



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

Thursday, 20 September 2007
11:00 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 Doreen Kiggundu

For the Registry:

Mr Michael Adenuga
Ms Rosette Muzigo-Morrison
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths, QC
Mr Terry Munyard
Mr Morris Anyah
Mr James Supuwood

For the Office of the Principal
Defender:

Mr Charles Jalloh

1 Thursday, 20 September 2007

2 [Status Conference]

3 [Open session]

4 [The accused present]

10:55:16 5 [Upon commencing at 11.00 a.m.]

6 COURT OFFICER: The Special Court for Sierra Leone is
7 sitting for a Status Conference pursuant to Rule 54. Please be
8 seated.

9 PRESIDING JUDGE: Good morning. We could take appearance
11:01:00 10 today from the parties, please.

11 MS HOLLIS: Good morning, Madam President, your Honours.
12 Brenda J Hollis, Senior Trial Attorney; Nicholas Koumjian, Trial
13 Attorney; Maja Dimitrova, Case Manager, appear for the
14 Prosecution today.

11:01:20 15 MR GRIFFITHS: May it please, your Honour. The Defence are
16 represented today by myself, Courtenay Griffiths, Queen's
17 Counsel; my learned friend Mr Terry Munyard; my learned friend
18 Mr Morris Anyah; and my learned friend Counselor Supuwood. And
19 also from the Office of the Principal Defender we are joined by
11:01:42 20 Mr Charles Jalloh.

21 PRESIDING JUDGE: Thank you. We will formally adopt the
22 agenda for today's Status Conference. That agenda is as
23 published in the Trial Chamber's order of the 14th of September,
24 and any additional issues will be dealt with under item agenda
11:02:07 25 number 6.

26 I don't know why there's a ring in the headphones. Could
27 Court Management find out why the headphones are ringing?

28 The first item agenda is the composition of the Defence
29 team and the legal status of the additional co-counsel. We've --

1 the Bench has received a copy -- no, actually this was a letter
2 addressed to Trial Chamber II Judges by the Office of the
3 Principal Defender, dated 17th September, informing us of the
4 composition of the Defence team in -- in what the Principal
11:03:00 5 Defender termed the "core legal Defence and the Defence support."

6 Could I just confirm from Mr Griffiths that you're aware of
7 the document I'm speaking of?

8 MR GRIFFITHS: I am aware of the document, your Honour,
9 yes.

11:03:17 10 PRESIDING JUDGE: And indeed that the composition is as is
11 indicated in that document, is it?

12 MR GRIFFITHS: Your Honour, yes.

13 PRESIDING JUDGE: I would just simply like to observe with
14 regard to the person named as the case manager. This lady
11:03:47 15 appears as -- as number 6 under the core legal Defence list.

16 An issue did arise some time back as to a potential
17 conflict of interest, because this particular individual is
18 married to one of the staff working in another department of the
19 Special Court, and there was concern that there might arise a
11:04:24 20 potential conflict of interest because these people are working,
21 as it were, from two different ends. The husband of this lady
22 works with the Witnesses and Victims Support, while this lady is
23 on the Defence team.

24 However, we have since received a formal letter from the
11:04:52 25 Prosecutor, Mr Stephen Rapp, indicating that he has no objection
26 to this arrangement whereby husband and wife are working in this
27 regard, in the manner I have described.

28 I just wish to request or to ask and find out from
29 Ms Hollis whether this indeed is the case, that the Prosecution

1 has no objection.

2 MS HOLLIS: Thank you, your Honour. At this time the
3 Prosecution has no basis for objection. So at this time the
4 Prosecution has no objection.

11:05:32 5 MR GRIFFITHS: Your Honour --

6 PRESIDING JUDGE: Ms Hollis --

7 MR GRIFFITHS: I'm sorry.

8 PRESIDING JUDGE: Just let me finish with Ms Hollis.

9 The -- when the concern arose, it was because the people
10 concerned were of the view that there was a potential conflict of
11 interest. They did not allege any conflict of interest but,
12 rather, potential, and out of an abundance of caution did request
13 personnel to look into this and to ask the parties, in particular
14 the Prosecutor, whether he agreed that there was this potential
11:06:04 15 conflict of interest or he didn't.

16 To me it makes no sense to ignore a potential conflict of
17 interest and object later when something goes wrong. So when you
18 say for now you have no objection, are you saying that later you
19 may have an objection?

11:06:21 20 MS HOLLIS: Your Honour, we believe that we should have a
21 basis for an objection and not on speculation. We do not
22 anticipate that there will be a basis for objection. However,
23 perception, as well as reality, is a factor we must consider. So
24 it is for that reason that the Prosecution has phrased its
11:06:43 25 response as it has.

