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SCSL-03-01-A
(10421-10449)

10421



THE SPECIAL COURT FOR SIERRA LEONE

THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Presiding Judge
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: 4 December 2012

Case No.: SCSL-2003-01-A

THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC WITH PUBLIC ANNEXES A-C AND CONFIDENTIAL ANNEX D

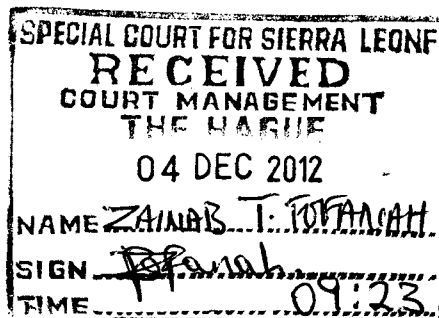
URGENT MOTION FOR RECONSIDERATION OR REVIEW OF "SCHEDULING ORDER"

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. C3man 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



I. INTRODUCTION

1. The Defence files this urgent motion for reconsideration or review by the Appeals Chamber of the Pre-Hearing Judge's *Scheduling Order*.¹ Reconsideration or review is necessary to avoid an injustice and to remedy several clear errors of reasoning in the Impugned Order.

2. The clear errors of reasoning include: (i) a demonstrable and extraordinary deviation from Special Court precedent regarding the amount of time between the filing of submissions in reply² and the scheduling and commencement of oral arguments, explicating thereby the unreasonableness of the schedule set by the Impugned Order; (ii) a demonstrably and extraordinary deviation from ICTR³ and ICTY⁴ precedent regarding the amount of time between the filing of submissions in reply⁵ and the scheduling and commencement of oral arguments, explicating thereby the unreasonableness of the schedule set by the Impugned Order; (iii) a failure to take into account the *Defence Motion to File Additional Evidence Pursuant to Rule 115*⁶ in the scheduling of the oral hearing and the resulting prejudice to the Defence, should the oral hearing take place before resolution of the Defence Rule 115 Motion; and (iv) a failure to take into account the volume and complexity of material on record in this appeal and the resulting violation (should the Impugned Order stand) of Mr. Taylor's rights under Article 17 to a fair hearing⁷ and to adequate time and facilities for the preparation of his defence.⁸

3. The Defence respectfully requests that the Appeals Chamber reconsider or review and overturn the Impugned Order, and schedule the oral hearing for a reasonable time after a decision on the Defence Rule 115 Motion is rendered.

¹ *Prosecutor v. Taylor*, SCSL-03-01-A-1355, Scheduling Order, 30 November 2012 ("Impugned Order").

² See, *Rules of Procedure and Evidence of the Special Court for Sierra Leone*, as amended on 31 May 2012 ("Rules"), Rule 113.

³ International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 ("ICTR").

⁴ International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("ICTY").

⁵ See, *Rules of Procedure and Evidence of the Special Court for Sierra Leone*, as amended on 31 May 2012 ("Rules"), Rule 113.

⁶ *Prosecutor v. Taylor*, SCSL-03-01-A-1352, Defence Motion to File Additional Evidence Pursuant to Rule 115, 30 November 2012 ("Defence Rule 115 Motion").

⁷ See, *Statute of the Special Court for Sierra Leone*, annexed to the *Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone*, 16 January 2002 ("Statute"), Article 17(2).

⁸ Statute, Article 17(a)(b).

II. APPLICABLE LAW

(i) Reconsideration

4. In *Norman, et al.*, this Chamber reviewed jurisprudence from the ICTY and acknowledged the inherent jurisdiction of the Appeals Chamber to reconsider its own decision to avoid injustice.⁹ The Chamber observed that the power to reconsider would arise in the event of a clear error of reasoning,¹⁰ and quoted from Judge Shahabuddeen's separate opinion in *Mucić, et al.*, to the effect that "clear error" means "something which the court manifestly or obviously overlooked in its reasoning and which is material to the achievement of substantial justice."¹¹ Whether or not a Chamber elects to reconsider one of its previous decisions is discretionary.¹²

5. A similar principle was articulated in *Prosecutor v. Ntagerura et al.*,¹³ and this Chamber endorsed it regarding the power of a Trial Chamber to reconsider one of its prior decisions, confirming that "it falls within the discretion of a Trial Chamber to reconsider a previous decision if a clear error of reasoning has been demonstrated or if it is necessary to prevent an injustice."¹⁴

6. In this case, the Impugned Order was rendered by the Pre-Hearing Judge, pursuant to the "Order Designating a Pre-Hearing Judge Pursuant to Rule 109 of the Rules of Procedure and Evidence."¹⁵ Rule 109(B)(i) provides that the Pre-Hearing Judge "shall take any measures related to procedural matters, including the issuing of decisions, orders and directions..."¹⁶ Rule 109(B)(ii)(b) authorizes the Pre-Hearing Judge to recommend to the Appeals Chamber that no oral hearing is necessary,¹⁷ and Rule 109(C) authorizes her to order the parties to file further written submissions with the Appeals Chamber, in relation to points of agreement and disagreement on matters of law and fact.¹⁸ Additionally, Rule 109(D)

⁹ *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 ("Norman Decision"), paras. 40 and 35. See, also, *Prosecutor v. Mucić, et al.*, IT-96-21A-Bis, Judgment on Sentence Appeal, 8 April 2003, para. 49 ("Mucić, et al.") and *Prosecutor v. Galić*, IT-98-29-A, Decision on Defence's Request for Reconsideration, 16 July 2004, p. 2.

¹⁰ Norman Decision, para. 35.

¹¹ Norman Decision, para. 35. See, *Mucić, et al.*, Separate Opinion of Judge Shahabuddeen, para. 15.

¹² Mucić, et al., para. 49.

¹³ Case No. ICTR-99-46-A, Appeal Judgment, 7 July 2006, para. 55.

¹⁴ *Prosecutor v. Brima et al.*, SCSL-04-16-A-675, Judgment, dated 22 February 2008 and filed on 3 March 2008, para. 63, citing *Prosecutor v. Ntagerura, et al.* Case No. ICTR-99-46-A, Appeal Judgment, 7 July 2006, para. 55.

¹⁵ *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 ("Designation Order"). See, *Rules of Procedure and Evidence of the Special Court for Sierra Leone*, as amended on 31 May 2012 ("Rules").

¹⁶ Rules, Rule 109(B)(i).

¹⁷ Rules, Rule 109(B)(ii)(b).

