

Prosecutor's Motion for Leave

1. The Prosecutor seeks the leave of the President or the Designated Duty Judge to file a Response to the “Principal Defender’s Request for the Withdrawal and/or Recusal of Hon. Justice Teresa Doherty of the United Kingdom (UK) as the Duty Judge on the Application of Charles G. Taylor to be Temporarily Transferred to a Safe Third Country to Continue his Imprisonment due to the Massive Outbreak of COVID-19 in the UK” (‘Request for Recusal’).¹

2. The Prosecutor previously sought and was granted leave to file a Response to “Taylor’s Request for Temporarily Transfer to a Safe Third Country to Continue his Imprisonment due to the Massive Outbreak of COVID-19 in the UK” (‘Taylor’s Motion’). That Response has since been filed. On 01 July 2020, the Designated Duty Judge in this matter issued directions in which the Learned Judge properly characterized the Taylor’s Motion for Temporary Transfer as an Ex-Parte Application and not a contentious matter brought by the Prosecutor, and ordered a change in the title of the application.² This not being normal proceedings where parties can file pleadings as of right, the Prosecutor deems it fit to again seek leave afresh from the President or the Designated Duty Judge to enable him file a response to the Principal Defender’s Request, and not just act presumptuously.

3. The Request for Recusal raises a novel issue relating to recusal/disqualification of a judge from a matter for apparent bias based on his/her nationality. If considered favourably, the decision will impact on the settled principles on this subject in the jurisprudence of international courts and tribunals and as well, those of the most advanced legal systems of the world. For this reason, the issue raised is of general interest

¹ *In the Matter of Prosecutor v. Charles Ghankay Taylor*, RSCSL-03-01-ES-1449, “Principal Defender’s Request for the Withdrawal and/or Recusal of Hon. Justice Teresa Doherty of the United Kingdom (UK) as The Duty Judge on the Application of Charles G. Taylor to be Temporarily Transferred to a Safe Third Country to Continue his Imprisonment due to the Massive Outbreak of COVID 19 in the UK”, 01 July 2020.

² *In the Matter of Prosecutor v. Charles Ghankay Taylor*, RSCSL-03-01-ES-1448, ‘Public THE APPLICATION OF CHARLES GHANKAY TAYLOR Taylor's Request for Temporary Transfer to a Safe third Country to Continue His Imprisonment Due to Massive Outbreak of Covid-19 in the UK" DIRECTIONS’, 30 June 2020.

to parties before the Designated Duty Judge and should enable the Prosecutor to render his views on same.

4. Should the President or the Designated Duty Judge be minded to grant this application for leave, the Prosecutor further seeks his honour's indulgence for the drawn up Response, which is presented together with this Motion for Leave to be accepted as lodged for filing, and to be immediately filed as soon as an order is granted to this effect.

Filed on 08 July 2020



James C. Johnson

The Prosecutor

List of Authorities

SCSL and RSCSL Decisions

In the Matter of Prosecutor v. Charles Ghankay Taylor, RSCSL-03-01-ES-1449, “Principal Defender’s Request for the Withdrawal and/or Recusal of Hon. Justice Teresa Doherty of the United Kingdom (UK) as The Duty Judge on the Application of Charles G. Taylor to be Temporarily Transferred to a Safe Third Country to Continue his Imprisonment due to the Massive Outbreak of COVID 19 in the UK”, 01 July 2020.

In the Matter of Prosecutor v. Charles Ghankay Taylor, RSCSL-03-01-ES-1448, ‘Public THE APPLICATION OF CHARLES GHANKAY TAYLOR Taylor's Request for Temporary Transfer to a Safe third Country to Continue His Imprisonment Due to Massive Outbreak of Covid-19 in the UK" DIRECTIONS’, 30 June 2020.