugned Order so that their oral submissions are more helpful to the Appeals Chamber. Postponing the oral arguments until after the two pending motions have been decided may also allow the Judges to raise additional questions that would be helpful to their deliberations.

IV. CONCLUSION

6. For the foregoing reasons, the Prosecution joins the Defence in requesting reconsideration or review of the Impugned Order, and asks that oral argument be rescheduled for a reasonable time after the Rule 115 Motion is decided,¹³ but in any event, no sooner than January 2013.

Filed in The Hague,
4 December 2012,
For the Prosecution,



Brenda J. Hollis
The Prosecutor

⁹ Respondent's Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1349, 23 November 2012 ("Taylor's Response"); Prosecution Respondent's Submissions with Confidential Annexes A and D, SCSL-03-01-A-1350, 23 November 2012 ("Prosecution Response").

¹⁰ Prosecution's Submissions in Reply, SCSL-03-01-A-1351, 30 November 2012 ("Prosecution Reply"); Submissions in Reply of Charles Ghankay Taylor, SCSL-03-01-A-1353, 30 November 2012 ("Taylor's Reply").

¹¹ Corrigendum to Appellant's Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1331, 8 October 2012 and Appellant's Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1326, 1 October 2012, Confidential Annex A (collectively, "Taylor's Appeal"); Prosecution Appellant's Submissions with Confidential Sections D & E of the Book of Authorities, SCSL-03-01-A-1325, 1 October 2012 (Prosecution Appeal).

¹² The submissions filed on 23 November or thereafter, not counting the authorities relied upon which must also be read in conjunction with the submissions, total 434 of the 834 total pages of submissions filed: Taylor's Response: 66 pages; Prosecution Response: 271 pages; Prosecution Reply: 41 pages; Taylor's Reply: 46 pages. Taylor's Appeal: 310 pages; Prosecution Appeal: 100 pages.

¹³ The Prosecution assumes that the Disqualification Motion would have to be decided before the Rule 115 Motion.

Index of Authorities

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Prosecutor v. Taylor (SCSL-03-01)

Urgent Motion for Reconsideration or Review of “Scheduling Order”, SCSL-03-01-A-1356, 4 December 2012

Scheduling Order, SCSL-03-01-A-1355, 30 November 2012

Charles Ghankay Taylor’s Motion for Disqualification of Justice Shireen Avis Fisher from Deciding the Defence Motion to Present Additional Evidence Pursuant to Rule 115, SCSL-03-01-A-1354, 30 November 2012

Submissions in Reply of Charles Ghankay Taylor, SCSL-03-01-A-1353, 30 November 2012

Defence Motion to Present Additional Evidence Pursuant to Rule 115, SCSL-03-01-A-1352, 30 November 2012

Prosecution’s Submissions in Reply, SCSL-03-01-A-1351, 30 November 2012

Prosecution Respondent’s Submissions with Confidential Annexes A and D, SCSL-03-01-A-1350, 23 November 2012

Respondent’s Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1349, 23 November 2012

Corrigendum to Appellant’s Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1331, 8 October 2012

Appellant’s Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1326, 1 October 2012

Prosecution Appellant’s Submissions with Confidential Sections D & E of the Book of Authorities, SCSL-03-01-A-1325, 1 October 2012

ICTR

Niyitegeka v. The Prosecutor, ICTR-96-14-A, Decision on Defence Extremely Urgent Motion for Reconsideration of Decision dated 16 December 2003, 19 December 2003. <http://www.unictr.org/Portals/0/Case/English/Niyitegeka/decisions/191203.pdf>