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SCSL-03-01-A  
(003-009)

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**THE SPECIAL COURT FOR SIERRA LEONE**

**THE APPEALS CHAMBER**

**Before:** Justice Shireen Avis Fisher, Presiding Judge  
Justice Emmanuel Ayoola  
Justice George Gelaga King  
Justice Renate Winter  
Justice Jon Moadeh Kamanda  
Justice Philip Nyamu Waki, Alternate Judge

**Registrar:** Ms. Binta Mansaray

**Date:** 5 June 2012

**Case No.:** SCSL-2003-01-A

**THE PROSECUTOR**

-v-

**CHARLES GHANKAY TAYLOR**

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**PUBLIC**

**DEFENCE MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL**

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**Office of the Prosecutor:**

Brenda J. Hollis

**Counsel for Charles G. Taylor:**

Morris Anyah  
Eugene O'Sullivan  
Christopher Gosnell

SPECIAL COURT FOR SIERRA LEONE	
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## I. INTRODUCTION

1. The Defence requests an extension of the deadline for the filing of its Notice of Appeal<sup>1</sup> until 19 July 2012 – an extension of the deadline prescribed in the Rules by five weeks.
2. The extension is justified by the unprecedented length and complexity of the written trial judgement, which exceeds 2,500 pages. The additional time will ensure that the Notice of Appeal is, to every extent possible, focused and streamlined. The Prosecution has indicated that it supports this request to the extent of an extension of three weeks, being 5 July 2012.<sup>2</sup>
3. The Defence outlines below why the additional time being requested is reasonable, supported by good cause, and is in the interests of justice.

## II. PROCEDURAL HISTORY AND APPLICABLE LAW

4. The written judgement in this case was issued by Trial Chamber II on 18 May 2012.<sup>3</sup> A *Corrigendum to [the] Judgement Filed on 18 May 2012* was issued on 30 May 2012<sup>4</sup> and the parties were served with the Corrigendum and a significantly revised version of the Judgement<sup>5</sup> on 31 May 2012.<sup>6</sup> The Sentencing Judgement<sup>7</sup> was likewise served on the parties on 31 May 2012. The understanding of both parties is that the time-limit for the filing of any notices of appeal began to run as of that date.<sup>8</sup>

<sup>1</sup> Rules of Procedure and Evidence, The Special Court for Sierra Leone, as amended on 16 November 2011 (“Rules”), Rule 108(A).

<sup>2</sup> A meeting was held between the Defence and the Prosecution on 1 June 2012, during which the Prosecution’s position was conveyed.

<sup>3</sup> *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1281, Judgement, 18 May 2012.

<sup>4</sup> *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1284, Corrigendum to Judgement Filed on 18 May 2012, filed 30 May 2012 (hereinafter “Corrigendum”).

<sup>5</sup> *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1283, Judgement, 18 May 2012, filed 30 May 2012 (hereinafter “Judgement”).

<sup>6</sup> Service of the hard-copies of the Corrigendum, the Judgement, and the Sentencing Judgement occurred on 31 May 2012.

<sup>7</sup> *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1285, Sentencing Judgement, 30 May 2012.

<sup>8</sup> A meeting was held between the Defence and the Prosecution on 1 June 2012 and there was agreement on this issue.

5. Rules 108 of the Rules provides that:

Subject to Sub-Rule (B), a party seeking to appeal a judgement or sentence shall, not more than 14 days from the receipt of the full judgement and sentence, file with the Registrar and serve upon the other parties a written notice of appeal, setting forth the grounds.

6. The Appeals Chamber has the discretion, pursuant to Rule 116 of the Rules, to extend the time-limit for filing such a notice upon a showing of “good cause.”

