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SCSL-12-01-T  
(412-423)

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**THE SPECIAL COURT FOR SIERRA LEONE**

**Trial Chamber II**

**Before:** Justice Richard Lussick, Presiding  
Justice Julia Sebutinde  
Justice Teresa Doherty

**Registrar:** Ms. Binta Mansaray

**Date:** 21 August 2012

**Case No.:** SCSL-12-01-T

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
THE HAGUE	
21 AUG 2012	
NAME	SAMUEL J. FOANAH
SIGN	<i>[Signature]</i>
TIME	16:00

**IN THE MATTER OF CONTEMPT PROCEEDINGS ARISING FROM  
THE CASE OF *PROSECUTOR V. CHARLES TAYLOR***

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**URGENT AND PUBLIC WITH ANNEX**

**DEFENCE CHALLENGE TO JURISDICTION**

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**Office of the Prosecutor:**

Ms. Brenda J. Hollis  
Ms. Ula Nathai-Lutchman

**Counsel for the Accused:**

Mr. Courtenay Griffiths, Q.C.  
Ms. Logan Hambrick

**Office of the Principal Defender:**

Ms. Claire Carlton-Hanciles

## I. INTRODUCTION

1. Over a year and a half ago, the Prosecution filed a motion against then Lead Counsel for Charles Ghankay Taylor, accusing Lead Counsel of “flagrantly breaching” protective measures orders of the Court, for having filed a public table of contents to a corrected version of the Defence’s final trial brief that revealed the identity of seven protected Prosecution witnesses.<sup>1</sup> The Prosecution characterized this error as one of a “series of breaches” engaged in by Lead Counsel.<sup>2</sup> The Prosecution requested sanctions under Rule 77(C)(i) for contempt and / or under Rule 46 for misconduct, but further asked that the Trial Chamber postpone the decision on the Motion until the hearing was closed or the trial was completed.<sup>3</sup>
2. Trial Chamber II issued a public decision in which it decided, by majority, that “in the interests of a fair and expeditious trial [of Charles Taylor]”, it should postpone a decision on the merits until the trial was completed.<sup>4</sup> The Trial Chamber did not, at that time, make any determination as to whether Lead Counsel had engaged in contemptuous conduct in violation of Rule 77(A)(ii) or whether his conduct merited sanctions under Rule 46(C). The Trial Chamber noted that when it came to consider the merits, it would not be limited to Rule 77(C)(i) (the provision which allows the Trial Chamber to deal with the matter summarily itself).<sup>5</sup> Justice Sebutinde partially dissented, articulating her position that the matter should be dealt with expeditiously, ultimately finding no merit in the Prosecution’s allegations of contempt or misconduct.<sup>6</sup>
3. The parties heard nothing further on this matter until almost three weeks after the Judgement<sup>7</sup> and Sentence<sup>8</sup> had been rendered against Charles Taylor by the judges of Trial Chamber II. Then, on 19 June 2012, Justice Theresa Doherty, in a presumably unjustified and undesignated capacity as “Single Judge of the Special Court for Sierra

<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1208, Confidential with Confidential Annexes A-E Prosecution Motion for the Trial Chamber to Summarily Deal with Contempt of the Special Court for Sierra Leone and for Urgent Interim Measures, 17 February 2011 (“**Motion**”), para. 16.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Motion*, para. 26.

<sup>4</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1235, Decision on Confidential with Confidential Annexes A-E Prosecution Motion for the Trial Chamber to Summarily Deal with Contempt of the Special Court for Sierra Leone and for Urgent Interim Measures, 24 March 2011 (“**Decision**”), para. 15.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Decision*, Partially Dissenting Opinion of Justice Julia Sebutinde, para. 29.

<sup>7</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Judgement, 26 April 2012.

<sup>8</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Sentencing Judgement, 30 May 2012.

Leone” recalled the Trial Chamber’s majority Decision and decided that the disclosure of the names of seven protected witnesses was sufficient to constitute “reason to believe” that Lead Counsel had disclosed information in violation of a protective measures order and therefore may be in contempt. She therefore directed that a Status Conference be held to determine the procedure to hear and determine the matter.<sup>9</sup>

4. Justice Doherty did not then, nor has she since (despite several requests to this effect from Defendant Counsel), produced any documented authorization from either the Trial Chamber or the Presidency which would give her the competence to initiate and preside over contempt proceedings against Defendant Counsel, Courtenay Griffiths, QC, as a Single Judge.
5. The Defence therefore files the instant challenge to jurisdiction before Trial Chamber II as fully constituted. In the absence of any information to the contrary, the Defence challenges Justice Doherty’s capacity to hear this matter as a Single Judge. In any event, even if there was such a delegation, it would be *ultra vires* the Rules. The Defence requests that the current proceedings against Defendant Counsel be terminated for lack of jurisdiction. The Defence further and urgently requests that in the interim, the proceedings be stayed and that Justice Doherty’s order for the Defendant Counsel to file substantive submissions by tomorrow, 22 August 2012,<sup>10</sup> be vacated.

