



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

Monday, 20 August 2007
11:04 a.m.
Status Conference

TRIAL CHAMBER II

Before the Judges:

Julia Sebutinde (Presiding)
Richard Lussick
Teresa Doherty
El Hadji Malick Sow (Alternate)

For Chambers:

Mr Simon Meisenberg
Ms Sidney Thompson

For the Registry:

Mr Michael Adenuga
Ms Rosette Muzigo-Morrison
Ms Rachel Irura

For the Prosecution:

Mr Stephen Rapp
Ms Brenda J Hollis
Ms Leigh Lawrie

For the accused Charles Ghankay Taylor:

Mr Courtenay Griffiths, QC
Mr Terry Munyard
Mr Andrew Cayley

For the Office of the Principal Defender:

Mr Charles Jalloh

1 Monday, 20 August 2007

2 [Open session]

3 [The accused entered court]

4 [Upon commencing at 11:04 a.m.]

11:04:24 5 MS IRURA: All rise. Please be seated.

6 PRESIDING JUDGE: Good morning.

7 Before we get on with the business of the day, I'd like to
8 start with one preliminary matter and that is the request by Mr
9 Teun Voeten to take photographs. This request was made early
10 this morning and we haven't had time to issue a written order.

11:05:35

11 This is an interim oral order permitting the photographer to take
12 pictures for exactly one minute before business begins.

13 [Photographer takes photographs]

14 PRESIDING JUDGE: With the photographs out of the way, I'd
15 like to welcome everybody back from their various recesses, and
16 we'll start the proceedings by taking the appearances of the
17 parties.

11:06:18

18 MR RAPP: Good morning, Madam President, your Honours,
19 learned counsel. Appearing today for the Prosecutor is myself,
20 the Prosecutor, Stephen Rapp; Brenda Hollis, Senior Trial
21 Attorney, who's in charge of the prosecution of this case; and
22 Leigh Lawrie, Associate Legal Officer. Thank you very much, your
23 Honours.

11:06:39

24 PRESIDING JUDGE: Thank you, Mr Rapp.

25 We'll take appearances from the Defence, please.

11:06:59

26 MR GRIFFITHS: My name is Courtenay Griffiths and on my
27 left is my learned friend, Mr Terry Munyard. Sitting behind me
28 to my left is my learned friend, Mr Andrew Cayley.

29 PRESIDING JUDGE: To your left? All right.

1 MR GRIFFITHS: To my immediate left is Mr Terry Munyard.
2 Sitting just behind him is Mr Andrew Cayley. We three now
3 comprise the new Defence team for the accused.

4 PRESIDING JUDGE: Thank you.

11:07:43 5 MR JALLOH: Your Honour, Charles Jalloh for the Office of
6 the Principal Defender.

7 PRESIDING JUDGE: Thank you.

8 I recognise the Registrar is represented by Mr Michael
9 Adenuga, and there are representatives from Court Management as
11:08:03 10 well.

11 I'd like to formally amend the agenda -- adopt the agenda
12 for the Status Conference today. As you know, today was
13 initially scheduled for the trial, but there is a motion, a
14 pending motion, by the Defence, the new Defence team, and this
11:08:28 15 motion has not yet been decided. We felt that in the interests
16 of justice we cannot proceed with the trial as earlier scheduled
17 before we have decided on the -- decided this motion and before
18 we've probably heard further submissions surrounding all the
19 issues that relate to this motion. And so today, really, we are
11:08:47 20 going to hold this Status Conference.

21 The parties have indicated a number of items that they
22 wanted the Court to discuss at this Status Conference, and I'm
23 going to go through the agenda items as we've aggregated them for
24 adoption. This is the agenda that the Court has officially
11:09:15 25 adopted.

26 Item number 1 on the official agenda would be the
27 request -- now, before I go into the items on the agenda, I've
28 been requested to ask the Defence -- I think when you spoke, when
29 you introduced yourselves --

1 MR GRIFFITHS: Your Honour, yes.

2 PRESIDING JUDGE: -- the microphones were not on and
3 therefore your names and appearances were not recorded by the
4 court managers in the booths. If you could kindly repeat your
11:09:54 5 names and designations, then we'll proceed. For the record,
6 please.

7 MR GRIFFITHS: Very well, your Honour. My name is
8 Courtenay Griffiths and I appear as lead counsel for the accused.
9 To my immediate left is my learned friend, Mr Terry Munyard, and
11:10:15 10 sitting behind me to my left is also my learned friend, Mr Andrew
11 Cayley. We three now comprise the new Defence team for the
12 accused.

13 PRESIDING JUDGE: Thank you.

14 Now, the items for the agenda officially are, firstly, the
11:10:40 15 Prosecution request that the accused, Mr Charles Ghankay Taylor,
16 should make a formal statement and confirmation to the Trial
17 Chamber and for the record that he no longer wishes to conduct
18 his own Defence and now wishes to proceed with counsel as
19 assigned. This is item agenda number 1.

11:11:02 20 Item agenda number 2 will be the parties' submissions. We
21 will hear further oral submissions, if any, from the parties on
22 the outstanding motion for adjournment of the trial, that is.
23 That will be item number 2.

24 Item number 3 will be the Defence motion for extension of
11:11:35 25 time within which to respond to certain pending motions, Defence
26 motions that are pending before the Court. They want time
27 extended.

28 Item number 4 will relate to the Prosecution list of
29 witnesses for the next hearing.

1 And item number 5 may be any other business.

2 So those are the items as we've sorted them out, and we'll
3 start with item number 1, which is the Prosecution request that
4 the accused make a formal statement and confirmation to the Trial
11:12:22 5 Chamber on the record that he no longer wishes to conduct his own
6 defence and now wishes to proceed with counsel as assigned.

7 Mr Rapp, I'm not sure that I understand the purpose of this
8 request in light of an earlier order by the Trial Chamber. Could
9 you perhaps elucidate this?

11:12:43 10 MS HOLLIS: Thank you, your Honour.

11 Your Honour, you have one document that is directly from
12 the accused regarding representation and that is the 4 June
13 letter in which he indicates he wishes to proceed and to conduct
14 his own defence. Since that time, of course, your Honours have
11:13:00 15 ordered that a new Defence team be assembled. However, a new
16 Defence team can assist him in representing himself or can
17 represent him. And we would simply like it to be very clear for
18 the record, so there is no confusion, that the accused now wishes
19 to be represented by this newly appointed team and that they are
11:13:23 20 not here simply to assist him as he continues in his wish to
21 represent himself. So we would like that to be heard directly
22 from the accused.