26 We see no basis for objection at this time. We do not
27 anticipate in the future there will be a basis for objection, but
28 we cannot preclude that possibility because of potential
29 perception issues, particularly among Prosecution witnesses.

1 PRESIDING JUDGE: Very well, Ms Hollis.

2 Does Mr Griffiths have anything to say in this regard?

3 MR GRIFFITHS: Can I add this -- [Microphone not
4 activated]. Mrs Moilanen works in an administrative capacity
11:07:23 5 with our team. She has been employed on a six-month contract
6 with a view to being the case manager for that period of time.

7 Now, no doubt the Prosecution have taken into account the
8 role that she will play in our team in providing to your Honour
9 the reassurance which my learned friend now has regarding the
11:07:47 10 Prosecution's view as to her position, and it seems to us that
11 that position is right. There is no basis that seems to us for
12 there being any even potential conflict of interest given the
13 role played within our team. So I anticipate that we can give
14 that whole-hearted reassurance to the Court that no such
11:08:10 15 difficulty will arise in due course.

16 PRESIDING JUDGE: Thank you, Mr Griffiths. We appreciate
17 that.

18 Ms Hollis, you've -- you've received a copy of the list
19 from the Principal Defender of the Defence team. Are there any
11:08:26 20 administrative issues that you want to address regarding this
21 team or none?

22 MS HOLLIS: Your Honour, there is one issue that we have
23 raised with the Defence that may become an issue later on, and
24 that has to do with assurances of the protection of non-public
11:08:44 25 materials that may be reviewed by members of the Defence team who
26 are not assigned. But as I say, we have sent that request for a
27 solution to the Defence and we anticipate we will be able to
28 receive the assurances that we need.

29 PRESIDING JUDGE: Thank you, Ms Hollis.

1 And, Mr Griffiths, I believe that is the case.

2 MR GRIFFITHS: My learned friend anticipates -- [Microphone
3 not activated]... nature of some of the material provided to us
4 by the Office of the Prosecutor, and we'll, of course, endeavour
11:09:26 5 to ensure that no such material comes into the possession of
6 anyone who hasn't -- who is not aware of the importance of
7 confidentiality and non-disclosure of that material. So I can
8 give that assurance.

9 PRESIDING JUDGE: So that disposes of agenda item number 1.
11:09:48 10 The second item on the agenda relates to the ongoing
11 disclosure obligations.

12 During the last Status Conference it was brought to the
13 Judges' attention that the Defence was not sure whether all the
14 materials formally disclosed to the former Defence team had
11:10:12 15 actually been transferred to the new Defence team, and they were
16 going to look into this and report at this Status Conference the
17 status of -- of the disclosure.

18 Could we hear from Mr Griffiths if it's now satisfactory?

19 MR GRIFFITHS: Your Honour, I think I have the gist of the
11:10:45 20 issue which troubles your Honour. We were -- we experienced some
21 difficulty in understanding and fully appreciating the filing
22 system adopted by the previous team. We've now, with the
23 assistance of Mrs Moilanen, identified to our mind all materials
24 which have been disclosed by the Prosecution and are now
11:11:17 25 confident that we have all such materials within our possession.
26 And we'd like to thank the Office of the Prosecutor for the
27 assistance they've provided to us, in particular over the last
28 few days in terms of cross-referencing material and generally
29 assisting us in -- assisting and assuring us that we do have

1 everything now at our disposal .

2 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Griffiths,
3 it would help if you could wear your earphones. You might hear
4 better.

11:12:02 5 MR GRIFFITHS: Pardon?

6 PRESIDING JUDGE: If you wore your earphones, you might
7 hear us better. I know it's clumsy, but you'll get the hang of
8 it.

9 Ms Hollis, is there anything you'd want to comment on item
11:12:18 10 agenda number 2.

11 MS HOLLIS: No, your Honour.

12 PRESIDING JUDGE: Agenda item number 3 regards the pending
13 motion, and in this regard I don't plan to go into the merits of
14 the motions but simply to thank the parties, because the -- it
11:12:42 15 wasn't easy bringing in all the pleadings. But I think with the
16 exception of one motion, namely the Prosecution motion for
17 admission of materials pursuant to Rule 89(C) and Rule 92 bis,
18 the reply with regard to this particular motion, which is due, I
19 think, on the 24th of September, the pleadings with regard to
11:13:09 20 every other motion have come in in a timely manner, and the Bench
21 is currently considering these motions and will be issuing their
22 decisions with regard thereto shortly.

23 Is there anything administrative that the parties would
24 like to address regarding the pending motions?

11:13:40 25 MS HOLLIS: Nothing for the Prosecution, your Honour.

26 MR GRIFFITHS: Likewise, your Honour.

27 PRESIDING JUDGE: Thank you. Agenda item number 4. This
28 is a progress with regard to agreed facts.

29 As you know, the longer the list of agreed facts, the

1 closer we are -- or the shorter the trial should be.

