



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

MONDAY, 13 SEPTEMBER 2010  
10.00 A.M.  
STATUS CONFERENCE

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:

Mr Simon Meisenberg  
Ms Sidney Thompson

For the Registry:

Ms Advera Nsiima Kamuzora  
Ms Rachel Irura  
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis  
Mr Mohamed A Bangura  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Terry Munyard  
Mr Silas Chekera  
Ms Logan Hambri ck  
Ms Salla Moilanen

1 Monday, 13 September 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 10.02 a.m.]

10:02:47 5 PRESIDING JUDGE: Good morning. We will take appearances  
6 first, please.

7 MS HOLLIS: Good morning, Madam President, your Honours,  
8 opposing counsel. This morning for the Prosecution, Mohamed A  
9 Bangura, Maja Dimitrova and Brenda J Hollis.

10:03:10 10 MR MUNYARD: Good morning, Madam President, your Honours,  
11 counsel opposite. For the Defence this morning we have Silas  
12 Chekera, Logan Hambri ck, our case manager Salla Moilanen, and  
13 myself Terry Munyard.

14 PRESIDING JUDGE: Right. As the parties are aware, we are  
10:03:27 15 going to have a status conference today at which the - amongst  
16 others, the Defence will let the Chamber know whether they will  
17 be calling any other witnesses or how else they wish to proceed.  
18 Mr Munyard, I suppose it will be you.

19 MR MUNYARD: Thank you, Madam President. I can reiterate  
10:03:48 20 what I said last week about the prospect of calling other  
21 witnesses. I'm not ruling it out completely, but I think it's  
22 unlikely that we would call any other live witnesses.

23 Madam President, the position as far as the Defence is  
24 concerned, is this: A few weeks ago, the Court ordered that we  
10:04:14 25 conclude the calling of evidence by 12 November. We are  
26 obviously two months ahead of that, so we have obviously saved a  
27 considerable amount of time in the interim. We still have, and  
28 are still working on, a number of written motions. What we would  
29 invite the Court to do is, in effect, to give us the same time

1 period as the Court gave the Prosecution after they finished  
2 calling live evidence and we would make the following proposition  
3 for the consideration of the Court and the parties.

4 You will recall that the Prosecution completed the  
10:05:11 5 re-examination of their last witness on 30 January 2009. On 9  
6 February 2009, there was then a status conference. There were  
7 still some outstanding motions to be dealt with at that time.

8 On 19 February 2009, there was a further status conference  
9 at which a number of oral decisions were handed down by the  
10:05:46 10 Court, and the Court then ordered a final status conference on 27  
11 February 2009, at which the Prosecution formally closed their  
12 case. So that was a four-week period.

13 Madam President, what we would submit would be an  
14 appropriate timetable is as follows: We still have, as I've  
10:06:15 15 indicated, a number of written motions to submit to the Court; we  
16 hope certainly to have some of those in by the end of this week.

17 The Court has already indicated quite some time ago now  
18 that at the end of the Defence oral evidence, we would get the  
19 rest of our annual summer leave. We are assuming that's a  
10:06:48 20 two-week period. We would invite the Court to give us the two  
21 weeks leave but within the four-week period that we say  
22 corresponds to the four weeks that the Prosecution had between  
23 the end of their last live witness and the formal closing of  
24 their case. And it seems to us that an appropriate timetable  
10:07:14 25 would be to take us to the end of this week as a sitting term,  
26 and, as I've indicated, we hope to get some of our outstanding  
27 motions lodged by the end of this week, then to have a two-week  
28 vacation, and then a final week to consider what decisions, if  
29 any, the Court has handed down on any written motions that were

1 still outstanding because, of course, it may well be that the  
2 Court renders decisions that either party would then want to  
3 consider appealing. And then have a final status conference at  
4 the end of that four-week period, on which date we would formally  
10:08:10 5 close our case.

6 So, in effect, what we would submit would be an appropriate  
7 way forward is to give us the same amount of time as the  
8 Prosecution but during that time for us to have the remaining two  
9 weeks of the summer vacation.