23 PRESIDING JUDGE: Mr Griffiths, do you have any response to
24 this request?

11:13:42 25 MR GRIFFITHS: I have no observations to make, your Honour.
26 It does seem somewhat pedantic. But nonetheless, if my learned
27 friend who prosecutes feels that such a statement from the
28 accused is necessary, then of course he's quite happy to oblige.

29 [Trial Chamber confers]

1 PRESIDING JUDGE: I would just like to draw the parties'
2 attention to the proceedings of the 25th of June, and I'm looking
3 at the transcript at page 41 of the proceedings of the 25th of
4 June, lines 12 to 14, where the Trial Chamber observed that:

11:14:53 5 "The Trial Chamber therefore accepts --"

6 Let me just begin a little before that. I'll start at line
7 7, where it says:

8 "Now, having said that, the Trial Chamber notes the
9 Principal Defender's submission this morning that he has
10 tried ... and succeeded in persuading Mr Taylor that the idea of
11 self-representation would not be in the interests of justice, nor
12 of the integrity of the judicial process in these circumstances."

13 And the important part is this:

14 "The Trial Chamber therefore accepts that Mr Taylor no
11:15:35 15 longer wishes to represent himself and instead would accept
16 Assigned Counsel to represent him."

17 This is the statement that I think renders this request
18 unnecessary, in our view, in the Chamber's view. We did
19 accept -- and because we accepted that Mr Taylor would not
11:15:59 20 represent himself anymore, we then subsequently ordered that
21 counsel be assigned to represent him, and we thereby find
22 ourselves this morning with lead counsel and two co-counsel for
23 the Defence.

24 So we do not agree with the Prosecution that this request
11:16:18 25 should be granted. We think that, for the record, the accused
26 will no longer represent himself and is adequately represented by
27 the new Defence team.

28 That brings me to item agenda number 2, which is the
29 submissions on the Defence motion for adjournment of the trial.

1 Now, we've read the written motion of the parties, but
2 there are a number of aspects that we would seek clarification
3 from Defence counsel on. As you rise to address the Court by way
4 of additional oral submissions, we would like you to clarify the
11:17:11 5 following for us:

6 One, we would like to know whether a full Defence team has
7 been actually constituted, including legal assistants and
8 investigators, and we would like also to know how soon that was
9 done, because it will give us an indication of how much time is
11:17:34 10 required for you to prepare. So that's the first thing we need
11 to know.

12 The second thing that we need to know is exactly when did
13 the Defence team receive disclosure of the Prosecution materials
14 that you speak of, the 40,000 pages? We'd like to know the date
11:17:58 15 when you received this.

16 Thirdly, we would like to establish whether you received
17 the full disclosure as it existed at the time of your appointment
18 or whether there's some lingering papers, documents, that you
19 have not received. In particular, we'd like to know whether you
11:18:19 20 have received the various expert reports that are in existence.

21 MR GRIFFITHS: Very well.

22 PRESIDING JUDGE: There's a whole catalogue of matters that
23 we need clarification on. We would also like to know what is the
24 status of Mr Roger Sahota, if any, on your team, on the new team.

11:18:53 25 I think those are matters that we would like clarification
26 on, on top of anything that you think the Chamber should know
27 that would guide us in making our determination. Thank you.

28 MR GRIFFITHS: Very well, your Honour.

29 Your Honour, I take it that it's reasonable to assume that

1 the Court accepts that the newly appointed Defence team require
2 adequate time for the preparation of the accused's defence. I
3 say that in light of the fact that it would appear, if my memory
4 serves me right, that on the 3rd of July, I think it was, if
11:19:47 5 you'll give me a moment, it was indicated that adequate time
6 would be required for the Defence properly to prepare in advance
7 of the proceedings. If I'm right in making that assumption, the
8 question which now remains is what is a reasonable time in the
9 circumstances.

11:20:10 10 In that regard, I note that at the Status Conference held
11 in this Court on the 22nd of September of 2006, that on that
12 occasion - and I'm looking at page 53 of the transcript of those
13 proceedings - where your Honour observed as following:

14 "So it is my view," and I'm quoting from line 20, "and that
11:20:43 15 of my colleagues that a period of six months from the time that a
16 full -- from the time that a contract has been signed providing
17 Mr Taylor with the Defence team, and I'm taking that to be the
18 end of September, say, the 30th of September effectively, and I'm
19 saying that from the 30th of September this year, we consider
11:21:07 20 that the Defence is in a position to work, to investigate, carry
21 out investigations fairly comfortably, as is envisaged under the
22 Statute and the Rules. I'm also of the view, as are my
23 colleagues in Freetown, that six months would not be an
24 unreasonable time to be given to this Defence team. That would
11:21:31 25 be October, November, December, January, February, March."

26 In a nutshell, then, your Honour, it would appear that the
27 Court took the view when considering this issue last September
28 that six months would be a reasonable time to accord to the
29 Defence in terms of preparation.

1 Now, your Honours will see from our motion filed with the
2 Court that we're not asking for six months, we're asking for four
3 months. We consider, in our professional judgement, that four
4 months is a reasonable time, given the resources available to the
11:22:12 5 team and the complexity of the case, observing whilst we do so
6 that in circumstances such as this there can be no hard and fast
7 rule but that the tribunal must necessarily look at all of the
8 circumstances in deciding what, in those circumstances, is a
9 reasonable time.

11:22:38 10 We would submit that the following factors are significant:

11 Firstly, in terms of the core legal team now assembled, all
12 are new to the case. So, so far as myself, Mr Munyard and
13 Mr Cayley is concerned, until the 1st of August of this year when
14 a contract was signed with the Registry, we had no prior contact
11:23:16 15 with the case or access to the material disclosed by the
16 Prosecution. Consequently, we are starting from ground zero in
17 terms of preparation.

18 Can I pause to deal with one of the questions posed by your
19 Honour, that being the status of Roger Sahota.

11:23:43 20 Mr Sahota, as I understand it, was always assisting the
21 Defence on a pro bono basis. Having met with Mr Sahota some
22 weeks ago, he expressed the desire to continue assisting the team
23 in that same capacity, and indeed he accompanied me to West
24 Africa last week when we met with various individuals, both in
11:24:16 25 Monrovia and in Freetown. So the short answer to your question
26 is: He would like to continue assisting the team on a pro bono
27 basis, and that of course provides an existing link with the past
28 team.

29 So that's the first matter upon which we rely in terms of

1 reasonableness.

2 PRESIDING JUDGE: Sorry, Mr Griffiths, to interrupt at this
3 stage. Is he the only member of the previous team that is
4 willing to continue assisting? Is he the only link you have with
11:24:59 5 the old Defence team or might there be other legal assistants
6 willing to continue?

7 MR GRIFFITHS: Your Honour, no. The two previous legal
8 assistants are no longer a part of the team, that is, Mr Avi
9 Singh and Ms Caroline Buisman, so of course we will not have the
11:25:27 10 benefit of their knowledge of the case.