### III. SUBMISSIONS

(i) *The Length and Complexity of the Trial Judgement Constitute “Good Cause”*

7. The Judgement, at 2,539 pages, is easily the longest in the history of any international court.<sup>9</sup> The recitation of the evidence purportedly supporting the Trial Chamber’s conclusions is extensive, requiring a careful review to identify potential errors of fact. Many of these findings also involve potential procedural errors that may have occurred during a complicated and lengthy trial. Numerous contentious and complex legal claims are also made, spanning a variety of areas of law.
8. Fourteen days is insufficient time to identify and articulate the relevant errors of law, fact and procedure that may be contained in the Judgement. Additional time will ensure that the Defence is able to prepare a Notice of Appeal that is focused, considered and well-founded, and prepared with adequate consultation of the accused. The need to consult with the accused has previously been recognized as an important consideration in setting appropriate time-limits.<sup>10</sup> Additional time to prepare a proper notice of appeal will have a

<sup>9</sup> By comparison, the longest trial judgement at the ICTY was *Prosecutor v. Milutinović et al.* (on appeal renamed *Prosecutor v. Sainović et al.*), Case No. IT-05-87-T, Judgement, 26 February 2009, which was 1,435 pages in length (excluding annexes). The longest trial judgement at the ICTR was *Prosecutor v. Nyiramasuhuko et al.*, Case No. ICTR-98-42-T, Judgement, 24 June 2011, which was 1,468 pages in length (excluding annexes).

<sup>10</sup> *Prosecutor v. Naletelić et al.*, Case No. IT-98-34-A, Decision on Mladen Naletelić’s Motions for Extension of Time, 25 June 2003 (hereinafter “Naletelić Decision”). Furthermore, the need for the accused to fully understand the trial judgement has also been recognized as an important consideration: *Prosecutor v. Sesay et al.*, Case No. SCSL-04-15-A-1263, Decision on “Kallon Defence Motion for Extension of Time to File Appeal Brief and Extension of Page Limit”, 4 May 2009, p. 2.

salutary effect on appeal proceedings that accrues to both parties and is in the interests of justice.

9. In similar circumstances, and for similar reasons, the ICTY Appeals Chamber extended the period for filing notices of appeal in *Milutinović* by sixty days, from thirty to ninety days.<sup>11</sup> The ICTR Appeals Chamber granted an extension of the same duration in the *Nyiramasuhuko* case.<sup>12</sup> Not only were the judgements in both of these cases far shorter than the Judgement against Mr. Taylor, but they also involved multiple accused. Whereas only portions of those judgements were relevant to each accused, this Judgement is relevant in its entirety and will require greater time for adequate consultation of the accused.
10. The length of the proposed extension is reasonable and proportionate. An extension of five weeks brings the total period for filing a notice of appeal to forty-nine days. The ICTY and ICTR Appeals Chambers in the cases cited above accorded periods almost double this length – ninety days – in respect of much shorter judgements involving multiple accused. No advantage will be conferred on one party over the other; the Defence would not oppose the same extension being granted to both parties.

*(ii) Appointment of New Appeals Counsel Constitutes Good Cause*

11. Two new counsel have joined Mr Taylor's defence team for the appeals phase of the proceedings. An extension of time will allow newly-appointed counsel time to familiarise themselves with the case.<sup>13</sup>

*(iii) A Prior Version of the Judgement Does Not Reduce the Need for an Extension*

12. The issuance of a previous version of the Judgement does not reduce the need for an extension. No exhaustive record is available of the changes made between the previous

<sup>11</sup> *Prosecutor v. Milutinović et al.*, Case No. IT-05-87-A, Decision on Motions for Extensions of Time to File Notices of Appeal, 23 March 2009, pp. 3-4.

<sup>12</sup> *Prosecutor v. Nyiramasuhuko et al.*, Case No. ICTR-98-42-A, Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 22 July 2011, para. 9.

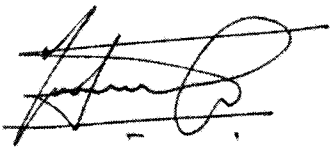
<sup>13</sup> Naletelić Decision, p. 3; *Prosecutor v. Tharcisse Muvunyi*, Case No. ICTR-2000-55A-A, Decision "Accused Tharcisse Muvunyi's Motion to Extend Time to File his Brief in Reply to the Prosecutor's Appellant's Brief", 15 February 2007, p. 3.

version and the official version of the Judgement. The parties are therefore required, to the extent any review was undertaken before 31 May 2012, to carefully verify whether any changes have been made to portions of the Judgement already reviewed. The time spent on such verifications negates any advantage that may have accrued from access to the previous version of the Judgement.