¹⁸ Rules, Rule 109(C).

provides that the Appeals Chamber may, *proprio motu*, exercise any of the functions of the Pre-Hearing Judge.¹⁹

7. The ICTY Appeals Chamber has observed that, where a “pre-appeal Judge” is “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,” in that capacity, “the pre-appeal Judge therefore acts on behalf of the Appeals Chamber as a whole.”²⁰ Drawing from these and related characteristics of the role and functions of a pre-appeal or pre-hearing Judge, reconsideration by the Appeals Chamber of a decision of such a Judge is envisaged in both ICTY and ICTR cases on appeal,²¹ especially where an appellant can show “any clear error in the Decision of the Pre-Appeal Judge... or any particular circumstances justifying re-consideration.”²²

8. Notwithstanding that the Designation Order²³ was issued by the Presiding Judge of the Appeals Chamber and not by the Appeals Chamber as a whole, the Defence submits that acts undertaken in the capacity of the Pre-Hearing Judge are tantamount to acts on behalf of the Appeals Chamber as a whole and may, as such, be reconsidered by the Appeals Chamber.²⁴

(ii) Review

9. In the event the Appeals Chamber determines that “reconsideration” is permissible only by the Pre-Hearing Judge who issued the Impugned Order,²⁵ review of the Impugned Order would nevertheless be proper, pursuant to the inherent powers of the Appeals Chamber.

10. This Chamber has observed that:

The Appeals Chamber may have recourse to its inherent jurisdiction, in respect of proceedings of which it is properly seized, when the Rules are silent and such recourse is necessary in order to do justice. The inherent jurisdiction cannot be invoked to circumvent an express Rule. When in the course of

¹⁹ Rules, Rule 109(D).

²⁰ *Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić and Vladimir Šantić*, Case No. IT-95-16-T, 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 (“*Kupreškić Appeals Decision*”), page 1.

²¹ *Kupreškić Appeals Decision*, page 1; and *Eliézer 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 (“*Niyitegeka Appeals Decision*”), page 2.

²² *Niyitegeka Appeals Decision*, page 2.

²³ *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 (“*Designation Order*”).

²⁴ *Kupreškić Appeals Decision*; *Niyitegeka Appeals Decision*. Cf., *Prosecutor v. Ignace Bagilishema*, Case No. ICTR-95-1A-A, Decision: Motions for Review of the Pre-Hearing Judge’s Decisions of 30 November and 19 December 2001, 6 February 2002 (“*Bagilishema Appeals Decision*”).

²⁵ See *Bagilishema Appeals Decision*, page 2.

proceedings which the Appeals Chamber is already properly seized of, a situation arises which it has to deal with in order to further its jurisdiction and fulfill the purpose for which it is already vested with powers, the Appeals Chamber may have recourse to its inherent jurisdiction to exercise powers which will help to further and fulfill that purpose as justice demands, notwithstanding that the rules do not expressly confer such powers. Inherent powers of the court are powers which are inherent in a court by virtue of its nature. They are powers necessary for the administration of justice. They are not powers derived from the Rules or from statute but are powers which must be exercised in the interest of justice by reason of absence of express statutory provisions to cover a particular situation. It is an attribute of judicial power.²⁶

11. The Appeals Chamber is already properly seized of these proceedings and irrespective of the absence of any provision of the Statute or Rules, explicitly authorising review of the Impugned Order or an “appeal” against the same,²⁷ the Appeals Chambers is competent to review such decisions, pursuant to its inherent powers.²⁸

12. To be sure, and in addition to conferring on the Appeals Chamber the *proprio motu* authority to exercise any of the functions of the Pre-Hearing Judge,²⁹ the Rules allow the Appeals Chamber to review the Pre-Hearing Judge’s decision under Rule 115.³⁰ Furthermore, Rule 109(B)(ii)(a) allows a party who is aggrieved by the Pre-Hearing Judge’s order under that Rule to apply for review of the order by the Appeals Chamber.³¹ These provisions make clear that the Appeals Chamber has the authority to review orders of the Pre-Hearing Judge, once it is already seized of the proceedings.

III. SUBMISSIONS

A. Improper Service of the Impugned Order on the Defence

13. A hard-copy of the Impugned Order has not yet been served on the Defence by the Court Management Section (CMS) as of the date and time of the filing of this motion in contravention of Article 13 (B) of the Practice Direction.³² Having stamped the Impugned Order as being received at 16:58 hours on Friday, 30 November 2012, the CMS attempted to

²⁶ Norman Decision, para. 32.

²⁷ See *Bagilishema* Appeals Decision, page 2.

²⁸ Norman Decision, para. 32. The circumstances of this case are different from those in the Norman Decision, where the Appeals Chamber declined to invoke its inherent powers, inasmuch as this is not a situation where the inherent power of the Appeals Chamber is being invoked by a party to confer jurisdiction over the proceedings to the Appeals Chamber, nor is there an express rule that would be circumvented by the invocation of the inherent powers of the Chamber.

²⁹ Rules, Rule 109(D).

³⁰ Rules, Rule 115(C).

³¹ Rules, Rule 109(B)(ii)(a).

³² See, Practice Direction on dealing with Documents in The Hague - Sub-Office, as amended on 25 April 2008 (“Practice Direction”). Article 13(B) states, in part, that: “Service of all documents filed in The Hague shall be effected by delivering hard copies to the Judges and Parties immediately after processing the document.”

serve the Defence with a hard-copy of the Impugned Order at approximately 21:40 hours on that same Friday.³³ Before the CMS representative arrived at the Defence's office with the document, one of two legal assistants then in the office telephoned lead Defence counsel to indicate that a CMS representative had telephoned to indicate that they were on their way to serve an unspecified document on the Defence. Lead Defence counsel then directed both legal assistants to refuse service of any document sought to be served by the CMS at such an extraordinary hour on a Friday night.³⁴ At 22:14 hours on the same day, the CMS representative wrote an e-mail to the Head of the CMS, indicating the Defence's refusal to accept service. At 22:24 hours on the same day, lead Defence counsel replied that e-mail, copying the Special Court's Registrar, and providing the reasons why it was necessary for the Defence to refuse service of the document.³⁵ At 22:27 hours on the same night, CMS distributed the Impugned Order electronically to the Judges, the Parties, and other Court staff.³⁶ That is the only mode of service which has been effectuated on the Defence by the CMS to date.

