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SCSL-03-01-A
(190-202)

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SPECIAL COURT FOR SIERRA LEONE

IN THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Pre-Hearing Judge

Registrar: Ms. Binta Mansaray

Date: 07 August 2012

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

Public

**DECISION ON PROSECUTION AND DEFENCE MOTIONS FOR EXTENSION
OF TIME AND PAGE LIMITS FOR WRITTEN SUBMISSIONS PURSUANT TO
RULES 111, 112 AND 113**

Office of the Prosecutor:

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 Mr. Mohamed A. Bangura
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 Ms. Leigh Lawrie
 Mr. Christopher Santora
 Ms. Kathryn Howarth
 Ms. Ruth Mary Hackler
 Ms. Ula Nathai-Lutchman
 Mr. James Pace
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Defence Counsel for the Accused:

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

SPECIAL COURT FOR SIERRA LEONE
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Justice Shireen Avis Fisher, Pre-Hearing Judge of the Appeals Chamber of the Special Court for Sierra Leone (“Special Court”), acting in accordance with the “Order Designating a Pre-Hearing Judge Pursuant to Rule 109 of the Rules of Procedure and Evidence,”¹ dated 21 June 2012;

RECALLING the “Decision on Defence Motion for Extension of Time to File Notice of Appeal,”² dated 20 June 2012, pursuant to which both parties were granted a five week extension to file their Notices of Appeal;

RECALLING that additional time to file Notices of Appeal was granted to “allow the Parties to conduct a thorough review of the Trial Judgement and allow for more expeditious preparation of future filings pursuant to Rules 111, 112 and 113 of the Rules”;³

BEING SEIZED of the “Prosecution Consolidated Motion Pursuant to Scheduling Order For Written Submissions Regarding Rules 111, 112 and 113” (“Prosecution Motion”), dated 24 July 2012,⁴ wherein the Prosecution requests (i) a two week extension and thirty additional pages with regard to filing its Appellant’s Submissions,⁵ or, in the alternative, the same extension of time as the Defence is granted should that be greater, (ii) the same increase in time limit and page extension for its Respondent’s Submissions as the Defence is given for its Appellant’s Submissions,⁶ and (iii) a five day extension and ten additional pages with regard to filing its Submissions in Reply;⁷

BEING SEIZED of the “Defence Motion for Extensions of Time and Page Limits for Written Submissions Pursuant to Rules 111, 112 and 113” (“Defence Motion”), dated 24 July 2012,⁸ wherein the Defence requests (i) ninety additional days and two hundred additional

¹ *Prosecutor v. Taylor*, SCSL-03-01-A-1297, Order Designating a Pre-Hearing Judge Pursuant to Rule 109 of the Rules of Procedure and Evidence, 21 June 2012 [*Taylor* Order Designating a Pre-Hearing Judge].

² *Prosecutor v. Taylor*, SCSL-03-01-A-1296, Decision on Defence Motion for Extension of Time to File Notice of Appeal, 20 June 2012 [*Taylor* Decision on Filing Notice of Appeal].

³ *Taylor* Decision on Filing Notice of Appeal, 20 June 2012, p. 3.

⁴ *Prosecutor v. Taylor*, SCSL-03-01-A-1306, Prosecution Consolidated Motion Pursuant to Scheduling Order For Written Submissions Regarding Rules 111, 112 and 113, 24 July 2012 [Prosecution Motion].

⁵ Prosecution Motion, paras 2(a) and 3(a).

⁶ Prosecution Motion, paras 2(b) and 3(b).

⁷ Prosecution Motion, paras 2(c) and 3(c).

