

THE APPEALS CHAMBER of the Special Court for Sierra Leone (“Special Court”);

NOTING the Defence Motion to Present Additional Evidence Pursuant to Rule 115, filed on 30 November 2012 (“Rule 115 Motion”);¹

CONSIDERING Rule 109(D) of the Rules of Procedure and Evidence (“Rules”), which provides that the Appeals Chamber may of its own initiative exercise any of the functions of the Pre-Hearing Judge;

CONSIDERING that Rule 115(A) provides that a function of the Pre-Hearing Judge is to decide on any motion filed pursuant to that Rule;

CONSIDERING that Rule 115(C) provides that the Appeals Chamber may “review” any decision taken by the Pre-Hearing Judge pursuant to that Rule, as the Pre-Hearing Judge is acting on behalf of the Appeals Chamber² and the Parties cannot “appeal” a decision of the Appeals Chamber to itself;

CONSIDERING that pursuant to Rule 109 the appointment of a Pre-Hearing Judge is not mandatory;

CONSIDERING ALSO that the Parties may request the Appeals Chamber to reconsider its own prior decisions;³

CONSIDERING FURTHER that pursuant to Rule 26*bis* and Rule 109(B)(i), the Appeals Chamber, and the Pre-Hearing Judge acting on behalf of the Appeals Chamber, shall ensure that a trial is fair and expeditious and that proceedings before the Special Court are conducted

¹ *Prosecutor v. Charles Ghankay Taylor*, SCSL-03-01-A-1352, Defence Motion to Present Additional Evidence Pursuant to Rule 115, 30 November 2012.

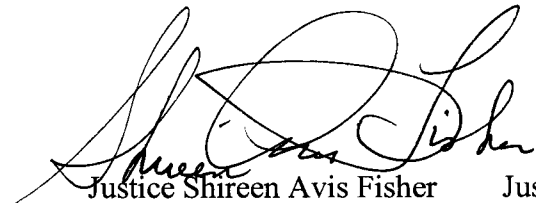

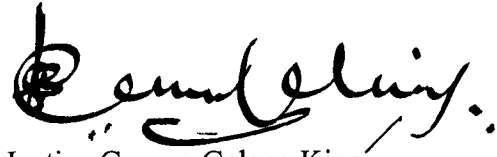
² *See Prosecutor v. Kupreškić, et al.*, International Criminal Tribunal for the former Yugoslavia, Case No. IT-95-16-T, Appeals Chamber, Decision on Appeal of the Counsel of Zoran Kupreškić, Mirjan Kupreškić, Drago Josipović and Vladimir Šantić against the Decision of the Pre-appeal Judge from 29 June 2000, 4 July 2000 (“CONSIDERING that the pre-appeal Judge was entrusted by the Appeals Chamber with the competence of determining all pre-appeal motions of a procedural nature with the power to refer to the Appeals Chamber any such motions as he considers appropriate, and that in this capacity the pre-appeal Judge therefore acts on behalf of the Appeals Chamber as a whole.”).

³ *Prosecutor v. Norman et al.*, SCSL-04-14-T-319, Decision on Prosecution Appeal against the Trial Chamber’s Decision of 2 August 2004 Refusing Leave to File an Interlocutory Appeal, 17 January 2005, para. 35.

in accordance with the Agreement, the Statute and the Rules, with full respect for the rights of the accused or appellant;

HEREBY GIVES NOTICE that the Appeals Chamber of its own initiative will exercise the functions of the Pre-Hearing Judge pursuant to Rule 115 and decide the Rule 115 Motion.

Done in The Hague, The Netherlands, this 18th day of January 2013.

Justice Shireen Avis Fisher Justice Emmanuel Ayoola Justice George Gelaga King

Presiding




Justice Renate Winter Justice Jon Kamanda