## II. PROCEDURAL HISTORY

6. Since Defendant Counsel was served with the Second Decision (made by Justice Doherty as Single Judge) and her subsequent Scheduling Order for a Status Conference filed on the same day,<sup>11</sup> Defendant Counsel has made every effort to cooperate with the proceedings, amorphous though they may be.

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<sup>9</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1294, Decision on Confidential with Confidential Annexes A-E Prosecution Motion for the Trial Chamber to Summarily Deal with Contempt of the Special Court for Sierra Leone and for Urgent Interim Measures, 19 June 2012, (“**Second Decision**”), paras 10-12.

<sup>10</sup> *In Re Contempt Proceedings Arising from the Case of Prosecutor v. Charles Ghankay Taylor*, SCSL-12-01-T-02, Direction to Defendant Counsel, 17 August 2012 (“**Direction**”).

<sup>11</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1295, Scheduling Order for a Status Conference, 19 June 2012 (“**Scheduling Order**”).

7. Defendant Counsel appeared at the Status Conference as ordered on 6 July 2012. He made submissions to assist in the determination of “the procedure to be adopted for the further hearing and disposal of the matter”, as requested.<sup>12</sup>
8. At the Status Conference, Defendant Counsel raised the question of jurisdiction. He respectfully queried:

Again, and I mean no disrespect to the Court, but we have not received any indication as to how it is that Your Honour is presiding over these proceedings and under what authority Your Honour is being designated to preside over these proceedings, and, furthermore, in what capacity? Is it to deal with the matter summarily? Is it to investigate? Or is this merely a procedural hearing when the kind of practical issues we are raising will be dealt with so that the matter can be set down at a future hearing before a designated Judge.<sup>13</sup>

9. In response, Justice Doherty explained as follows:

On the question of designation, I was assigned all the contempts in this Court by the Trial Chamber. And if that is an issue, then if you require a formal document, the designation that I deal with all of the contempts was made by way -- in a meeting internally some months ago. I'm not sure if it is that you require a designated or formal document of assignment, in which case I will approach the President with that in mind; or whether you can accept what I've told you, which is that I was assigned not only this but the other contempts before the Court.<sup>14</sup>

10. After taking legal advice and considering his position, Defendant Counsel wrote a formal letter to Justice Doherty through her legal officer (“**Letter**”).<sup>15</sup> The letter took Justice Doherty up on her offer to provide a formal document of designation and requested a copy of such. The Letter also indicated that Defendant Counsel had concerns about the jurisdictional basis of the proceedings and that therefore his opinion was that proceedings should be stayed until the question of jurisdiction was resolved. Defendant Counsel specifically requested that the Letter be copied to all of the Judges of Trial Chamber II, the President, the Prosecutor, the Registrar, and the Principal Defender.<sup>16</sup> Justice Doherty’s legal officer, by way of email, confirmed receipt of the Letter.<sup>17</sup>

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<sup>12</sup> Scheduling Order, para. 3.

<sup>13</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Status Conference Transcript, 6 July 2012 (“**Transcript**”), p. 49781, lns. 16-24.

<sup>14</sup> Transcript, p. 49784, lns 4-14.

<sup>15</sup> The letter, dated 19 July 2012, is attached as Annex A.

<sup>16</sup> This is very different from how Justice Doherty has characterized Defendant Counsel’s request in her recent Direction. The Direction made it appear as if the only correspondence from Defendant Counsel on this matter was by way of an *ex parte* email. This is clearly not accurate, as the procedural history demonstrates.

<sup>17</sup> Emails from Liz Budnitz to Courtenay Griffiths, QC, and Brenda Hollis, dated 21 and 23 July 2012. On file.

11. On 23 July 2012, the Legal Officer wrote:

Please be advised that the Trial Chamber has received the attached letter from Mr. Griffiths and is currently discussing the matter. We will be in touch with counsel for both parties shortly.