#### IV. CONCLUSION & RELIEF REQUESTED

13. The extraordinary length of the Judgement justifies a modest extension of the deadline for filing notices of appeal to 19 July 2012. The requested time-period is necessary to: permit a proper and careful review of the Judgement; consult adequately with the accused; and prepare a focused and meaningful Notice of Appeal. Accordingly, the Defence respectfully requests that it be granted an additional five weeks for the preparation and filing of its Notice of Appeal.

Respectfully Submitted,



**Morris Anyah**  
**Lead Counsel for Charles G. Taylor**  
 Dated this 5<sup>th</sup> Day of June 2012  
 The Hague, The Netherlands



Eugene O'Sullivan  
 Co-Counsel for Charles G. Taylor



Christopher Gosnell  
 Co-Counsel for Charles G. Taylor

## List of Authorities

### Prosecutor v. Taylor

*Prosecutor v. Taylor*, SCSL-03-01-T-1281, Judgement, 18 May 2012.

*Prosecutor v. Taylor*, SCSL-03-01-T-1283, Corrigendum to Judgement filed on 18 May 2012, 30 May 2012.

*Prosecutor v. Taylor*, SCSL-03-01-T-1285, Sentencing Judgement, 30 May 2012.

### SCSL Jurisprudence

*Prosecutor v. Sesay, Kallon and Gbao*, SCSL-15-1263, Appeals Chamber Decision, "Decision on "Kallon Defence motion for extension of time to file appeal brief and extension of page limit"", 4 May 2009.

<http://www.sc-sl.org/scsl/listCasesdefendant.asp?caseno=15>

*Prosecutor v. Fofana and Kondewa*, SCSL-04-14-A-804, Appeals Chamber Decision, "Decision on "Urgent Joint Defence and Prosecution Motion for an Extension of Time for the Filing of Appeal Briefs and Extension of Page Limits for Appeal Briefs"", 7 November 2007.

<http://www.sc-sl.org/scsl/listCasesdefendant.asp?caseno=14>

*Prosecutor v. Brima, Kamara and Kanu*, SCSL-04-16-A-640, Appeals Chamber Decision, "Decision on "Urgent Joint Defence and Prosecution Motion for an Extension of Time for the Filing of Appeal Briefs"", 10 August 2007.

<http://www.sc-sl.org/scsl/listCasesdefendant.asp?caseno=16>

### ICTY Jurisprudence

*Prosecutor v. Milutinović et al.*, Case No. IT-05-87-A, Decision on Motions for Extensions of Time to File Notices of Appeal, 23 March 2009.

<http://www.icty.org/x/cases/milutinovic/acdec/en/090323.pdf>

*Prosecutor v. Milutinović et al.*, Case No. IT-05-87-T, Judgement, 26 February 2009.

<http://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e1of4.pdf> (Volume 1)

<http://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e2of4.pdf> (Volume 2)

<http://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e3of4.pdf> (Volume 3)

<http://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e4of4.pdf> (Volume 4)

*Prosecutor v. Naletelić et al.*, Case No. IT-98-34-A, Decision on Mladen Naletilić's Motions for Extension of Time, 25 June 2003.

[http://www.icty.org/x/cases/naletilic\\_martinovic/acdec/en/030625.htm](http://www.icty.org/x/cases/naletilic_martinovic/acdec/en/030625.htm)

**ICTR Jurisprudence**

*Prosecutor v. Nyiramasuhuko et al.*, Case No. ICTR-98-42-A, Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 22 July 2011.  
<http://unictr.org/Portals/0/Case/English/Nyira/decisions/110722.pdf>

*Prosecutor v. Nyiramasuhuko et al.*, Case No. ICTR-98-42-T, Judgement, 24 June 2011.  
[http://unictr.org/Portals/0/Case/English/Nyira/judgement/110624\\_judgement.doc](http://unictr.org/Portals/0/Case/English/Nyira/judgement/110624_judgement.doc)

*Prosecutor v. Tharcisse Muvunyi*, Case No. ICTR-2000-55A-A, Decision “Accused Tharcisse Muvunyi’s Motion to Extend Time to File his Brief in Reply to the Prosecutor’s Appellant’s Brief”, 15 February 2007  
<http://www.unictr.org/Portals/0/Case/English/Muvunyi/decisions/070215b.pdf>