14. At page four of the Impugned Order, it is stated that, "Service of this order on this date is hereby authorised." The Defence was unaware of this provision (not to mention the contents of the Impugned Order) when it refused service and, importantly, the Defence does not read this statement as authorizing service at such an irregular and extraordinary hour on a Friday night, or vitiating the provisions of Article 13 (B) of the Practice Direction. As such, the Defence submits that proper service of the Impugned Order has never been effectuated on the Defence.

B. Extraordinary Deviation from Special Court Precedent

15. The Impugned Order prescribes a schedule for the oral hearing that is demonstrably unreasonable and extraordinary when compared with Special Court precedent regarding the amount of time between the filing of submissions in reply³⁷ and the scheduling and commencement of oral arguments. This clear error of reasoning warrants reconsideration or review.

³³ See Confidential Annex D.

³⁴ See Confidential Annex D. The Defence had no knowledge of what the document in question was when lead Defence counsel instructed the legal assistants to decline service due to the extraordinary and irregular hour at which service was being attempted.

³⁵ See Confidential Annex D.

³⁶ See Confidential Annex D.

³⁷ See, *Rules of Procedure and Evidence of the Special Court for Sierra Leone*, as amended on 31 May 2012 ("Rules" or "Rule"), Rule 113.

16. It will be recalled that on 31 August 2012, the Pre-Hearing Judge issued a Notice that mandated that the oral hearing would be held on 6, 7 and 10 December 2012.³⁸ Those dates were fixed and the Notice issued without consultation of the parties, and before the parties filed their written submissions, pursuant to Rules 111, 112, and 113.³⁹ Consistent with past SCSL practice⁴⁰ and the express terms of Rule 115 which prescribes that a motion to present additional evidence shall be filed “not later than the deadline for filing the submissions in reply”⁴¹ (i.e., 30 November 2012 in this case),⁴² the Defence Rule 115 Motion was filed on 30 November 2012 at 16:28 hours. The Impugned Order was filed 30 minutes later at 16:58 hours on 30 November 2012 and served only electronically on the Defence at night on that date.

17. The Impugned Order contravenes Special Court precedent and practice in critical ways. First, the five days (three business days, excluding the weekend) it provides for between the date of the filing of the parties’ briefs in reply (30 November 2012)⁴³ and the oral hearing is extraordinary and unreasonable when compared with SCSL precedent. In the *Sesay* case, for example, the parties’ reply briefs (with the exception of Morris Kallon’s) were filed on 29 June 2009 and oral arguments were not held until 64 days after the filing of briefs in

³⁸ *Prosecutor v. Taylor*, SCSL-03-01-A-1322, Notice Relevant to Appeal Hearing, 31 August 2012 (“Notice”).

³⁹ See, Rules 111, 112, and 113 of the Rules. See, also, *Prosecutor v. Taylor*, SCSL-03-01-A-1325, Prosecution’s Appellant’s Submissions with Confidential Sections D & E of the Book of Authorities, 1 October 2012 (“Prosecution’s Appellant’s Submissions”); *Prosecutor v. Taylor*, SCSL-03-01-A-1331, Corrigendum to Appellant’s Submissions of Charles Ghankay Taylor, 8 October 2012; Confidential Annex A and Public Annexes B and C to *Prosecutor v. Taylor*, SCSL-03-01-A-1326, Appellant’s Submissions of Charles Ghankay Taylor, 1 October 2012; and *Prosecutor v. Taylor*, SCSL-03-01-A-1348, Amended Book of Authorities to the Defence Rule 111 Submissions, 31 October 2012 (collectively, “Defence Appellant’s Submissions”); *Prosecutor v. Taylor*, SCSL-03-01-A-1350, Prosecution Respondent’s Submissions, 23 November 2012 (“Prosecution’s Respondent’s Submissions”); *Prosecutor v. Taylor*, SCSL-03-01-A-1349, Respondent’s Submissions of Charles Ghankay Taylor, 23 November 2012 (“Defence Respondent’s Submissions”); *Prosecutor v. Taylor*, SCSL-03-01-A-1351, Prosecution’s Submissions in Reply, 30 November 2012 (“Prosecution’s Submissions in Reply”); and *Prosecutor v. Taylor*, SCSL-03-01-A-1353, Submissions in Reply of Charles Ghankay Taylor, 30 November 2012 (“Defence Submissions in Reply”).

⁴⁰ The only case in which motions for additional evidence have been filed at the Special Court is the RUF case. In that case, Submissions in Reply were filed by the parties on 29 June 2009, with the exception of Morris Kallon, who filed his on 19 October 2009. See, *Prosecutor v. Sesay et al.*, SCSL-04-15-A-1321, Judgment, 26 October 2009 (“Sesay Appeals Judgement”), Annex I, Procedural History, page 537, para. 6. The accused, Sesay and Gbao, filed their respective motions to present additional evidence, pursuant to Rule 115, on the same 29 June 2009 on which their respective briefs in reply were due. See, *Sesay Appeals Judgement*, Annex I, Procedural History, pages 537 - 538, paras. 9 - 10.

⁴¹ See Rule 115(A).

⁴² See, *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 for Written Submissions Pursuant to Rules 111, 112 and 113* and Final Order on Extension of Time for Filing Submissions, 21 August 2012 (“Written Submissions Decision”), pages 3 - 4, mandating 30 November 2012 as the deadline for Submissions in Reply.

⁴³ See, Prosecution’s Submissions in Reply and Defence Submissions in Reply.

reply.⁴⁴ In the CDF case, there were 42 days between the filing of briefs in reply and the commencement of oral arguments, and there were 33 such days in the AFRC case. These are to be compared with a mere 5 days in this case. The 5 days in this case is reduced to 3 days business days (excluding the weekend) between the “receipt” of the Impugned Order and the date set for oral arguments when one counts from Monday, 3 December, to 6 December when the hearing is set to commence.

18. The Defence submits that the disparities in question are extraordinary and explicate the unreasonableness and clear error of reasoning in Impugned Order, warranting reconsideration or review.

C. Extraordinary Deviation from ICTR and ICTY Precedent

19. The Impugned Order also deviates substantially from applicable ICTR and ICTY precedent regarding the amount of time between the filing of submissions in reply and the scheduling and commencement of oral arguments. Of 15 ICTR cases reviewed by the Defence, the shortest days between the filing of briefs in reply and the commencement of oral arguments was 41, whilst the longest period was 400 days.⁴⁵ Comparing timelines for 18 ICTY cases reviewed by the Defence, the shortest days between the filing of briefs in reply and the commencement of oral arguments was 90, whilst the longest period was 929⁴⁶ days. These precedents from both *ad hoc* tribunals confirm (much like SCSL precedents) how unreasonable and extraordinary the 5 days between the parties’ reply briefs and ordered commencement of oral arguments are in this case. The error in reasoning in the Impugned Order is clear and manifest, and reconsideration or review is necessary to correct an injustice.