11 The only other link, your Honour, so that we have the
12 complete picture, is that Mr Morris Anyah, who previously was the
13 international investigator assigned to the team, and also the
14 Liberian and Sierra Leonean investigators attached to the team
11:25:55 15 will continue in post. So in terms of evidence-gathering in West
16 Africa and internationally, there should be a degree of
17 continuity, although it is envisaged that Mr Anyah may play a
18 slightly different role within the current team.

19 Now, in terms of team composition, then, your Honour, the
11:26:26 20 situation is as follows: I am, of course, lead counsel with the
21 two gentlemen who appear in court with me. It is anticipated
22 that one of the two legal assistant roles will be filled by Mr
23 Anyah but perhaps in an enhanced capacity. We have yet to find a
24 second legal assistant. And as I've already stated, given the
11:27:06 25 move which we are anxious to make so far as Mr Anyah's position
26 is concerned, we will be in need of an international
27 investigator. But apart from that, the other two investigators
28 are in place, as is Counsellor Supuwood, a Liberian lawyer who
29 will be advising us in a consultative role but on a pro bono

1 basis.

2 We've also been provided with funds from the Registry for a
3 six-month period originally for the employment of two additional
4 legal assistants. But we felt that that would overcomplicate
11:28:00 5 matters and that, from our point of view, that money would be
6 much better and more efficiently spent in providing us with a
7 case manager. That appointment has taken place and the person
8 appointed will be starting work as of Monday next week.

9 So that's the current situation, your Honour, so far as the
11:28:30 10 composition of the team. I think that also should have answered
11 the first question you posed this morning.

12 Now, so far as disclosure is concerned now, your Honour,
13 the reference to 40,000 pages of disclosure, that I took from a
14 reference made by your Honour on the 25th of June, 2007, referred
11:29:13 15 to at the transcripts of that hearing at page 48, at line 22,
16 where reference is made to Duty Counsel, then representing the
17 accused, not being in a position to be conversant with the 40,000
18 pages of disclosure.

19 Now, I have seen physically in position in our offices the
11:29:47 20 material received by the previous team said to constitute the
21 totality of the material disclosed by the Prosecution in this
22 case. I have not yet had an opportunity to peruse that material
23 in any detail; neither have either of my learned friends. We
24 are, however, aware that for the most part that material falls
11:30:18 25 into three categories of evidence - crime base witnesses, linkage
26 witnesses, and expert evidence.

27 I will return to the question of the various aspects of the
28 case in due course, but so far as that material is concerned and
29 referring to your Honour's second question, when did Defence

1 receive disclosure, we've only had opportunity to have sight of
2 that material for the last three or so weeks.

3 PRESIDING JUDGE: Mr Griffiths, could you be a bit more
4 specific. When was -- when were you officially served with
11:31:12 5 this -- I mean, it's different from when you actually sat down to
6 read it. But we would like to know when you were officially
7 served this material.

8 MR GRIFFITHS: I'm not sure that I can assist your Honour
9 with a precise date for this reason: When initially approached
11:31:29 10 to represent the accused, I came over to The Hague - your Honour
11 no doubt being aware that I'm based in London - to meet with the
12 accused, and on that occasion, which was, I think if memory
13 serves, the 21st of June, I first saw the binders containing that
14 material in the Defence office. Thereafter, following weeks of
11:31:55 15 negotiations, in the week concluding the 1st of August, myself
16 and my learned friends attended at the offices and on that
17 occasion again had sight of the material in terms of being told,
18 These are the crime base witnesses, so on and so forth.

19 That is the extent to which I can assist your Honour on
11:32:19 20 that point, unless there is a further detail.

21 PRESIDING JUDGE: I do stand to be corrected. As I
22 understand the procedure, when one Defence counsel withdraws, are
23 they not obligated to return all the materials back to the
24 Prosecutor, I suppose, who then is obligated to officially
11:32:41 25 disclose the material to the new Defence team at a given time?

26 MR GRIFFITHS: That is correct. That is correct, your
27 Honour.

28 PRESIDING JUDGE: So that is the date that I was asking
29 about.

1 MR GRIFFITHS: Well, your Honour, can I say this: Previous
2 counsel had taken a particular view as to his obligation of
3 disclosure in the instant case, he having, as he understood it,
4 made a personal agreement with the Prosecution that any
11:33:12 5 disclosure provided to him should remain in his possession until
6 further notice.

7 As a consequence, apart from the hard copies of materials
8 which were present in the offices, there were -- there was, we
9 were told, a hard drive containing electronic versions of the
11:33:36 10 material disclosed by the Prosecution. As I understand it, that
11 hard drive was first received by the Defence office last week,
12 and that arose because of the previous team's understanding of
13 their obligations towards that material, having given that
14 undertaking to the Crown -- to the Prosecution.

11:34:05 15 I don't know if that answers your Honour's question.

16 PRESIDING JUDGE: In a way. I know about the electronic
17 disclosure. That is not required under the Rules. What is
18 required under the Rules is the hard copies. And it would appear
19 from what you're now saying that the procedure whereby the former
11:34:25 20 Defence counsel was obligated to return these hard copies to the
21 Prosecution didn't, in fact, happen; that they -- Mr Khan, Karim
22 Khan, probably just left the documents in the Defence office and
23 you simply took them over.

24 MR GRIFFITHS: That's right.

11:34:42 25 PRESIDING JUDGE: Would that be the case?

26 MR GRIFFITHS: That's right.

27 PRESIDING JUDGE: So, then, are we to assume that you have
28 had full disclosure as at that date?

29 MR GRIFFITHS: I was coming to that, your Honour, because

1 part of the difficulty is identifying whether or not there are
2 any gaps in the materials currently in our possession. Now, we
3 have someone within the team currently working on that particular
4 exercise and it would appear that there are some gaps in terms of
11:35:17 5 disclosure which will need to be filled. That exercise has not
6 yet been concluded, but we anticipate that that should be
7 completed shortly, hopefully by the end of this week.
8 Thereafter, it will then be a matter of contacting the
9 Prosecution with a view to receiving further copies of those
11:35:40 10 materials which appear to be missing from our files.

11 PRESIDING JUDGE: This is rather concerning because these
12 are the kinds of things that cause undue delay. Disclosure is a
13 very important matter, very important aspect. I am concerned
14 that what you referred to as disclosure was, really, you just
11:36:10 15 walked into this office and found a bunch of papers. Would that
16 be correct, Mr Griffiths?

17 MR GRIFFITHS: I arrived at the office and there were
18 various cupboards containing numerous files of material which had
19 been colour-coded according to the relevance of the material.

