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SCSL-03-01-A  
(10499-10513)

10499



**THE SPECIAL COURT FOR SIERRA LEONE**

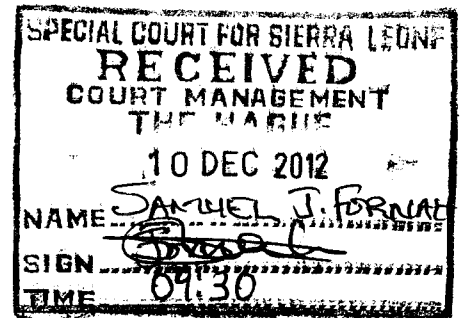
**THE APPEALS CHAMBER**

**Before:** Justice Emmanuel Ayoola, Vice President  
Justice George Gelaga King  
Justice Renate Winter  
Justice Jon M. Kamanda  
Justice Philip Nyamu Waki, Alternate Judge

**Registrar:** Ms. Binta Mansaray

**Date:** 10 December 2012

**Case No.:** SCSL-2003-01-A



**THE PROSECUTOR**

-v-

**CHARLES GHANKAY TAYLOR**

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**PUBLIC WITH CONFIDENTIAL ANNEXES A, B AND C**

**DEFENCE REPLY TO JUSTICE FISHER'S LETTER IN RESPONSE TO MR. TAYLOR'S  
DISQUALIFICATION MOTION OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO  
FILE A REPLY**

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**Office of the Prosecutor:**

Ms. Brenda J. Hollis  
Mr. Nicholas Koumjian  
Mr. Mohamed A. Bangura  
Ms. Nina Tavakoli  
Ms. Ruth Mary Hackler  
Ms. Ula Nathai-Lutchman  
Mr. James Pace  
Mr. C6man Kenny  
Ms. Leigh Lawrie  
Mr. Alain Werner  
Ms. Kathryn Howarth  
Ms. Ann Ellefsen-Tremblay

**Counsel for Charles G. Taylor:**

Mr. Morris Anyah  
Mr. Eugene O'Sullivan  
Mr. Christopher Gosnell  
Ms. Kate Gibson  
Ms. Magda Karagiannakis

**A. Introduction<sup>1</sup>**

1. The Defence hereby replies to Justice Shireen Avis Fisher's letter, submitted at the request of the Appeals Chamber on Charles Ghankay Taylor's Motion for Disqualification.<sup>2</sup> In the alternative, the Defence respectfully requests leave to file the reply annexed in Confidential Annex C, should leave to reply be granted.

**B. Submissions**

2. The Disqualification Motion<sup>3</sup> was filed shortly after the Defence Rule 115 Motion<sup>4</sup> on 30 November 2012. On 4 December 2012, the Appeals Chamber directed the Prosecution to file any response to the Disqualification Motion by 6 December and the Defence to file any reply to the Prosecution's response by 10 December 2012 at 16:00 hours.<sup>5</sup> On 5 December 2012, the Prosecution advised the senior legal officers of the Chamber that it had waived its right to respond to the Disqualification Motion.<sup>6</sup>

3. For the reasons set forth in Confidential Annex A, a basis exists for a Defence reply to the Letter in Response. Alternatively, the Defence respectfully seeks leave of the Chamber to file a reply to the Letter in Response and appends its reply in Confidential Annex C, should leave be granted.

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<sup>1</sup> The Honourable Justice Shireen Avis Fisher's name has not been included on the cover page of this motion, inasmuch as the Justice is the subject of the Disqualification Motion regarding the Defence Rule 115 Motion, and all Appeals Chamber Orders and Directions thus far connected with the Disqualification Motion have not included the Justice's name on the cover. See, e.g., *Prosecutor v. Taylor*, SCSL-03-01-A-1358, Scheduling Order for Written Submissions Regarding Public with Annex A 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, 4 December 2012 ("Scheduling Order"); *Prosecutor v. Taylor*, SCSL-03-01-A-1361, Direction to File and Serve Justice Shireen Avis Fisher's Letter Submitted at the Request of the Appeals Chamber on Charles Ghankay Taylor's Motion for Disqualification, 5 December 2012; and *Prosecutor v. Taylor*, SCSL-03-01-A-1364, Order to Redact, 7 December 2012.

