1333) SCSL-03-01-A (2656 – 2659) 2656

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: 9 October 2012

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

PUBLIC

PROSECUTION MOTION SEEKING AN ORDER INSTRUCTING WHICH VERSION OF MR. TAYLOR'S APPELLANT'S SUBMISSIONS IS AUTHORITATIVE

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Ms. Ruth Mary Hackler
Mr. James Pace

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 an Order from the Pre-Hearing Judge instructing it as to which version of Mr. Taylor's Rule 111 Appellant's Submissions it should respond to.

II. SUBMISSIONS

2. On 21 August 2012, the Appeals Chamber ordered the parties to file their Rule 111 submissions by 1 October 2012 and their Rule 112 submissions by 23 November 2012.[1]

3. On 1 October 2012, the parties filed their Rule 111 Appellant's Submissions with the Appeals Chamber.[2] On 4 October 2012, the Pre-Hearing Judge ordered the Prosecution to file its Rule 112 response on eleven of Mr. Taylor's Appeal Grounds by 26 October 2012, while the response to the remaining grounds continued to be due on 23 November.[3]

4. Exactly one week after filing Mr. Taylor's Rule 111 Appellant's Submissions, the Defence filed a Corrigendum thereto.[4] The 345-page filing rectified a number of errors, one of which impacts the numbering of all paragraphs after paragraph 151 in the 1 October version of Mr. Taylor's Appellant's Submissions.[5]

5. The Prosecution does not object to the Corrigendum filed on 8 October to replace the Rule 111 submission filed on 1 October 2012. However, it is not clear if the Corrigendum is accepted by the Appeals Chamber as the authoritative version of the Defence Rule 111 Appellant's Submission. Given the very short deadline for the Prosecution's response to the eleven grounds as ordered on 4 October, the Prosecution is disadvantaged by not knowing which version of the Defence submission the Prosecution should refer to in its Rule 112 Response.

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[1] Decision on Defence Motion for Reconsideration or Review of "Decision on Prosecution and Defence Motions for Extension of Time and Page Limits Pursuant to Rules 111, 112 and 113" and Final Order on Extension of Time for Filing Submissions, SCSL-03-01-A-1320, 21 August 2012, pp. 3-4.
[2] 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.
[3] Scheduling Order for Filings and Submissions, SCSL-03-01-A-1328, 4 October 2012.
[4] Corrigendum to *Appellant Submissions of Charles Ghankay Taylor*, SCSL-03-01-A-1331, 8 October 2012 (Corrigendum). The submissions are contained in Annex A to the Corrigendum.
[5] Corrigendum, para. 3.

III. RELIEF REQUESTED

6. The Prosecution moves that the Pre-Hearing Judge make an Order indicating whether the Prosecution Rule 112 Response should address the Defence Submission filed on 1 October 2012 or the Defence Corrigendum version filed on 8 October 2012.

Filed in The Hague, The Netherlands
For the Prosecution,
9 October 2012

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Brenda J. Hollis
The Prosecutor

List of Authorities

Corrigendum to *Appellant Submissions of Charles Ghankay Taylor*, SCSL-03-01-A-1331, 8 October 2012

Scheduling Order for Filings and Submissions, SCSL-03-01-A-1328, 4 October 2012

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

Decision on Defence Motion for Reconsideration or Review of "Decision on Prosecution and Defence Motions for Extension of Time and Page Limits Pursuant to Rules 111, 112 and 113" and Final Order on Extension of Time for Filing Submissions, SCSL-03-01-A-1320, 21 August 2012