



Case No. SCSL-2003-01-PT

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 03 APRIL 2006
3.00 p.m.
INITIAL APPEARANCE

TRIAL CHAMBER II

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|---|--|
| Before the Judges: | Richard Lussick, Presiding |
| For Chambers: | Mr Simon Meisenberg Ms Carolyn Buff |
| For the Registry: | Mr Lovemore Munlo Ms Krystal Thompson |
| For the Prosecution: | Mr Desmond de Silva Mr Christopher Staker Mr James C Johnson Ms Brenda J Hollis Mr Joseph F Kamara Mr Mohamed A Bangura |
| For the Principal Defender: | Mr Charles Jalloh Ms Haddijatou Kah-Jallow Ms Claire Carlton-Hanciles Mr Lansana Dumbuya |
| For the Accused Charles Ghankay Taylor: | Mr Vincent Nmehelle Ms Elizabeth Nahamya |

1 [CT034APR06I -A-RK]

2 Monday, 03 April 2006

3 [Initial Appearance]

4 [Open session]

14:57:03 5 [The accused present]

6 [Upon commencing at 3.00 p.m.]

7 MS THOMPSON: Good afternoon, Your Honour. This is case
8 SCSL 2003-01-I, The Prosecutor v Charles Taylor.

9 PRESIDING JUDGE: Yes, thank you, chief of Court
15:05:26 10 Management. I will take the appearances for the record. I do
11 have some written particulars. I beg your pardon, we must swear
12 some interpreters. Chief of Court Management, will you
13 administer the oath, please.

14 MS THOMPSON: I will administrator the oath under Rule 76
15:06:01 15 to all interpreters.

16 [Interpreters sworn]

17 MS THOMPSON: Thank you.

18 PRESIDING JUDGE: I will take the appearances for the
19 record. I see Mr Chief Prosecutor. Would you announce your
15:06:42 20 appearance in this case, please.

21 MR De SILVA: May it please, My Lord, Desmond de Silva,
22 Prosecutor. Behind me is the Deputy Prosecutor, Mr Christopher
23 Staker. On my right is Brenda Hollis. On her right is
24 Mr Mohamed Bangura. Behind Mr Bangura is James Johnson and on
15:07:16 25 his left is Mr Joseph Kamara. My Lord, that is the Prosecution
26 team this afternoon.

27 PRESIDING JUDGE: Thank you, Mr Chief Prosecutor. I see
28 the Principal Defender there. Would you be good enough to
29 announce the appearances for the accused, please.

1 MR NMEHIELLE: I will, Your Honour. Vincent Nmehielle,
2 Principal Defender of the Special Court, acting pursuant to Rule
3 45 sub-Rule (A), 45(B)(i) and (ii) appearing as duty counsel for
4 the accused. Appearing with me is Mrs Elizabeth Nahamya, Deputy
15:08:01 5 Principal Defender, and in support of our appearance are
6 Mr Charles Jalloh, Ms Haddijatou Kah-Jallow, Ms Claire
7 Carlton-Hanciles and Mr Lansana Dumbuya.

8 PRESIDING JUDGE: Thank you, Mr Principal Defender. The
9 accused Charles Taylor has been brought before this Court today
15:08:49 10 to be formally charged in accordance with the indictment. It
11 should be a very simple process, but before I do that, do you
12 have anything you want to add, Mr Chief Prosecutor?

13 MR De SILVA: No, My Lord. Apart from concurring with Your
14 Lordship, it should be a swift process.

15 PRESIDING JUDGE: Thank you. Mr Principal Defender, it is
16 a fairly standard process of reading the indictment and then
17 giving Mr Taylor a chance to plead to each count, but if you have
18 anything that you would like to add to that, by all means do.

19 MR NMEHIELLE: Your Honour, thank you for that opportunity.
15:09:32 20 I know that after the reading of the indictment, if Your Honour
21 permits, there may be some issues of concern, if you do permit,
22 for the accused person to raise before the Court.

23 PRESIDING JUDGE: I will see if they are relevant or not.
24 We will proceed with having the indictment read at this stage.