12. In a reply email, the Prosecutor, Brenda Hollis, objected that the request had been made through a letter rather than by way of a formal motion, but noted that if the request was treated as a motion:

the Prosecution would have no response, but would note that it accepts Judge Doherty's statement that the Trial Chamber assigned her to handle all contempts.<sup>18</sup>

13. After a week went by with no response from Justice Doherty, Defendant Counsel wrote a follow-up email to the legal officer on 30 July 2012:

I am somewhat concerned that I am yet to receive a response to my letter. It seems to us that there may well be an issue as to jurisdiction which may need to be addressed. Until that preliminary issue is resolved it seems to us that we are not in a position to respond to the prosecution filing.<sup>19</sup>

14. The legal officer replied and apologized for the delay in answering, stating that she was:

...in communication with the Registrar and with the Judge regarding this issue. I'm afraid we will not be able to address the issue for another one or two days, when we are all more available. It seems that we are all travelling and not able to answer immediately. Please forgive the wait, and I promise to be in touch with you in one or two days.<sup>20</sup>

15. The following day, the Prosecutor wrote to say:

This is not an informal, non-official matter, but rather a Rule 77 matter. The Prosecution is of the view that any lengthy delay in providing final submissions should be requested via a motion to the judge, as would be the case in any other proceeding.<sup>21</sup>

16. Over a week passed before the legal officer responded:

I very much apologize for the delay in getting back to you. As you know, the Judge and I are juggling several cases at once. The Judge directed me to inform you that she has received your email(s) and will give me instructions on the matter at her earliest convenience.<sup>22</sup>

17. Nothing further was heard from Justice Doherty until she issued the Direction to Defendant Counsel on 17 August 2012.<sup>23</sup> At no time during the protracted exchange of emails, nor in the Direction to Defendant Counsel, nor in any other manner, has Justice

<sup>18</sup> Email from Brenda Hollis to Liz Budnitz and Courtenay Griffiths, QC, dated 23 July 2012. On file.

<sup>19</sup> Email from Courtenay Griffiths, QC to Liz Budnitz, dated 30 July 2012. While, regrettably, this email was not copied to the Prosecution in the first instance, the Prosecution was made aware of it on the same day through the legal officer's reply email. On file with the parties.

<sup>20</sup> Email from Liz Budnitz to Courtenay Griffiths, QC and Brenda Hollis, dated 31 July 2012. On file.

<sup>21</sup> Email from Brenda Hollis to Liz Budnitz and Courtenay Griffiths, QC, dated 1 August 2012. On file.

<sup>22</sup> Email from Liz Budnitz to Courtenay Griffiths, QC and Brenda Hollis, dated 9 August 2012. On file.

<sup>23</sup> *In Re Contempt Proceedings Arising from the case of Prosecutor v. Charles Ghankay Taylor*, SCSL-12-01-T-02, 17 August 2012. This was served on the parties after close of business on Friday, the 17<sup>th</sup> of August. The 18<sup>th</sup> and 19<sup>th</sup> of August fell on a weekend. Monday the 20<sup>th</sup> of August was an officially-observed SCSL.

Doherty or any other appropriate officer of the Court, provided the requested designation of authority for her to preside over the contempt hearings as a Single Judge; hence the present motion. As the above correspondence clearly shows, Defendant Counsel has waited until now to formally raise this issue because he was assuming in good faith that a substantive response from Justice Doherty would be forthcoming.

### III. APPLICABLE LEGAL PRINCIPLES

#### Authority of Single Judge to Entertain Questions of Jurisdiction, Contempt or Misconduct

18. As is clear on a wholesale reading of the Statute and the Rules, the Trial Chamber as a whole is the primary arbiter over all matters that arise during the preliminary and trial phases of a case. A single judge whether sitting as a designated judge or by delegation of the trial chamber may only act where that is expressly provided for in the Rules. Pursuant to Rule 72, a full Trial Chamber must hear preliminary issues. There is no exception. Pursuant to Rule 73, after the initial appearance of an accused, a single judge whether sitting as a designated judge or by delegation of a Trial Chamber may adjudicate motions.
19. Rule 72(B)(i) states that objections based on lack of jurisdiction are a preliminary motion. Rule 72(D) states that the **Trial Chamber** (ie, not a Single or Designated Judge thereof) shall, except as provided by Sub-Rules (E) and (F), dispose of preliminary motions **before the trial**. The Rules of the Court explicitly place questions of jurisdiction before a fully constituted Trial Chamber for adjudication. Thus the Defence has filed this jurisdictional challenge before Trial Chamber II as a whole. The Rules explicitly state that the question of jurisdiction must be resolved before a consideration of the merits (ie, before the trial). Thus the Defence has requested suspensive effect in relation to the substantive filing which is ordered due tomorrow.
20. Alternatively (and in the event Rule 72 is deemed not applicable), Rule 73(A) states that either party may move before the **Designated Judge** or a **Trial Chamber** for appropriate ruling or relief after the initial appearance of the accused. The **Designated Judge** or the **Trial Chamber**, or a **Judge designated by the Trial Chamber from among its members**, shall rule on such motions based solely on the written submissions of the parties, unless it is decided to hear the parties in open Court. Leaving aside the fact that