10:08:29 10 None of the suggestions that we are putting forward are  
11 written in stone. It's a proposal, and obviously others may have  
12 different views and we are perfectly willing to take on board any  
13 suggestions other than to vary the proposal that we've put  
14 forward, but we hope that is a proposal that makes sense, is  
10:08:55 15 administratively convenient, and would enable us then to close  
16 our case a full month before the time that you had originally  
17 ordered us to call the last witness by.

18 Madam President, those are the submissions I make at this  
19 stage. I don't know if anyone on the Bench has any questions of  
10:09:23 20 us as to any of the matters that I've raised but, if not, then  
21 obviously you'll want to hear from Ms Hollis.

22 JUDGE DOHERTY: Mr Munyard, I have one question. You  
23 mentioned outstanding motions. Are these outstanding motions in  
24 relation to proposed documentary or other type of evidence and  
10:09:48 25 their admission, or are they of another topic? Are you at  
26 liberty to indicate to us now?

27 MR MUNYARD: At the moment I'm not but, for the most part,  
28 I'm quite sure they will be documentary.

29 PRESIDING JUDGE: Mr Munyard, I just wanted to go through

1 the calendar with you just to make sure that I have understood,  
2 and I think for everybody's sake, I'm looking at the diary;  
3 you're proposing that the Court sits, for today being the Monday,  
4 the 13th --

10:10:34 5 MR MUNYARD: Yes.

6 PRESIDING JUDGE: That the Court sits for the rest of this  
7 week until Friday, 17 September.

8 MR MUNYARD: Yes.

9 PRESIDING JUDGE: And then you're proposing that the Court  
10:10:46 10 recesses for two weeks.

11 MR MUNYARD: Yes.

12 PRESIDING JUDGE: Which would effectively take us to --

13 MR MUNYARD: I think 1 October, if I'm doing my mathematics  
14 correctly. I may not be. I've not - no, I have not got a  
10:11:08 15 calendar in front of me, and I'm simply doing the maths rather  
16 than looking at days of the week.

17 PRESIDING JUDGE: It would take us to Friday, 1 October but  
18 the working day would then be the following Monday.

19 MR MUNYARD: Exactly. I got the --

10:11:24 20 PRESIDING JUDGE: Which would be Monday, the 4th.

21 MR MUNYARD: Yes.

22 PRESIDING JUDGE: And then thereafter you're proposing a  
23 week's sitting.

24 MR MUNYARD: Yes.

10:11:33 25 PRESIDING JUDGE: Or sitting within that week, which would  
26 effectively bring us to Friday, 8 October.

27 MR MUNYARD: Yes.

28 PRESIDING JUDGE: At which stage you would wish that  
29 Friday, the 8th, be the time that the Court gives the Defence to

1 officially close their case.

2 MR MUNYARD: Yes, either Friday, the 8th, or the following  
3 Monday if it was more administratively convenient, that would be  
4 the 11th.

10:12:27 5 PRESIDING JUDGE: Of course, Mr Munyard, all this is  
6 premised on the presumption that the Court would have delivered  
7 all the rulings due on whatever motions you would have filed.

8 MR MUNYARD: Yes. And, of course, that would have to be  
9 reviewed at any status conference at the end of the recess. You  
10:12:50 10 might want to have or schedule a status conference at the  
11 beginning of the week after the recess to review the position  
12 with a view to a further status conference perhaps a week later.  
13 We are inevitably, to a degree, we are in uncertain territory for  
14 obvious reasons, but that's always the case with a trial where  
10:13:18 15 there are motions outstanding.

16 PRESIDING JUDGE: Very well. I'll ask Judge Lussick,  
17 I think he had a question or comment for you.

18 JUDGE LUSSICK: Yes. Well, I think I know the answer to  
19 this, Mr Munyard, but I'll just confirm it with you. You said  
10:13:33 20 that the prospect of calling other witnesses, while not out of  
21 the question, is unlikely. Now, is the hesitation about deciding  
22 on that at the moment owing to the fact that there are some  
23 further Defence motions to come, which I presume would be to  
24 admit documentary evidence, and that whether more oral witnesses  
10:14:07 25 are called would depend on the Trial Chamber's decision on those  
26 applications to admit documentary evidence?