15:10:02 25 MR NMEHIELLE: Thank you, Your Honour.

26 MS THOMPSON: Amended Indictment.

27 PRESIDING JUDGE: Just before you do. If you pause there
28 for a moment, please.

29 MS THOMPSON: Yes.

1 PRESIDING JUDGE: I am quite sure the accused has received
2 the benefit of the proper legal advice from the Principal
3 Defender and his defence team. However, I just wanted to mention
4 to the accused that he has some important rights. You can be
15:10:31 5 seated, Mr Principal Defender. They are important enough to read
6 again. I will say to the accused under the Statute of the
7 Special Court of Sierra Leone you have certain rights and amongst
8 these rights, you are presumed innocent until proved otherwise.
9 You will be given adequate time and facilities for the
15:11:01 10 preparation of your defence, and you will be able to communicate
11 with counsel of your own choosing. You will be tried without
12 undue delay.

13 As far as your right to counsel goes, I know the Principal
14 Defender, you are in good hands there, and I'm sure he has given
15:11:21 15 you all the necessary advice. In any event, I can tell you that
16 you have the right to defend yourself in person, or you have the
17 right to legal assistance of your own choosing, or you can ask
18 the Court to assign legal assistance to you, and that can be
19 without payment by you if you don't have sufficient means.

15:11:50 20 Now, the Chief of Court Management will read out the
21 indictment, at the end of which you will have the opportunity to
22 answer to the charges count by count. Yes, thank you.

23 MS THOMPSON: Thank you, Your Honour.

24 Amended Indictment. The Prosecutor for the Special Court
15:12:22 25 for Sierra Leone under Article 15 of the Statute of the Special
26 Court for Sierra Leone, the Statute charges:

27 Charles Ghankay Taylor aka Dankpannah Charles Ghankay
28 Tayl or aka Dankpannah Charles Ghankay Macarthur Taylor with
29 crimes against humanity, violation of Article 3 common to the

1 Geneva Conventions and Additional Protocol II and other serious
2 violations of International Humanitarian Law in violation of
3 Article 2, 3 and 4 of the Statute as set forth below.

4 Charles Ghankay Taylor aka Dankpannah Charles Ghankay
15:13:30 5 Taylor aka Dankpannah Charles Ghankay Macarthur Taylor was born
6 on 27th or 28th January 1948 at Arthington in the Republic of
7 Liberia.

8 From the late 1980s the accused was the leader or head of
9 the National Patriotic Front of Liberia (NPFL), an organised
15:14:08 10 armed group. From the 2nd of August 1997 until about 11th of
11 August 2003, the accused was the president of the Republic of
12 Liberia.

13 Paragraphs 1 through 3 are incorporated by reference in
14 charges below.

15:14:27 15 Charges:

16 By his acts or omissions in relation to the below described
17 events, the accused, pursuant to Article 6.1 and/or alternatively
18 Article 6.3 of the Statute is individually criminally responsible
19 for the crimes alleged below:

15:14:59 20 Terrorising the civilian population.

21 Count 1: acts of terrorism, a violation of Article 3
22 common to the Geneva Conventions and of Additional Protocol II
23 punishable under Article 3.d of the Statute.

24 Particulars.

15:15:33 25 Members of Revolutionary United Front (RUF), Armed Forces
26 Revolutionary Council (AFRC), AFRC/RUF junta or alliance and/or
27 Liberian fighters, including members and ex-members of the NPFL
28 (Liberian fighters) assisted and encouraged, by acting in concert
29 with, under the direction and/or control of, and/or subordinate

1 to the accused burned civilian property and committed the crimes
2 set forth below in paragraphs 6 through 31, and charged in count
3 2 through 11 as part of a campaign to terrorise the civilian
4 population of the Republic of Sierra Leone.

15:16:37 5 Burning.