2 The Defence did indicate that in addition to the facts --
3 the very few facts agreed to by the former Defence team, the new
4 Defence team would be looking to explore other areas of
11:14:18 5 agreement.

6 Now, one month later we do not know what -- what the
7 situation is, whether there's progress in that regard or not.
8 We're not putting pressure on you to give us a list today, but we
9 just wish to know if there's progress or if there are
11:14:36 10 difficulties you're encountering in this regard.

11 Mr Griffiths.

12 MR GRIFFITHS: Mr Anyah is going to deal with this topic,
13 your Honour.

14 MR ANYAH: Good morning, your Honour Madam President,
11:14:49 15 I learned counsels for the Prosecution. May it please the Court,
16 initially when we saw this item on the agenda, it was a little
17 bit unclear to us the specific nature of the discussion that
18 would take place today, but given the comments from your Honour
19 Madam President, I would make a few observations.

11:15:12 20 The Court, in its comments, indicated that the new Defence
21 team has accepted whole-heartedly the facts that were previously
22 agreed to with the Prosecution by the former Defence team. In
23 preparing for the Status Conference today, we did review those
24 facts once again, and two slight observations or, shall we say,
11:15:43 25 proposed corrections did come to mind. With the Court's
26 permission, I would briefly point those out for purposes of
27 making the record.

28 The first one is fact number 6. And for the record, the
29 document to which I refer was file stamped with the Registry on

1 April the 26th, 2007. The CMS number is number 227. The title
2 of the submission is, "Joint Filing by the Prosecution and
3 Defence: Admitted Facts and Law."

4 With respect to item number 6, in that submission it is
11:16:36 5 there stated that Liberia became a member -- Liberia became a
6 Member State of the Economic Organisation of West African States
7 in 1975. I think the correction we would propose to the Court,
8 and to the Prosecution as well, is that ECOWAS stands for the
9 Economic Community of West African States.

11:17:01 10 And with regard again to item number 14, it is there stated
11 that: "Sierra Leone is a country in Western Africa, whose
12 western shores touch the Atlantic Ocean and whose neighbouring
13 countries include, inter alia, Guinea and Liberia."

14 Our proposed correction would be that Sierra Leone is
11:17:28 15 bordered by only two countries and not, inter alia, by Guinea and
16 Liberia. Those two countries, of course, being Guinea and
17 Liberia. And with those proposed corrections to the extent they
18 are agreed to by the Prosecution, this Defence team would be
19 pleased to accept all the facts that were previously agreed to
11:17:52 20 with the Prosecution by the prior Defence team.

21 With respect to the issue of prospective agreed facts and
22 law between the parties, the exercise that we recently undertook
23 in responding to the Prosecution's respective motions for
24 judicial notice, as well as their motions for the admission of
11:18:18 25 materials pursuant to Rules 89(C) and 92 bis, that exercise
26 explicated set-in areas to which we could arrive at for the
27 agreement. We would, however, ask for the Chamber's indulgence
28 to allow us a few weeks to revisit that issue, perhaps at a
29 future Status Conference, by which time it would be fair to say

1 that the parties would have presented further facts to the
2 Chamber in the nature of a stipulated agreed facts and law.

3 Thank you, your Honour.

4 PRESIDING JUDGE: Mr Anyah, by "a few weeks" you mean
11:19:02 5 exactly what? Four weeks, six weeks? By the next Status
6 Conference you might have indicated additional agreed facts?

7 MR ANYAH: Yes, Madam President. I would -- I would
8 propose, if it please the Court, a minimum period of at least six
9 weeks. Perhaps the middle of November, if your Honours please.

10 PRESIDING JUDGE: Very well. I think that sounds
11 reasonable.

12 MR ANYAH: Thank you.

13 MR GRIFFITHS: Your Honour, could I just add to that?
14 We've given the matter some consideration and felt that it would
11:19:52 15 be of assistance to the Court to have a further Status Conference
16 before the commencement date for the trial currently set for the
17 7th of January, and we felt given the - pardon me - amount of
18 work which we still feel needs to be addressed, a date sometime
19 in mid-November would be most convenient for -- in terms of the
11:20:13 20 progress of our preparation and also giving us sufficient time
21 before the commencement of the trial to iron out any wrinkles
22 which might emerge at such a further meeting of the Court.

23 PRESIDING JUDGE: Mr Griffiths, if you might recall, at the
24 last Status Conference, towards the end I did indicate that the
11:20:36 25 Bench intended to hold regular, in fact monthly, Status
26 Conferences between then and the 7th of January, this being the
27 second of those Status Conferences, because we -- we believe that
28 if we had these regular monthly meetings it would give the
29 parties a chance to address any developments or difficulties they

1 might encounter in between the Status Conferences, to bring those
2 to the attention of the Court, and also to gauge the progress of
3 preparations. So your request has already been granted, and
4 we've done one better by scheduling regular monthly Status
11:21:22 5 Conferences.