⁸ *Prosecutor v. Taylor*, SCSL-03-01-A-1305, Defence Motion for Extensions of Time and Page Limits for Written Submissions Pursuant to Rules 111, 112 and 113, 24 July 2012 [Defence Motion].

pages with regard to filing its Appellant's Submissions,⁹ (ii) sixty additional days and fifty additional pages with regard to filing its Respondent's Submissions,¹⁰ and (iii) fifteen additional days and seventy additional pages with regard to filing its Submissions in Reply;¹¹

NOTING the "Prosecution Response to Defence Motion for Extensions of Time and Page Limits For Written Submissions Pursuant to Rules 111, 112 and 113" ("Prosecution Response"), dated 25 July 2012,¹² and the "Defence Response to Prosecution Consolidated Motion Pursuant to Scheduling Order for Written Submissions Regarding Rules 111, 112 and 113" ("Defence Response"), dated 26 July 2012;¹³

NOTING the "Prosecution Reply to Defence Response to Prosecution Consolidated Motion Pursuant to Scheduling Order For Written Submissions Regarding Rules 111, 112 and 113" ("Prosecution Reply"), dated 27 July 2012,¹⁴ and the "Defence Reply to Prosecution Response to Defence Motion for Extensions of Time and Page Limits for Written Submissions Pursuant to Rules 111, 112 and 113" ("Defence Reply"), dated 27 July 2012;¹⁵

NOTING FURTHER that on 19 July 2012, Notices of Appeal were filed by both Parties, the Defence's Notice of Appeal¹⁶ comprising forty-five grounds of appeal and the Prosecution's Notice of Appeal¹⁷ comprising four grounds of appeal;

DECIDES AS FOLLOWS, based on the written submissions:

⁹ Defence Motion, para. 1(i).

¹⁰ Defence Motion, para. 1(ii).

¹¹ Defence Motion, para. 1(iii).

¹² *Prosecutor v. Taylor*, SCSL-03-01-A-1307, Prosecution Response to Defence Motion for Extensions of Time and Page Limits For Written Submissions Pursuant to Rules 111, 112 and 113, 25 July 2012 [Prosecution Response].

¹³ *Prosecutor v. Taylor*, SCSL-03-01-A-1308, Defence Response to Prosecution Consolidated Motion Pursuant to Scheduling Order for Written Submissions Regarding Rules 111, 112 and 113, 26 July 2012 [Defence Response].

¹⁴ *Prosecutor v. Taylor*, SCSL-03-01-A-1311, Prosecution Reply to Defence Response to Prosecution Consolidated Motion Pursuant to Scheduling Order for Written Submissions Regarding Rules 111, 112 and 113, 27 July 2012 [Prosecution Reply].

¹⁵ *Prosecutor v. Taylor*, SCSL-03-01-A-1310, Defence Reply to Prosecution Response to Defence Motion for Extensions of Time and Page Limits for Written Submissions Pursuant to Rules 111, 112 and 113, 27 July 2012 [Defence Reply].

¹⁶ *Prosecutor v. Taylor*, SCSL-03-01-A-1301, Notice of Appeal of Charles Ghankay Taylor, 19 July 2012 [Defence Notice of Appeal].

¹⁷ *Prosecutor v. Taylor*, SCSL-03-01-A-1300, Prosecution's Notice of Appeal, 19 July 2012 [Prosecution Notice of Appeal].

I. SUBMISSIONS

1. The Prosecution submits that there is good cause for extending the time limits for: (i) its Appellant's Submissions due to the significant complexity of the legal issues raised by the Prosecution in its grounds of appeal;¹⁸ (ii) its Respondent's Submissions due to the breadth of the Defence's grounds of appeal;¹⁹ and (iii) for its Submissions in Reply in order to fully reply to the Defence Respondent's Submissions.²⁰ The Prosecution further submits that there are "exceptional circumstances" to grant the page-limit extensions requested for its Appellant's Submissions²¹ and Respondent's Submissions,²² namely the need to fully address the grounds of appeal in a cohesive and comprehensive manner and in light of the breadth of the Defence's grounds of appeal. The Prosecution contends that the requested extension of page limits for its Respondent's Submissions is consistent with the practice of the Special Court.²³

2. The Defence submits that the requested extensions of time are reasonable, necessary and proportionate in light of the complexity and size of the Trial Judgment, the size of the record of the case and the breadth of its grounds of appeal.²⁴ The Defence contends that the requested extension of time for its Appellant's Submissions is reasonable and proportionate when compared with the time periods granted in other cases before other tribunals.²⁵ With regard to its Respondent's Submissions, the Defence argues that the Statutes of all international courts and tribunals and decisions in other cases at other tribunals provide that a response brief should be filed within a period of no more than two-thirds of the time granted for Appellant's Submissions.²⁶ The Defence further submits that the complexity and size of the Judgment, size of the record and breadth of the Defence's grounds of appeal constitute "exceptional circumstances" justifying the requested extensions of page limits.²⁷ The Defence

¹⁸ Prosecution Motion, para. 6.