6 Between about 30 November 1996 and about 18 January 2002,
7 members of RUF, AFRC, AFRC/RUF junta or alliance and/or Liberian
8 fighters assisted and encouraged by acting in concert with under
9 the direction and/or control and/or subordinate to the accused
10 engaged in widespread destruction of civilian property by

15:17:22 11 burning, including the following:

12 Kono District.

13 Between about 1st February 1998 and about 31st December
14 1998 in various locations, including Koidu, Tombodu or Tombodu,
15 Sewafe or Njaiima Sewafe, Wenedu and Bumpeh;

15:17:59 16 Freetown and Western Area.

17 Between about 21 December 1998 and about 28 February 1999
18 in locations throughout Freetown, including Kissy and eastern
19 Freetown and the Fourah Bay, Ugun, State House, Calaba Town,
20 Kingtom and Pademba Road areas of the city and Hastings,

15:18:31 21 Goderich, Kent, Grafton, Wellington, Tumbo, Waterloo and Benguema
22 in the Western area.

23 Unlawful killings.

24 Count 2: murder, a crime against humanity, punishable
25 under Article 2.a of the Statute.

15:19:03 26 In addition, or in the alternative:

27 Count 3: Violence to life, health and physical or mental
28 well-being of persons, in particular murder, a violation of
29 Article 3 common to the Geneva Conventions and of Additional

1 Protocol II, punishable under Article 3.a of the Statute.

2 Particulars.

3 Between about 30 November 1996 and about 18 January 2002
4 members of RUF, AFRC, AFRC/RUF junta or alliance and/or Liberian
15:20:11 5 fighters assisted and encouraged, by acting in concert with,
6 under the direction and/or control of, and/or subordinate to the
7 accused throughout Sierra Leone unlawfully killed an unknown
8 number of civilians, including the following:

9 Kenema District.

15:20:41 10 Between about 25 May 1997 and about 31 March 1998, in
11 various locations, including Kenema Town and the Tongo Field
12 area;

13 Kono District.

14 Between about 1 February 1998 and about 31 January 2000, in
15:21:15 15 various locations, including Koidu, Tombodu or Tumbodu, Koidu
16 Geiya, Koidu Buma, Yengema, Paema or Peyima, Bomboa fuidu,
17 Bumpah, Nimi koro or Njai ma Nimi koro and Mortema;

18 Kailahun District.

19 Between about 1 February 1998 and about 30 June 1998, in
15:22:00 20 various locations, including Kailahun Town;

21 Freetown and Western Area.

22 Between about 21 December 1998 and 28 February 1999 in
23 locations throughout Freetown, including the State House, Kissy,
24 Fourah Bay, Upgun, Calaba Town, Allen Town and Tower Hill areas
15:22:39 25 of the city, and Hastings, Wellington, Tumbo, Waterloo and
26 Benguema in the Western area.

27 Sexual violence.

28 Count 4: Rape, a crime against humanity, punishable under
29 Article 2.g of the Statute; and.

1 Count 5: Sexual slavery and any other form of sexual
2 violence, a crime against humanity, punishable under Article 2.g
3 of the Statute.

4 In addition, or in the alternative;

15:23:45 5 Count 6: Outrages upon personal dignity, a violation of
6 Article 3 common to Geneva Conventions and of Additional Protocol
7 II, punishable under 3.e of the Statute.

8 Particulars.

9 Between 30 November 1996 and about 18 January 2002, members
15:24:14 10 of RUF, AFRC, AFRC/RUF junta or alliance, and/or Liberian
11 fighters assisted and encouraged, by acting in concert with,
12 under the direction and/or control of, and/or subordinate to the
13 accused committed widespread acts of sexual violence against
14 civilian women and girls, including the following:

15:24:51 15 Kono District.

16 Between about 1 February 1998 and about 31 December 1998,
17 raped an unknown number of women and girls in various locations,
18 including Koidu, Tombodu or Tumbodu, Wonedu and AFRC and/or RUF
19 camps such as "Superman Ground", "Guinea Highway" and "PC
15:25:36 20 Ground"; abducted an unknown number of women and girls from
21 various locations within the district or brought them from
22 locations outside the district and used them as sex slaves;

23 Kailahun District.

24 Between about 30 November 1996 and about 18 January 2002,
15:26:07 25 raped an unknown number of women and girls in locations
26 throughout Kailahun District; abducted many victims from other
27 areas of the Republic of Sierra Leone, brought them to locations
28 throughout the district and used them as sex slaves;

29 Freetown and Western Area.

1 Between about 21 December 1998 and about 28 of February
2 1999, raped an unknown number of women and girls throughout
3 Freetown and the Western Area, and abducted an unknown number of
4 women and girls and used them as sex slaves.