D. Failure to take into Account the Defence Rule 115 Motion and the Resulting Prejudice to the Defence to Commence Oral Arguments before the Resolution of the Motion

20. The Defence Rule 115 Motion was not taken into consideration at all in the Impugned Order. Indeed, the Impugned Order was prepared and filed (at 16:58 hours on 30 November 2012) before the deadline for the filing of motions for additional evidence under Rule 115 (i.e., not later than 17:00 hours on 30 November 2012 when Submissions in Reply were due).⁴⁷

21. Whilst the delimiting of issues the parties are to argue in the Impugned Order, pursuant to Rule 114(B), excludes from the list of issues arguments concerning Grounds of

⁴⁴ See, Annex A.

⁴⁵ See, Annex B.

⁴⁶ See, Annex C.

⁴⁷ See, Written Submissions Decision, page 3 – 4; Rule 115 of the Rules.

Appeal 36, 37, and 38 which are the subject of the Defence Rule 115 Motion, the Impugned Order nonetheless mandates that, “The Parties shall be prepared to respond to oral questions posed by the Justices about *any* issues raised in their Written Submissions” (emphasis added). This amounts to a mandatory incorporation by reference of all grounds of appeal filed by either party into the subject-matter for oral arguments, including Grounds of Appeal 36, 37 and 38. It also ignores the significant prejudice to the Defence of having arguments take place before a decision on the Defence Rule 115 Motion, inasmuch as any evidence forming part of the Defence Rule 115 Motion could not be relied upon to respond to any questions of the justices regarding Grounds of Appeal 36, 37 and 38. Unless, perhaps, the Impugned Order presumes that none of the Justices would pose a question regarding any of those grounds of appeal – something which, in itself, explicates additional clear errors of reasoning in the Impugned Order.

22. The Defence submits that reconsideration or review is warranted to prevent an injustice, bearing in mind these clear errors of reasoning in the Impugned Order and the prejudice to the Defence of proceeding to oral arguments without a decision on the Defence Rule 115 Motion.

E. Failure to take into Account the Volume and Complexity of Material Currently on Record in this Appeal and the Concomitant Violation of Mr. Taylor’s Article 17 Rights that would Result

23. The Impugned Order re-affirmed the date for the commencement of the oral hearing that was first pronounced on 31 August 2012 before the parties filed any of their written submissions in the case.⁴⁸ Circumstances have changed significantly with the filing of complex legal and factual grounds of appeal by the parties, not to mention the substantial amount of material that must be reviewed if the parties are to be prepared for oral arguments and due consideration is to be given by the Justices to what arguments they advance.

24. Using as an example, only the parties’ Submissions in Response⁴⁹ filed just 10 days ago on 23 November 2012, the Prosecution’s Respondent’s Submissions totalled 2577 pages, including the brief (269 pages), Confidential Annex A and Annex B (4 pages), Book of Authorities (19 pages) and hard-copies of appended authorities (2276 pages).⁵⁰ The Defence’s Respondent’s Submissions totalled 663 pages filed on 23 November 2012.

⁴⁸ Notice.

⁴⁹ See, Rule 112 of the Rules.

⁵⁰ Prosecution’s Respondent’s Submissions.

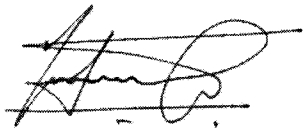

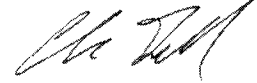

25. The Impugned Order ignores this voluminous record and the implications for Mr. Taylor's Article 17 rights to a fair trial⁵¹ and to adequate time and facilities for the preparation of his defence.⁵² Indeed, the Impugned Order entirely vitiates those rights by directing the Defence to proceed to the oral hearing within 5 days of its issuance in a case with the complexity and size of record currently obtaining at bar. This is not an overstatement of the prevailing circumstances, bearing also in mind that a total of 317 pages make up the Prosecution's Submissions in Reply⁵³ and 494 pages make up the Defence Submissions in Reply,⁵⁴ both filed within 5 days of the scheduled oral hearing.

26. The Defence submits that Mr. Taylor's Article 17 rights to a fair hearing⁵⁵ and to adequate time and facilities for the preparation of his defence⁵⁶ would be violated, and an injustice occasioned, were the Impugned Order not reconsidered or reviewed. The errors of reasoning are demonstrably clear in the face of the complexity of issues and voluminous record in this appeal.

IV. CONCLUSION

27. For all of the foregoing reasons, the Defence respectfully requests that the Impugned Order be reconsidered or reviewed and overturned, and oral arguments be scheduled for a reasonable time after a decision on the Defence Rule 115 Motion is rendered.

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 4th Day of December 2012, The Hague, The Netherlands

⁵¹ Statute, Article 17(2).

⁵² Statute, Article 17(a)(b).

⁵³ Prosecution's Submissions in Reply.

⁵⁴ Defence Submissions in Reply.

⁵⁵ Statute, Article 17(2).

⁵⁶ Statute, Article 17(a)(b).

List of Authorities

SCSL

Statute of the Special Court for Sierra Leone, annexed to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, 16 January 2002

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

Practice Direction on dealing with Documents in The Hague - Sub-Office, as amended on 25 April 2008

Prosecutor v. Taylor

Prosecutor v. Taylor, SCSL-03-01-A-1355, Scheduling Order, 30 November 2012

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

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

Prosecutor v. Taylor, SCSL-03-01-A-1351, Prosecution's Submissions in Reply, 30 November 2012

Prosecutor v. Taylor, SCSL-03-01-A-1350, Prosecution Respondent's Submissions, 23 November 2012

Prosecutor v. Taylor, SCSL-03-01-A-1349, Respondent's Submissions of Charles Ghankay Taylor, 23 November 2012

Prosecutor v. Taylor, SCSL-03-01-A-1348, Amended Book of Authorities to the Defence Rule 111 Submissions, 31 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-1326, Appellant's Submissions of Charles Ghankay Taylor, 1 October 2012

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

Prosecutor v. Taylor, SCSL-03-01-A-1322, Notice Relevant to Appeal Hearing, 31 August 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 for Written Submissions Pursuant to Rules 111, 112 and 113 and Final Order on Extension of Time for Filing Submissions, 21 August 2012

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

Prosecutor v. Sesay et al.