¹⁹ Prosecution Motion, para. 9.

²⁰ Prosecution Motion, para. 11.

²¹ Prosecution Motion, para. 8.

²² Prosecution Motion, para. 10.

²³ Prosecution Motion, para 10, citing *Prosecutor v. Sesay et al.*, SCSL-04-15-A-1263, Decision on Kallon Defence Motion for Extension of Time to File Appeal Brief and Extension of Page Limit, 4 May 2009 [RUF Kallon Extension Decision]; *Prosecutor v. Brima et al.*, SCSL-04-16-A-640, Decision on Urgent Joint Defence and Prosecution Motion for an Extension of Time for the Filing of Appeals Briefs, 10 August 2007 [AFRC Appeal Brief Extension Decision]; *Prosecutor v. Fofana and Kondewa*, SCSL-04-14-T-804, Decision on Urgent Joint Defence and Prosecution Motion for an Extension of Time for the Filing of Appeal Briefs and Extension of Page Limits for Appeal Brief, 7 November 2007 [CDF Appeal Brief Extension Decision].

²⁴ Defence Motion, paras 2, 9-11.

²⁵ Defence Motion, paras 2 and 12-15.

²⁶ Defence Motion, para. 16.

²⁷ Defence Motion, para. 18.

refers to the extensions granted in the *Sesay et al.*, *Fofana and Kondewa*, and *Brima et al.* cases in support.²⁸

3. In its Response, the Prosecution submits that the Defence have established good cause and exceptional circumstances, but contends that the extensions requested by the Defence are more generous than necessary.²⁹ The Prosecution suggests that a total of ninety days and a total of two hundred pages for the Appellant's Submissions and a total of sixty pages for Submissions in Reply would be sufficient. The Prosecution further submits that the Defence's proposed extension of sixty days for its Respondent's Submissions would be sufficient for its purposes but would be inadequate for the Prosecution to address all the Defence's grounds of appeal.³⁰ The Defence replies that it has greater knowledge of the time required to prepare its Appellant's Submissions than the Prosecution and reiterates that the requested extension falls within the range granted by other tribunals in other cases.³¹

4. In its Response, the Defence states that the Prosecution's submissions in its Motion "are amplified significantly by those in the Prosecution Response and, accordingly, that the Defence's reply to the Prosecution Response would provide the most efficient way of addressing all relevant issues."³² The Defence makes no further submissions in its Response. The Prosecution replies that the Defence's assertion regarding amplification is without merit and that Defence cannot incorporate its substantive response to the Prosecution Motion in its reply.³³

5. The Prosecution and Defence both submit that any extensions of time or page limits granted by the Appeals Chamber should be granted equally to both Parties to ensure no undue advantage accrues to either party.³⁴

²⁸ Defence Motion, para. 19, *citing* RUF Kallon Extension Decision; AFRC Appeal Brief Extension Decision; CDF Appeal Brief Extension Decision.

²⁹ Prosecution Response, paras 2, 3.

³⁰ Prosecution Response, para. 4.

³¹ Defence Reply, para. 3.

³² Defence Response, para. 2.

³³ Prosecution Reply, para. 5.

³⁴ Prosecution Motion, para. 7; Defence Motion, paras 17, 20.