27 MR MUNYARD: Your Honour, that is certainly part of our  
28 thinking; that if the documentary evidence was not allowed to be  
29 introduced, then obviously we would have to consider an

1 alternative means of presenting it. But I'm still not ruling  
2 out, and I'm not ruling out the prospect of a further witness,  
3 and I can't imagine that it would be more than one, but a further  
4 witness, coming to light before we close our case formally and us  
10:14:50 5 applying to call that witness. If that were the case, then it's  
6 highly likely that we would have to make an application to do so.  
7 But I don't want to rule that out at this stage in the light of  
8 my instructions, but I repeat what I said last week and what  
9 I said in my opening remarks this morning, that I don't think  
10:15:10 10 that it's a very likely prospect.

11 JUDGE LUSSICK: Yes, thank you.

12 PRESIDING JUDGE: Ms Hollis, we would like to hear from  
13 you, your views regarding the closing of the Defence case.

14 MS HOLLIS: Thank you, Madam President. Madam President  
10:15:28 15 and your Honours, as Madam President pointed out at the very  
16 beginning of this case, it's not the parties who decide how to  
17 manage the case; it's the Trial Chamber. So whether the Defence  
18 or the Prosecution are amenable or not amenable, ultimately it is  
19 for your Honours to determine how best to manage this case to  
10:15:47 20 ensure not just a fair trial but also an expeditious trial and  
21 one that does not waste time.

22 In relation to the close of the Defence case being 12  
23 November, that was premised entirely on an estimate for the time  
24 for direct, cross-examination and re-direct examination of seven  
10:16:10 25 witnesses. There was no determination that no matter what the  
26 situation was the Defence would have until 12 November. So that  
27 was premised on seven witnesses being called and the maximum  
28 amount of time for examination of those witnesses.

29 In relation to giving the Defence the same amount of time

1 the Prosecution was given after it called its last witness in its  
2 case in chief. As your Honours and the Defence will recall, as  
3 of the end of the evidence of the last witness for the  
4 Prosecution, the Prosecution had filed all of its pleadings,  
10:16:45 5 pleadings were complete, and the reason that there was a delay  
6 thereafter was awaiting for your Honours to deliver decisions on  
7 the outstanding motions. So here we have the Defence not even  
8 having filed the motions, so it is a different scenario.

9 In terms of what we would suggest for - to your Honours for  
10:17:07 10 the way forward, we would suggest this: We would suggest that  
11 your Honours give the Defence until the end of next week, and I  
12 believe that would be the 24th, to file any motions they intend  
13 to file. If they are motions other than for admission of  
14 evidence under Rule 92, we would ask that your Honours give an  
10:17:38 15 expedited schedule for the pleadings. Then we would suggest --

16 PRESIDING JUDGE: Ms Hollis, are you suggesting that the  
17 Prosecution is willing to expedite any response?

18 MS HOLLIS: If it is other than 92 bis, I believe under 92  
19 bis, I'm not sure, we may have a shortened pleading requirement  
10:17:59 20 for that. It would depend upon the number of motions that we  
21 were given, but certainly we would be willing to, even on a  
22 staggered basis, accept a more expeditious filing schedule to  
23 respond to those motions.

24 Should, because of the number of pleadings we receive, we  
10:18:26 25 require more time for certain motions, we would be willing to  
26 request your Honours for permission. In any event, whether your  
27 Honours were to order it or not, the Prosecution will respond  
28 very expeditiously to any pleadings that are put before us for  
29 response.



1 We do believe that it is in everyone's interests that this  
2 trial be - the evidence portion be speedily concluded, and we  
3 wish to do everything within our ability to ensure that we take  
4 part in concluding the evidence phase of this trial.

10:19:03 5 We would suggest that there not be a recess which precludes  
6 the filing of motions or responses, because we do believe that  
7 the Defence should be ordered to file those motions by the end of  
8 next week, which would be the 24th. It is the Prosecution's  
9 recollection that the recess was going to be taken not at the end  
10:19:29 10 of oral evidence by the Defence but at the end of the Defence's  
11 case. Perhaps we misunderstood but that was our understanding of  
12 the recess itself. Should your Honours consider a recess, we  
13 would suggest that you nonetheless order the Defence to file  
14 their motions by the end of next week and allow for pleadings to  
10:19:49 15 be filed during the recess. We would suggest as an alternative  
16 that there be no recess until the end of the evidence portion of  
17 the trial.