11:36:31 20 PRESIDING JUDGE: So at an appropriate moment after you've
21 finished with your submissions, Mr Griffiths, I will expect Mr
22 Charles Jalloh of the Defence Office, to throw some light on this
23 procedure, especially with regard to disclosure, formal
24 disclosure, of material to the new Defence team. But please do
11:36:50 25 continue. We now understand that, in fact, no formal hand-over
26 was done and you simply found these files in your new office.

27 MR GRIFFITHS: That's right, your Honour.

28 PRESIDING JUDGE: Thank you. Please proceed.

29 MR GRIFFITHS: The next matter, your Honour, is this: As I

1 indicated earlier, myself, Mr Sahota, and Mr Anyah spent last
2 week in West Africa, and during the course of our visit in
3 Monrovia, we noted that in the office provided to the team by the
4 United Nations Mission in Liberia was a number of primary sources
11:37:39 5 of material, i.e., original documentation, some 10 boxes or so.
6 And I'm not talking about Xerox-sized boxes; I'm talking about
7 much larger boxes than that.

8 Now, in addition, whilst in Liberia, we were provided with
9 an additional 15 boxes of material. Now --

11:38:12 10 PRESIDING JUDGE: What kind of material?

11 MR GRIFFITHS: We're talking about original documentation
12 which appears to come from the personal archives of the accused.

13 PRESIDING JUDGE: So this would not be disclosure to you
14 from the Office of the Prosecutor.

11:38:31 15 MR GRIFFITHS: No, it's not. But it might have a direct
16 bearing on the Prosecution case.

17 PRESIDING JUDGE: And when you say you were provided with
18 these boxes, who provided these boxes to you, sir?

19 MR GRIFFITHS: Well, someone -- the investigator appointed
11:38:52 20 in Liberia gave those -- that material to us, someone else having
21 brought them to the office.

22 PRESIDING JUDGE: So, then, these materials would be part
23 of the Defence case and not necessarily part of the Prosecution
24 case.

11:39:07 25 MR GRIFFITHS: Well, I'm not in a position to say that's
26 correct, your Honour, I'm sorry, for this reason: It would
27 appear that amongst that material could be some very critical
28 documents.

29 By way of example, through a cursory examination of one of

1 the boxes, we came across a personal letter from former President
2 Jimmy Carter to the accused. Now, if that is reflective of the
3 nature of the material available amongst those boxes, then it may
4 well be, given the fact that the accused was involved in various
11:39:50 5 negotiations in order to bring peace to Sierra Leone, that there
6 are other matters of that nature contained in the boxes which
7 would be of direct relevance to the Prosecution case and which,
8 by way of example, we might want to put to expert witnesses, such
9 as Mr Ellis.

11:40:09 10 Consequently, we will need time to catalogue, analyse --
11 and analyse that material, and in order to do that we will, first
12 of all, have to make arrangements to package it and ship it to
13 The Hague. And we're talking about in excess, perhaps, of 50,000
14 pages of material.

11:40:43 15 PRESIDING JUDGE: Is this in addition to the 40,000 pages
16 or --

17 MR GRIFFITHS: Quite separate from the 40,000 pages, your
18 Honour.

19 PRESIDING JUDGE: Because the question that the Chamber
11:40:51 20 asked was with regard to the disclosure obligation of the
21 Prosecutor, whether this has been discharged. Now, these other
22 additional materials would obviously fall outside of that
23 disclosure obligation. These are not materials that are
24 considered OTP disclosure.

11:41:11 25 MR GRIFFITHS: No.

26 PRESIDING JUDGE: These are additional --

27 MR GRIFFITHS: It is certainly not OTP disclosure, your
28 Honour, I agree. But, your Honour, in the context of a criminal
29 trial, materials such as this have to be properly analysed before

1 one can look at the Prosecution case, because I don't know at
2 this point in time whether any of that material might be relevant
3 to cross-examination. And I'm anxious, in due course, that the
4 trial is not beset by undue delays, because it may well be that
11:41:44 5 during the course of a witness' evidence it becomes clear that we
6 have in our possession material which might subvert or undermine
7 the testimony of that witness. We need to be in a position to
8 make that assessment. And consequently, proper perusal of this
9 material -- proper perusal of that material is a necessary
11:42:19 10 precondition for us to be in a position to challenge the
11 Prosecution case.

12 My learned friend helpfully reminds me that under the Rules
13 of Procedure and Evidence of the Special Court for Sierra Leone,
14 under Rule 67(D), which provides that:

11:42:43 15 "If either party discovers additional evidence or
16 information or materials which should have been produced earlier
17 pursuant to the Rules, that party shall promptly notify the other
18 party and the Trial Chamber of the existence of the additional
19 evidence or information or materials."

11:43:11 20 So far as that submission is concerned, your Honour, we're
21 therefore submitting that reasonableness in these circumstances
22 has to take account of the fact that the Defence now have in
23 their possession this large volume of material which must be
24 properly looked at and examined before we can embark upon this
11:43:34 25 defence.

26 The fourth factor which we would like your Honour to bear
27 in mind is this: Upon my cursory examination of the papers,
28 which is all that has been possible in the time available to me,
29 I think the following submission is right: That it's not

1 possible to deal with aspects of the Prosecution case discretely
2 because I apprehend that one thought which might be exercising
3 your Honour's mind is the possibility, say, of starting with one
4 aspect of the evidence, the discrete topic perhaps of expert
11:44:24 5 evidence, which because of its size in terms of documentation is
6 a fairly small amount of material which one would be able to get
7 on top of in a fairly short period of time. We would submit,
8 however, if such a thought is occupying your Honour's mind, that
9 such an approach to this case is totally inappropriate.

11:44:51 10 We say that for this reason: We don't know, by way of
11 example, whether the testimony, or the potential testimony, of
12 the crime base or the linkage witnesses might impact on the
13 testimony of the experts. We're not in a position yet to make
14 that assessment. We will need to look at the case
11:45:16 15 comprehensively, globally, in order to come to a view whether or
16 not such a discrete approach is possible, and we're just not in a
17 position to make that assessment now.

18 So we have to assume at this stage that each aspect of the
19 case might impinge on the other and consequently we will need
11:45:45 20 that global view in order properly to proceed and in order to
21 make informed decisions as to how this defence should be
22 conducted.

23 PRESIDING JUDGE: Mr Griffiths, on the issue of expert
24 witnesses and expert reports, the clarification that the Chamber
11:46:04 25 wished to seek was whether in fact you have received all the
26 existing expert reports. This is important in view of Rule 94
27 bis (B) whereby, upon receipt of these reports, you are allowed
28 14 days within which to indicate one way or the other whether you
29 intend to accept these reports or to question these reports. So

1 it is of the essence and we need to know if you have received
2 formally these expert reports and what plans you have of
3 responding under Rule 94 bis (B) of the Rules.

