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SCSL-03-01-T
(37710-37712)

37710



SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

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

Registrar: Binta Mansaray

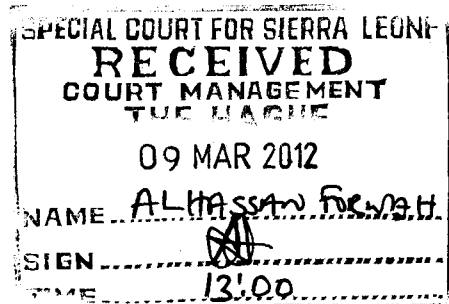
Case No.: SCSL-03-1-T

Date: 9 March 2012

PROSECUTOR

v.

Charles Ghankay TAYLOR



DECISION ON URGENT PUBLIC, WITH CONFIDENTIAL ANNEXES A & B AND EX PARTE
ANNEX C DEFENCE REQUEST TO CHANGE DATE OF JUDGEMENT

Office of the Prosecutor:

Brenda J. Hollis
Nina Tavakoli
Ruth Mary Hackler

Defence Counsel for Charles G. Taylor:

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

TRIAL CHAMBER II ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court");

SEISED of the "Urgent Public, with Confidential Annexes A & B and Ex Parte Annex C Defence Request to Change Date of Judgement", filed on 6 March 2012 ("Motion"),¹ and of the "Urgent and Public Corrigendum to Defence Request to Change Date of Judgement", filed on 7 March 2012 ("Corrigendum")², wherein the Defence requests the Trial Chamber to change the judgement date from Thursday, 26 April 2012 to Tuesday, 1 May 2012, or any suitable date thereafter, on the grounds that:

(a) Lead Counsel has prior professional engagements on the judgement date, which have been on the calendar since September 2011 and which cannot be moved; and/or

(b) The delivery of judgement in the Taylor case on the eve of Sierra Leone's 51st Independence Day celebrations appears to be ill-timed and poses potential security risks;³

RECALLING the Trial Chamber's Order for Expedited Filing, dated 7 March 2012;⁴

SEISED of the "Prosecution Response to Defence Request to Change Date of Judgement", filed on 7 March 2012 ("Response")⁵ wherein the Prosecution submits that the Motion is devoid of merit and should be dismissed on the grounds that:

- (i) The Defence has failed to establish that the Accused would be prejudiced if the judgement was delivered on 26 April 2012 as scheduled;
- (ii) If the Motion were granted, such delay would violate the Accused's fundamental right to be tried without undue delay; and
- (iii) The Defence, by filing details of Lead Counsel's professional engagement *ex parte*, have prevented the Prosecution from assessing and responding to whether the details warrant the requested relief;⁶

¹ SCSL-03-01-T-1266.

² SCSL-03-01-T-1267.

³ Motion, para. 2.

⁴ SCSL-03-01-T-1268.

⁵ SCSL-03-01-T-1269.

⁶ Response, para. 1.

SEISED of the "Reply to Prosecution Response to Defence Request to Change Date of Judgement", filed on 7 March 2012 ("Reply")⁷;

CONSIDERING that the Trial Chamber, by its Scheduling Order for Delivery of Judgement, dated 1 March 2012 ("Scheduling Order"),⁸ provided Counsel in this case with eight weeks' notice of the date of judgement, which is more than reasonable time for Counsel to make arrangements to be present for delivery of the Judgement;

CONSIDERING that there are competent Co-Counsel in the Defence team capable of representing the Accused in the absence of Lead Counsel;


FINDING that the argument raised secondarily by the Defence in support of its request, relating to Sierra Leonean Independence Day, is entirely speculative and without merit;


FOR THE ABOVE REASONS:

DISMISSES the Motion.

Done at The Hague, The Netherlands, this 9th day of March 2012.


Justice Teresa Doherty


Justice Richard Lussick
Presiding Judge


Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]



⁷ SCSL-03-01-T-1270.

⁸ SCSL-03-01-T-1265.