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SCSL-03-01-T
(37701-37704)



37701

**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR**

TRIAL CHAMBER II

Before: Justice Richard Lussick, Presiding
Justice Julia Sebutinde
Justice Teresa Doherty
Justice El Hadji Malick Sow, Alternate Judge

Registrar: Ms. Binta Mansaray

Date filed: 7 March 2012

THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PUBLIC

PROSECUTION RESPONSE TO DEFENCE REQUEST TO CHANGE DATE OF JUDGEMENT

Office of the Prosecutor:

Ms. Brenda J. Hollis
Ms. Nina Tavakoli
Ms. Ruth Mary Hackler

Counsel for the Accused:

Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Ms. Logan Hambrick

SPECIAL COURT FOR SIERRA LEONE
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I. INTRODUCTION

1. The Urgent Defence Motion to Change Date of Judgement (“Motion”)¹ is devoid of merit and should be dismissed. The Defence has failed to establish that the Accused would be prejudiced if the judgement in this case was delivered on 26 April 2012 as scheduled.² Moreover, if the Motion were granted and the date of the judgement was postponed, rather than ensuring the Accused’s right to an expeditious trial, such delay would in fact violate his fundamental right to be tried without undue delay. Finally, the Prosecution queries whether the Defence has justified providing details of Lead Counsel’s professional engagement in an *ex parte* filing, preventing the Prosecution from assessing and responding to whether the details warrant the requested relief. The Prosecution suggests the *ex parte* filing should be rejected or reclassified as confidential and provided to the Prosecution.

II. ARGUMENTS

2. The Motion is fundamentally misconceived as there is no provision in the SCSL Statute or Rules for the date of judgement in respect of any trial before this Tribunal to be set in consultation with the Parties. Rather, in scheduling the date of judgement the Trial Chamber shall be guided *only* by the Accused’s right under Article 17 (4) (C) of the Statute of the Special Court for Sierra Leone (“Statute”) to be tried without undue delay. If the Chamber postpones the delivery date of the judgement it will be contrary to, rather than consistent with, this fundamental right of the Accused.

3. Moreover, the Defence have made no showing that the Accused’s right to legal assistance under Article 17 (4) (d) of the Statute will be violated and he will be prejudiced if the judgement is delivered as scheduled. The Prosecution observes that this Motion only refers to Lead Counsel’s unavailability on 26 April 2012. It makes no showing that other members of the Accused’s Defence team, notably the Accused’s Co-Counsel, are unavailable on that date. Nor does it aver that the Principal Defender is unavailable to attend court on 26 April. Consequently, the Prosecution assumes that the Accused’s Co-Counsel and the Principal Defender will be present to receive the verdict

¹ Urgent Public with Confidential Annexes A&B and Ex Parte Annex C, Defence Request to Change Date of Judgement, SCSL-2003-01-T-1266, 6 March 2012.

² Scheduling Order for Delivery of Judgement, SCSL-2003-01-T-1265, 1 March 2012.

and advise him as necessary. Further, there is no evidence that Lead Counsel will not be available from 27 April to advise the Accused as necessary.

4. The Prosecution highlights the Defence failure to act with due diligence in filing this Motion. Even though by his own admission, Lead Counsel has known since September 2011 that he would be unable to attend any hearings at the Tribunal on 25 and 26 April 2012, he waited an entire week after having received the Chamber's Scheduling Order on 1 March 2012, to file this Motion without giving any justification for this delay.³ It must also be noted that, while Lead Counsel's professional engagement was scheduled in September 2011, he has been appointed as defence counsel in this case since the summer of 2007.

5. Finally, the Defence submissions regarding the potential security risks posed to Sierra Leone by delivering the judgement on the eve of its Independence Day are purely speculative and should be dismissed as such.

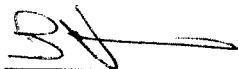
III. CONCLUSION

6. In light of the above, the Motion should be dismissed as, if granted, it would be contrary to Accused's right to a trial without undue delay. Moreover, the Defence has failed to show how the Accused would be prejudiced if judgement in his case was delivered on 26 April 2012 as scheduled. In the alternative, should the Chamber be inclined to exercise its discretion to vacate the current judgement date, the Prosecution urges that it be rescheduled for the afternoon of 27 April 2012 to accommodate Lead Counsel's work commitments.

Filed in The Hague,

7 March 2012,

For the Prosecution,



Brenda J. Hollis
The Prosecutor

³ Motion, para. 7.

INDEX OF AUTHORITIES**SCSL***Prosecutor v. Taylor*

Urgent Public with Confidential Annexes A&B and Ex Parte Annex C, Defence Request to Change Date of Judgement, SCSL-2003-01-T-1266, 6 March 2012.

Scheduling Order for Delivery of Judgement, SCSL-2003-01-T-1265, 1 March 2012.