4 MR GRIFFITHS: There are a number of aspects to that, your
11:46:57 5 Honour.

6 The first is this: As I understand it, the previous team
7 have already indicated to the Prosecution that the evidence of
8 the following three experts will be challenged, those being
9 Ellis, Dufka and Smillie. As I understand it, the Prosecution
11:47:23 10 have already been given that indication.

11 Outstanding, however, and I'm aware of this, is a response
12 to the Prosecution in relation to two experts, a [name redacted]
13 and a witness called [name redacted], their statements having
14 been served on the 8th of June and the 17th of May respectively.

11:47:57 15 Now, I don't know, your Honour, whether or not those two
16 outstanding requests for a response from the Defence is the
17 entirety of the position, and I say that for this reason: As I
18 understand it, and I wasn't in the country at the time, further
19 disclosure was received from the Prosecution last Friday, and I
11:48:25 20 know not but I anticipate that that material may well include
21 further expert evidence.

22 So pausing there, your Honour, it's right to observe from
23 the continued service of material by the Prosecution that we
24 might not be the only party to these proceedings who might be
11:48:50 25 desirous of an adjournment for particular and proper reasons.

26 PRESIDING JUDGE: Mr Griffiths, just to interrupt you.
27 Just to be careful, some of these witnesses are protected
28 witnesses and it would be prudent to refer to them by the
29 pseudonym.

1 In that regard, I'd just like to direct Court Management to
2 strike out a certain name that has been mentioned and to caution
3 any persons in the public gallery, members of the press, if you
4 have heard a name mentioned, please disregard it and do not
11:49:30 5 publish it. I will not repeat that name. Just in case you
6 skipped it, that's good for you. But do watch out for the
7 protective measures in place.

8 MR GRIFFITHS: It merely illustrates, your Honour, the need
9 for us to be given proper time in which to be aware of these
11:49:54 10 kinds of difficulties, because I'm anxious not to step into a
11 minefield.

12 PRESIDING JUDGE: Mr Griffiths, my concern was not the way
13 the Prosecution intends to -- the order in which the Prosecution
14 intends to call their witnesses. That's not our concern at this
11:50:08 15 stage. Our concern is to ascertain from you is whether in fact
16 with regard to the expert reports that you have received, whether
17 the Defence team now in place has actually complied with Rule 94
18 bis (B) because that has a time frame attached to it. And if
19 not, we realise that you haven't asked for an extended period,
11:50:31 20 whereas you've asked for extended time to respond to the other
21 existing or pending motions but not for the expert reports. And
22 in brief that is all we wanted to know. Are there reports in
23 regard to which you have not responded pursuant to Rule 94 bis?

24 MR GRIFFITHS: Yes, there are. There are two outstanding
11:50:53 25 to which we need to respond, and can I ask in that regard for 14
26 days in which to do so.

27 PRESIDING JUDGE: In effect from when?

28 MR GRIFFITHS: With effect from today's date.

29 PRESIDING JUDGE: And would you indicate which reports

1 those are?

2 MR GRIFFITHS: Those are the first two I mentioned.

3 PRESIDING JUDGE: Okay.

4 MR GRIFFITHS: In respect of which there are two
11:51:21 5 outstanding filings, those being respectively SCSL-03-01-T-282
6 and SCSL-03-01-PT-242.

7 PRESIDING JUDGE: Of course I will ask the Prosecutor at an
8 appropriate time to respond to this kind of request, when your
9 turn comes, please.

11:52:00 10 MR GRIFFITHS: Now, we would like the Court to be aware
11 that we are anxious to get on with this trial. We're conscious
12 of the fact that the accused has spent a considerable period of
13 time on remand in custody. And we also appreciate that there are
14 other pressures on the continuance of this Court, not least,
11:52:22 15 bluntly, economic. However, we submit that a myopic insistence
16 upon expeditiousness in the face of a justifiable request for
17 delay can render the right to defend with counsel an empty
18 formality.

19 We further submit that time allowed now will reduce the
11:52:46 20 length of the trial in due course and hence save a great deal of
21 money. I observe in that regard that given the nature of the
22 case and the way in which it appears to us prima facie that the
23 Prosecution have made this allegation against the accused, at
24 first sight we are unable to see the relevance of the crime base
11:53:19 25 witnesses, and it's an aspect of the case I would like to examine
26 carefully in collaboration with my learned friends both for the
27 Defence and the Prosecution with a view to seeing if we can avoid
28 calling any such witness, save where the evidence of such a
29 witness might impact on other aspects of the case. And of course

1 we will need time in order to examine that. But it seems to us
2 at first blush that none of such evidence really needs to trouble
3 this Court.

4 The important matters in issue are what were the links
11:54:12 5 between the accused and the rebel group, the RUF, within Sierra
6 Leone and to what extent was he controlling and directing their
7 activities. As I understand it, it is not being suggested by the
8 Prosecution that he was personally within Sierra Leone directing
9 particular individuals to carry out on the ground specific acts
11:54:41 10 of that nature. Consequently, we fail to see the relevance of
11 any such material being put before the Court by way of live
12 testimony, unless of course the Prosecution are anxious to have
13 the emotional impact of transporting limbless individuals from
14 West Africa to this forum. So we would like an opportunity to
11:55:12 15 consider that.

16 Unless there are any specific matters on which I can
17 assist, your Honour, those are the submissions we make.

18 PRESIDING JUDGE: One other matter, Mr Griffiths, before
19 you take your seat is the request for time, extended time, on the
11:55:40 20 outstanding motions and you cite six motions. I'm referring to
21 paragraph 13 of your motion.

22 MR GRIFFITHS: Yes.

23 PRESIDING JUDGE: Could you perhaps quickly take us through
24 the six motions just by title. Which six motions are you
11:55:55 25 referring to?

26 MR GRIFFITHS: Very well. I've already mentioned two. The
27 third is SCSL-03-01-T-3 --

28 PRESIDING JUDGE: Just refer to the motions by name, the
29 Defence -- Prosecution motion on such and such.

1 MR GRIFFITHS: It's a motion for an order to Court
2 Management Section to accept pleadings filed by the parties and
3 decisions of the Trial Chamber.

4 PRESIDING JUDGE: Sorry?

11:56:24 5 MR GRIFFITHS: That related to the August judicial recess.

6 PRESIDING JUDGE: Motion to accept what?

7 MR GRIFFITHS: It was a motion for an order to Court
8 Management, and I'm reading from the title I have here, Section
9 to accept pleadings filed by the parties and decisions of the
10 Trial Chamber. So that's the third one in addition to the two I
11 mentioned earlier.