Prosecutor v. Sesay et al., SCSL-04-16-A-1321, Judgment, 26 October 2009

Prosecutor v. Norman et al.

Prosecutor v. Fofana et al., SCSL-04-14-A-829, Judgment, 28 May 2008

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

Prosecutor v. Brima et al.

Prosecutor v. Brima et al., SCSL-04-16-A-675, Judgment, 22 February 2008

ICTY

Prosecutor v. Aleksovski, Case No. IT-95-14/1-A, Judgement, 24 March 2006
<http://www.icty.org/x/cases/aleksovski/acjug/en/ale-asj000324e.pdf>

Prosecutor v. Milan Babić, Case No. IT-03-72-A, Judgement on Sentencing Appeal, 18 July 2005
<http://icty.org/x/cases/babic/acjug/en/bab-aj050718e.pdf>

Prosecutor v. Blagojević et al., Case No. IT-02-60-A, Judgement, 9 May 2007
http://www.icty.org/x/cases/blagojevic_jokic/acjug/en/blajok-jud070509.pdf

Prosecutor v. Blaškić, Case No. IT-95-14-A, Judgement, 29 July 2004
<http://www.icty.org/x/cases/blaskic/acjug/en/bla-aj040729e.pdf>

Prosecutor v. Boškoski and Tarčulovski, Case No. IT-04-82-A, Judgement, 19 May 2010
http://icty.org/x/cases/boskoski_tarculovski/acjug/en/100519_ajudg.pdf

Prosecutor v. Bralo, Case No. IT-95-17-A, Judgement on Sentencing Appeal, 2 April 2007
<http://icty.org/x/cases/bralo/acjug/en/bra-aj070402-e.pdf>

Prosecutor v. Brđanin, Case No. IT-99-36-A, Judgement, 3 April 2007
<http://icty.org/x/cases/brdanin/acjug/en/brd-aj070403-e.pdf>

Prosecutor v. Deronjić, Case No. IT-02-61-A, Judgement on Sentencing Appeal, 20 July 2005
<http://icty.org/x/cases/deronjic/acjug/en/der-aj050720.pdf>

Prosecutor v. Furundžija, Case No. IT-95-17/1-A, Judgement, 21 July 2000
<http://www.icty.org/x/cases/furundzija/acjug/en/fur-aj000721e.pdf>

Prosecutor v. Galić, Case No. IT-98-29-A, Judgement, 30 November 2006
<http://www.icty.org/x/cases/galic/acjug/en/gal-acjud061130.pdf>

Prosecutor v. Galić, IT-98-29-A, Decision on Defence's Request for Reconsideration, 16 July 2004
<http://www.icty.org/x/cases/galic/acdec/en/040716.htm>

Prosecutor v. Gotovina et al., Case No. IT-06-90-A, Judgement, 16 November 2012
http://www.icty.org/x/cases/gotovina/acjug/en/121116_judgement.pdf

Prosecutor v. Hadžihasanović & Kubura, Case No. IT-01-47-A, Judgement, 22 April 2008
http://www.icty.org/x/cases/hadzihasanovic_kubura/acjug/en/had-judg080422.pdf

Prosecutor v. Halilović, Case No.: IT-01-48-A, Judgement, 16 October 2007
<http://www.icty.org/x/cases/halilovic/acjug/en/071016.pdf>

Prosecutor v. Jelisić, Case No. IT-95-10-A, Judgement, 5 July 2001
<http://www.icty.org/x/cases/jelusic/acjug/en/jel-aj010705.pdf>

Prosecutor v. Miodrag Jokić, Case No. IT-01-42/1-A, Judgement on Sentencing Appeal, 30 August 2005
http://www.icty.org/x/cases/miodrag_jokic/acjug/en/jok-aj050830e.pdf

Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić and Vladimir Šantić, Case No. IT-95-16-T, 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
<http://www.icty.org/x/cases/kupreskic/acdec/en/00704EX313042.htm>

Prosecutor v. Mucić, et al., IT-96-21A^{bis}, Judgment on Sentence Appeal, 8 April 2003
<http://www.icty.org/x/cases/mucic/acjug/en/cel-aj030408.pdf>

Prosecutor v. Kordić & Čerkez, Case No. IT-95-14/2-A, Judgement, 17 December 2004
http://www.icty.org/x/cases/kordic_cerkez/acjug/en/cer-aj041217e.pdf

Prosecutor v. Krajišnik, Case No. IT-00-39-A, Scheduling Order for Appeals Hearing, 18 July 2008
<http://www.icty.org/x/cases/krajisnik/acord/en/080718.pdf>

Prosecutor v. Krnojelac, Case No. IT-97-25-A, Judgement, 17 September 2003
<http://www.icty.org/x/cases/krnojelac/acjug/en/krn-aj030917e.pdf>

ICTR

Prosecutor v. Ignace Bagilishema, Case No. ICTR-95-1A-A, Decision: Motions for Review of the Pre-Hearing Judge's Decisions of 30 November and 19 December 2001, 6 February 2002

<http://www.unictr.org/Portals/0/Case/English/Bagilishema/decisions/060202b.pdf>

Prosecutor v. Bagosora et al., Case No. ICTR-98-41-A, Judgement, 14 December 2011

<http://www.ictrcaselaw.org/docs/20111214-jgt-9841-01-en.pdf>

Prosecutor v. Barayagwiza et al., Case No. ICTR-99-52-A, Decision on the Prosecutor's Motion to Pursue the Oral Request for the Appeals Chambers to Disregard Certain Arguments made by Counsel for Appellant Barayagwiza at the Appeals Hearing on 17 January 2007, 5 March 2007

<http://www.ictrcaselaw.org/docs/20070305-dco-9952-01-en.pdf>

Prosecutor v. Bikindi, Case No. ICTR-01-72-A, Judgement, 18 March 2010

<http://www.ictrcaselaw.org/docs/20100318-jgt-0172-01-en.pdf>

Prosecutor v. Gacumbitsi, Case No. ICTR-2001-64-A, Judgement, 7 July 2006

http://www.unictr.org/Portals/0/Case/English/Gacumbitsi/judgement/judgement_appeals_070706.pdf

