



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

MONDAY, 10 MAY 2010  
9.35 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura  
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian  
Mr Mohamed A Bangura  
Ms Kathryn Howarth  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munyard  
Mr Silas Chekera  
Ms Logan Hambri ck

1 Monday, 10 May 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.35 a.m.]

09:28:03 5 PRESIDING JUDGE: Good morning. We will take appearances  
6 first, please.

7 MS HOWARTH: Good morning, Madam President. Good morning,  
8 your Honours. Good morning, counsel opposite. For the  
9 Prosecution this morning, Mr Koumjian, Mr Mohamed A Bangura,  
09:35:46 10 Ms Maja Dimitrova and myself Ms Kathryn Howarth.

11 MR GRIFFITHS: Good morning, Madam President, your Honours,  
12 counsel opposite. For the Defence today, myself Courtenay  
13 Griffiths, with me Mr Silas Chekera, Mr Terry Munyard and  
14 Ms Logan Hambri ck of counsel .

09:36:06 15

16 {Redacted}

17 Before I continue, could I ask that  
18 we deal with this matter in private session.

19 PRESIDING JUDGE: And perhaps the comments by counsel could  
09:36:37 20 be redacted. The first few comments relating to Mr Taylor should  
21 be redacted, and we'll go into private session for the privacy of  
22 the accused person, please.

23 PRESIDING JUDGE: Mr Griffiths, would you have the witness  
24 excused for a moment, or not?

09:37:09 25 MR GRIFFITHS: Yes, I think it would be wise for the  
26 witness to step outside.

27 PRESIDING JUDGE: Okay.

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1 [At this point in the proceedings, a portion of  
2 the transcript, pages 40716 to 40720, was  
3 extracted and sealed under separate cover, as  
4 the proceeding was heard in private  
5 session.]

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1 [Open session]

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

3 PRESIDING JUDGE: The Defence counsel has requested the  
4 Court to adjourn for the reason that Mr Taylor is unable to  
09:50:56 5 attend court today and would like to be present in court today  
6 but is simply unable. We have heard the reasons in private  
7 session and we are satisfied that it's a reasonable request to  
8 adjourn the proceedings today until tomorrow morning when  
9 Mr Taylor is able to attend court. So we will adjourn court for  
09:51:20 10 the rest of today and reconvene tomorrow at 9.30 in the morning.

11 Mr Griffiths, this is on a slightly different matter. Are  
12 we done with the request for adjournment?

13 MR GRIFFITHS: We are done with that. I was going to deal  
14 with another matter which I anticipate may be troubling  
09:51:54 15 your Honours, which is the question of the timeline for the  
16 Defence case.

17 PRESIDING JUDGE: Yes, exactly.

18 MR GRIFFITHS: The position is this, your Honours: That  
19 our most optimistic view of the duration of the Defence case is  
09:52:15 20 that it will conclude sometime in August, but we cannot rule out  
21 the pessimistic possibility that we may run into September.

22 Now, that raises another issue, which is the question of  
23 whether or not the Court ought to be planning now for a summer  
24 recess. And I raise that matter for this reason: If that most  
09:52:48 25 pessimistic prediction is correct, it will mean that by September  
26 we will have sat continuously and intensively for some five  
27 months. And it is a fact that this case is beginning to take its  
28 toll on many of us physically and, in our view, the Court ought  
29 realistically to factor in a summer recess, we would submit

1       sometime perhaps in mid-July.

2               Now, the other reason why in our submission the Court  
3       should be thinking along these lines is this: We don't know  
4       whether or not the Prosecution will be applying to call rebuttal  
09:53:44 5       evidence or indeed, if they do choose to do so, the duration of  
6       that evidence. And in our submission, that possibility ought to  
7       be factored in to any considerations as to the future timetabling  
8       of the case. We would submit that that very real possibility  
9       provides an even more powerful reason why the Court ought to be  
09:54:13 10       considering a summer recess at some stage.

11               I don't know if there is any particular matters with which  
12       I could assist at this point.

13               PRESIDING JUDGE: Yes, Mr Griffiths, before you sit, we  
14       have been wondering actually. I know that the Defence  
09:54:33 15       investigations have been ongoing and that you have been revising  
16       your witness lists, et cetera. Perhaps I am just urging you to  
17       really consider the absolutely necessary number, minimum number  
18       of witnesses, having in view the fact that the onus of proof lies  
19       on the Prosecution and not the Defence. This is a very, very  
09:55:02 20       vital factor in the timeline. You could go through as a Defence  
21       team again through your witness list just to ensure that there  
22       are no duplications and that these are absolutely necessary  
23       witnesses in the circumstances.