the Defendant Counsel has not officially made an initial appearance (certainly no such term was used during the Status Conference on 6 July 2012), it is clear that motions can be heard by one of three parties: a Designated Judge,<sup>24</sup> a Trial Chamber, or a Judge Designated by the Trial Chamber from among its members. Here, there is no Designated Judge per the terms of Rule 28, nor does there appear to be a Judge properly designated by the Trial Chamber from among its members. Thus Defendant Counsel files its jurisdictional challenge before the entire Trial Chamber II.

21. The provisions of Rule 77 and Rule 46 also make it clear that in this situation, the entirety of the Trial Chamber which was seized with the issue from the outset must be involved in its ultimate determination. Rule 77(C) states that:

When a Judge or Trial Chamber has reason to believe that a person may be in contempt of the Special Court, it may: (i) deal with the matter summarily itself; (ii) refer the matter to the appropriate authorities of Sierra Leone; or (iii) direct the Registrar to appoint an experienced independent counsel to investigate the matter and report back to the Chamber as to whether there are sufficient grounds for instigating contempt proceedings. If the Chamber considers that there are sufficient grounds to proceed against a person for contempt, the Chamber may issue an order in lieu of an indictment and direct the independent counsel to prosecute the matter.

According to Rule 77(D), only proceedings under Sub-Rule (C)(iii) above, which are not applicable here, may be assigned to be heard by a single judge of any Trial Chamber or a Trial Chamber.<sup>25</sup> Presumably if the contempt had occurred in the face of a Single Judge alone, she could then summarily deal with it alone under Rule 77(C)(i). But where, as here, the alleged contempt was brought under Rule 77(C)(i) to the attention of the Trial Chamber as a whole, and the Trial Chamber as a whole made a preliminary ruling on the matter, then jurisdiction to adjudicate the contempt must remain with the Trial Chamber as a whole under Rule 77(C)(i).

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<sup>24</sup> A Designated Judge is defined by the Statute and is appointed pursuant to Rule 28: “After consultation with the Judges concerned, the President shall designate for a given period such Judges as necessary to whom indictments, warrants, and all other pre-trial matters not pertaining to a case already assigned to a Chamber, shall be transmitted for review. The Registrar shall publish the information by appropriate means and as soon as possible”. See, for example, when the Presidency gave authority to a Trial Chamber to designate a judge to deal with pre-trial matters for a limited time, *Prosecutor v. Foday Sankoh*, SCSL-03-02-I-27, Order Delegating the Presiding Judge of the Trial Chamber to Designate a Rule 28 Judge, 15 May 2003; or see where the Presidency directly designated a judge to deal with pre-trial matters for a specific period of time, *Prosecutor v. Johnny Paul Koroma*, SCSL-03-03-I-30, Order Designating a Judge Pursuant to Rule 28, 17 September 2008.

<sup>25</sup> For example, this is how Trial Chamber II handled the delegation of authority to Justice Doherty in the case of *Independent Counsel v. Eric Senessie* (SCSL-03-01-T-1249).

22. Rule 46, regarding misconduct of counsel, deliberately restricts disciplinary action to the Trial Chamber, rather than a single judge. For instance, Rule 46(C), which is pled by the Prosecution, states that “Counsel who bring motions, or conduct other activities, that in the opinion of a **Chamber** are either frivolous or constitute abuse of process may be sanctioned for those actions as the **Chamber** may direct. Sanctions may include fines upon counsel; non-payment, in whole or in part, of fees associated with the motion or its costs, or such other sanctions as the **Chamber** may direct”. Thus the determination that Defendant Counsel has abused the process and is deserving of sanctions can only be made by the Chamber acting as a whole, rather than a Single or Designated Judge (even with a purported authorization). The only role a single judge may play, in consultation with the President, is that of communicating disciplinary action to a local bar association.

