



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 25 FEBRUARY 2011
9.30 A.M.
HEARING

TRIAL CHAMBER II

Before the Judges:

Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice El Hadji Malick Sow, Alternate

For Chambers:

Ms Erica Bussey
Ms Doreen Kiggundu

For the Registry:

Ms Fidelma Donlon
Ms Rachel Irura
Mr Alhassan Fornah

For the Prosecution:

No Appearances

For the Accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah
Ms Logan Hambrick

For Courtenay Griffiths:

Mr Peter Robinson

1 Friday, 25 February 2011

2 [Open session]

3 [In the presence of the Accused]

4 [Upon commencing at 9.47 a.m.]

09:48:36 5 PRESIDING JUDGE: Good morning. I will open the Court by
6 noting that Justice Sebutinde is not here with us. I have her
7 authorisation to read a notification, which I received this
8 morning from Justice Sebutinde, and I will read it out verbatim:

9 "This is to notify you that in view of the recent
09:49:09 10 developments in the Trial Chamber, and consistent with my earlier
11 views and opinion on this matter, both in Chamber and on the
12 Bench wherein I dissented from the directive to lead counsel, I
13 will on principle, not attend Friday's hearing."

14 I will therefore, first, invite appearances, and secondly -
09:49:38 15 I haven't added the words end of quote.

16 In the light of this, I will first invite appearances and,
17 secondly, I will ask counsel if there is any matters which he
18 wishes to make before proceeding.

19 MR MUNYARD: Good morning, Madam President, your Honours,
09:50:03 20 and Ms Donlon, who is the Deputy Registrar, who's here in court,
21 that's the first appearance that I note.

22 Madam President, on the Defence bench is
23 Courtenay Griffiths QC, Morris Anyah, Logan Hambri ck, myself,
24 Terry Munyard, and beside me is counsel Mr Peter Robinson, who is
09:50:31 25 here to represent Mr Griffiths this morning, following your order
26 granting Mr Griffiths right of representation of two weeks ago.

27 Unless there is anything further you wish to hear from me,
28 I propose now to hand over, first of all, to Mr Robinson.

29 PRESIDING JUDGE: Thank you, Mr Munyard.

1 MR ROBINSON: Thank you, Madam President. It's a privilege
2 to appear before your Court and a real honour to represent
3 Courtenay Griffiths. I'd like to speak to you for a few minutes,
4 if you don't mind, about the issue of sanctions under rule 46
09:51:07 5 that were mentioned.

6 PRESIDING JUDGE: Prior to your proceeding, Mr Robinson, on
7 that, I did invite comments, first, on the question of the
8 constitution of the Court, in the light of the matter I have just
9 read, and in the light of Justice Sebutinde's absence. I must
09:51:30 10 dispose of that first, prior to hearing any submissions on the
11 issue before us.

12 MR ROBINSON: Very well, Madam President, since we hadn't
13 had any notice of that, would you mind giving us a few minutes to
14 consult among ourselves before we address that issue?

09:51:45 15 PRESIDING JUDGE: Please do so.

16 MR ROBINSON: Thank you.

17 [Defence counsel confer]

18 MR ROBINSON: Yes, thank you, Madam President, we would
19 like to invite the Chamber to invite Justice Sow to participate,
09:52:25 20 so the Bench is constituted of three regularly constituted
21 judges.

22 JUDGE SOW: Let me make this very clear: This Bench is
23 regularly composed with three judges sitting, as it shows. Two
24 judges cannot sign decisions. When the Bench is sitting, it's
09:52:41 25 sitting with three judges, not two judges, and I don't know what.
26 I'm not here for decoration. I am a judge. This Bench is
27 regularly composed, as everybody can see. I don't know how
28 people can think that two judges - I don't know where in this
29 world you will see two judges sitting. It's not possible. This

1 Bench is regularly composed with three judges. This is my
2 comment. No matter how parties will look at it, it shows and
3 it's apparent that this Bench is composed with three judges. We
4 are three judges sitting.

09:53:34 5 PRESIDING JUDGE: The Articles governing the composition of
6 this Court and the Trial Chamber mandate that it is to be
7 composed of three judges. This is not a situation where rule 16
8 applies. Accordingly, in our view, this Trial Chamber is not
9 properly constituted and we consider we have no alternative but
09:53:59 10 to adjourn this hearing today. The matter is adjourned for a
11 date to be fixed.

12 Please adjourn the Court.

13 [Proceedings adjourned at 9.54 a.m.]

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