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SCSL-12-02-PT
(221-224)

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SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

Before: Justice Teresa Doherty,
Single Judge, Trial Chamber II

Registrar: Binta Mansaray

Case No.: SCSL-12-02-PT

Date: 7 November 2012

INDEPENDENT
COUNSEL

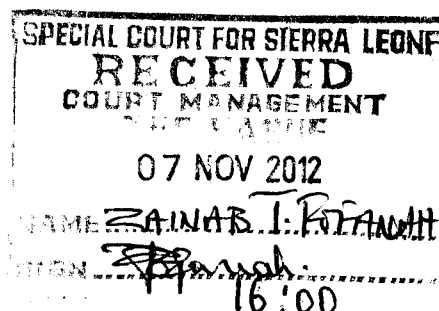
v.

Prince TAYLOR

DECISION ON THE DEFENCE REQUESTS ON BEHALF OF MR. PRINCE TAYLOR FOR ACCESS TO
DOCUMENTS AND FOR EXTENSION OF TIME TO RESPOND TO INDEPENDENT COUNSEL'S
MOTION FOR *SUBPOENA DUCES TECUM*

Independent Counsel:
William L. Gardner

Counsel for the Accused:
Rodney Dixon



I, Justice Teresa Doherty, acting as Single Judge of Trial Chamber II of the Special Court of Sierra Leone (“Special Court”);

SEISED of the “Confidential Defence Requests on Behalf of Mr. Prince Taylor for Access to Documents and for Extension of Time to Respond to the Independent Counsel’s Motion for *Subpoena Duces Tecum*” (“Motion”)¹ wherein Counsel for the Accused, Prince Taylor, seeks:

1. Disclosure of two confidential documents; and
2. A ten day extension from the date of receipt of the aforementioned documents to file a Response to the Confidential Independent Counsel’s Motion for *Subpoena Duces Tecum* filed on 23 October 2012 (“Subpoena Motion”).²

RECALLING the Subpoena Motion wherein Independent Counsel states “should Counsel for the Defendant request from the Court copies of these documents, the Independent Counsel would have no objections to that request”.³

RECALLING the oral order of the Single Judge issued on 2 November 2012.

RECALLING the “Public with Confidential Annexes A and B Defence Motion for Review” filed before the Single Judge on 23 July 2012⁴ (“Motion for Review of 23 July 2012”) and “Public Defence Motion for Review” filed on 10 August 2012, the latter is referred to by Defence Counsel in his Motion.⁵

¹ *Independent Counsel v. Prince Taylor*, SCSL-12-02-PT-009, Confidential Defence Requests on Behalf of Mr. Prince Taylor for Access to Documents and for Extension of Time to Respond to Independent Counsel’s Motion for *Subpoena Duces Tecum*, 29 October 2012.

² Motion, para. 4 and 5.

³ *Independent Counsel v. Prince Taylor*, SCSL-12-02-PT-007, Confidential Independent Counsel’s Motion for *Subpoena Duces Tecum*, 23 October 2012, para. 17.

⁴ *Prosecutor v. Eric Koi Senessie*, SCSL11-01-A-022, Public with Confidential Annexes A and B Defence Motion for Review, 23 July 2012, to which were annexed confidential annexes A and B being an Affidavit sworn by Eric Koi Senessie on 23 July 2012 and an extract from a bank statement of the First International Bank (SL) Limited Kailahun Branch for the period 1 January 2009-12 July 2012 which documents were also annexed to an application by Eric Koi Senessie to the Appeals Chamber on 10 August 2012, *Prosecutor v. Eric Koi Senessie*, SCSL-2011-01-REV-025, Defence Motion for Review, 10 August 2012.

⁵ Motion, para. 3.

CONSIDERING that, notwithstanding the provisions of Rule 7(C) of the Rules of Procedure and Evidence (“Rules”), in the light of Independent Counsel’s statement that he has no objection to the disclosure of the two confidential documents⁶ and for reasons of a fair and expeditious trial it is unnecessary for a Response to be filed to the application herein.

CONSIDERING FURTHER that, notwithstanding that the Motion does not conform with the Provisions of Article 7A of the Practice Direction on dealing with Documents in The Hague - Sub Office, 16 January 2008 (as amended 25 April 2008), for reasons of an expeditious trial, Defence Counsel shall not be directed to refile the Motion but is reminded of the necessity to conform with the Practice Direction.

CONSIDERING FURTHER that the Single Judge having been seised of the two confidential documents annexed to the Motion for Review of 23 July 2012 accordingly has jurisdiction to disclose the said documents in order to permit Defence Counsel to prepare his case.

NOTING that there was a lapse of six days from date of service of the Subpoena Motion before Defence Counsel applied for the relief herein and considering a further period of four days, over and above the time provided for a Response in Rule 7(C) of the Rules is an adequate period to consider the two confidential documents.

HEREBY CONFIRM my oral orders of 2 November 2012 that:

1. The two confidential annexures annexed to the Motion for Review of 23 July 2012 in the matter of *Prosecutor v. Eric Koi Senessie* be provided to Defence Counsel on a confidential basis; and
2. The time for Defence Counsel to file a Response to the Subpoena Motion be extended to 16:00, 7 November 2012.

⁶ Subpoena Motion, para 17.

Done at The Hague, The Netherlands, this 7th day of November 2012.



Justice Teresa Doherty
Single Judge

[Seal of the Special Court for Sierra Leone]

