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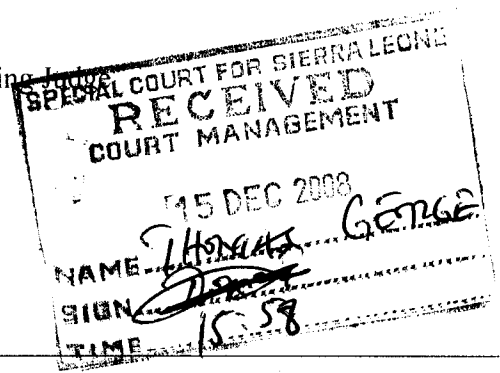
SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PRESIDENT

Before: Justice Renate Winter, Presiding Judge

Registrar: Herman von Hebel

Date: 15 December 2008



DECISION ON PROSECUTION REQUEST FOR EXPEDITED FILINGS AND FOR LEAVE TO FILE NOTICE OF APPEAL AND SUBMISSIONS DURING JUDICIAL RECESS

Office of the Prosecutor:  
Mr. Stephen Rapp

Principal Defender:  
Ms. Elizabeth Nahamya

Defence Counsel for the Charles Ghankay Taylor:  
Mr. Courtney Griffiths Q.C.

J. Justice Renate Winter, President of the Special Court for Sierra Leone (“Special Court”),

NOTING the Order Scheduling Judicial Recess, filed on 12 September 2008 (“Scheduling Order”), which stated that “the Court Management Section of the Registry will not accept any documents for filing submitted before the Appeals Chamber and Trial Chamber II” from , 15 December 2008 until Friday, 2 January 2009, inclusive;

NOTING Trial Chamber II’s Decision on Public Prosecution Application for Leave to Appeal Decision Regarding the Tender of Documents, filed on 11 December 2008,<sup>1</sup> which grants the Prosecution’s application for leave to appeal;

NOTING that pursuant to the Scheduling Order and Rule 7(B) of the Rules of Procedure and Evidence (“Rules”), as amended on 19 November 2007, time limits for filing documents run during the judicial recess; however, because the time limit for the Prosecution to file its notice and grounds of appeal pursuant to Rule 108(C) of the Rules expires on a day falling within the judicial recess, the time limit is automatically extended to the subsequent working day, 5 January 2009;

NOTING the Prosecution’s request to file its notice and grounds of appeal on 19 December 2008 rather than 5 January 2009;<sup>2</sup>

NOTING that the Defence have not filed a response to the Prosecution’s request;

NOTING HOWEVER that by email dated 12 December 2008, the Defence indicated that it opposes the Prosecution’s request on the grounds that it will prejudice their ability to prepare submissions in response during the winter recess;

CONSIDERING that even though the email from the Defence does not constitute a response in accordance with the Practice Direction on Filing Documents before the Special Court for Sierra Leone of 27 February 2003, and the Practice Direction for Certain Appeals Before the Special Court of 30 September 2004, I nevertheless accept the Defence position on the Prosecution request contained in the said email due to the urgency of the matter;

NOTING that even though it provides for an “Expedited Procedure”, Rule 117 of the Rules does not expressly permit the Appeals Chamber or its Presiding Judge to order expedited time limits except in

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<sup>1</sup> *Prosecutor v Taylor*, SC/L-03-01-7-691, Decision on Public Prosecution Application for Leave to Appeal Decision Regarding the Tender of Documents, 10 December 2008.


the form of a practice direction issued by the Presiding Judge pursuant to Rule 107, in the absence of an agreement between the Parties;

FURTHER NOTING that the Practice Direction for Certain Appeals Before the Special Court of 30 September 2004, specifies the time limits permitted to the Parties to file their appeals, responses and replies but does not contain such express permission;

CONSIDERING ALSO that even though Rule 107 provides that the President may issue practice directions on detailed aspects of the conduct of proceedings before the Appeals Chamber in consultation with the Vice-President, it will be inconsistent with basic rules of fairness to issue one on this matter during judicial recess;

HEREBY DENY the Prosecution's request and ORDER the Office of the Registrar to accept this decision as duly filed.

Done in Freetown, this 15th Day of December 2008.

  
Hon. Justice Renate Winter  
President  
[Seal of the Special Court for Sierra Leone]