<sup>2</sup> See, pages 3 – 7 of *Prosecutor v. Taylor*, SCSL-03-01-A-1361, Direction to File and Serve Justice Shireen Avis Fisher's Letter Submitted at the Request of the Appeals Chamber on Charles Ghankay Taylor's Motion for Disqualification, 5 December 2012 ("Letter in Response"). See, also, *Prosecutor v. Taylor*, SCSL-03-01-A-1354, 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, 30 November 2012 ("Disqualification Motion").

<sup>3</sup> Disqualification Motion.

<sup>4</sup> *Prosecutor v. Taylor*, SCSL-03-01-A-1352, Defence Motion to Present Additional Evidence Pursuant to Rule 115, 30 November 2012 ("Defence Rule 115 Motion").

<sup>5</sup> Scheduling Order.

<sup>6</sup> See, Confidential Annex B.

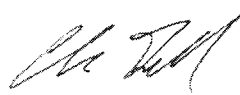
Respectfully submitted,



**Morris Anyah**  
**Lead Counsel for**  
**Charles G. Taylor**



Eugene O'Sullivan  
Co-Counsel for  
Charles G. Taylor



Christopher Gosnell  
Co-Counsel for  
Charles G. Taylor



Kate Gibson  
Co-Counsel for  
Charles G. Taylor

Dated this 10<sup>th</sup> Day of December 2012, The Hague, The Netherlands.

**List of Authorities**

**SCSL**

*Rules of Procedure and Evidence of the Special Court for Sierra Leone*, as amended on 31 May 2012

**Prosecutor v. Taylor**

**Filings**

*Prosecutor v. Taylor*, SCSL-03-01-A-1364, Order to Redact, 7 December 2012

*Prosecutor v. Taylor*, SCSL-03-01-A-1361, Direction to File and Serve Justice Shireen Avis Fisher's Letter Submitted at the Request of the Appeals Chamber on Charles Ghankay Taylor's Motion for Disqualification, 5 December 2012

*Prosecutor v. Taylor*, SCSL-03-01-A-1358, Scheduling Order for Written Submissions Regarding Public with Annex A 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, 4 December 2012

*Prosecutor v. Taylor*, SCSL-03-01-A-1354, 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, 30 November 2012

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

*Prosecutor v. Taylor*, SCSL-03-01-A-1339, Decision on Prosecution Motion for Reconsideration of Review of the Pre-Hearing Judge's 4 October 2012 "Scheduling Order for Filings and Submissions," 16 October 2012

*Prosecutor v. Taylor*, SCSL-03-01-A-1331, Corrigendum to Appellant's Submissions of Charles Ghankay Taylor, 8 October 2012

*Prosecutor v. Taylor*, SCSL-03-01-A-1328, Scheduling Order for Filings and Submissions, 4 October 2012

*Prosecutor v. Taylor*, SCSL-03-01-A-1320, Decision on Defence Motion for Reconsideration or Review of "Decision on Prosecution and Defence Motions for Extension of Time and Page Limits Pursuant to Rules 111, 112 and 113 and Final Order on Extension of Time for Filing Submissions", 21 August 2012

**Transcripts**

Status Conference Transcript, 25 October 2012



**SPECIAL COURT FOR SIERRA LEONE**

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Court Management Section – Court Records

**CONFIDENTIAL DOCUMENT CERTIFICATE**

This certificate replaces the following confidential document which has been filed in the Confidential Case File.

Case Name: **The Prosecutor – v- Charles Ghankay Taylor**

Case Number: **SCSL-03-01-A**

Document Index Number: **1367**

Document Date: **10 December, 2012**

Filing Date: **10 December, 2012**

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Number of Pages: **11** Number from: **10503-10513**

- Application
- Order
- Indictment
- Motion
- Reply**
- Correspondence

Document Title:

**Public with Confidential annexes A, B and C Defence reply to Justice Fisher's letter in response to Mr Taylor's disqualification motion or, in the alternative, motion for leave to file a reply**

Name of Officer:

Samuel Fornah

Signed: 