

1303)

SCSL-03-01-A  
(109-111)

109



**SPECIAL COURT FOR SIERRA LEONE**

**IN THE APPEALS CHAMBER**

**Before:** Justice Shireen Avis Fisher, Pre-Hearing Judge

**Registrar:** Ms. Binta Mansaray

**Date:** 20 July 2012

<b>PROSECUTOR</b>	<b>Against</b>	<b>CHARLES GHANKAY TAYLOR</b> <b>(Case No. SCSL-03-01-A)</b>
-------------------	----------------	---

Public

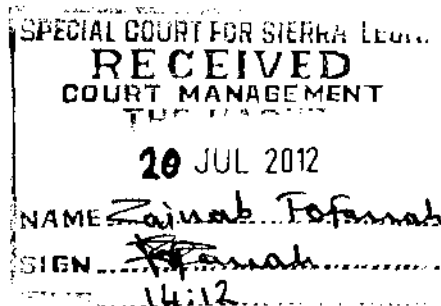
**SCHEDULING ORDER FOR WRITTEN SUBMISSIONS REGARDING  
RULES 111, 112 AND 113**

**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. C6man Kenny

**Defence Counsel for the Accused:**

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



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 Chamber’s “Order Designating a Pre-Hearing Judge Pursuant to Rule 109 of the Rules of Procedure and Evidence”<sup>1</sup>, dated 21 June 2012;

**RECALLING** the “Decision on Defence Motion for Extension of Time to File Notice of Appeal”<sup>2</sup>, 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*”<sup>3</sup>;

**RECALLING** the Parties’ oral submissions at the Status Conference on 18 June 2012, whereby the Prosecution and Defence indicated that they would seek an extension of the deadline and page limit for filing Submissions pursuant to Rule 111 of the Rules of Procedure and Evidence of the Special Court (“Rules”) and suggested that they would also seek an extension of time for filing Submissions pursuant to Rule 112 of the Rules;

**RECALLING** that, pursuant to Rule 116 of the Rules and Article 6(G) of the Practice Direction on dealing with Documents in The Hague – Sub-Office (“Practice Direction”), good cause must be shown to justify the extension of any time limit and any party wishing to file an over-sized submission must obtain advanced authorisation and explain the “exceptional circumstances” which necessitate such a filing;

**RECALLING** Article 6(F) of the Practice Direction and relevant holdings of the Appeals Chamber<sup>4</sup>;

<sup>1</sup> *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.

<sup>2</sup> *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, 20 June 2012].

<sup>3</sup> *Taylor* Decision on Filing Notice of Appeal, 20 June 2012, p. 3.

<sup>4</sup> See *Prosecutor v. Sesay, et al.*, SCSL-04-15-A, Appeals Chamber, Judgment, 26 October 2009, para. 44 (“Additional arguments of the Parties presented in annexes to their Appeals in violation of the page limit thus imposed have been summarily dismissed.”). See also *Prosecutor v. Galić*, IT-98-29-A, International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Judgment, 30 November 2006, para. 250 (“Further, a large number of Galić’s arguments on appeal, especially in this ground, have been made in the footnotes to the main text. In light of the great length granted to Galić for his appeal, there is no reason why all substantive arguments could not have been expressed in the main text, with the footnotes used for citation and clarification only. The

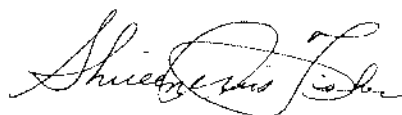
111

**CONSIDERING** that, pursuant to Rule 109 of the Rules, 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;

**HEREBY ORDERS AS FOLLOWS:**

- 1) The Parties requesting an extension of time and/or the page limit for filing Submissions pursuant to Rules 111, 112 and/or 113 shall file a consolidated written Motion no later than 24 July 2012;
- 2) The Parties shall file any Responses to such Motions no later than 26 July 2012;  
and
- 3) The Parties shall file any Replies to such Responses no later than 27 July 2012.

Done in The Hague, The Netherlands, this 20<sup>th</sup> day of July 2012.



Hon. Justice Shireen Avis Fisher  
Pre-Hearing Judge



---

Appeals Chamber ruled in *Prosecutor v. Kordić and Čerkez* that grounds of appeal must be dealt with in the main text, not the footnotes. Therefore, where a new argument is made in a footnote, the Appeals Chamber will ordinarily not address that argument. For similar reasons, the Appeals Chamber will not look at the Defence Notice of Appeal or at Judge Nieto-Navia's Dissent when Galić tries to incorporate arguments by reference to them; the arguments should have been made in the appeal.”).