



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 25 AUGUST 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Julia Sebutinde
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr William Romans
Ms Sidney Thompson

For the Registry:

Mr Gregory Townsend
Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munday
Mr Morris Anyah

1 Monday, 25 August 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:22:02 5 PRESIDING JUDGE: Thank you. Before I take appearances and
6 proceed with the evidence, I understand there may be a problem
7 with the microphones and the recording. Madam Court Attendant,
8 could you please advise us what the situation is?

9 MS IRURA: Your Honours, we have been informed by the AV
09:29:37 10 booth that the microphone systems have gone down. They are
11 presently not working. This translates into the fact that there
12 cannot be a recording of the proceedings or a broadcast to Sierra
13 Leone and presently they are trying to rectify the situation by
14 trying to get some equipment from courtroom 1 to see if we can
09:30:01 15 proceed as soon as they do that.

16 PRESIDING JUDGE: Have they given you any indication of how
17 long it will take, because I notice LiveNote appears to be
18 recording as we speak.

19 MS IRURA: Your Honour, there is no indication. This is
09:30:17 20 the broadcast on the DV cam, the tapes, the record of the audio
21 and the visual feed of the proceedings.

22 PRESIDING JUDGE: Thank you. Allow me to confer.

23 [Trial Chamber conferred]

24 In the circumstances it is obviously important that the
09:31:07 25 full recording is maintained. We will be obliged to adjourn
26 temporarily until this matter is sorted out and I will then note
27 the presence of Mr Townsend in the Court. We will deal with his
28 matter before we proceed after this is rectified. Please adjourn
29 court temporarily.

1 [Break taken at 9.32 a.m.]

2 [Upon resuming at 10.07 a.m.]

3 PRESIDING JUDGE: Before I take appearances and proceed, I
4 note that this Court resumed its sitting at its normal commencing
10:07:01 5 time of 9.30, but due to a technical problem outside of our
6 control we were obliged to adjourn temporarily until the
7 recording system was fixed and for that reason there has been no
8 hearing until now at 10.08. Can I take appearances, please.

9 MR KOUMJIAN: Good morning your Honours. Nicholas Koumjian
10:07:28 10 and Maja Dimitrova for the Prosecution.

11 PRESIDING JUDGE: Thank you, Mr Koumjian. Mr Munyard?

12 MR MUNYARD: Good morning your Honours, good morning
13 counsel opposite. For the Defence: Courtenay Griffiths QC,
14 myself Terry Munyard and Morris Anyah.

10:07:44 15 PRESIDING JUDGE: Thank you. Before reminding the witness
16 of his oath and proceeding to hear his evidence, I will again
17 note the presence of Mr Townsend, the head of the sub-office in
18 court, and ask for his report as directed last week.
19 Mr Townsend?

10:08:02 20 MR TOWNSEND: May it please the Trial Chamber, thank you,
21 your Honours. In compliance with your decision of 19 August 2008
22 the Registry has submitted before you a confidential four page
23 report with a one page attachment which is also confidential
24 which is a letter from the EBB, or the guarding and protecting
10:08:26 25 service which comes under the Department of Justice of the
26 Netherlands. They informed us of the reasons for the increase in
27 the security level and we, on behalf of the Registry, have again
28 pursued this at the next higher level which is the Department of
29 Prisons or the DJI and as of Friday they have informed us that

1 they are unable to cease the two practices to which Mr Taylor
2 objects. We are waiting for something in writing to that effect.

3 We will continue our efforts to relieve these practices
4 being put in place for Mr Taylor, but that is my report and the
10:09:10 5 confidential report contains more details, your Honours. Thank
6 you.

7 PRESIDING JUDGE: Thank you, Mr Townsend, and thank you for
8 your efforts. Mr Griffiths addressed the Court on this matter
9 before. Mr Griffiths, are you addressing in relation to the
10:09:27 10 report presently before us?

11 MR GRIFFITHS: Madam President, I would like to inform the
12 Court of Mr Taylor's position in light of the report prepared by
13 Mr Townsend which we had sight of this morning. We are dismayed
14 at the attitude of the Dutch authorities because noting as we do
10:09:52 15 the contents of in particular paragraph 15, page 3, of
16 Mr Townsend's report, your Honours will see that the measures
17 requested by the Dutch authorities have been targeted at three
18 named individuals.

19 However, in this context it should be noted that the first
10:10:18 20 named individual's [Redacted]. Consequently in reality he will
21 not be subject to these measures, although he has also informed
22 his lawyers that he will refuse to accept these measures.

