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SCSL-03-01-A
(2687-2690)

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SPECIAL COURT FOR SIERRA LEONE

IN THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Presiding
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: 16 October 2012

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

Public

DECISION ON PROSECUTION MOTION FOR RECONSIDERATION OR REVIEW OF THE PRE-HEARING JUDGE'S 4 OCTOBER 2012 "SCHEDULING ORDER FOR FILINGS AND SUBMISSIONS"

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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COURT MANAGEMENT	
THE HAGUE	
16 OCT 2012	
NAME	SAMUEL J. FORNIAH
SIGN	[Signature]
TIME	13:00

THE APPEALS CHAMBER of the Special Court for Sierra Leone (“Special Court”);

SEIZED OF “Urgent Prosecution Motion for Reconsideration or Review of the Pre-Hearing Judge’s 4 October 2012 ‘Scheduling Order for Filings and Submissions’” (“Motion”),¹ in which the Prosecution requests reconsideration or review of the Pre-Hearing Judge’s “Scheduling Order for Filings and Submissions” (“Impugned Decision”),² and reinstatement of the original timetable issued by the Appeals Chamber on 21 August 2012;

NOTING the “Defence Response to the Urgent Prosecution Motion for Reconsideration or Review of the Pre-Hearing Judge’s 4 October 2012 ‘Scheduling Order for Filings and Submissions’” (“Response”);³

RECALLING the “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 Filings Submissions’” (“Appeals Chamber Decision”), in which the Appeals Chamber unanimously granted additional extensions to the Parties of 21 days for filing of Appeal Submissions under Rule 111, and consequential adjustments to the deadlines for filing of Respondent’s Submissions under Rule 112 and Submissions in Reply under Rule 113 to reflect this 21 day extension ;⁴

RECALLING ALSO that pursuant to the aforesaid Appeals Chamber Decision, Respondent’s Submissions and Submissions in Reply were due on 23 November and 30 November 2012 respectively;

RECALLING that in the Impugned Decision, the Pre-Hearing Judge ordered that the Prosecution’s Response to Defence Grounds 7, 8, 9, 15, 16, 23, 32, 33, 36, 37 and 38 be expedited and filed no later than 26 October 2012, and that the Defence Submissions in Reply to those Grounds be filed no later than 2 November 2012;⁵

CONSIDERING HOWEVER that the circumstances considered in the Appeals Chamber Decision have not changed;

¹ *Prosecutor v. Taylor*, SCSL-03-01-A-1329, Urgent Prosecution Motion for Reconsideration or Review of the Pre-Hearing Judge’s 4 October 2012 “Scheduling Order for Filings and Submissions”, 5 October 2012.

² *Prosecutor v. Taylor*, SCSL-03-01-A-1328, Scheduling Order for Filings and Submissions, 4 October 2012.

³ *Prosecutor v. Taylor*, SCSL-03-01-A-1334, Defence Response to the Urgent Prosecution Motion for Reconsideration or Review of the Pre-Hearing Judge’s 4 October 2012 “Scheduling Order for Filings and Submissions”, 11 October 2012.

ALLOWS the Prosecution Motion and,

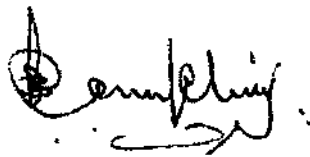
ORDERS the reinstatement of the original timetable contained in the Appeals Chamber Decision.

Justices Fisher and Winter have filed a separate dissenting opinion.

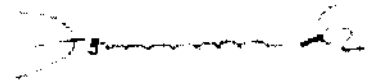
Done in The Hague, The Netherlands, this 16th day of October 2012.



Justice Emmanuel Ayoola



Justice George Gelaga King



Justice Jon Kamanda



⁴ *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 Pursuant to Rules 111, 112 and 113" and Final Order on Extension of Time for Filings Submissions, 21 August 2012.

⁵ Impugned Decision, p. 3.

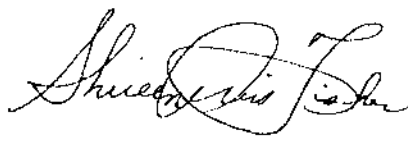
**DISSENTING OPINION OF JUSTICES SHIREEN AVIS FISHER AND
RENATE WINTER**

1. We respectfully disagree that the circumstances have not changed since the issuance of the Decision and Final Order. The Majority failed to consider that Taylor filed his Appellant's Submissions¹ but still has not moved for the admission of the additional evidence he has repeatedly noticed.² The 4 October Scheduling Order was a reasonable measure so that the Appeals Chamber could promptly consider and decide on any motion pursuant to Rule 115 for such noticed evidence.

2. In this regard, the Prosecution's submission that the 4 October Scheduling Order violates its right to a fair trial is surprising and without merit.³ The Prosecution has had notice of Taylor's challenges to the Trial Chamber's findings since 19 July.⁴ In the circumstances, it is simply implausible to assert that advancing by a few weeks the deadline for the response to certain of those challenges occasions a fair trial violation.

3. Finally, we note Taylor's declaration that "[t]he arguments in support of all the grounds of appeal are contained in" his Appeal.⁵ It was Taylor's decision to file his Appeal before moving to admit additional evidence he knows and on which he will seek to rely.

Done in The Hague, The Netherlands, this 16th day of October 2012.



Justice Shireen Avis Fisher
Presiding



Justice Renate Winter

¹ *Prosecutor v. Taylor*, SCSL-03-01-A-1326, Appellant's Submissions of Charles Ghankay Taylor, 1 October 2012 ("Taylor Appeal").

² Taylor Appeal, para. 16.

³ Motion.

⁴ See *Prosecutor v. Taylor*, SCSL-03-01-A-1301, Notice of Appeal of Charles Ghankay Taylor, 19 July 2012.

⁵ Taylor Appeal, para. 16.