*Rights of the Accused during Contempt Proceedings*

23. Contempt proceedings are for all intents and purposes criminal proceedings entailing criminal sanctions.<sup>26</sup> Indeed, such have been requested by the Prosecutor. As such, the proceedings are governed by all the safeguards necessary for a fair trial; Rule 77(E) explicitly makes the Rules of Procedure and Evidence in parts IV to VIII applicable to contempt proceedings. Central to a fair trial as enshrined in Article 17 of the Statute is the right to be tried by an impartial and competent legal authority. An essential component of this right is that the adjudicating authority must be properly constituted in accordance with the law. This aspect thus vests the adjudicating authority with the competence to hear the matter.

24. In the case of the SCSL, being a creature of statute, any authority on the part of the adjudicating authority must derive directly from the Statute. This requirement also extends to contempt allegations before the court.

*Requirement of Record Keeping*

25. Rule 35 requires that the Registrar or Registry staff designated by her, **shall** take minutes of the sittings of the Chambers or a Judge, other than private deliberations. This rule,

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<sup>26</sup> See Rule 77(G) which would enable the Single Judge to impose a maximum penalty on the Defendant Counsel of six months imprisonment and/or a fine of 2 million leones.

coupled with Rule 81, makes it clear that all aspects of the Court's proceedings should be documented and public, other than deliberations. An assignment or designation of a Single Judge to hear a contempt case if permissible would thus have to be filed with Court Management or at a minimum, captured in the minutes of an official meeting.

#### IV. SUBMISSIONS ON JURISDICTION

26. Trial Chamber II was seized of this matter from the outset. Justice Doherty cannot then unilaterally or without formal authorization assume control of the proceedings. Where the President appoints a designated judge or where a chamber appoints one of its judges to hear a particular matter, the President or the chamber, as the case may be, would as a matter of course, issue a formal order to that effect.<sup>27</sup> That order is both constitutive and informative. It confers the judge concerned with the necessary legal capacity and informs the parties of such delegation.
27. At a minimum, such a delegation of authority must have been captured in the contemporaneous minutes of the meeting of the judges as prescribed by Rule 35. Given the lack of response to Defendant Counsel's requests for proof of her authority, it can only be presumed that it does not exist.
28. Furthermore, and with respect to contempt proceedings, the Rules are very clear. In terms of Rule 77(A), the Special Court has the inherent power to punish acts of contempt of court. This power, according to Rule 77(C), generally vests in a judge or trial chamber, as the case may be. This is however not to say that a judge or the trial chamber have equal or competing jurisdiction over contempt cases. The capacity of a single judge to preside over contempt cases is not automatic. It is both delegated and qualified.
29. Rule 77(D) makes the necessary qualification. It restricts a single judge's capacity to preside over contempt cases only to proceedings under Sub-Rule (C)(iii). This provision is both constitutive and prescriptive. It provides for the delegation of authority over

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<sup>27</sup> This has been the case in all other contempt proceedings at the Special Court for Sierra Leone. In the case of *Independent Counsel v. Brima Samura* (SCSL-05-01) and in the case of *Independent Counsel v. Margaret Brima, Neneh Jalloh, Anifa Kamara and Ester Kamara* (SCSL-05-02), the then Presiding Judge of Trial Chamber I (Hon. Justice Benjamin Itoe) designated another judge of Trial Chamber I (Hon. Justice Pierre Boutet) "to deal as necessary with the contempt proceedings". See, SCSL-05-02-T-02, Order Designating a Judge for Contempt Proceedings, 2 May 2005. This designation by the Presiding Judge of Trial Chamber I followed the Order of the President confirming the assignment of the contempt proceedings to Trial Chamber I. See Order Assigning Cases to a Trial Chamber, 2 May 2005.

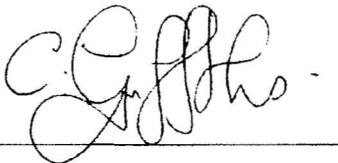
contempt cases to a single judge and sets the parameters for such delegation. More precisely, it limits the jurisdiction of a single judge over contempt cases only to cases that are investigated through the medium of independent counsel in terms of Rule 77(C)(iii).

30. *In casu*, the Trial Chamber having been seized of the alleged contempt and misconduct case from the beginning, the matter could not and should not have been delegated to a single judge. That would be *ultra vires* the Rules, in particular Rules 77(C) and 46(C).