12 In addition, there is a substantial outstanding matter.
13 It's the Prosecutor's motion for judicial notice. Effectively,
14 as I understand the position, the Prosecution would like certain
15 evidence to be placed before this Court by way of agreement which
16 would obviate the need to call live evidence. However, that
17 material comprises some four or so ring binders of material. We
18 have not yet had an opportunity to examine it, neither can we --
19 are we in a position to appreciate how that material might
20 impinge on other aspects of the case. Consequently, we will need
21 a substantial period of time to respond to that.

22 There is also a confidential Prosecution motion requesting
23 special measures for disclosure of Rule 70 material. That is
24 dated the 20th of June, 2007.

11:58:28 25 There is a further motion, a Prosecution motion, for
26 admission of material pursuant to Rules 89(C) and 92 bis dated
27 the 18th of May, 2007.

28 Now, for the purpose of completeness, your Honour, I also
29 understand that there are a number of motions awaiting decision

1 by the Trial Chamber, those including a Defence motion to exclude
2 and, in the alternative, limit the admittance of a particular
3 expert's testimony. Also, a Defence motion seeking special
4 measures with regard to Resolutions 1521 and 1532 of the United
11:59:38 5 Nations Security Council. And also a Prosecution notification of
6 change in witness status pursuant to Rule 73 bis (B)(iv) dated
7 the 8th of June, 2007.

8 PRESIDING JUDGE: With regard to this category of motions,
9 you are not asking for an extension of time, are you?

12:00:12 10 MR GRIFFITHS: In relation to these last three, no, I'm
11 not, your Honour, no.

12 But, your Honour, can I return briefly to the question of
13 expert evidence and indicate that we have not yet instructed any
14 experts. And of course our ability to deal with any proposed
12:00:35 15 expert evidence, that fact has to be taken into consideration.
16 But subject to that, unless there is any particular matter upon
17 which I can assist, those are our submissions.

18 PRESIDING JUDGE: Thank you, Mr Griffiths.

19 Briefly, before I ask the Prosecutor to respond, I want to
12:00:58 20 hear from Mr Jalloh on behalf of the Defence Office regarding the
21 method of disclosure of OTP material to the new Defence team.

22 MR JALLOH: Thank you, your Honour.

23 The obligation, your Honour, to return to the first
24 question, exists at a number of levels for Defence counsel who
12:01:25 25 may be leaving a case, and in the directive on the assignment of
26 counsel, Article 25(B) in particular, the obligation is spelled
27 out. It provides that -- Article 25(B), which speaks about the
28 replacement of counsel, where the assignment of counsel is
29 withdrawn by the Principal Defender, as he did with respect to

1 Mr Khan on June 14th, 2007, said counsel must deliver - and I'm
2 abbreviating the provision here - said counsel must deliver
3 within 15 days of withdrawal all the original documents in the
4 file to the counsel who succeeds him or to the Defence Office who
12:02:13 5 will then forward the documents to the new assigned counsel, or,
6 of course, where the suspect or accused has chosen to represent
7 himself, to the suspect or accused.

8 In view of the position of the Defence Office based on
9 consultations with Mr Taylor, we were of the view that Mr Taylor
12:02:36 10 was not representing himself so we did not take action in that
11 regard.

12 On the 12th of June, 2007, I received a letter from Mr Khan
13 proposing to hand over the original documents that he had in his
14 possession as lead counsel for Mr Taylor, and he drew a
12:02:55 15 distinction along the following lines: There was a hard copy of
16 the Prosecution disclosure which the Prosecution, of course, had
17 delivered to him, both in Freetown and in The Hague. And in that
18 letter he indicated that in the cupboards in the four offices
19 that had been allocated to the Defence was all the hard copies of
12:03:22 20 the disclosure.

21 Now, there was also a second category of disclosure which
22 was electronic material. That electronic material he had
23 received by agreement with the Prosecution almost as a courtesy,
24 as I understand it, subject to an undertaking by Mr Khan that if
12:03:40 25 he leaves the case he would transfer those materials back to the
26 Prosecution.

27 Now, this letter that I have here says this and that is in
28 cupboard 26428, 26415, and so on. I was given the keys to all
29 those cupboards which I kept in the Defence Office.

1 Now, what we proceeded to do was to prepare, as we would
2 have new counsel coming in, to hand over all those materials.
3 But the difficulty, of course, is one that had been raised before
4 from the point of view of my knowledge of the completeness or
12:04:17 5 lack thereof of the disclosure. As your Honours may recall, when
6 the Principal Defender appeared before the Chamber, he noted that
7 I was not privy to disclosure before the order had come from --
8 subsequent to which an order came from the Chamber when I was in
9 my role as Duty Counsel to Mr Taylor for that interim period
12:04:37 10 between July 3rd and the assignment of new counsel for Mr Taylor.

11 So basically we reviewed the state of the hard copies of
12 the disclosure in the Defence Office, categorised it along the
13 lines that we saw, and provided that material, handed over the
14 keys, to the new team when they came to The Hague just before
12:04:57 15 August 1st.

16 Now, I was informed in the letter from previous counsel on
17 the 12th of June that he would contact the Prosecution with
18 respect to the electronic disclosure and give it back to them. I
19 understood -- I learned subsequently that in fact, upon
12:05:15 20 approaching the Prosecution, they asked Mr Khan or members of his
21 team to pass the material back to myself or the Defence Office.

22 From my point of view, the distinction there that the
23 Defence Office could not receive electronic material was one that
24 was not cogent insofar as I, in any event, was acting as interim
12:05:40 25 Defence counsel for Mr Taylor. Of course, there are issues of
26 interpretation there that I would not bore the Chamber with.

27 But the bottom line is, if I may put it this way, your
28 Honour, we received hard copies of the material, and with respect
29 to electronic disclosure that was going back to the Prosecution,

1 the team -- the former team members did not provide me with the
2 material, even after, as I understand it, communications with the
3 Prosecution, until - until - as recently as last week when I was
4 asked to pick up a hard drive containing electronic disclosure.

12:06:11 5 And, your Honour, I may pause here --

6 PRESIDING JUDGE: To pick it up from where, Mr Jalloh?

7 MR JALLOH: From one of the team members, Ms Caroline
8 Buisman, a former legal assistant with Mr Khan.

9 PRESIDING JUDGE: Was this in accordance with the article
12:06:34 10 you just read out, within 15 days?

11 MR JALLOH: Well, your Honour, I think it goes to the
12 distinction that they drew about the electronic disclosure
13 separate from the hard copies. The hard copy, of course, I could
14 not verify the completeness or lack thereof. So, in fact, what
12:06:42 15 we did was we approached the Prosecution and they, as a matter of
16 courtesy, provided us all the copies of the disclosure letters.
17 We have an intern assisting us and she has been very helpful in
18 looking at the state of the material and cataloguing it and
19 cross-checking what the hard copy disclosure contained.