15:27:11 5 Physical violence.

6 Count 7: Violence to life, health and physical or mental
7 well-being of persons, in particular, cruel treatment, a
8 violation of Article 3 common to the Geneva Conventions and of
9 Additional Protocol II, punishable under Article 3.a of the
10 Statute.

15:27:43

11 In addition, or in the alternative:

12 Count 8. Other inhumane acts, a crime against humanity,
13 punishable under Article 2.i of the Statute.

14 Particulars.

15:28:08

15 Between about 30 November 1996 and about 18 January 2002,
16 members of RUF, AFRC, AFRC/RUF junta or alliance, and/or Liberian
17 fighters assisted and encouraged, by acting in concert with,
18 under the direction and/or control of, and/or subordinate to the
19 accused, committed widespread acts of physical violence against
20 civilians, including the following:

15:28:53

21 Kono District.

22 Between about 1 February 1998 and about 31 December 1998,
23 mutilated and beat an unknown number of civilians in various
24 locations, including Tombodu or Tumbodu, Kaima or Kayima and
25 Wonedu. The mutilations included cutting off limbs and other
26 body parts and carving "AFRC" and "RUF" on the body of civilians;

15:29:32

27 Kailahun District.

28 Between about 30 November 1996 and about 18 January 2002,
29 beat an unknown number of civilians in locations throughout the

1 district;

2 Freetown and Western Area.

3 Between about 21 December 1998 and about 28 February 1999,
4 mutilated and beat an unknown number of civilians in various
15:30:30 5 areas of Freetown, including the Northern and Eastern areas of
6 the city, the Kissy area around the State House, Fourah Bay,
7 Upgun, and Kissy mental hospital, and Hastings, Wellington,
8 Tumbo, Waterloo and Benguema in the Western Area. The
9 mutilations included cutting off limbs.

15:31:06 10 Child soldiers.

11 Count 9: Conscripting or enlisting children under the age
12 of 15 years into armed forces or groups, or using them to
13 participate actively in hostilities, another serious violation of
14 International Humanitarian Law, punishable under Article 4.c of
15:31:46 15 the Statute.

16 Particulars.

17 Between 30 November 1996 and about 18 January 2002
18 throughout the Republic of Sierra Leone, members of RUF, AFRC,
19 AFRC/RUF junta or alliance, and/or Liberian fighters assisted and
15:32:16 20 encouraged, by acting in concert with, under the direction and/or
21 control of and/or subordinate to the accused, routinely
22 conscripted, enlisted and/or used boys and girls under the age of
23 15 to participate in active hostilities. Many of these children
24 were first abducted then trained in AFRC and/or RUF camps in
15:32:56 25 various locations throughout the country, and thereafter used as
26 fighters.

27 Abductions and forced labour.

28 Count 10: Enslavement, a crime against humanity,
29 punishable under Article 2.c of the Statute.

1 Particulars.

2 Between about 30 November 1996 and about 18 January 2002,
3 members of RUF, AFRC, AFRC/RUF junta or alliance, and/or Liberian
4 fighters, assisted and encouraged, by acting in concert with,
15:33:54 5 under the direction and/or control of, and/or subordinate to the
6 accused, engaged in widespread and large-scale abductions of
7 civilians and use of civilians as forced labour, including the
8 following:

9 Kenema District.

15:34:18 10 Between about 1 July 1997 and about 28 February 1998, used
11 an unknown number of civilians living in the district as forced
12 labour in various locations such as the Tongo Field area;