23 Secondly, the third named individual in paragraph 15,
24 [Redacted], is unlikely in the circumstances to be required to
10:10:59 25 attend court in the near future, if at all. So consequently of
26 the three named individuals only one will in practice be subject
27 to this regime and that is Mr Taylor. We note in that regard
28 that your Honours observed on Tuesday last, 19 August, having
29 received further information from Mr Townsend in chambers, that

1 there is no rational basis or justification for Mr Taylor to be
2 subject to these security measures.

3 Now, Mr Taylor's instructions to me are quite clear as
4 relayed to this Court and as noted at paragraph 11 of
10:11:48 5 Mr Townsend's report. Those instructions being that his
6 continued attendance was conditional on this matter being
7 addressed. He remains anxious that his trial continue, but
8 cannot accept in all conscience that he can allow his humanity to
9 be demeaned in this way. Therefore, extremely reluctantly he
10:12:15 10 will refuse to attend court so long as these measures remain in
11 place.

12 Now, in conclusion we observe that this Court cannot be
13 powerless to issue orders to rectify this situation. Mr Taylor
14 is after all under the power and control of this Court which is
10:12:38 15 in turn fully able to control the proceedings to ensure the
16 orderly and efficient progress of the trial. By analogy, if the
17 Dutch authorities refused to provide medical attention to
18 Mr Taylor in a situation in which he clearly required it I ask
19 rhetorically would this Court be powerless to act? I think not.

10:13:06 20 We therefore do not accept Mr Townsend's conclusion that
21 the Registry is powerless to act in this situation and would
22 request that further efforts be made to rectify this situation as
23 soon as possible. Those are our observations, your Honour.

24 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Koumjian, is
10:13:30 25 there any matter that you consider pertinent to comment upon?

26 MR KOUMJIAN: Your Honours, just perhaps as a friend of the
27 Court and the Registry I just wonder if the information about the
28 other individuals should be public or not? And I would point out
29 that at least for one of the individuals there are media reports

1 quite clear that that individual has a court date in the very,
2 very near future, so that's not correct information, but other
3 than that I have no further submissions, thank you.

4 PRESIDING JUDGE: Thank you.

10:14:06 5 [Trial Chamber conferred]

6 We have considered the report and heard counsel. We note
7 the report and the efforts of the head of office in The Hague to
8 have the transport regime of Mr Taylor changed. We restate our
9 earlier observations that the implementation of this regime has
10:19:52 10 not been due to any action or misbehaviour on the part of the
11 accused, Mr Taylor, and nothing in this further report causes us
12 to change that view. It appears to the Trial Chambers that the
13 remedies of the accused, Mr Taylor, have not been exhausted and
14 an appeal now lies to the President of the Court. In the
10:20:19 15 meanwhile, the accused is required to attend the hearing pending
16 further resolution of the matter.

17 Mr Griffiths - a small discussion with my learned
18 colleagues. Are you clear on the third point that has been made?

19 MR GRIFFITHS: Your Honour, we think we are.

10:21:16 20 JUDGE SEBUTINDE: Mr Griffiths, just to clarify, it's not
21 the chamber, the Trial Chamber, that appeals to the President.
22 That is just to remove that ambiguity. It is the prerogative of
23 the Defence if they so wish to pursue an appeal with the
24 President.

10:21:35 25 MR GRIFFITHS: I am grateful, your Honours, and we
26 understood that. Thank you.

27 PRESIDING JUDGE: If there are no other matters I will now
28 remind the witness of his oath and we will proceed with his
29 evidence. Mr Witness, I again remind you, as I have done on

1 other mornings that you are under oath, you are obliged to answer
2 questions truthfully. Do you understand?

3 THE WITNESS: Yes.

4 WITNESS: TF1-375 [On former oath]

10:22:02 5 PRESIDING JUDGE: Please proceed.

6 MR MUNYARD: Madam President, we were in private session.

7 PRESIDING JUDGE: I will check if that is still in order as
8 we may not be in view of the procedural matters before us.

9 Please advise, Madam Court Officer.

10:22:20 10 MS IRURA: Your Honour, we are in open session, but we will
11 be going into private session.

12 PRESIDING JUDGE: Thank you. Please alert us when we are
13 in private session.

14

15 [At this point in the proceedings, a portion of
16 the transcript, pages 14399 to 14528, was
17 extracted and sealed under separate cover, as
18 the proceeding was heard in private session.]

19

20 [Whereupon the hearing adjourned at 4.30 p.m.
21 to be reconvened on Tuesday, 26 August 2008 at
22 9.30 a.m.]

23

24

25

26

27

28

29