24               MR GRIFFITHS: Madam President, I can assure you that were  
09:55:27 25       it left purely to the lawyers, there would be a minimum of  
26       witnesses called. But your Honours have to appreciate we act on  
27       instructions and we have the situation as to Defence witnesses  
28       continuously under review. And I can assure you that my concern  
29       is to put the Defence case within as short and as narrow compass

1 as possible, subject of course to any instructions I receive.

2 PRESIDING JUDGE: Okay.

3 MR GRIFFITHS: I guess I am being rather Delphic but  
4 your Honour can understand why.

09:56:20 5 PRESIDING JUDGE: Yes, but also, if I may remind you, the  
6 Chamber does have powers to ask you to show cause why you can't  
7 call less witnesses. This is a trump card that we keep, we would  
8 not like to resort to. But if we think that the trial is being  
9 protracted to an inordinate length we have that power, and,  
09:56:48 10 indeed, the duty to conduct an efficient and expeditious trial,  
11 and I think your client should be reminded of this in all wisdom  
12 to trust his lawyers. That should be really the bottom line.

13 But I would like to hear the Defence - sorry, the  
14 Prosecution, if you are in a position to say - first of all, to  
09:57:13 15 comment on the timing of the summer recess, but also on the other  
16 comments relating to the timeline, rebuttal evidence, et cetera,  
17 if you are able to. I realise that Ms Hollis is not here, but if  
18 you are able to, we could hear from you. We are not going to  
19 make a decision today. If you need time to consult the team  
09:57:35 20 leader, we appreciate that. But if you have anything to say at  
21 this moment, it's welcome.

22 MR KOUMJIAN: I appreciate that flexibility, and I would  
23 say that these, then, are preliminary remarks.

24 The first is while we understand it's helpful with  
09:57:50 25 everyone's planning to know about the summer recess, it's even  
26 more helpful for everyone's planning in the whole institution,  
27 including hiring, retention, budget, to have an estimate of when  
28 the trial will finish. So we would urge the Court to try - that  
29 it is an appropriate time to try to come up with a schedule that

1 would be an approximation, an estimate of when this trial would  
2 finish.

3 I would say the Prosecution is contemplating at the present  
4 time - we haven't heard the Defence case; we've only heard part  
09:58:24 5 of it - a short rebuttal - application for a short rebuttal -  
6 that would be less than a week at the present time - and we just  
7 think that at the moment - I think we are still working from a  
8 witness list of about 270 witnesses, because the core witness  
9 list, apparently, is only a suggestion. Some witnesses are being  
09:58:48 10 moved in and out of the core list, so that's an approximation.  
11 But we still have a very, very large number of witnesses.

12 In my domestic practice, it is ultimately the attorney's  
13 responsibility, and not the client, to decide which witnesses are  
14 called. Clients enjoy the services of professional, experienced  
09:59:12 15 Defence counsel and they have to place their trust - when you  
16 decide to be represented by experienced, professional Defence  
17 counsel, you have to place your trust in their judgement. That's  
18 what their years and years of experience - that's why you are  
19 using their services, and we hope that the accused would  
09:59:35 20 understand that.

21 And these are the preliminary remarks that I have for  
22 your Honour, and I would add that I am sure Ms Hollis would have  
23 additional and more precise answers to your Honours' questions.

24 PRESIDING JUDGE: So, Mr Koumjian, you couldn't give the  
09:59:52 25 Court an indication as to what your preferences for the summer  
26 recess would be?

27 MR KOUMJIAN: That I really don't know, other than our  
28 preference was to finish, as your Honours said earlier, the  
29 Defence case before the summer recess.

1           PRESIDING JUDGE: Perhaps we will hear from the Prosecution  
2 tomorrow morning on this issue before we finally take a decision,  
3 in which case we will adjourn as previously indicated. I do not  
4 think it's --

10:00:33 5           MR GRIFFITHS: Madam President, can I mention two things:  
6 Firstly, we still have a witness who is anticipating giving  
7 evidence, so he will have to be discharged for the day; secondly,  
8 can I mention, out of courtesy, that I will not be here tomorrow.  
9 Mr Munyard will undoubtedly deal with any matters arising from  
10:00:54 10 the matters discussed this morning.

11           PRESIDING JUDGE: Madam Court Officer, if we could have the  
12 witness brought back, please.

13                                 [In the presence of the witness]

14           PRESIDING JUDGE: Mr Zaymay, the Court has decided to  
10:02:05 15 adjourn for the rest of today, the reason being that Mr Taylor,  
16 who should be here in court, is unable to be in court today, but  
17 hopefully will be in court tomorrow morning.

18           So I would like to officially inform you that you are not  
19 to discuss your evidence, as I normally caution you, and you will  
10:02:28 20 return tomorrow morning for the rest of your testimony,  
21 hopefully.

22           Thank you. Court is adjourned.

23                                 [Whereupon the hearing adjourned at 10.03 a.m.  
24 to be reconvened on Tuesday, 11 May 2010 at  
10:03:02 25 9.30 a.m.]

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