II. APPLICABLE LAW AND PRACTICE OF THE SPECIAL COURT

6. Rule 109 provides that the Pre-Hearing Judge shall ensure that the proceedings are not unduly delayed and shall take any measures related to procedural matters with a view to preparing the case for a fair and expeditious hearing.
7. Rule 108(A) provides that a party seeking to appeal a judgement or sentence shall file its notice of appeal not more than fourteen days from the receipt of the full judgement and sentence. Rules 111, 112 and 113 provide for the following time-limits, respectively: Appellant's Submissions shall be filed within twenty-one days of the filing of the Notice of Appeal; Respondent's Submissions shall be filed within fourteen days of the filing of the Appellant's Submissions; and Submissions in Reply shall be filed within five days after the filing of the Respondent's Submissions. Accordingly, the Rules provide for the completion of the filing of appeal submissions within fifty-four days, or approximately eight weeks, of the receipt of the full judgment and sentence.
8. Article 6(E) of the Practice Direction on dealing with Documents in The Hague Sub-Office ("Practice Direction") provides for the following page limits: Appellant's Submissions and Respondent's Submissions shall be no longer than one hundred pages or thirty thousand words, whichever is greater; and Submissions in Reply shall be no longer than thirty pages or nine thousand words, whichever is greater. Accordingly, the Practice Direction provides for a total of no more than two hundred and thirty pages or sixty-nine thousand words for appeal submissions, excluding the notices of appeal.
9. Rule 116 provides that a motion to extend a time limit may be granted upon a showing of good cause. Article 6(G) of the Practice Direction provides that an extension of the page limits may be granted if the moving Party demonstrates exceptional circumstances that necessitate the oversized filing.
10. In *Brima et al.*, the Appeals Chamber granted the Parties an extension of three weeks for the filing of the Appellant's Submissions.³⁵ The Appeals Chamber reasoned that the size of the Trial Judgment, the issuance of a Corrigendum, the fact that a recess fell during the period and the fact that the Defence counsel were not appointed until after the Sentencing Judgment was rendered constituted good cause for the extension. The Pre-Hearing Judge

further granted the Parties an extension of seven days for the filing of the Respondent's Submissions.³⁶ While the Parties had requested an extension of eleven days, the Pre-Hearing Judge reasoned that the Parties had already been granted an extension for the filing of the Appellant's Submissions and there was a need for the Appeals Chamber to dispose of the appeal expeditiously in order to avoid undue delay in granting an extension of only seven days.

11. Accordingly, the Parties in *Brima et al.* were granted a total of eighty-two days, or approximately eleven and a half weeks, from the receipt of the full judgement and sentence for the filing of their appeal submissions. The Parties did not request additional pages.

12. In *Fofana and Kondewa*, the Appeals Chamber granted the Parties an extension of four weeks and fifty pages for the filing of the Appellant's Submissions.³⁷ The Appeals Chamber reasoned that the fact that Defence Counsel was assigned on 19 October 2007 (ten days following receipt of the Sentencing Judgment in that case) constituted good cause for the extension of time limits. The Appeals Chamber also reasoned that the issues raised by the Trial Chamber and the notice of appeal filed by the Parties constituted exceptional circumstances warranting an extension of page limits. The Appeals Chamber found that the request for an extension of one hundred pages was excessive but that an extension of fifty pages was adequate. The Appeals Chamber further granted an extension of two weeks for the filing of the Respondent's Submissions.³⁸ The Appeals Chamber reasoned that the complexities of the issues presented by the Appellant's Submissions and the fact that a recess fell during the period constituted good cause for the extension.

13. Accordingly, the Parties in *Fofana and Kondewa* were granted a total of ninety-six days, or approximately fourteen weeks, from the receipt of the full judgement and sentence for the filing of their appeal submissions. The Parties were further granted a total extension of fifty pages for their appeal submissions.

³⁵ AFRC Appeal Brief Extension Decision.

³⁶ *Prosecutor v. Brima et al.*, SCSL-04-16-A-654, Decision on Urgent Joint Defence and Prosecution Motion for an Extension of Time for the Filing of Response Briefs, 26 September 2007 [AFRC Response Brief Extension Decision].

³⁷ CDF Appeal Brief Extension Decision.

³⁸ *Prosecutor v. Fofana and Kondewa*, SCSL-04-14-A-813, Decision on Urgent Renewed Joint Defence and Prosecution Motion for Extension of Time for the Filing of Response Briefs, 13 December 2007 [CDF Response Brief Extension Decision].