12:06:59 20 PRESIDING JUDGE: So can you ascertain to the Chamber
21 whether in fact this disclosure is now fully passed over to the
22 new Defence team?

23 MR JALLOH: Your Honour, we have a good chunk of the
24 disclosure, in the neighbourhood of perhaps 80 to 90 per cent,
12:07:16 25 that is contained in the cupboards. That has been passed over, I
26 mean access and custody to --

27 PRESIDING JUDGE: What has become of the 20 per cent?

28 MR JALLOH: Your Honour, we are cross-checking. There is
29 work to be done still in terms of the review and we are honestly

1 engaged upon that. But basically we did not remove any
2 materials. We handed over everything to the new team. What we
3 wanted to do was to sort it and to know what was there.

4 In this regard, I may mention, your Honours, once I was
12:07:46 5 appointed Duty Counsel, the Prosecution helpfully provided me
6 some of the disclosure materials that we had anticipated I might
7 need, and what I did was I kept those separate from the batch
8 that was in Mr Khan's possession. And it allowed us to track
9 very easily a list up to a certain date, because basically, your
12:08:10 10 Honours, up to June 4th would have been the responsibility of the
11 previous team to hand over to the Defence Office. After that
12 date, you are aware of the events and suffice it to say that the
13 disclosure that I received I could pass on. But there are some
14 materials that may have been served or was delayed to be served
12:08:31 15 from maybe middle of May to the team that came in subsequently.
16 All of those were added to the hard copy of the case file as we
17 have it.

18 PRESIDING JUDGE: Okay. Thank you, Mr Jalloh.

19 Could I request Mr Rapp, maybe, if you have any, or
12:08:50 20 Ms Hollis, if you have any relevant submissions.

21 MS HOLLIS: Thank you, your Honour.

22 Your Honour, as a point of clarification, the Prosecution
23 wishes to inform the Chamber that the Prosecution has never
24 requested delay because we were unprepared to proceed. We have
12:09:12 25 instead agreed with the Defence when they have shown cause for
26 delay. But we have been prepared to proceed with this case, as
27 the Trial Chamber has ordered, beginning with presenting evidence
28 on the 25th of June.

29 Now, in terms of the delay that is being requested, we

1 agree that the Defence has shown good cause for a reasonable
2 delay to be determined by your Honours in the exercise of your
3 sound discretion. We disagree, however, that the Defence is
4 starting from ground zero in all respects.

12:09:51 5 In terms of the current Defence counsels' understanding of
6 the material in this case, we certainly agree that they are at
7 ground zero, or very near. However, in terms of preparation for
8 this trial, they may build on the efforts of the prior Defence
9 team, so in that regard they are certainly not at ground zero.

12:10:17 10 It is of concern to be in court today and to hear that this
11 new Defence team has received so many materials which apparently
12 belong to the accused, and that they have only surfaced at this
13 late date. This, of course, may occasion additional delay, but
14 one must wonder why the accused did not direct that these
12:10:40 15 materials be provided to the prior Defence team so that they
16 could understand them and incorporate them into their own trial
17 preparation. Of course, having said this, the current Defence
18 team had no access to these materials, so it is a factor that you
19 must consider.

12:11:00 20 In terms of disclosure, we believe that Article 25(B)
21 indicates that rather than coming back to the Prosecution,
22 disclosure materials either go back to the Principal Defender's
23 Office or to the new Defence team. In regard to the electronic
24 copies, we had great concern that electronic copies be very
12:11:24 25 carefully protected because it is so easy to unlawfully
26 disseminate them. However, as you have heard, once this team was
27 appointed, once they signed the contracts, we did indicate that
28 these materials should go directly to them. And even prior to
29 that, we indicated that the materials should go either to the

1 Duty Counsel or to the Principal Defender's Office.

2 So we have been trying to assist to ensure that the new
3 Defence team has all of the disclosure material as soon as
4 possible. We also provided them with very detailed receipts of
12:12:01 5 every document that we had previously disclosed, and we have
6 indicated that once they have completed their inventory, we will
7 very promptly provide them with any documents they are missing.

8 We believe we have fulfilled our obligations for disclosure
9 and do have some concern that there may be unaccounted-for
12:12:28 10 documents which are not in the public domain. So we very
11 anxiously await a full accounting of all the disclosure we have
12 made in the past.

13 Turning to the time for filing a response to our expert
14 reports, we have no objection. The 14 days is in keeping with
12:12:49 15 the Rule, and given that this is a new Defence team, we have no
16 objection to them taking 14 days.

17 In terms of the crime base evidence, the crime base
18 evidence of course is relevant because we're required to prove
19 the crime base beyond a reasonable doubt, both the contextual
12:13:08 20 elements and the underlying offences. We do not believe that we
21 are obliged to call all crime base witnesses live. And, indeed,
22 if you look at our disclosure and you look at the materials you
23 received as part of our pre-trial conference materials, you will
24 note that we had approximately 76 witnesses we considered crime
12:13:29 25 base witnesses and we intended to call only 10 witnesses live.
26 So we do not believe that we have to put all of them on live, nor
27 do we believe we have an obligation to provide this Court with
28 only a paper case of the victims of the crimes that have
29 occasioned this trial in the first place.

1 We are, of course, very happy to speak with the Defence to
2 see if they will stipulate as to the crime base and then to
3 readjust our presentation accordingly. However, even when a
4 crime base is stipulated to, the Prosecution may provide the
12:14:05 5 facts and circumstances surrounding the crimes which have been
6 stipulated to. Otherwise, the Court has no basis to determine if
7 the stipulation should be granted by this Court and they have no
8 basis for understanding the environment and the circumstances in
9 which these crimes were committed.

12:14:25 10 So we do believe we would have a right to present at least
11 some witnesses live, but we would also have the right, if there
12 were stipulations, to present written statements or prior
13 testimony so that your Honours would have the benefit of the
14 facts and circumstances surrounding the commission of the crimes
12:14:44 15 which bring us all here into court today.

16 Your Honours, again, we have no objection to the Defence
17 request for delay. We believe that a reasonable delay is
18 warranted in the interests of fair trial, and we leave it to your
19 Honours' sound discretion to determine the length of time for
12:15:05 20 that delay.

21 PRESIDING JUDGE: Would that be all, Ms Hollis?

22 MS HOLLIS: Yes, your Honour, unless your Honours have any
23 questions.

24 PRESIDING JUDGE: Mr Griffiths, is there anything you would
12:15:42 25 like to say in rebuttal?

26 MR GRIFFITHS: I don't think there is, your Honour, no,
27 unless there's any particular question that your Honour has.

