



SPECIAL COURT FOR SIERRA LEONE

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Court Management Support – Court Records

CS7 - NOTICE OF DEFICIENT FILING FORM

Date:	29 May 2007	Case No: SCSL-03-01-PT	The Prosecutor v Charles Ghankay Taylor
To:	PROSECUTION: X DEFENCE: X CHAMBER: X OTHER:		
From:	Advera Nsiima K.: Court Management		
CC:			
Subject	Article 12 Late Filing Rule 7(B)		

Document(s): Defence Reply to Registrar's Submission Pursuant to Rule 33 (B) Relating to the Defence Motion Pursuant to Rule 54 Requesting Order to Court Management to Accept Filing and Serve Hard Copies or All Filings on the Parties in the Hague Immediately -SCSL-03-01-PT-265

Document Dated: 29 May 2007 Received by Court Management at 04:07pm

Reason: The document was filed 07 minutes late. It was required by Order dated 28 May 2007, Document number SCSL-03-01-PT-258, to be filed not later than 4:00pm on Tuesday, 29 May 2007.

Signed: *Nsiima K.*
Advera Nsiima K.

Dated: 29/05/2007

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CMS7 FORM

265)

SCSL-03-01-PT
(9580-9586)

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THE SPECIAL COURT FOR SIERRA LEONE

In Trial Chamber II

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

Registrar: Mr. Herman von Hebel, Acting Registrar

Date: 29 May 2007

Case No.: SCSL-2003-01-PT

THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

URGENT & PUBLIC

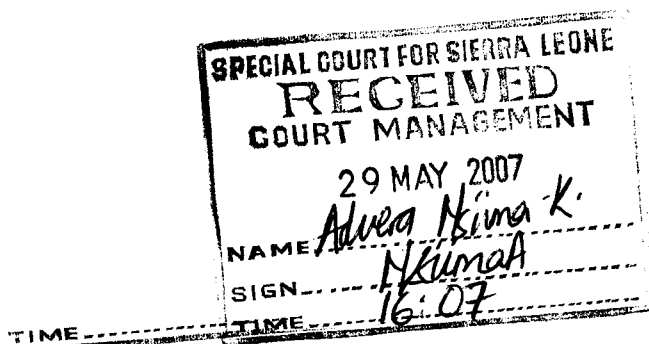
**DEFENCE REPLY TO REGISTRAR'S SUBMISSION PURSUANT TO RULE 33(B)
RELATING TO THE DEFENCE MOTION PURSUANT TO RULE 54
REQUESTING ORDER TO COURT MANAGEMENT
TO ACCEPT FILING AND SERVE HARD COPIES OF ALL FILINGS
ON THE PARTIES IN THE HAGUE IMMEDIATELY**

Office of the Prosecution

Ms. Brenda Hollis
Ms. Wendy van Tongeren
Ms. Ann Sutherland
Ms. Shyamala Alagendra
Mr. Alain Werner
Ms. Leigh Lawrie

Counsel for Charles Taylor

Mr. Karim A. A. Khan
Mr. Roger Sahota



I. Introduction

1. In accordance with the Trial Chamber's Order for Expedited Filing of 28 May 2007,¹ the Defence for Mr. Charles Taylor ("Defence") file the following reply to the Registrar's Submission Pursuant to Rule 33(B) Relating to the Defence Motion Pursuant to Rule 54 Requesting Order to Court Management to Accept Filing and Serve Hard Copies of All Filings on the Parties in the Hague Immediately, dated 28 May 2007 ("Submission").²

II. Reply to the Registrar's Submissions

2. The Defence appreciate that the Acting Registrar acknowledges the numerous problems the Defence has encountered in recent weeks in attempting to receive proper service of Court documents.³
3. The Defence also welcome the conclusion reached by the Acting Registrar, in that he suggests time limits be suspended until receipt of documents by the parties, which are to be served in hard copies to the Parties in The Hague on 30 May 2007.⁴ However, the Defence wish to clarify that there are problems with documents dated from 14 May 2007, not just from 17 May 2007 as the Acting Registrar submits.⁵ For instance, the Defence have yet to be served electronically or physically the Expert Witness Motion filed 15 May 2007.⁶
4. The Defence reiterate its submission that having a filing system in place in The Hague by the first week of June⁷ is too late, given the 4 June 2007 start date and the voluminous

¹ *Prosecutor v. Taylor*, SCSL-03-01-PT-258, Order for Expedited Filing, 28 May 2007.

