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SCSL-03-01-ES
(12164-12166)

12164



RESIDUAL SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER

Before: Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Emmanuel Roberts

Registrar: Ms. Binta Mansaray

Date: 15 December 2014

Case No.: SCSL-03-01-ES

In the matter of

CHARLES GHANKAY TAYLOR

PUBLIC

**DECISION ON MR. TAYLOR'S REQUEST FOR LEAVE TO FILE SUBMISSIONS IN
RESPONSE TO RULE 33(B) SUBMISSIONS OF THE REGISTRAR**

Office of the Prosecutor:
Ms. Brenda J. Hollis

Counsel for Charles Ghankay Taylor:
Mr. Christopher Gosnell
Mr. John Jones

SCSL-03-01-ES

RESIDUAL SPECIAL COURT FOR SIERRA LEONE	
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NAME	Francesca Algalah-Smart
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15 December 2014

The Trial Chamber of the Residual Special Court for Sierra Leone (“Residual Special Court”)

SEIZED of “Notice of Intention to File Additional Submissions and of Non-Delivery of Submissions to Mr. Taylor”, filed on 27 November 2014,¹ wherein Mr. Taylor (“the Applicant”) indicates his intention to offer his additional submissions in relation to “Submission of the Registrar Pursuant to Rule 33 Arising From Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda”, filed on 12 November 2014 (“Registrar’s Rule 33(B) Submission”);²

SEIZED FURTHER of “Request for Leave to File Submissions in Response to Rule 33(B) Submissions of the Registrar”, filed on 4 December 2014,³ wherein the Applicant requests leave to file his submissions in response to the Registrar’s Rule 33(B) Submission, and seeks guidance *in limine* as to the permissibility of those submissions since a Registrar’s Submission under Rule 33(B) is neither a motion nor a response to which the Rules of Procedure and Evidence apply, and the Trial Chamber has an “inherent power” to regulate proceedings before it to ensure their fairness and effectiveness;⁴

CONSIDERING the grounds submitted by the Applicant, that the content of the Registrar’s Rule 33(B) Submission is, in general, adverse to him, at times due to a factual *lacuna* which the Applicant could provide a fuller explanation and context to, that the content justifies additional comment because it directly attributes conduct to the Applicant, his family and his legal advisors, and that the Registrar has offered inaccurate statements which warrant commenting on;⁵

COGNISANT of the provisions of the Rules of Procedure and Evidence and of the jurisprudence of the Special Court for Sierra Leone;⁶

¹ SCSL-03-01-ES-1411.

² SCSL-03-01-ES-1409.

³ SCSL-03-01-ES-1413.

⁴ *Ibid*, paras. 2, 6.

⁵ *Ibid*, paras. 17-19.

⁶ *Prosecutor v. Charles Ghankay Taylor*, Decision on “Defence Motion to Set Aside and/or Reconsider Trial Chamber’s Decision on Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure” Dated 15 September 2006, SCSL-03-01-PT-125, 5 October 2006, para. 24; *Prosecutor v. Charles Ghankay Taylor*, Decision of the President on Urgent and Public Defence Motion Requesting Cessation of Video Surveillance of Legal Consultations, SCSL-03-01-PT-189, 21 February 2007, paras. 8-11, 32; *Prosecutor v. Charles Ghankay Taylor*, Decision of the President on Public Defence Motion Requesting Review of the Memorandum of Understanding between the International Criminal Court and the Special Court for Sierra Leone Dated 13 April 2006 & Modification of Mr. Charles Taylor’s Conditions of Detention, SCSL-03-01-PT-206, 19 March 2007, pp. 2-3.

CONSIDERS that it is in the interests of justice that the Applicant is allowed to respond to issues raised in the Registrar's Rule 33 Submission;

ACCORDINGLY GRANTS the Applicant leave to file a response to the Registrar's Rule 33(B) Submission;

HEREBY ORDERS as follows:

1. The Applicant is allowed to file a Response to the Registrar's Rule 33(B) Submission within 10 days from the issuing of this decision or the service of the documents on the Applicant, the later date prevails;
2. That the Prosecutor be allowed a right to Reply to the Applicant's Response to the Registrar's Rule 33(B) Submission within 5 days from the filing of the Applicant's Response if she deems it appropriate to do so.

Done at The Hague, The Netherlands, this 15th day of December 2014.

Justice Richard Lussick

Justice Teresa Doherty
Presiding Judge

Justice Emmanuel Roberts