14. In *Sesay et al.*, the Pre-Hearing Judge granted the Parties an extension of ten days and fifty pages for the filing of the Appellant's Submissions.³⁹ The Pre-Hearing Judge reasoned that the length and complexity of the Trial Judgment, the need for the Accused to fully understand it and the issues raised in the notice of appeal constituted good cause for the extension of time limits. However, while the Party had requested an extension of eight weeks, the Pre-Hearing Judge found that an extension of ten days was reasonable. The Pre-Hearing Judge also reasoned that the thirty-one grounds of appeal and the length and complexity of the Trial Judgment constituted exceptional circumstances warranting an extension of page limits. However, while the Party had requested an extension of three hundred pages, the Pre-Hearing Judge found that request was excessive, and considered that an extension of fifty pages was sufficient. Further, the Pre-Hearing Judge granted the Parties an extension of seven days and fifty pages for the filing of the Respondent's Submissions. Finally, the Pre-Hearing Judge did not grant the Parties any extensions for the filing of Submissions in Reply.

15. Accordingly, the Parties in *Sesay et al.* were granted a total of seventy-one days, or approximately ten weeks, from the receipt of the full judgment and sentence for the filing of their appeal submissions.⁴⁰ The Parties were further granted a total extension of one hundred pages for their appeal submissions.

III. REASONING

16. I note that the Parties were previously granted a five-week extension for the filing of notices of appeal, for a total of forty-nine days from the receipt of the full judgement and sentence.

17. The additional extensions of time and page limits requested by the Parties in the instant Motions represent significant exceptions to the Rules, the Practice Direction and the practice of the Special Court. Notably, the Defence requests a total of one hundred and eleven days and three hundred pages for its Appellant's Submissions, a total of seventy-four days and one hundred and fifty pages for its Respondent's Submissions and a total of twenty days and one hundred pages for its Submissions in Reply. The Defence accordingly requests a total of two hundred and fifty-four days, or approximately thirty-six weeks, from the receipt of the

³⁹ RUF Kallon Extension Decision.

full judgment and sentence and a total five hundred and fifty pages for the filing of all appeal submissions. No previous Party before the Special Court has been granted more than one hundred days in total for the filing of all appeal submissions, much less the filing of the Appellant's Submission alone.

18. I find that the Parties have established good cause for the extension of time limits pursuant to Rule 116 and exceptional circumstances for the extension of page limits pursuant to Article 6(G) of the Practice Direction based on the complexity of the issues raised in the grounds of appeal and the size of the trial record. However, the Parties fail to provide persuasive justification for the specific extensions they request.

19. In its Motion, the Prosecution requests an extension of two weeks for the filing of the Appellant's Submissions.⁴¹ In its Response, the Prosecution suggests that an extension of sixty-nine days for the Appellant's Submissions would be sufficient, but fails to provide any reasoning for this position or any explanation for the significant discrepancy between this position and the extension it requests in its Motion.⁴²

20. The Defence fails to justify the specific extensions it requests by reference to the Rules, Practice Direction and practice of the Special Court. The Defence does not put forward arguments addressing the framework set forth in the Rules and Practice Direction and justifying the substantial deviation it proposes from that framework. Likewise, the Defence does not reference the prior decisions and practice of the Special Court, explaining why those prior cases are so dissimilar from this case as to warrant such a significant departure from the Special Court's practice. The trial records in prior cases were also significant in size. Appellants in prior cases also put forward comprehensive challenges to the Trial Chamber's findings. In particular, I note that appellants in prior cases challenged the Trial Chamber's crime base findings as well, which the Defence here does not contest. I further note that appellants in prior cases also challenged the Trial Chamber's identification and application of the elements of the crimes, which again the Defence here does not contest.

⁴⁰ Due to a computational error, the Parties received an additional two days for the filing of the Respondent's Briefs. *Prosecutor v. Sesay et al.*, SCSL-04-15-A-1266, Corrigendum to Decision on Kallon Defence Motion for Extension of Time to File Appeal Brief and Extension of Page Limit, 6 May 2009.