28 PRESIDING JUDGE: It's now a quarter past 12 by my watch.
29 The Judges Would request a 3-minute -- 30-minute recess, I beg

1 your pardon, to be able to give some kind of interim orders
2 regarding various issues that have now arisen.

3 We will recess until a quarter to 1:00.

4 MS IRURA: All rise.

12:16:36 5 [Recess taken at 12:16 p.m.]

6 [On resuming at 1:07 p.m.]

7 MS IRURA: All rise. Please be seated.

8 PRESIDING JUDGE: Good afternoon. I apologise for the
9 delay. We needed a little extra time to consider the issues
10 before us.

11 The following is the ruling of the Court on a number of
12 issues raised by the Defence in the motion for extended time.

13 First of all, regarding the request to extend time to file
14 various responses to various pending motions.

13:08:20 15 Firstly, with regard to the Prosecution motion for judicial
16 notice - this is document 236 - the time limit was initially
17 extended by the Trial Chamber to the 20th of August, which is
18 today. However, in light of the request, the Defence request,
19 the Trial Chamber now extends the time limit for filing the
13:08:52 20 response to this motion by 21 days from today. The reply, of
21 course, will be filed within the usual statutory period after the
22 response has been filed, that is, five days.

23 Now, with regard to the Prosecution motion for admission of
24 materials pursuant to Rule 89(C) and Rule 92 bis, again, the
13:09:16 25 Trial Chamber grants an adjournment of -- an extension of 21 days
26 from today within which to file the Defence response.

27 With regard to the confidential motion seeking special --
28 this is the confidential Prosecution motion seeking special
29 measures for disclosure of Rule 70 material, the Chamber did on

1 the 30th of July extend the time for filing a response to the
2 30th of August, 2007. We see no reason to depart from that order
3 and so the order remains. The response will be filed, or should
4 be filed, by the 30th of August with regard to that particular
13:10:03 5 motion.

6 Now, with regard to the Prosecution motion to rescind
7 protective measures, we will grant 10 days' extension from today
8 within which to file the Defence response.

9 Now, according to our records, these are the four pending
13:10:26 10 motions that would necessitate an extended time within which to
11 file a Defence response.

12 As regards the request for extended time in responding to
13 the various expert reports that have been filed by the
14 Prosecution, we note that already I think two of the reports have
13:10:49 15 been responded to by the previous Defence team. However, there
16 are two other pending reports which the Defence requested an
17 extension of time within which to respond, pursuant to Rule 49
18 bis (B) of the Rules -- sorry, 94 bis (B) of the Rules. The
19 first is the expert report by Witness TFI-150, and that will be
13:11:20 20 document 242. The second one is the expert report by Witness
21 TFI-358, that is, document 282. For each of these expert
22 reports, the Prosecution has been granted 14 days' adjournment,
23 14 days from today, within which to respond pursuant to that
24 Rule.

13:11:51 25 I also wish to mention the -- did I say the Defence?
26 Within which the Defence should respond. Sorry, I beg your --
27 sometime my tongue runs away with me. I beg your pardon.

28 Regarding the Prosecution motion for -- this is a long
29 title, motion for an order to Court Management to accept

1 pleadings filed by the parties and decision of the Trial Chamber
2 during the August recess and for appointment of a Designated
3 Judge - this was a motion filed on the 18th of July, 2007 - the
4 Trial Chamber is of the view that the issues raised in that
13:12:32 5 motion are now defunct and overtaken by today's proceedings.
6 Therefore, this motion is technically dismissed because there's
7 no need for the Defence to respond -- maybe they even have
8 responded and pleadings have closed. But there's no need for a
9 court order because we've handled most of the issues raised --
13:13:02 10 all of the issues raised in that order.

11 Which brings me to the final and probably most important
12 aspect of today's proceedings which was to consider, basically,
13 the Defence request for extended time for the resumption of this
14 trial.

13:13:20 15 Now, the Trial Chamber, first of all, has taken into
16 account both the written submissions and the oral submissions of
17 the parties in court today in reaching its decision. We have
18 taken into account the fact that a new Defence team was appointed
19 very late, at the end of July of this year, and effectively
13:13:44 20 started its work on the 1st of August, 2007.

21 Now, although the Defence motion seeks to address both the
22 issue of adequate time and adequate facilities to prepare, they
23 have not made out any arguments for the lack of adequate
24 facilities. The Chamber therefore makes no orders in regard to
13:14:06 25 the provision of adequate facilities.

26 Now, regarding the request for adequate time, we note that
27 the Defence effectively asks for a delay of four months from
28 today within which to be able to start the trial in a prepared
29 manner. We note also that the Prosecution does not oppose the

1 motion and concedes that the Defence has established good cause
2 for a reasonable delay to allow them this time to prepare. The
3 Chamber also notes that the Prosecution concedes that the
4 duration of an adjournment is entirely within the discretion of
13:14:51 5 the Trial Chamber but does not oppose the Defence request for a
6 new trial date of 7th of January, 2008. The Trial Chamber
7 further notes the submissions by the Defence that additional time
8 to prepare at this stage, at the beginning of the trial, may
9 assist in considerably shortening the actual duration of the
13:15:17 10 trial, a matter which the Prosecution also agrees with.

11 The Trial Chamber is of the view that the new Defence team
12 is entitled to adequate time to consider the material already
13 disclosed by the Prosecution in addition to the new material that
14 the Defence team has received from the personal archives of the
13:15:39 15 accused in Liberia.

16 The Trial Chamber is cognizant of the fact that it has a
17 duty under Rule 26 bis to ensure a fair and expeditious trial.
18 However, this duty has to be carefully balanced with the
19 fundamental rights of the accused to a fair trial under Article
13:16:00 20 17 of the Statute, which rights include the right to adequate
21 time to prepare.

22 In the Chamber's view, the period of four months that has
23 been requested by the Defence is, indeed, a reasonable period
24 given the complexity of the case with which the new Defence team
13:16:21 25 now has to grapple. Accordingly, the Trial Chamber grants the
26 Defence motion and orders that the trial be adjourned for hearing
27 to Monday, the 7th of January, 2008.

28 In the meantime, the Court orders that we will hold a
29 Status Conference on Thursday, the 20th of September - this is

1 exactly a month from today - and thereafter the Trial Chamber
2 intends to hold regular Status Conferences to monitor the
3 progress of the preparations and incidental matters on dates to
4 be fixed on notice.

13:17:05 5 Accordingly, the proceedings of today are adjourned to
6 Thursday, the 20th of September, 2007, for purposes of the first
7 Status Conference after today.

8 The Court accordingly adjourns.

9 [Whereupon the hearing adjourned at 1:17 p.m.]

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