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SCSL-03-01-T
(33940 - 33943)

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THE SPECIAL COURT FOR SIERRA LEONE

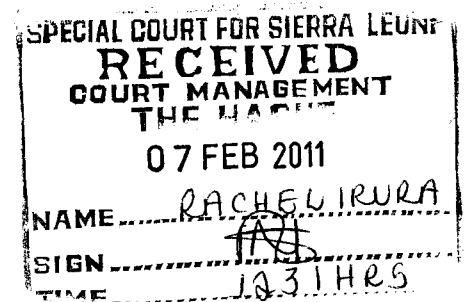
Trial Chamber II

Before: Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Julia Sebutinde
Justice El Hadji Malick Sow, Alternate

Registrar: Ms. Binta Mansaray

Date: 7 February 2011

Case No.: SCSL-2003-01-T



THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC

**DEFENCE RESPONSE TO PROSECUTION MOTION TO SUBSTITUTE PROSECUTION
FINAL TRIAL BRIEF AND NOTICE OF INTENTION TO SEEK LEAVE TO FILE
A CORRECTED COPY OF THE DEFENCE FINAL TRIAL BRIEF**

Office of the Prosecutor:

Ms. Brenda J. Hollis

Counsel for Charles G. Taylor:

Mr. Courtenay Griffiths, Q.C.

Mr. Terry Munyard

Mr. Morris Anyah

Mr. Silas Chekera

Mr. James Supuwood

Ms. Logan Hambrick

1. With reference to the Prosecution's *Motion to Substitute Prosecution Final Trial Brief*, filed on 4 February 2011,¹ the Defence does not object to the Prosecution's request at paragraph 3(a) to substitute the Prosecution's final trial brief as filed on 14 January 2011² with the refined and revised version included in the Confidential Annex to the Motion.
2. At paragraph 3(b) of the Motion, the Prosecution also requests that those pages of the Defence Final Brief³ which it considers to be "in excess" of the 600 page limit specified in the Scheduling Order⁴, either be disregarded or re-filed in accordance with the 600 page limit. The Defence submits that Scheduling Order did not make reference to annexes and to whether or not material contained in annexes would count toward the 600 page limit. Therefore, the Defence relied upon Article 6(F) of the usual Practice Direction on dealing with Documents in The Hague – Sub-Office,⁵ which states that any appendices and authorities do not count toward the page limit. The Defence notes that, contrary to the Prosecution's arguments at paragraph 12, the material contained in Annexes A-C of the Defence Final Brief is not substantive argument, but is rather a useful reference tool for arguments made throughout the brief. Thus, the Defence submits the Annexes should be accepted wholesale. Alternatively, if the Trial Chamber is minded to reject any pages in excess of 600, the Defence requests a reasonable amount of time in order to incorporate aspects of the Annexes into its core brief.
3. The Defence further notes that both parties are equally disadvantaged by not having had adequate time to read and consider each other's final and corrected versions of their final trial brief. At this juncture, the Defence also provides notice of its intention to seek leave to serve a corrected and re-formatted version of its Final Brief (including a Table of Contents) shortly.

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-1189, Public with Confidential Annex Motion to Substitute Prosecution Final Trial Brief, 4 February 2011 ("**Motion**").

² *Prosecutor v. Taylor*, SCSL-03-01-T-1156, Confidential Prosecution Final Trial Brief, 14 January 2011, as corrected by the Decision allowing the Prosecution's Corrigendum – see *Prosecutor v. Taylor*, SCSL-03-01-T-1183, Decision on Prosecution Corrigendum and Motion for Leave to Substitute Pages of the Prosecution Final Trial Brief, 3 February 2011 ("**Prosecution Final Brief**").

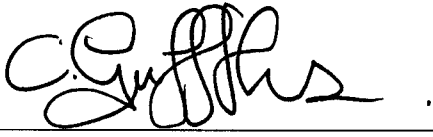
³ *Prosecutor v. Taylor*, SCSL-03-01-T-1186, Confidential with Annexes A-C Defence Final Brief, 3 February 2011.

⁴ *Prosecutor v. Taylor*, SCSL-03-01-T-1105, Order Setting a Date for the Closure of the Defence Case and Dates for Filing of Final Trial Briefs and the Presentation of Closing Arguments, 22 October 2010 ("**Scheduling Order**").

⁵ Adopted on 16 January 2008 and as amended on 25 April 2008.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Griffiths', with a period at the end. The signature is written in a cursive, somewhat stylized font.

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 7th Day of February 2011
The Hague, The Netherlands

Table of Authorities

Prosecutor v. Taylor, SCSL-03-01-T-1189, Public with Confidential Annex Motion to Substitute Prosecution Final Trial Brief, 4 February 2011

Prosecutor v. Taylor, SCSL-03-01-T-1156, Confidential Prosecution Final Trial Brief, 14 January 2011, as corrected by the Decision allowing the Prosecution's Corrigendum – see *Prosecutor v. Taylor*, SCSL-03-01-T-1183, Decision on Prosecution Corrigendum and Motion for Leave to Substitute Pages of the Prosecution Final Trial Brief, 3 February 2011

Prosecutor v. Taylor, SCSL-03-01-T-1186, Confidential with Annexes A-C Defence Final Brief, 3 February 2011

Prosecutor v. Taylor, SCSL-03-01-T-1105, Order Setting a Date for the Closure of the Defence Case and Dates for Filing of Final Trial Briefs and the Presentation of Closing Arguments, 22 October 2010