13 Kono District.

14 Between about 1 February 1998 and 18 January 2002, abducted
15:34:57 15 an unknown number of civilians and took them to various locations
16 outside the district, or to locations within the district such as
17 AFRC and/or RUF camps, Tombodu or Tumbodu, Koidu and Wonedu, and
18 used them as forced labour;

19 Kailahun District.

15:35:34 20 Between about 30 November 1996 and about 18 January 2002,
21 brought abducted civilian men, women and children to various
22 locations within the district and used them and residents of the
23 district as forced labour;

24 Freetown and Western Area.

15:36:08 25 Between about 21 December 1998 and about 28 February 1999,
26 abducted an unknown number of civilians, including a large number
27 of children, from locations throughout Freetown and the Western
28 Area and used them as forced labour.

29 Looting.

1 Count 11: Pillage, a violation of Article 3 common to the
2 Geneva Conventions and of Additional Protocol II, punishable
3 under Article 3.f of the Statute.

4 Particulars.

15:37:03 5 Between about 30 November 1996 and about 18 January 2002,
6 members of the of RUF, AFRC, AFRC/RUF junta or alliance, and/or
7 Liberian fighters assisted and encouraged, by acting in concert
8 with, under the direction and/or control of, and/or subordinate
9 to the accused, engaged in widespread unlawful taking of civilian
15:37:55 10 property, including the following:

11 Kono District.

12 Between about 1 February 1998 and about 31 December 1998 in
13 various locations, including Koidu, Tombodu or Tombodu and Bumpe;
14 Bombali District.

15:38:25 15 Between about 1 February 1998 and 30 April 1998, in various
16 locations, including Masiaka and Makeni ;
17 Freetown and Western Area.

18 Between about 21 December 1998 and about 28 February 1999
19 throughout Freetown and the Western Area.

15:38:59 20 Paragraphs 4 through 31 are incorporated by reference in
21 individual criminal responsibility below.

22 Individual criminal responsibility.

23 The Accused by his acts or omissions is individually
24 criminally responsible pursuant to Article 6.1 of the Statute for
15:39:33 25 the crimes referred to in Article 2, 3 and 4 of the Statute, as
26 alleged in this Amended Indictment, which crimes the Accused
27 planned, instigated, ordered, committed, or in whose planning,
28 preparation or execution the Accused otherwise aided and abetted,
29 or which crimes amounted to or were involved within a common

1 plan, design or purpose in which the Accused participated or were
2 reasonably foreseeable consequence of such common plan, design or
3 purpose.

15:40:44 4 In addition, or alternatively, pursuant to Article 6.3 of
5 the Statute, the Accused while holding positions of superior
6 responsibility and exercising command and control over the
7 subordinate members of the RUF, AFRC, AFRC/RUF junta or alliance
8 and or Liberian fighters, is individually criminally responsible
9 for the crimes referred to in Articles 2, 3 and 4 of the Statute
15:41:30 10 as alleged in this Amended Indictment. The Accused is
11 responsible for the criminal acts of his subordinates in that he
12 knew or had reason to know that the subordinate was about to
13 commit such acts or had done so and the Accused failed to take
14 the necessary and reasonable measures to prevent such acts or to
15:42:02 15 punish the perpetrators thereof.

16 Dated 16 March 2006, Freetown Sierra Leone, by the
17 Prosecutor, Desmond de Silva.

18 PRESIDING JUDGE: Mr Principal Defender, have you or one of
19 the duty counsel taken Mr Taylor through that indictment?

15:42:31 20 MR NMEHIELLE: Yes, Your Honour.

21 PRESIDING JUDGE: Mr Taylor, did you understand the
22 indictment that has just been read to you? I don't know
23 whether you heard my question. I'm simply asking whether you
24 understand the charges brought against you in the indictment?
15:43:25 25 Can you hear what I'm saying?

26 The indictment that has just been read out, do you
27 understand the charges that have been brought against you?

28 THE ACCUSED: Yes, I do.

29 PRESIDING JUDGE: Now I'm going to give you now a chance to

1 answer those charges by entering a plea of either guilty or not
2 guilty. I will go through each of the counts one by one and
3 perhaps if you would be good enough to tell me whether you plead
4 guilty or not guilty.

