



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

FRIDAY, 7 NOVEMBER 2008  
9.30 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

Justice Teresa Doherty, Presiding  
Justice Richard Lussick  
Justice Julia Sebutinde  
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg  
Ms Carolyn Buff  
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura  
Mr Momodu Tarawallie

For the Prosecution:

Ms Brenda J Hollis  
Mr Nicholas Koumjian  
Mr Alain Werner  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Morris Anyah

1 Friday, 7 November 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:25:45 5 PRESIDING JUDGE: Good morning. Appearances, please,  
6 Ms Hollis.

7 MS HOLLIS: Good morning Madam President, your Honours,  
8 opposing counsel. This morning for the Prosecution Nicholas  
9 Koumjian, Alain Werner, Maja Dimitrova and myself, Brenda J  
09:32:20 10 Hollis.

11 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Griffiths.

12 MR GRIFFITHS: Good morning, Madam President, your Honours.  
13 For the Defence today myself, Courtenay Griffiths and my learned  
14 friend, Mr Morris Anyah.

09:32:31 15 PRESIDING JUDGE: I note there is no witness in the witness  
16 stand, although there was a directive given by the Court  
17 yesterday. Ms Hollis, your witness please.

18 MS HOLLIS: We did ask WVS that a witness be made  
19 available. It is our understanding that a witness is available.  
09:32:48 20 It is also our understanding from an email we received last night  
21 that the Defence has a matter to raise.

22 PRESIDING JUDGE: I see. Mr Griffiths, is there a matter  
23 to raise?

24 MR GRIFFITHS: That is correct, Madam President, and the  
09:33:00 25 matter is this: Yesterday, a very serious allegation was made  
26 against a senior member of the Defence team, Mr Terry Munyard,  
27 and I don't know whether we ought to go into private session in  
28 order to discuss these matters.

29 PRESIDING JUDGE: There has actually been a directive, a

1 ruling by the Court in relation to procedures that may or may not  
2 be adopted on that matter, so I don't know if that is necessary.

3 MR GRIFFITHS: I wish to indicate various other steps which  
4 I felt it necessary to take and the consequences for these  
09:33:32 5 proceedings.

6 PRESIDING JUDGE: I see. Ms Hollis, there is an  
7 application before the Court for a private session.

8 MS HOLLIS: I think for the security of the witness it  
9 would be wise to go into private session for this discussion.

09:33:49 10 PRESIDING JUDGE: Thank you.

11 [Trial Chamber conferred]

12 For purposes of record and the rules there will be a  
13 private session in order to discuss matters that pertain to the  
14 security of a witness. Please wait, Mr Griffiths, until we make  
09:34:11 15 sure it is actually implemented.

16 [At this point in the proceedings, a portion of  
17 the transcript, pages 20040 to 20048, was  
18 extracted and sealed under separate cover, as  
19 the proceeding was heard in closed session.]

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1 [Open session]

2 MS IRURA: Your Honours, we are in open session.

3 PRESIDING JUDGE: Thank you. The Court has heard  
4 applications and has given the following ruling: The Court  
09:59:42 5 yesterday, on 6 November 2008, heard various arguments and  
6 submissions and heard Mr Munyard, counsel for the Defence,  
7 indicate that he would temporarily withdraw for reasons of  
8 professional ethics and would not be available to continue.

9 The Trial Chamber also ruled that the trial would continue  
10:00:10 10 and directed Prosecution counsel to produce their next witness  
11 and that witness was ruled to start today at 9.30. We, however,  
12 accept that another counsel will have to have carriage of that  
13 witness and that such another counsel will require time to  
14 prepare his cross-examination of that witness. We consider that  
10:00:39 15 an application to adjourn to Wednesday, 12 November at 9.30, is a  
16 reasonable request and accordingly we adjourn the hearing until  
17 Wednesday, 12 November at 9.30.

18 Ms Hollis, we note that in the course of the submission  
19 Mr Griffiths also raised two other issues and asked for orders.  
10:02:58 20 One is - and I am reading from my own notes - that the friend -  
21 that a witness referred to be identified and that all calls by  
22 the witness be monitored. Again I am reading from my notes, I am  
23 not reading from exactly the transcript. There has not been a  
24 response to that. Now we are in open session - in fact I haven't  
10:03:25 25 forgotten and that is why I have been coy in my wording - you did  
26 not respond to those points.

27 MS HOLLIS: Well, first of all, if the witness leaves The  
28 Hague then how will the monitoring occur and what is the basis  
29 for the monitoring? So we have a question about that. In terms

1 of this person that was alluded to, then we believe should there  
2 be an investigation of course that person would have to be  
3 identified. We believe very strongly that nobody should try to  
4 independently determine who that person is because there could be  
10:04:07 5 security implications for that person; neither the Defence nor  
6 the Prosecution. So we think that would come up in the course of  
7 an investigation which we will be filing a written motion on and  
8 we would also point out that, again, all of this this morning was  
9 oral submissions by the Defence so perhaps they should put it in  
10:04:27 10 a written motion to the Chamber.

11 PRESIDING JUDGE: Thank you. We agree with that submission  
12 that if these two orders are to be pursued they should be done so  
13 by way of written motion in accordance with the rules.

14 MR GRIFFITHS: Madam President, can I just mention one  
10:04:58 15 thing and I mention it orally merely because --

16 PRESIDING JUDGE: We are in open session.

17 MR GRIFFITHS: -- of the potential urgency of the matter.  
18 I note that my learned friend mentioned the possibility of that  
19 individual not remaining in The Hague. In our submission it  
10:05:15 20 would be quite wrong for that witness to leave The Hague and the  
21 reasons why should be fairly obvious.

22 PRESIDING JUDGE: Mr Griffiths, all I can do is note that  
23 you have made that observation. If there are no other matters we  
24 will adjourn court until 9.30 on Wednesday, 12 November. Please  
10:06:30 25 adjourn court.

26 [Whereupon the hearing adjourned at 10.06 a.m.  
27 to be reconvened on Wednesday, 12 November 2008  
28 at 9.30 a.m.]

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