18 We believe that the Defence has had ample time to present  
19 their case. Indeed, as of today, they have had approximately 13  
10:20:17 20 months since the beginning of their case. They've had 16 months  
21 since the Rule 98 decision and they've had 18 and a half months  
22 since the close of the Defence case - of the Prosecution case in  
23 chief. So we believe they have had ample time to plan their case  
24 and to present their case and it would in no way infringe on the  
10:20:41 25 rights of the accused for your Honours to set out a schedule for  
26 the submission of the Defence pleadings and to consider how we  
27 might best go forward in terms of responses.

28 Those are the comments that the Prosecution would ask your  
29 Honours to consider.

1           PRESIDING JUDGE: Ms Hollis, the Prosecution preference is  
2 for the recess to be held after the close of the Defence case?  
3 Is that so?

4           MS HOLLIS: That is correct.

10:21:19 5           PRESIDING JUDGE: And how long would you reckon the recess  
6 should be?

7           MS HOLLIS: We realise that at the close of the Defence  
8 case, assuming that the Prosecution has no rebuttal, and that  
9 rebuttal is not allowed if we do request it, then, of course, we  
10:21:37 10 do need to look at beginning to prepare our written submissions  
11 which will take some time. So we would suggest that we have a  
12 short recess, no more than two weeks, if your Honours are  
13 inclined to give a recess at that time. During that time the  
14 Prosecution may allow persons to go on staggered leave but we  
10:22:01 15 would spend that time as well preparing our final submissions.

16           PRESIDING JUDGE: During the two weeks?

17           MS HOLLIS: That is correct.

18           PRESIDING JUDGE: And you spoke of a rebuttal case. Are  
19 you still thinking of rebuttal in spite of your earlier  
10:22:20 20 submissions that you wouldn't have a rebuttal case?

21           MS HOLLIS: We had indicated, your Honours, that as of that  
22 time we were not completing a rebuttal case. As of this time, we  
23 are not contemplating a rebuttal case. We have no idea what the  
24 Defence motions will be and that might change our thinking, but,  
10:22:36 25 as of today, we are not contemplating a rebuttal case.

26           PRESIDING JUDGE: Thank you, Ms Hollis.

27           MR MUNYARD: Madam President, might I put in one further  
28 factor, and in doing so, I would also agree that if we do have a  
29 recess before the close of the Defence case, that we wouldn't

1 object at all, in fact, we would agree with the Prosecution's  
2 submission, that filings should still be done during the period  
3 of the recess and, of course, we also would stagger any staff  
4 leave during that time. But the additional point that I do want  
10:23:15 5 to make about our case is that you will recall that in the course  
6 of August, there was a period of time when we, first of all, had  
7 to prepare for and, secondly, had to listen to and deal with the  
8 reopening of the Prosecution case. So we lost, if you like, we  
9 lost some time during the course of our case while those  
10:23:45 10 additional witnesses were called for the Prosecution, starting on  
11 August 5 and concluding, that was a Thursday, concluding I think  
12 on Tuesday of the following week. So there was a gap when  
13 Defence evidence wasn't being called but Prosecution evidence was  
14 being called.

10:24:05 15 Our submission is that the indication - we understood the  
16 indication originally was that we would have the rest of the  
17 recess after Defence witnesses had been called. We've been  
18 sitting now since sometime in April, we came back immediately  
19 after Easter, I think, which was quite early this year, and we've  
10:24:34 20 had one week's recess in that time. I can think of no other  
21 court that I've ever appeared in front of that would carry on  
22 sitting working, whether in court or out of court, without a  
23 further break, and we would therefore respectfully invite you to  
24 grant us the recess now that the oral evidence is over.

10:25:01 25 PRESIDING JUDGE: But, Mr Munyard, the last court ruling on  
26 the recess was to this effect; that the recess would be taken at  
27 the close of the Defence case.

