

035)

SCSL-12-02-PT
(390-392)

390



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: 28 December 2012

INDEPENDENT
COUNSEL

v.

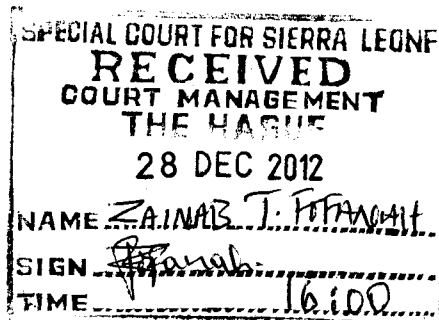
Prince TAYLOR

PUBLIC

DECISION ON DEFENCE MOTION ON BEHALF OF MR. PRINCE TAYLOR FOR BAIL WITH BAIL
BOND

Independent Counsel:
William L. Gardner

Counsel for the Accused:
Rodney Dixon



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

SEISED of "Defence Motion on Behalf of Mr. Prince Taylor for Bail With Bail Bond filed on 20 December 2012 ("Motion")¹ wherein the Counsel for the Accused submits that the father of Accused " can act as a surety to guarantee that his son will return for trial" and is ready to pay two million leones, his life savings, as guarantee and, as "no bail bond was pledged and taken into consideration by the Chamber in reaching its Decision of 18 December 2012" this constitutes a material change.²

NOTING the "Independent Counsel's Response to Defence Motion on Behalf of Mr. Prince Taylor for Bail With Bail Bond" filed on 21 December 2012 ("Response")³ wherein Independent Counsel submits that "The Defence's bail proposal is not a "changed circumstance" let alone a "material change"" and that it fails to address the key factors in the Court's Order.⁴

RECALLING the Decision on Defence Motion on Behalf of Mr. Prince Taylor for Bail Pursuant to Rule 65 with *Public Annexes 1-4* and *Confidential Annex 5*" filed on 18 December 2012.("Decision").⁵

RECALLING that, in the light of the urgency of the motion and the impending recess, I gave a preliminary indication of the court's views to the parties through the Manager of Court Management Services on 21 December 2012.

COGNISANT of the provisions of Article 17 of the Statute of the Special Court for Sierra Leone ("Statute") and Rule 65 of the Rules of Procedure and Evidence ("Rules").

NOTING that the motion includes, erroneously, a premise that a bail bond was not considered when reaching the Decision.

NOTING FURTHER that Motion does not answer matters raised in the Decision viz "the ease with which a person can leave the jurisdiction, the realistic limitations of the Government authorities to prevent such crossings, a matter which the Appeals Chamber put weight on, coupled with the Accused's prior failure to appear in the Special Court"⁶

¹ SCSL-12-02-PT-00-32

² Motion paras 3-4

³ SCSL-12-02-PT-00-33

⁴ Response para. 3.

⁵ SCSL-12-02-PT-034.

⁶ Decision para 27

FINDING that the offer of a bond and surety do not in the instant case constitute a material change in circumstance pursuant to Rule 65(C).

FOR THE FOREGOING REASONS

DISMISS THE MOTION

Done at The Hague, The Netherlands, this 28th day of December 2012.


Justice Teresa Boherty

Single Judge

[Seal of the Special Court for Sierra Leone]