² *Prosecutor v. Taylor*, SCSL-03-01-PT-259, Registrar's Submission Pursuant to Rule 33(B) Relating to the Defence Motion Pursuant to Rule 54 Requesting Order to Court Management to Accept Filing and Serve Hard Copies of All Filings on the Parties in the Hague Immediately, 28 May 2007.

³ Submission, para. 11.

⁴ Submission, paras. 12, 13.

⁵ See *Prosecutor v. Taylor*, SCSL-03-01-PT-250, Defence Motion Pursuant to Rule 54 Requesting Order to Court Management to Accept Filings and Serve Hard Copies of All Filings on the Parties in The Hague Immediately, 23 May 2007, para. 11 ("Motion").

⁶ *Prosecutor v. Taylor*, SCSL-03-01-PT-238, Expert Witness Motion, 15 May 2007.

⁷ Submission, para. 13(ii).

Prosecution submissions. The Defence has been significantly prejudiced in preparing for trial.⁸

5. For instance, the Defence note that one of the problematic filings,⁹ which triggered the initial Defence Motion requesting an Order to Court Management and which was included in the Trial Chamber's Order for Expedited Filing, was deficiently served on the Defence in hard copy in The Hague on 28 May 2007. The "Court Service – Form 3 – Proof of Service in The Hague" cover sheet states that various pages of the Opening Statement Motion are "inelligible" [sic].¹⁰ Thus the Defence still does not have a complete and legible copy of the Opening Statement Motion.
6. Furthermore, the Order for Expedited Filing was only served on the Defence in hard copy in The Hague today, 29 May 2007, after time to respond had expired.¹¹ The Defence recognize that they did receive electronic service of the Order yesterday, but only 17 minutes before the imposed deadline.¹²
7. The Defence is aware that the Trial Chamber is fully cognizant of its primary responsibility to ensure a fair trial in accordance with Article 17 of the Special Court Statute. Accordingly, the Defence accept that it cannot have been the intention of the Trial Chamber to railroad or bully an already harassed Defence team, struggling to discharge their own rather grave responsibilities, under very difficult conditions, in the context of well-catalogued litany of complaints.

⁸ Motion, paras. 5, 7.

⁹ *Prosecutor v. Taylor*, SCSL-03-01-PT-239, Urgent and Public Prosecution's Motion for Admission of Material Pursuant to Rule 89(C) and Rule 92bis for Use During Opening Statement, 16 May 2007.

¹⁰ See Court Service – Form 3 – Proof of Service in The Hague, 28 May 2007 [Annex A]. The Defence assumes that "inelligible" means "unintelligible" or "illegible".

¹¹ See Court Service – Form 3 – Proof of Service in The Hague, 29 May 2007 [Annex B].

¹² *Prosecutor v. Taylor*, SCSL-03-01-PT-261, Defence Motion Requesting Reconsideration of 28 May 2007 Order for Expedited Filing, 28 May 2007, para. 3; *Prosecutor v. Taylor*, SCSL-03-01-PT-262, Defence Reply to the "Prosecution's Response to 'Defence Motion Requesting Leave for Charles Ghankay Taylor to Give an Unsworn Statement from the Dock'," served 26 May 2007, 28 May 2007, para. 2.

III. Conclusion

8. The Defence maintains the original request that the Trial Chamber order Court Management to:
- i. Accept electronic filing in The Hague as soon as practicable; and
 - ii. Serve all of the recent Prosecution Motions (those dated 14 May 2007 onward) on the Defence in The Hague in hard copy, after which time the clock will start running for the Defence to respond.

Respectfully Submitted,



Karim A. A. Khan

Lead Counsel for Mr. Charles Taylor

Dated this 29th Day of May 2007

Table of Authorities**Prosecutor v. Taylor**

Prosecutor v. Taylor, SCSL-03-01-PT-239, Urgent and Public Prosecution's Motion for Admission of Material Pursuant to Rule 89(C) and Rule 92bis for Use During Opening Statement, 16 May 2007

Prosecutor v. Taylor, SCSL-03-01-PT-250, Defence Motion Pursuant to Rule 54 Requesting Order to Court Management to Accept Filings and Serve Hard Copies of All Filings on the Parties in The Hague Immediately, 23 May 2007

Prosecutor v. Taylor, SCSL-03-01-PT-258, Order for Expedited Filing, 28 May 2007

Prosecutor v. Taylor, SCSL-03-01-PT-259, Registrar's Submission Pursuant to Rule 33(B) Relating to the Defence Motion Pursuant to Rule 54 Requesting Order to Court Management to Accept Filing and Serve Hard Copies of All Filings on the Parties in the Hague Immediately, 28 May 2007

Prosecutor v. Taylor, SCSL-03-01-PT-261, Defence Motion Requesting Reconsideration of 28 May 2007 Order for Expedited Filing, 28 May 2007

