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SCSL-03-01-A
(205-207)

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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: 15 August 2012

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

Public

ORDER FOR CLARIFICATION OF CHARLES GHANKAY TAYLOR'S MOTION FOR PARTIAL VOLUNTARY WITHDRAWAL OR DISQUALIFICATION OF APPEALS CHAMBER JUDGES

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Mr. Mohamed A. Bangura
Ms. Nina Tavakoli
Ms. Leigh Lawrie
Mr. Christopher Santora
Ms. Kathryn Howarth
Ms. Ruth Mary Hackler
Ms. Ula Nathai-Lutchman
Mr. James Pace
Mr. Cóman Kenny

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;

BEING SEIZED of "Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges", dated 19 July 2012;[2]

NOTING the Defence's statement that "[t]he basis of this motion is that a reasonable observer, properly informed, would apprehend bias on the part of the Judges of the Appeals Chamber, because they have already made an adverse finding in the plenary and therefore pre-judged a critical aspect of the credibility of a source of evidence which is fundamental to the Grounds of Appeals;"[3]

CONSIDERING the written submissions of the Defence and Prosecution;[4]

CONSIDERING that clarification from the Defence is required before the Judges of the Appeals Chamber can decide whether to voluntarily withdraw;[5]

PURSUANT to Rules 54, 106(C) and 109(B)(i);

HEREBY ORDERS that the Defence file by 17 August 2012 a submission:

(i) **CLARIFYING** whether the "evidence" that the Defence avers will require a credibility assessment by the Judges of the Appeals Chamber (that would in turn lead to a reasonable apprehension of bias by a reasonable observer properly informed) is exclusively limited to the document attached as Annex A to the Motion; and, if it is not

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[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-1302, Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 19 July 2012 [Motion].
[3] Motion, para. 3.
[4] *Prosecutor v. Taylor*, SCSL-03-01-A-1312, Prosecution Response to Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 27 July 2012.
[5] *Prosecutor v. Taylor*, SCSL-03-01-A-1313, Defence Reply to Prosecution Response to Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 1 August 2012.

(ii) **DESCRIBING IN DETAIL**, by way of proffer, any other evidence on which the Defence intends to rely in connection with the Motion or the underlying grounds of appeal to which the Motion relates, the credibility assessment of which would lead to a reasonable apprehension of bias by a reasonable observer properly informed, if that assessment were performed by the Judges of the Appeals Chamber.

Done in The Hague, The Netherlands, this 15th day of August 2012.

Hon. Justice Shireen Avis Fisher
Pre-Hearing Judge

[Seal of the Special Court for Sierra Leone]