⁴¹ Prosecution Motion, paras 2, 6.

⁴² Prosecution Response, para. 3.

21. I consider that the reliance by the Defence on the decisions of other tribunals in other cases is largely misplaced and certainly not dispositive.⁴³ Those tribunals apply different rules with substantively different provisions.⁴⁴ Similarly, the Defence fails to demonstrate that the cases cited represent a developed practice rather than *ad hoc* decisions. The Defence further analogizes to those other cases based solely on the length of the trial judgment, although it is noted that the majority of the cases cited are complex multi-accused cases.

22. Finally, the length of the Trial Judgment was already fully considered in the previously granted extension of time for the filing of the notices of appeal.⁴⁵

23. In determining extensions of time and page limits that are reasonable and proportionate in the circumstances, I consider first the framework set out in the Rules and Practice Direction and the clear practice of the Special Court. As noted above, the Rules and Practice Direction provide for the completion of the filing of appeal submissions within fifty-four days, or approximately eight weeks, of the receipt of the full judgment and sentence, and for a total of no more than two hundred and thirty pages or sixty-nine thousand words for appeal submissions, excluding the notices of appeal.

24. The parties in prior cases have been granted extensions of time of two to six weeks in total and extensions of fifty to one hundred pages in total, depending on the specific circumstances of the case and the requests of the parties. In this regard, I note that the extensions of time granted in *Fofana and Kondewa* were largely premised on the facts that Defence Counsel was not assigned until after the receipt of the full judgment and sentence and that a recess fell during the submission period.⁴⁶ Neither of these considerations applies here.

25. As noted previously, the Parties have established good cause and exceptional circumstances based on the complexity of the issues raised in the grounds of appeal and the size of the trial record. Both the Defence and Prosecution have appealed the Trial Chamber's findings on the Appellant's individual criminal liability for aiding and abetting and planning. The Defence has filed thirty grounds of appeal challenging the Trial Chamber's findings on

⁴³ Defence Motion, paras 12-15.

⁴⁴ Rules of Procedure and Evidence, International Criminal Tribunal for the former Yugoslavia, IT/32/Rev.46, Rules 108, 111-113; Rules of Procedure and Evidence, Special Tribunal for Lebanon, STL/BD/2009/01/Rev. 4, Rules 177, 182-184.

⁴⁵ *Taylor* Decision on Filing Notice of Appeal.

⁴⁶ CDF Appeal Brief Extension Decision; CDF Response Brief Extension Decision.

both the *actus reus* and *mens rea* for these modes of liability.⁴⁷ Likewise, the Prosecution has filed two grounds of appeal contending that the Trial Chamber should have convicted the Appellant for ordering and instigating the commission of all crimes charged in the Indictment.⁴⁸ Without detracting from the complexity of the other issues raised on appeal, I consider that these challenges to the Trial Chamber's finding on the Appellant's individual criminal liability raise complex issues of law and fact that necessitate additional review of the Trial Chamber's findings and careful consideration of the relevant jurisprudence. I further consider that the scope of the challenges to the modes of liability in this appeal is substantially broader than in prior cases, necessitating additional time and pages for the presentation of focused and coherent arguments on appeal.

26. The trial record in this proceeding is unquestionably substantial. The Indictment charged the Appellant with eleven Counts covering a broad temporal scope and wide geographic area. There were four hundred and twenty trial days, during which one hundred and fifteen witnesses were heard, one thousand five hundred and twenty-one exhibits were admitted and forty-nine thousand pages of transcript were produced. There were further one thousand two hundred and seventy-nine filings and decisions, totalling thirty-eight thousand and sixty-nine pages.

