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SCSL-12-02-PT
(414-416)

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SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

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

Registrar: Binta Mansaray

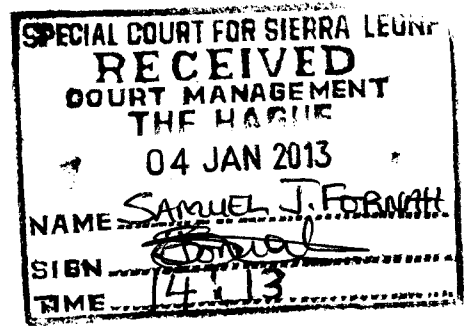
Case No.: SCSL-12-02-PT

Date: 4 January 2013

INDEPENDENT
COUNSEL

v.

Prince TAYLOR



PUBLIC

FURTHER DECISION ON INDEPENDENT COUNSEL'S SECOND MOTION FOR *SUBPOENA AD TESTIFICANDUM*

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 for Sierra Leone (“Special Court”);

SEISED of the “Confidential Independent Counsel’s Second Motion for *Subpoenas ad Testificandum*”, filed on 4 December 2012 (“Motion”).¹

NOTING the “Confidential Defence Response on Behalf of Mr. Prince Taylor to Independent Counsel’s Second Motion for *Subpoena ad Testificandum*”, filed on 14 December 2012 (“Response”).²

NOTING the “Confidential Reply to Defence Response on Behalf of Mr. Prince Taylor to Independent Counsel’s Second Motion for *Subpoena ad Testificandum*” filed on 18 December 2012³

RECALLING the Public “Decision on Independent Counsel’s Second Motion for *Subpoena ad Testificandum*” filed on 21 December 2012 (“Original Decision”)⁴ in which the Single Judge ordered the service of the pleadings on Mr. Courtney Griffiths Q.C. and Ms. Logan Hambrick and directed they indicate if they are willing to co-operate and answer questions of Independent Counsel.

NOTING that the Court recess declared by President Fisher applies only to the Appeals Chamber and not to the Trial Chamber.⁵

NOTING “Submissions in Compliance with Single Judge’s Decision on Independent Counsel’s Second Motion for *Subpoena ad Testificandum*” filed on 2 January 2013⁶ (“Submissions in Compliance”) wherein Mr. Courtney Griffiths Q.C. and Ms. Logan Hambrick (“the Interested Parties”) indicate that, with reservations relating to professional privilege and notwithstanding their querying the basis for “Independent Counsel’s decision to seek to interview and subpoena them”⁷ “they are willing to co-operate and answer the questions of Independent Counsel”⁸

NOTING “Response to Submissions in Compliance with Single Judge’s Decision on Independent Counsel’s Second Motion for *Subpoena ad Testificandum*” filed on 3 January 2013 (“Independent

¹ SCSL-12-02-PT-025.

² SCSL-12-02-PT-028.

³ SCSL-12-02-PT-030

⁴ SCSL-12-02-PT-034

⁵ SCSL-13-03-A-70 and SCSL-11-02-A-88 filed on 11 December 2012

⁶ SCSL-12-02-PT-036

⁷ Submissions in Compliance paras 5 and 10

⁸ Submissions in Compliance para 5

Counsel's Response")⁹ wherein Independent Counsel informs that Court that he will submit questions to the Interested Parties.¹⁰

COGNISANT of the provisions of Rules 54 and 97 of the Rules of Procedure and Evidence ("Rules"),

HEREBY DEFER any further Decision on this matter pending the outcome of the exchange between the Interested Parties and Independent Counsel

GIVE Liberty to apply

Done at The Hague, The Netherlands, this 4 day of January 2013


Justice Teresa Doherty



⁹ SCSL-12-02-PT-039

¹⁰ Independent Counsel's Response para 4