6 We don't want you to feel that we're putting undue
7 pressure, but we need -- we have a duty as the Judges to ensure
8 that preparations are indeed continuing and are running smoothly,
9 and to iron out as many issues as possible before the 7th of
11:21:39 10 January next year.

11 MR GRIFFITHS: [Microphone not activated] ... was making was
12 this: I was hoping perhaps to prevent you from enjoying the
13 pleasures of The Hague for -- on another occasion in October by
14 suggesting that the next meeting be in mid-November, unless, of
11:21:57 15 course, the Court feels it necessary to hold a conference in
16 October as well.

17 PRESIDING JUDGE: Mr Griffiths, for your information, we
18 have no choice. We live here.

19 [Trial Chamber conferred]

11:23:07 20 PRESIDING JUDGE: Ms Hollis, we were thinking of having a
21 Status Conference in October, but if -- if the parties think that
22 October may be too soon and there won't have been that much
23 progress to report upon, we could defer and instead hold this
24 somewhere in the middle of November. I don't know. We want to
11:23:28 25 hear your views before we decide.

26 MS HOLLIS: Thank you, Madam President. At this point the
27 Prosecution would be inclined to agree with the Defence that the
28 next scheduled one could be November, realising, of course, that
29 matters may arise of which we are not aware now which would

1 require a meeting in October. But scheduling the next regular
2 session, the next Status Conference, for November would in no way
3 preclude the Court from setting a date in October if it were
4 determined to be necessary.

11:24:43 5 [Trial Chamber conferred]

6 PRESIDING JUDGE: Okay. This was going to come in rather
7 later in the fixing of the date for the next Status Conference,
8 but while we're at it, we are thinking -- or we're proposing
9 Tuesday, the 13th of November, as a probable date for the next
10 Status Conference then.

11:25:06

11 That seems agreeable to the parties.

12 MR GRIFFITHS: Your Honour, yes.

13 PRESIDING JUDGE: Okay.

14 MS HOLLIS: Yes, your Honour.

11:25:17

15 PRESIDING JUDGE: Okay. So tentatively Tuesday, the 13th
16 of November, we would hold the next Status Conference to review
17 progress.

18 But to proceed with the agenda items for today, there's the
19 issue of the witness lists. I would imagine that it's a little
20 early for the Prosecution to issue their witness lists for the
21 start of the hearing in January. I don't know if there are any
22 issues between the parties regarding witness lists, but this was
23 one of the items that we put on the agenda for today.

11:25:39

24 MS HOLLIS: Your Honour, it is a bit early to have a final
25 list for the first session. We do, of course, at this point have
26 our entire witness list in the order we wish to call them.
27 However, logistics and other matters may arise so that it would
28 be better to wait until later to provide a definitive list for
29 the first session.

11:26:05

1 PRESIDING JUDGE: Very well, Ms Hollis.

2 Mr Griffiths, is there any comment?

3 MR GRIFFITHS: I think it's premature to be discussing this
4 matter now, your Honour, frankly.

11:26:37 5 PRESIDING JUDGE: This then brings me to agenda item number
6 6, which is any additional issues that maybe the Prosecution
7 never got to -- to file with the Chamber in time.

8 MS HOLLIS: Your Honour, we have nothing additional at this
9 time.

11:27:02 10 PRESIDING JUDGE: Defence?

11 MR GRIFFITHS: Your Honour, there's just one matter which
12 we mention at this stage, not intending to raise it formally but
13 merely to make the Court aware that in due course it is a matter
14 we may seek to address before your Honours.

11:27:22 15 Various issues have arisen which give us cause for concern
16 concerning the accused's condition of detention. I do not
17 propose to trouble the Court with those issues at this stage,
18 because in the first instance we will raise the matters with the
19 Office of the Registrar, he having principal and direct
11:27:45 20 possibility for the conditions of detention of the accused, but
21 we do alert the Court that if in due course we are unable to
22 resolve these issues with the Registrar, then it seems to us only
23 proper that they are matters which ought to be brought to the
24 attention the Court.

11:28:06 25 PRESIDING JUDGE: Very well, Mr Griffiths. That is indeed
26 the procedure.

27 [Trial Chamber conferred]

28 PRESIDING JUDGE: There being no other business, I think we
29 will adjourn, and the next Status Conference is scheduled for

1 Tuesday, the 13th of November. We will in due course publish, of
2 course, an agenda for that particular Status Conference.

3 Court is adjourned accordingly. Thank you.

4 [Whereupon the hearing adjourned at 11.29 a.m.]

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