27. As the Defence notes, it has raised forty-five grounds of appeal comprehensively challenging the Trial Chamber's findings.⁴⁹ I consider that the Defence will need additional time and pages in order to comprehensively and coherently set forth its arguments. I further consider that the Prosecution will equally need additional time and pages in order to effectively respond to the Defence's contentions. Likewise, while the Prosecution has raised only four grounds of appeal, as noted above its challenges to the Trial Chamber's findings on the Appellant's individual criminal liability raise complex issues of law and fact. I consider that the Prosecution will need additional time and pages in order to comprehensively and coherently set forth its arguments, and I further consider that the Defence will need additional time and pages in order to effectively respond to the Prosecution's contentions. In this regard, I note that the Defence accurately characterizes the framework of the Rules with regard to the time allowed for Appellant's Submissions and Respondent's Submissions.⁵⁰ However, I

⁴⁷ Defence Notice of Appeal.

⁴⁸ Prosecution Notice of Appeal.

⁴⁹ Defence Motion, para. 10.

⁵⁰ Defence Motion, para. 16.

consider that, in the specific circumstances of this case, as the Appellant's Submissions will raise complex issues of law and fact, both the Prosecution and the Defence will require time equal to that provided for the Appellant's Submissions in order to prepare their Respondent's Submissions. I further consider that the Appeals Chamber will benefit in its consideration of the Parties' appeals from well thought-out and comprehensive responses.

28. Finally, I note that Counsel for both the Prosecution and the Defence are experienced lawyers with substantial knowledge of international criminal law and procedure. I further note that Counsel for the Prosecution and the Defence have participated throughout the proceedings and are intimately familiar with the facts and law of the case. I consider that these facts balance the complexity of the issues of law and fact raised and the size of the trial record. I further consider that the Parties will accordingly not require substantial additional time and pages for Submissions in Reply in order to address new or unanticipated arguments or issues.

29. In light of the above, I find that the following extensions of time are reasonable and proportionate: (i) for the Appellant's Submissions pursuant to Rule 111, an extension of thirty-two days, for a total of fifty-three days from the filing of the Notices of Appeal; (ii) for the Respondent's Submissions pursuant to Rule 112, an extension of thirty-nine days, for a total of fifty-three days from the filing of the Appellant's Submissions; and (iii) for the Submissions in Reply pursuant to Rule 113, an extension of two days, for a total of seven days from the filing of the Respondent's Submissions.

30. I further find that an extension of two hundred pages in total for both the Appellant's Submissions and the Respondent's Submissions is reasonable and proportionate. Considering that Counsel are experienced lawyers and best-placed to assess their needs and strategy, the Parties may allocate this extension between the Appellant's Submissions and the Respondent's Submissions as they see fit. I further find that an extension of twenty pages for Submissions in Reply is reasonable and proportionate. Counsel are reminded of the provisions of Article 6(F) of the Practice Direction in this regard, and are further reminded that the above extensions are a maximum but not a minimum. Finally, with regard to appendices and annexes, Counsel are reminded that all substantive arguments must be presented in the main text.

IV. DISPOSITION

31. For the foregoing reasons, I hereby **GRANT** the Defence and Prosecution Motions, **IN PART**, and **ORDER** as follows:

- (i) The Parties are granted an extension of thirty-two (32) days to file their Appellant's Submissions pursuant to Rule 111, which must be thus submitted no later than 10 September 2012.
- (ii) The Parties are granted an extension of thirty-nine (39) days to file their Respondent's Submissions pursuant to Rule 112, which must be thus submitted no later than 2 November 2012.
- (iii) The Parties are granted an extension of two (2) days to file their Submissions in Reply pursuant to Rule 113, which must be thus submitted no later than 9 November 2012.
- (iv) The Parties are granted an extension of two hundred (200) pages in total for both their Appellant's Submissions and Respondent's Submissions, so that the Appellant's Submissions and Respondent's Submissions together must not exceed four hundred (400) pages or one hundred and twenty thousand (120,000) words, whichever is greater.
- (v) The Parties are granted an extension of twenty (20) pages for their Submissions in Reply, so that the Submissions in Reply must not exceed fifty (50) pages or fifteen thousand (15,000) words, whichever is greater.

Done in The Hague, The Netherlands, this 7th day of August 2012.



Hon. Justice Shireen Aris Fisher
Pre-Hearing Judge

[Seal of the Special Court for Sierra Leone]