28 MR MUNYARD: Very well.

29 PRESIDING JUDGE: But I'm just asking, we need to have all

1 the arguments with us before we deliberate. Would you be opposed  
2 to a recess at the close of the Defence case?

3 MR MUNYARD: We would prefer the recess as soon as  
4 possible, for what I think are obvious reasons. People feel the  
10:25:41 5 need for the recess as soon as possible. And, as I've already  
6 indicated, we would arrange our staffing so that filings could  
7 continue through the recess.

8 It would actually, in court terms, it would be more  
9 efficient were we to have a recess with staggered staff leave in  
10:26:03 10 the course of which filings could still be made rather than a  
11 complete recess at the end of the Defence case, once we formally  
12 closed our case, where one would not normally expect - and, of  
13 course, there wouldn't be any filings; in other words, the Court  
14 administrative processes would continue through the recess, on  
10:26:25 15 our suggestion. And, as I indicated at the beginning of my  
16 remarks this morning, what we were putting forward were  
17 suggestions, no more than that. We've not sought to dictate  
18 anything to the Court. Our preference is for a recess sooner  
19 rather than later.

10:26:43 20 PRESIDING JUDGE: Thank you, Mr Munyard. We will retire  
21 briefly and then come back to you with the schedule.

22 [Break taken at 10.26 a.m.]

23 [Upon resuming at 11.14 a.m.]

24 PRESIDING JUDGE: The Trial Chamber has deliberated on the  
11:14:37 25 submissions of counsel with a view to taking the most efficient  
26 path to concluding this trial, whilst at the same time taking  
27 cognisance of the fact that the staff are tired and need a break  
28 somewhere at some stage.

29 Now, we reckon that we are going to sit for the rest of

1 this week - well, not sit, but the Court will be open for the  
2 rest of this week, and the Defence are ordered to have filed all  
3 the pending motions that they wish to file with the Trial  
4 Chamber, including 92 bis, et cetera, by Friday, 24 September.

11:15:38 5 All your remaining motions are to have been filed by that date.  
6 And of course normal times will run for the motions unless the  
7 Trial Chamber otherwise expedites the time frames for the  
8 responses.

9 So that means that for the next two weeks, it will be  
11:16:01 10 business as usual.

11 We will hold a status conference on Monday, 27 September,  
12 during which we will look at the volume of pending motions and  
13 therefore decisions to be made, amongst other things. Also on  
14 that date, we will determine the date of the next status

11:16:30 15 conference, which we feel we cannot decide now as that will be  
16 pre-empting the unknown.

17 Now, we also order that the staff will have a recess  
18 commencing on Tuesday, the 28th, that is the day after the status  
19 conference, for two weeks, that's 14 days. Tuesday, 28  
11:16:59 20 September, ending Monday, 11 October, inclusive. So your next  
21 day back from the recess will be Tuesday, 12 October.

22 By staff I included the parties, of course. I thought the  
23 parties were staff.

24 MR MUNYARD: Madam President, can I point out that almost  
11:17:55 25 everybody in this Court is staff, but the Defence team, with  
26 I think one exception, are contractors. So when you say staff,  
27 our ears prick up for that reason.

28 PRESIDING JUDGE: I absolutely beg your pardon. I thought  
29 that when I said staff I was only excluding the judges who, as

1 you know, always don't go on recess. We are the very last people  
2 to go on recess, but that's fine, because whilst you people are  
3 enjoying your recess, we will be busy writing the decisions  
4 fortunately.

11:18:31 5 In any event, the next day back will be on the 12th and at  
6 that stage we will on the 27th have decided the date of the next  
7 status conference. We will probably have a few decisions in by  
8 that date. If not, we will take it up from there.

9 So the Court is adjourned - I don't know. Are there any  
11:18:55 10 questions before I adjourn?

11 MS HOLLIS: Not from the Prosecution, Madam President.

12 MR MUNYARD: Nor from the Defence. Thank you.

13 PRESIDING JUDGE: Very well, then. The Court is adjourned  
14 to Monday, 27 September, at 10 o'clock in the morning.

11:19:52 15 [Whereupon the hearing adjourned at 11.20 a.m,  
16 to be reconvened on Monday, 27 September 2010  
17 at 10.00 a.m.]

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