Prosecutor v. Hategekimana, Case No. ICTR-00-55B-A, Judgement, 8 May 2012

<http://www.ictrcaselaw.org/docs/20120508-jgt-0055-01-en.PDF>

Prosecutor v. Kajelijeli, Case No. ICTR-98-44A-A, Judgement, 23 May 2005

<http://www.ictrcaselaw.org/docs/doc64871.pdf>

Prosecutor v. Kalimanzira, Case No. ICTR-05-88-A, Judgement, 20 October 2010

<http://www.ictrcaselaw.org/docs/20101020-jgt-0588-01-en.PDF>

Prosecutor v. Karera, Case No. ICTR-01-74-A, Judgement, 2 February 2009

<http://www.ictrcaselaw.org/docs/20090202-jgt-0174-01-en.pdf>

Prosecutor v. Muhimana, Case No. ICTR-95-1B-A, Decision on the Appellant's Request to Admit Additional Evidence Pursuant to Rule 115 of the Rules of Procedure and Evidence, 12 January 2007

<http://www.unictr.org/Portals/0/Case%5CEnglish%5CMuhimana%5Cdecisions%5C070112.pdf>

Prosecutor v. Muhimana, Case No. ICTR-95-1B-A, Judgement, 21 May 2007

<http://www.ictrcaselaw.org/docs/20070521-jgt-951B-01-en.pdf>

Prosecutor v. Musema, Case No. ICTR-96-13-A, Judgement, 16 November 2001

<http://www.unictr.org/Portals/0/Case/English/Musema/decisions/011116-apl-judg.pdf>

Prosecutor v. Nchamihigo, Case No. ICTR-01-63-A, Judgement, 18 March 2010
<http://www.unictr.org/Portals/0/Case/English/Nchamihigo/100318.pdf>

Eliézer 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>

Prosecutor v. Ntagerura et al., Case No. ICTR-99-46-A, Appeal Judgment, 7 July 2006
<http://www.unictr.org/Portals/0/Case/English/Ntagerura/judgement/060707.pdf>

Prosecutor v. Renzaho, Case No. ICTR-97-31-A, Judgement, 1 April 2011
http://www.unictr.org/Portals/0/Case/English/Renzaho/judgement%20and%20sentence/110401_apl_judgement.pdf

Prosecutor v. Semanza, Case No. ICTR-97-20-A, Judgement, 20 May 2005
<http://www.unictr.org/Portals/0/Case/English/Semanza/judgement/appealsjudgement/200505-Appeal-Judgement.pdf>

Prosecutor v. Setako, Case No. ICTR-04-81-A, Judgement, 28 September 2011
<http://www.ictrcaselaw.org/docs/20110928-jgt-0481-01-en.PDF>

Prosecutor v. Simba, Case No. ICTR-01-76-A, Judgement, 27 November 2007
<http://www.ictrcaselaw.org/docs/20071127-jgt-0176-01-en.pdf>

Annex A

ANNEX A

SCSL

Case	Reply Brief(s) Filed	First day of Appeal Hearing	Days between Reply Briefs and Appeal Hearing
<i>RUF</i>	29 June 2009 ¹	2 September 2009 ²	64
<i>CDF</i>	28 January 2008 ³	12 March 2008 ⁴	42
<i>AFRC</i>	9 October 2007 ⁵	12 November 2007 ⁶	33
<i>Taylor</i>	30 November 2012 ⁷	6 December 2012 ⁸	5

¹ *Prosecutor v. Sesay et al.*, SCSL-04-16-A-1321, Judgment, 26 October 2009, Annex I, para. 6 (except for Morris Kallon's).

² *Prosecutor v. Sesay et al.*, SCSL-04-16-A-1321, Judgment, 26 October 2009, Annex I, para. 12.

³ *Prosecutor v. Fofana et al.*, SCSL-04-14-A-829, Judgment, 28 May 2008, Annex A, para. 9.

⁴ *Prosecutor v. Fofana et al.*, SCSL-04-14-A-829, Judgment, 28 May 2008, Annex A, para. 10.

⁵ *Prosecutor v. Brima et al.*, SCSL-04-16-A-675, Judgment, 22 February 2008, Annex A, para. 8.

⁶ *Prosecutor v. Brima et al.*, SCSL-04-16-A-675, Judgment, 22 February 2008, Annex A, para. 9.

⁷ *Prosecutor v. Taylor*, SCSL-03-01-A-1353, Submissions in Reply of Charles Ghankay Taylor, 30 November 2012.

⁸ *Prosecutor v. Taylor*, SCSL-03-01-A-1355, Scheduling Order, 30 November 2012, p. 2.

Annex B

ANNEX B

ICTR

Case	Reply Brief(s) Filed	First day of Appeal Hearing	Days between Reply Briefs and Appeal Hearing
<i>Bagosora</i>	29 July 2010 ¹	30 March 2011 ²	243
<i>Barayagwiza</i>	12 December 2005 ³	17 January 2007 ⁴	400
<i>Bikindi</i>	11 May 2009 ⁵	30 September 2009 ⁶	141
<i>Gacumbitsi</i>	1 April 2005 ⁷	8 February 2006 ⁸	312
<i>Hategekimana</i>	27 July 2011 ⁹	15 December 2011 ¹⁰	140
<i>Kajelijeli</i>	30 July 2004 ¹¹	7 March 2005 ¹²	219
<i>Kalimanzira</i>	13 April 2010 ¹³	14 June 2010 ¹⁴	61
<i>Karera</i>	2 June 2008 ¹⁵	28 August 2008 ¹⁶	86
<i>Muhimana</i>	31 October 2006 ¹⁷	15 January 2007 ¹⁸	75
<i>Musema</i>	26 October 2000 ¹⁹	28 May 2001 ²⁰	213

¹ *Prosecutor v. Bagosora et al.*, Case No. ICTR-98-41-A, Judgement, 14 December 2011, Annex A, para. 10.

² *Prosecutor v. Bagosora et al.*, Case No. ICTR-98-41-A, Judgement, 14 December 2011, Annex A, para. 19.

³ *Prosecutor v. Barayagwiza et al.*, Case No. ICTR-99-52-A, Decision on the Prosecutor's Motion to Pursue the Oral Request for the Appeals Chambers to Disregard Certain Arguments made by Counsel for Appellant Barayagwiza at the Appeals Hearing on 17 January 2007, 5 March 2007, para. 2.

⁴ *Prosecutor v. Barayagwiza et al.*, Case No. ICTR-99-52-A, Decision on the Prosecutor's Motion to Pursue the Oral Request for the Appeals Chambers to Disregard Certain Arguments made by Counsel for Appellant Barayagwiza at the Appeals Hearing on 17 January 2007, 5 March 2007, para. 2.

