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SCSL-03-01-A
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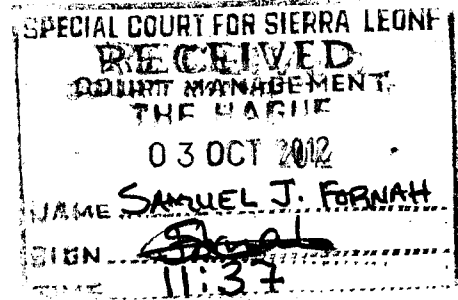
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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

IN THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Pre-Hearing Judge
Registrar: Ms. Binta Mansaray
Date filed: 3 October 2012



THE PROSECUTOR

Against

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

PUBLIC

**PROSECUTION MOTION SEEKING CLARIFICATION OF THE PRACTICE DIRECTION
ON THE STRUCTURE OF GROUNDS OF APPEAL BEFORE THE SPECIAL COURT**

Office of the Prosecutor:
Ms. Brenda J. Hollis
Ms. Ruth Mary Hackler
Ms. Ula Nathai-Lutchman

Defence Counsel for the Accused:
Mr. Morris Anyah
Mr. Eugene O'Sullivan
Mr. Christopher Gosnell
Ms. Kate Gibson
Ms. Magda Karagiannakis

I. INTRODUCTION

1. The Prosecution files this Motion seeking clarification from the Pre-Hearing Judge regarding what contents are required in the Book of Authorities.

II. SUBMISSIONS

2. On 1 October 2012, the parties filed their Appellant's Submissions with the Appeals Chamber.¹ The Prosecution provided a Book of Authorities that contained a copy of every excerpt referenced in its submission, including, *inter alia*, paragraphs of case law from the Special Court and other tribunals, as required by paragraph 16 of the Practice Direction on the Structure of Grounds of Appeal before the Special Court ("Appellate Practice Direction").²
3. However, Counsel for Mr. Taylor ("the Defence") in Annex B ("Book of Authorities"), provided a list of the Special Court and other tribunals' case law but no excerpts. In a footnote to the Book of Authorities,³ the Defence referenced Article 7 of the Practice Direction on dealing with Documents in The Hague – Sub-Office ("Filing Practice Direction")⁴ and Rule 15 of the Appellate Practice Direction.
4. In light of the parties' differing interpretations of the required contents of the Book of Authorities, the Prosecution seeks clarification from the Pre-Hearing Judge. Specifically, does paragraph 16 of the Appellate Practice Direction supersede Article 7 of the Filing Practice Direction even though paragraphs 20 and 26 of the Appellate Practice Direction instruct the parties to be guided by Article 7? Or does Article 7 supersede paragraph 16?

¹ Prosecution Appellant's Submission, SCSL-03-01-A-1325, 1 October 2012; Appellant's Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1326, 1 October 2012 (Mr. Taylor's Appeal).

² Practice Direction on the Structure of Grounds of Appeal before the Special Court, adopted on 1 July 2011, amended 23 May 2012.

³ See footnote 1 of the Book of Authorities contained on CMS p. 1529 of Mr. Taylor's Appeal.

⁴ Practice Direction on dealing with Documents in The Hague – Sub-Office, adopted on 16 January 2008, amended 25 April 2008.

5. If paragraph 16 supersedes Article 7, the Prosecution respectfully requests that the Pre-Hearing Judge order the Defence to comply expeditiously with paragraph 16 by providing “a legible copy of the pages of or excerpts from every referenced material including case law, statutory and regulatory provisions from the Special Court, international tribunals and national sources” to which the Defence actually refers in its submissions but has not yet provided.

Filed in The Hague, The Netherlands
3 October 2012



Brenda J. Hollis
The Prosecutor.

List of Authorities

Prosecution Appellant's Submission, SCSL-2003-03-01-A-1325, 1 October 2012

Appellant's Submissions of Charles Ghankay Taylor, SCSL-03-01-A-1326, 1 October 2012

Practice Direction on the Structure of Grounds of Appeal Before the Special Court, adopted on 1 July 2011, amended 23 May 2012.

Practice Direction on dealing with Documents in The Hague – Sub-Office, adopted on 16 January 2008, amended 25 April 2008.