## V. CONCLUSION AND RELIEF REQUESTED

31. Pending such proof and/or resolution of this motion, considering that such proof goes to the question of jurisdiction and ultimately the capacity of the court to preside over the matter, Defendant Counsel urgently requests that the current contempt proceedings be stayed. A designated Single Judge presiding over a previous contempt case at the SCSL stated that a “stay of proceedings could be ordered when it is in the primary interest of a party of such proceedings as the subsistence and continuation of judicial proceedings would ensure the judicial protection of an accused’s rights and legal guarantees”.<sup>28</sup>
32. Defendant Counsel requests that the current contempt and misconduct proceedings before Justice Doherty be vacated for lack of jurisdiction in light of the absence of any proof thereof. Further and/or alternatively, even if such proof exists, that the present proceedings before Justice Doherty be vacated for lack of jurisdiction on the basis that Trial Chamber II delegated to the learned judge powers that it could not lawfully delegate in terms of the Rules.

Respectfully Submitted,



**Courtenay Griffiths, Q.C.**  
**Defendant Counsel**

Dated this 21<sup>st</sup> Day of August 2012

<sup>28</sup> *Independent Counsel v. Brima Samura* (SCSL-05-01), *Independent Counsel v. Margaret Brima, Neneh Jalloh and Ester Kamara* (SCSL-05-02-T-31), *Independent Counsel v. Anifa Kamara* (SCSL-05-03), Decision on Defence Motion on Stay of the Contempt Proceedings, 21 September 2005, p. 3, citing *Prosecutor v. Foday Sankoh*, SCSL-03-02-PT, Ruling on the Motion for a Stay of Proceedings Filed by the Applicant, 22 July 2003.

**URGENT**

Ms. Liz Budnitz  
Legal Officer, Chambers  
Special Court for Sierra Leone  
Leidschendam, Netherlands

[REDACTED]

19 July 2012

Dear Ms. Budnitz,

**RE:** Designation of Justice Doherty as Single Judge in *Prosecutor v. Taylor* and "In the Matter of Contempt Arising from the case of *Prosecutor v. Taylor*" (SCSL-12-03-01)

At the Status Conference on 6 July 2012, which was convened and presided over by Justice Doherty as a Single Judge, I raised respectfully the issue of Justice Doherty's designation to hear the matter.<sup>1</sup> In response, her Honor stated,

On the question of designation, I was assigned all the contempts in this Court by the Trial Chamber. And if that is an issue, then if you require a formal document, the designation that I deal with all of the contempts was made by way – in a meeting internally some months ago.<sup>2</sup>

The learned justice then offered to make the formal document confirming her assignment available to us.<sup>3</sup> Moreover, in her ruling, Justice Doherty noted that Rule 77(C) provides that either a Judge or a Trial Chamber can deal with contempts, and further noted that "all of the contempts, including this one, arising from proceedings in Trial Chamber II have been assigned to me".<sup>4</sup>

Although I did not take the learned justice up on the offer to furnish me with a copy of the said authorization at the time, after careful consideration and further advice, I do now wish to take her up on the offer. By this letter, I therefore kindly request a copy of the authorization appointing Justice Doherty to preside over the contempt case against me. I am advised that there are certain legal issues that might arise and I would like to consider the position carefully.

As this raises the question of jurisdiction, I have also been advised to halt any further processes until this matter is clarified. Please therefore place this letter before Justice

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Doherty as soon as possible. As this is an administrative issue, I have taken the liberty of copying all the interested parties hereto. Can I trust your good offices to forward this letter to those parties as indicated below.

Sincerely,



Courtenay Griffiths, QC

- CC: Justice Shireen Avis Fisher, President  
Justices of the former Trial Chamber II  
Binta Mansaray, Registrar  
Brenda J. Hollis, Prosecutor  
Claire Carlton-Hanciles, Principal Defender

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<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Transcript, 6 July 2012, p. 49781.

<sup>2</sup> Notably, this was not an issue addressed by Trial Chamber II in its *Decision on Confidential with Confidential Annexes A-E Prosecution Motion for the Trial Chamber to Summarily Deal with Contempt of the Court of the Special Court for Sierra Leone and for Urgent Interim Measures*, SCSL-03-01-T-1235, dated 24 March 2011.

<sup>3</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Transcript, 6 July 2012, p. 49781.

<sup>4</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Transcript, 6 July 2012, p. 49788.