⁵ *Prosecutor v. Bikindi*, Case No. ICTR-01-72-A, Judgement, 18 March 2010, Annex A, para. 3.

⁶ *Prosecutor v. Bikindi*, Case No. ICTR-01-72-A, Judgement, 18 March 2010, Annex A, para. 9.

⁷ *Prosecutor v. Gacumbitsi*, Case No. ICTR-2001-64-A, Judgement, 7 July 2006, Annex A, para. 4.

⁸ *Prosecutor v. Gacumbitsi*, Case No. ICTR-2001-64-A, Judgement, 7 July 2006, Annex A, para. 9.

⁹ *Prosecutor v. Hategekimana*, Case No. ICTR-00-55B-A, Judgement, 8 May 2012, Annex A, para. 4.

¹⁰ *Prosecutor v. Hategekimana*, Case No. ICTR-00-55B-A, Judgement, 8 May 2012, Annex A, para. 8.

¹¹ *Prosecutor v. Kajelijeli*, Case No. ICTR-98-44A-A, Judgement, 23 May 2005, Annex A, para. 327.

¹² *Prosecutor v. Kajelijeli*, Case No. ICTR-98-44A-A, Judgement, 23 May 2005, Annex A, para. 332.

¹³ *Prosecutor v. Kalimanzira*, Case No. ICTR-05-88-A, Judgement, 20 October 2010, Annex A, para. 4.

¹⁴ *Prosecutor v. Kalimanzira*, Case No. ICTR-05-88-A, Judgement, 20 October 2010, Annex A, para. 8.

¹⁵ *Prosecutor v. Karera*, Case No. ICTR-01-74-A, Judgement, 2 February 2009, Annex A, para. 4.

¹⁶ *Prosecutor v. Karera*, Case No. ICTR-01-74-A, Judgement, 2 February 2009, Annex A, para. 7.

¹⁷ *Prosecutor v. Muhimana*, Case No. ICTR-95-1B-A, Decision on the Appellant's Request to Admit Additional Evidence Pursuant to Rule 115 of the Rules of Procedure and Evidence, 12 January 2007, para. 5.

¹⁸ *Prosecutor v. Muhimana*, Case No. ICTR-95-1B-A, Judgement, 21 May 2007, Annex A, para. 8.

¹⁹ *Prosecutor v. Musema*, Case No. ICTR-96-13-A, Judgement, 16 November 2001, Annex A, para. 1.

ANNEX B

<i>Nchamihigo</i>	15 July 2009 ²¹	29 September 2009 ²²	75
<i>Renzaho</i>	5 May 2010 ²³	16 June 2010 ²⁴	41
<i>Semanza</i>	15 December 2003 ²⁵	13 December 2004 ²⁶	363
<i>Setako</i>	2 November 2010 ²⁷	29 March 2011 ²⁸	146
<i>Simba</i>	2 March 2007 ²⁹	22 May 2007 ³⁰	80

²⁰ *Prosecutor v. Musema*, Case No. ICTR-96-13-A, Judgement, 16 November 2001, Annex A, para. 1.

²¹ *Prosecutor v. Nchamihigo*, Case No. ICTR-01-63-A, Judgement, 18 March 2010, Annex A, para. 6.

²² *Prosecutor v. Nchamihigo*, Case No. ICTR-01-63-A, Judgement, 18 March 2010, Annex A, para. 11.

²³ *Prosecutor v. Renzaho*, Case No. ICTR-97-31-A, Judgement, 1 April 2011, Annex A, para. 7.

²⁴ *Prosecutor v. Renzaho*, Case No. ICTR-97-31-A, Judgement, 1 April 2011, Annex A, para. 12.

²⁵ *Prosecutor v. Semanza*, Case No. ICTR-97-20-A, Judgement, 20 May 2005, Annex A, para. 2.

²⁶ *Prosecutor v. Semanza*, Case No. ICTR-97-20-A, Judgement, 20 May 2005, Annex A, para. 4.

²⁷ *Prosecutor v. Setako*, Case No. ICTR-04-81-A, Judgement, 28 September 2011, Annex A, para. 4.

²⁸ *Prosecutor v. Setako*, Case No. ICTR-04-81-A, Judgement, 28 September 2011, Annex A, para. 7.

²⁹ *Prosecutor v. Simba*, Case No. ICTR-01-76-A, Judgement, 27 November 2007, Annex A, para. 6.

³⁰ *Prosecutor v. Simba*, Case No. ICTR-01-76-A, Judgement, 27 November 2007, Annex A, para. 10.

Annex C

ANNEX C

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Case	Reply Brief(s) Filed	First Day of Appeal Hearing	Days between Reply Briefs and Appeal Hearing
<i>Aleksovski</i>	10 November 1999 ¹	9 February 2000 ²	90
<i>Babić</i>	N/A (Response: 20 December 2004 ³)	25 April 2005 ⁴	125
<i>Blagojević and Jokić</i>	2 August 2006 ⁵	5 December 2006 ⁶	124
<i>Blaškić</i>	3 June 2002 ⁷	16 December 2003 ⁸	560
<i>Boškoski & Tarčulovski</i>	24 April 2009 ⁹	29 October 2009 ¹⁰	187
<i>Bralo</i>	19 May 2006 ¹¹	9 February 2007 ¹²	265
<i>Brđanin</i>	18 October 2005 ¹³	7 December 2006 ¹⁴	414

¹ *Prosecutor v. Aleksovski*, Case No. IT-95-14/1-A, Judgement, 24 March 2006, Section I. Introduction, A. Procedural Background, para. 24.

² *Prosecutor v. Aleksovski*, Case No. IT-95-14/1-A, Judgement, 24 March 2006, Section I. Introduction, A. Procedural Background, para. 4.

³ *Prosecutor v. Babić*, Case No. IT-03-72-A, Judgement on Sentencing Appeal, 18 July 2005, Section I. Introduction, para. 4.

⁴ *Prosecutor v. Babić*, Case No. IT-03-72-A, Judgement on Sentencing Appeal, 18 July 2005, Section I. Introduction, para. 4.

⁵ *Prosecutor v. Blagojević et al.*, Case No. IT-02-60-A, Judgement, 9 May 2007, Annex A: Procedural Background, para. 29.

⁶ *Prosecutor v. Blagojević et al.*, Case No. IT-02-60-A, Judgement, 9 May 2007, Annex A: Procedural Background, para. 31.

