

SHIREEN AVIS FISHER, the Pre-Hearing Judge in this case;

NOTING the “Judgement” rendered in this case by Trial Chamber II on 18 May 2012 with Corrigendum;

NOTING the “Sentencing Judgement” rendered in this case by Trial Chamber II on 30 May 2012;

CONSIDERING that the deadline for the filing of the briefs in these appeals has passed;

PURSUANT to Rule 109(B)(ii)(b) of the Rules of Procedure and Evidence of the Special Court for Sierra Leone and having consulted, as President and Pre-Hearing Judge, with the Registrar of the Special Court;

HEREBY ORDERS that oral hearings of the appeals shall commence in The Hague (courtroom), at 10:00 AM on December 6, 2012; and

HEREBY DECLARES that during the oral hearing,

1. The Parties shall be prepared to respond to oral questions posed by the Justices about any issues raised in their Written Submissions; and
2. The Parties will otherwise be asked to limit their submissions to the following issues pursuant to Rule 114 of the Rules of Procedure and Evidence:
 - (i) Whether the Trial Chamber correctly articulated the *actus reus* elements of aiding and abetting liability under customary international law. The differences and similarities between aiding and abetting, instigation and ordering as forms of liability under Article 6(1) of the Statute. Whether customary international law recognizes that certain forms of liability set forth in Article 6(1) of the Statute are more or less serious than other forms of liability for sentencing or other purposes.
 - (ii) Whether the Trial Chamber’s findings meet the *mens rea* standard of purpose.
 - (iii) Whether acts of assistance not “specifically directed” to the perpetration of a crime can substantially contribute to the commission of the crime for aiding and abetting liability. Whether the Trial Chamber’s findings meet the “specific direction” standard.

- (iv) Whether acts of assistance not to the crime “as such” can substantially contribute to the commission of the crime for aiding and abetting liability. Whether the Trial Chamber’s findings meet the “as such” standard.
- (v) Whether the sources of law identified in Rule 72 *bis* (ii) and (iii) establish that uncorroborated hearsay cannot be relied upon as the sole basis for specific incriminating findings of fact.
- (vi) How the Appeals Chamber should apply existing jurisprudence relating to adjudicated facts under Rule 94(B) in the context of a defence motion for the admission of adjudicated facts following the close of the prosecution case.

HEREBY ORDERS that the time allocated to each Party will be no more than three hours for submissions on the stated issues, one hour thirty minutes for response and one half hour for reply.

AND HEREBY INFORMS the Parties that, subject to adjustments where appropriate, the timetable for the Appeal Hearing in the present case shall be as follows:

December 6, 2012

Morning: Prosecutor’s submission on the stated Issues

Afternoon: Taylor’s submissions on the stated Issues

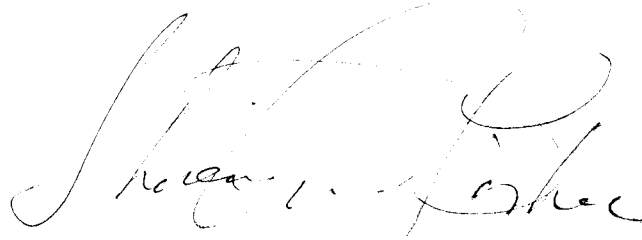
December 7, 2012-11-30

Morning: Prosecutor’s Response; Taylor’s Response

Afternoon: Prosecutor’s Reply; Taylor’s Reply

Service of this order on this date is hereby authorized.

Done in The Hague, The Netherlands, this 30th day of November 2012.



Hon. Justice Shireen Avis Fisher
Pre-Hearing Judge

