



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 9 FEBRUARY 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Carolyn Buff

For the Registry:

Mr Gregory Townsend
Ms Advera Kamuzora
Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

Mr Stephen Rapp
Ms Brenda J Hollis
Mr Mohamed A Bangura
Ms Maja Dimitrova

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Terry Munyard

**For the Office of the Principal
Defender:**

Mr Silas Chekera

1 Monday, 9 February 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:03 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MS HOLLIS: Good morning, Mr President, your Honours,
8 opposing counsel. This morning for the Prosecution are the
9 Prosecutor Stephen Rapp, Mohamed A Bangura, Maja Dimitrova and
09:31:25 10 myself Brenda J Hollis.

11 PRESIDING JUDGE: Thank you.

12 MR GRIFFITHS: Good morning Mr President, your Honours,
13 counsel opposite. For the Defence today are myself Courtenay
14 Griffiths, my learned friends Mr Terry Munyard and Mr Silas
09:31:41 15 Chekera and also our case manager Ms Salla Moilanen.

16 PRESIDING JUDGE: Thank you. I don't know if either party
17 has anything to mention, but if they do now is the time to do it?

18 MS HOLLIS: Mr President, if I may, the Prosecution has two
19 matters that it would like to be discussed today, or as soon as
09:32:11 20 possible. The first matter deals with whether or not there will
21 be a Rule 98 submission by the Defence and if indeed there will
22 be such a submission then what procedure will be followed in
23 light of the change to the rule and the timing of such a
24 submission.

09:32:29 25 The second matter has to do with a discussion related to
26 the commencement of a Defence case, if there is to be a Defence
27 case.

28 PRESIDING JUDGE: Aren't those issues a little bit
29 premature, Ms Hollis? We've got, as you know, ten - virtually 11

1 Rule 92 bis interlocutory motions filed by the Prosecution which
2 fall to be decided by us. Now that the Appeals Chamber has
3 delivered its decision last Friday afternoon the way is clear for
4 us to decide those, but that may very well entail the Prosecution
09:33:20 5 electing to call more evidence or at least applying to do so.
6 So, in other words, the Prosecution may not be able to close its
7 case at this stage and so should we be talking about Rule 98
8 procedures and the Defence case at this stage?

9 MS HOLLIS: If I may respond, we would suggest that first
09:33:40 10 of all it is a good idea to talk about it to set some sort of
11 framework for it. We think that the Rule 98 submissions would
12 not be impacted by a decision on these documents as no document
13 of itself would be the sole basis upon which there could be a
14 conviction on any of the counts. The Defence is already aware of
09:34:05 15 our testimonial evidence, the witnesses on the merits have been
16 called and so we think that it is appropriate to discuss that
17 either today or some day in the near future.

18 In terms of the Defence case, again we think discussions at
19 least as to what form that case might take would also not be
09:34:26 20 premature and would assist in planning in terms of future
21 scheduling and the duration of the trial.

22 So we believe that it is really not premature to have those
23 discussions although certainly dates perhaps could not be decided
24 at this time, but the procedures to be followed for the Rule 98
09:34:43 25 could be decided so that the parties are on notice. And even an
26 indication that so many days from the end of the Prosecution case
27 any Rule 98 submissions would be expected, we think that those
28 things could appropriately be discussed.

29 PRESIDING JUDGE: Just before we hear from the Defence, is

1 the Prosecution saying that no matter what we decide on the
2 outstanding motions the Prosecution won't be calling any further
3 evidence?

09:35:17 4 MS HOLLIS: We think any further evidence would be in
5 relation to the documentary evidence. We don't anticipate that
6 there will be additional evidence on the substance of the case,
7 but rather dealing with how certain portions of documents may be
8 admitted. That's what our anticipation is at this time.

09:35:35 9 PRESIDING JUDGE: All right. Do you have anything to say,
10 Mr Griffiths?

11 MR GRIFFITHS: Mr President, first of all, I am somewhat in
12 the dark as to the last comment made by my learned friend in that
13 depending on the outcome of the outstanding 92 bis motions there
14 may well be need for the Prosecution to call a witness to deal
09:36:00 15 with the admission of those documents. I don't know whether the
16 Prosecution is saying they will not call any more witnesses even
17 to introduce these documents, or whether they are saying they
18 will seek the admission of those documents by another means.

19 Now, the bottom line is this. We feel that any discussion
09:36:22 20 regarding any proposed 98 submission is somewhat premature in
21 that firstly the Prosecution case has not yet closed and,
22 secondly, as a consequence we don't know what the final shape of
23 the case we have to meet is. It seems to us that no final
24 decision can be made by us as to that topic until the Prosecution
09:36:52 25 formally close their case, so consequently we feel that it's much
26 too early to be contemplating those kinds of matters.

27 PRESIDING JUDGE: Thank you.

28 We have noted the Prosecution comments. Obviously the
29 Prosecution has not closed its case as yet, but the matters

1 raised by Ms Hollis are matters that are appropriate to a status
2 conference. We consider that in the light of the outstanding
3 motions it is premature at this stage to consider those matters.

4 However, what we propose to do is this. We will need to

09:39:16 5 dispose of the outstanding motions and we will need time to do

6 so. As I have already mentioned, the Prosecution motions in

7 relation to 89(C)-92 bis are 11 in number and now that the

8 Appeals Chamber has delivered its decision we have now got a

9 clear way to dispose of those motions. Nevertheless, as the

09:40:00 10 parties are aware, some of the documentation is voluminous and we

11 are going to need time. There are also other important

12 interlocutory motions that need to be decided.

13 What we are going to do is adjourn this case to enable us

14 to attend to those matters. We will adjourn this case until

09:40:50 15 Thursday of next week, which is Thursday 19 February, and on that

16 date we are hoping to be able to appoint a status conference.

17 In other words, we will adjourn the case until 19 February.

18 It will be for mention only and we are hopeful that at the end of

19 that adjournment it will be appropriate to fix a status

09:41:21 20 conference for the following week and our order for that will

21 include an agenda. So, adjourned until 19 February for mention

22 only.

23 [Whereupon the hearing adjourned at 9.44 a.m.

24 to be reconvened on Thursday, 19 February at

09:42:15 25 9.30 a.m.]

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