⁷ *Prosecutor v. Blaškić*, Case No. IT-95-14-A, Judgement, 29 July 2004, Annex A: Procedural Background, para. 8.

⁸ *Prosecutor v. Blaškić*, Case No. IT-95-14-A, Judgement, 29 July 2004, Annex A: Procedural Background, para. 41.

⁹ *Prosecutor v. Boškoski and Tarčulovski*, Case No. IT-04-82-A, Judgement, 19 May 2010, Annex A: Procedural Background, para. 7.

¹⁰ *Prosecutor v. Boškoski and Tarčulovski*, Case No. IT-04-82-A, Judgement, 19 May 2010, Annex A: Procedural Background, para. 18.

¹¹ *Prosecutor v. Bralo*, Case No. IT-95-17-A, Judgement on Sentencing Appeal, 2 April 2007, Annex A: Procedural Background, para. 1.

¹² *Prosecutor v. Bralo*, Case No. IT-95-17-A, Judgement on Sentencing Appeal, 2 April 2007, Annex A: Procedural Background, para. 10.

¹³ *Prosecutor v. Brđanin*, Case No. IT-99-36-A, Judgement, 3 April 2007, Annex A: Procedural Background, para. 18.

ANNEX C

<i>Deronić</i>	15 September 2004 ¹⁵	17 June 2005 ¹⁶	274
<i>Furundžija</i>	8 November 1999 ¹⁷	2 March 2000 ¹⁸	114
<i>Galić</i>	27 September 2004 ¹⁹	29 August 2006 ²⁰	700
<i>Gotovina et al.</i>	27 September 2011 ²¹	14 May 2012 ²²	229
<i>Hadžihasanović & Kubura</i>	3 April 2007 ²³	4 December 2007 ²⁴	244
<i>Halilović</i>	1 August 2006 ²⁵	10 July 2007 ²⁶	343
<i>Jelisić</i>	6 October 2000 ²⁷	22 February 2001 ²⁸	138
<i>Jokić</i>	23 August 2004 ²⁹	26 April 2005 ³⁰	245

¹⁴ *Prosecutor v. Brđanin*, Case No. IT-99-36-A, Judgement, 3 April 2007, Annex A: Procedural Background, para. 41.

¹⁵ *Prosecutor v. Deronjić*, Case No. IT-02-61-A, Judgement on Sentencing Appeal, 20 July 2005, Section I. Introduction, para. 5.

¹⁶ *Prosecutor v. Deronjić*, Case No. IT-02-61-A, Judgement on Sentencing Appeal, 20 July 2005, Section I. Introduction, para. 5.

¹⁷ *Prosecutor v. Furundžija*, Case No. IT-95-17/1-A, Judgement, 21 July 2000, Section I. Introduction, Subsection A. Procedural Background, para. 20.

¹⁸ *Prosecutor v. Furundžija*, Case No. IT-95-17/1-A, Judgement, 21 July 2000, Section I. Introduction, Subsection A. Procedural Background, para. 22.

¹⁹ *Prosecutor v. Galić*, Case No. IT-98-29-A, Judgement, 30 November 2006, Annex A: Procedural Background, para. 8.

²⁰ *Prosecutor v. Galić*, Case No. IT-98-29-A, Judgement, 30 November 2006, Annex A: Procedural Background, para. 24.

²¹ *Prosecutor v. Gotovina et al.*, Case No. IT-06-90-A, Judgement, 16 November 2012, Annex A: Procedural Background, paras. 2-3.

²² *Prosecutor v. Gotovina et al.*, Case No. IT-06-90-A, Judgement, 16 November 2012, Annex A: Procedural Background, para. 18.

²³ *Prosecutor v. Hadžihasanović & Kubura*, Case No. IT-01-47-A, Judgement, 22 April 2008, Section IX. Procedural Background, para. 370.

²⁴ *Prosecutor v. Hadžihasanović & Kubura*, Case No. IT-01-47-A, Judgement, 22 April 2008, Section I. Introduction, para. 6.

²⁵ *Prosecutor v. Halilović*, Case No.: IT-01-48-A, Judgement, 16 October 2007, Annex A – Procedural History, para. 7.

²⁶ *Prosecutor v. Halilović*, Case No.: IT-01-48-A, Judgement, 16 October 2007, Annex A – Procedural History, para. 10.

²⁷ *Prosecutor v. Jelisić*, Case No. IT-95-10-A, Judgement, 5 July 2001, Section I. Introduction, Subsection B. Procedure Before the Appeals Chamber, para. 9.

²⁸ *Prosecutor v. Jelisić*, Case No. IT-95-10-A, Judgement, 5 July 2001, Section I. Introduction, Subsection B. Procedure Before the Appeals Chamber, para. 10.

ANNEX C

<i>Kordić & Čerkez</i>	30 October 2001 ³¹	17 May 2004 ³²	929
<i>Krajišnik</i>	14 May 2008 ³³	21 August 2008 ³⁴	98
<i>Krnojelac</i>	29 October 2002 ³⁵	14 May 2003 ³⁶	196

²⁹ *Prosecutor v. Miodrag Jokić*, Case No. IT-01-42/1-A, Judgement on Sentencing Appeal, 30 August 2005, Section I. Introduction, para. 5.

³⁰ *Prosecutor v. Miodrag Jokić*, Case No. IT-01-42/1-A, Judgement on Sentencing Appeal, 30 August 2005, Section I. Introduction, para. 5.

³¹ *Prosecutor v. Kordić & Čerkez*, Case No. IT-95-14/2-A, Judgement, 17 December 2004, Annex A: Procedural Background, para. 1110.

³² *Prosecutor v. Kordić & Čerkez*, Case No. IT-95-14/2-A, Judgement, 17 December 2004, Annex A: Procedural Background, para. 1135.

³³ *Prosecutor v. Krajišnik*, Case No. IT-00-39-A, Scheduling Order for Appeals Hearing, 18 July 2008, fn. 1.

³⁴ *Prosecutor v. Krajišnik*, Case No. IT-00-39-A, Scheduling Order for Appeals Hearing, 18 July 2008.

³⁵ *Prosecutor v. Krnojelac*, Case No. IT-97-25-A, Judgement, 17 September 2003, Annex B: Procedural Background, para. 268.

³⁶ *Prosecutor v. Krnojelac*, Case No. IT-97-25-A, Judgement, 17 September 2003, Annex B: Procedural Background, para. 272.



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