Prosecutor v. Taylor, SCSL-03-01-PT-262, Defence Reply to the "Prosecution's Response to 'Defence Motion Requesting Leave for Charles Ghankay Taylor to Give an Unsworn Statement from the Dock'," served 26 May 2007, 28 May 2007



SPECIAL COURT FOR SIERRA LEONE
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COURT SERVICE – FORM 3 – PROOF OF SERVICE IN THE HAGUE

Date: 25/05/07		Case Names: The Prosecutor V Charles Ghankay Taylor		
		Case No. SCSL - 03 - 01 - PT-239. <i>(Pages (Netherlands) 8059-8064; 8217-8221; 8255-8272 8333-8334)</i>		
To: A:	<input type="checkbox"/> TRIAL CHAMBER		<input type="checkbox"/> APPEALS CHAMBER	
	____ copies received by:		____ copies received by:	
	_____ (signature)		_____ (signature)	
	For onward transmission to: <input type="checkbox"/> Judge Julia Sebutinde, Presiding <input type="checkbox"/> Judge Richard Lussick <input type="checkbox"/> Judge Teresa Doherty <input type="checkbox"/> Legal Officer <input type="checkbox"/> By Fax: See CS Form 3F		For onward transmission to: <input type="checkbox"/> Judge G. ROBERTSON, President <input type="checkbox"/> Judge R. WINTHER <input type="checkbox"/> Judge AYOOLA <input type="checkbox"/> Judge G. KING <input type="checkbox"/> By Fax: See CS Form 3F	
	OFFICE OF THE PROSECUTOR Trial Attorney in charge of case: _____, received by _____			
<input checked="" type="checkbox"/> DEFENSE				
<input type="checkbox"/> Accused: See CS 2 Form				
<input checked="" type="checkbox"/> Defence Office: _____				
<input type="checkbox"/> Counsel: <i>rec'd. on behalf of counsel, 28 May 2007, [Signature]</i>				
1. <input checked="" type="checkbox"/> In The Hague _____ <input type="checkbox"/> _____				
4. <input type="checkbox"/> In The Hague _____ <input type="checkbox"/> _____				
All Decisions & Imp. Public Docs: <input type="checkbox"/> Press & Public Affairs <input type="checkbox"/> Court Library				
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Subject	Kindly find attached the following documents:			

Document's Title

Date filed 22/05/07

Pages 7947 - 8344

URGENT AND PUBLIC PROSECUTION'S MOTION FOR ADMISSION OF MATERIAL PURSUANT TO RULE 89(C) AND 92BIS FOR USE DURING OPENING STATEMENT

(Attachments 1 - 11)



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COURT SERVICE – FORM 3 – PROOF OF SERVICE IN THE HAGUE

Date: 29/05/07		Case Names: The Prosecutor V Charles Ghankay Taylor		
		Case No. SCSL – 03 – 01 – PT-258		
To: A:	<input type="checkbox"/> TRIAL CHAMBER		<input type="checkbox"/> APPEALS CHAMBER	
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<input type="checkbox"/> Judge Julia Sebutinde, Presiding		<input type="checkbox"/> Judge G. ROBERTSON, President		
<input type="checkbox"/> Judge Richard Lussick		<input type="checkbox"/> Judge R. WINTHER		
<input type="checkbox"/> Judge Teresa Doherty		<input type="checkbox"/> Judge AYOOLA		
<input type="checkbox"/> Legal Officer		<input type="checkbox"/> Judge G. KING		
<input type="checkbox"/> By Fax: See CS Form 3F		<input type="checkbox"/> By Fax: See CS Form 3F		
OFFICE OF THE PROSECUTOR				
Trial Attorney in charge of case: _____, received by _____				
<input checked="" type="checkbox"/> DEFENSE				
<input type="checkbox"/> Accused: See CS 2 Form				
<input type="checkbox"/> Defence Office: _____				
<input checked="" type="checkbox"/> Counsel: <i>[Signature]</i> <u>29/05</u> <input type="checkbox"/> For onward transmission to counsel				
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All Decisions & Imp. Public Docs: <input type="checkbox"/> _____ <input type="checkbox"/> Press & Public Affairs <input type="checkbox"/> Court Library				
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CC:	<input type="checkbox"/> Registrar	<input type="checkbox"/> Deputy Registrar	<input type="checkbox"/> Chief WVSS	<input type="checkbox"/> Chief of Security
Subject	Kindly find attached the following documents:			

Document's Title

Date filed 28/05/07

Pages 9529 - 9531

ORDER FOR EXPEDITED FILING