15:44:08 5 The first count is count 1, is terrorising the civilian
6 population namely, acts of terrorism. How do you plead to that,
7 Mr Taylor, guilty or not guilty?

8 THE ACCUSED: If it pleases the Court, I would like to
9 respond to all 11 counts at the end because there are some issues
15:44:49 10 that I would like to mention here about the recognition of this
11 Court and other issues that I would not be able to put in the
12 plea at this particular time. There is an issue here regarding
13 this Court, its right to exercise jurisdiction over me as the
14 21st President of the Republic of Liberia. There are other
15:45:10 15 issues about how I got here. If it pleases Your Honour, these
16 are fundamental issues. So for me now it is not the matter of
17 entering a plea, because I do not recognise the jurisdiction of
18 this Court.

19 PRESIDING JUDGE: Mr Taylor, I don't know what advice you
15:45:31 20 have been given, but two things. Firstly, this matter has been
21 thrashed out already in the Appeals Chamber, which found against
22 you. And, secondly, until such time as your Initial Appearance
23 is completed, you don't have the right to bring any motions
24 before this Court. So what I would suggest is that you enter
15:45:54 25 pleas today and then whatever objections you may have, you can
26 bring them by motion and they will need to be decided by the full
27 bench of the Trial Chamber. They will not be dealt with today in
28 any event, but if you do not complete your Initial Appearance
29 today, under the Rules of our Court you cannot bring a motion

1 before the Court. So I think you should enter pleas now and you
2 can then, if you choose, bring your motions, whatever they may
3 be.

15:46:40

4 THE ACCUSED: Most definitely, Your Honour, I did not and
5 could not have committed these acts against the sister Republic
6 of Sierra Leone. I think that this is an attempt to continue to
7 divide and rule the people of Liberia and Sierra Leone, so most
8 definitely I'm not guilty.

15:47:04

9 PRESIDING JUDGE: Now I can take that plea of not guilty as
10 applying to the whole 11 counts that have just been read out to
11 you.

12 THE ACCUSED: That is correct, Your Honour.

15:47:26

13 PRESIDING JUDGE: Well, thank you, Mr Taylor. I will enter
14 on behalf of you pleas of not guilty to counts 1 to 11 in the
15 indictment.

16 MR NMEHIELLE: As the Court pleases.

17 PRESIDING JUDGE: Yes, you may have a seat, Mr Taylor.

18 I think that concludes our business today. Mr de Silva, do
19 you have anything further you would like to add?

15:47:42

20 MR De SILVA: No, My Lord. I think that does conclude our
21 business today. There is nothing else I feel that needs to be
22 drawn to the attention of the court. Would you Lordship forgive
23 me for just one moment.

24 My Lord, there is a matter --

15:48:02

25 PRESIDING JUDGE: I am familiar with that, Mr de Silva. I
26 thought the Principal Defender, whose duty it is to appoint
27 counsel, albeit temporary counsel, would have resolved that, but
28 if you think that I should comply strictly with the rule, I will.

29 MR De SILVA: My Lord, I think there is nothing wrong with

1 complying strictly with the rule. The rule is fairly simple and
2 I would have thought in the interests of clarity and concluding
3 dealing with this rule, if Your Lordship were to feel minded to
4 do so, we would submit it would be appropriate.

15:48:45 5 PRESIDING JUDGE: All right. Before I do, Mr Principal
6 Defender, these are matters I hope you have already discussed
7 with the accused.

8 MR NMEHIELLE: Yes, Your Honour. On the issue of the means
9 that the Prosecutor alludes to, there is a procedure under the
10 directive on the assignment of counsel which we have gone through
11 with the accused person in relation to his means. Whereby the
12 accused person has filed a declaration of means which we supplied
13 him to determine his state -- financial status in terms of
14 whether or not he would require legal assistance from this Court.
15:49:05 15 And following the completion of the declaration of means, the
16 accused person made a request to the Principal Defender for legal
17 representation and my determination, which I am in the process of
18 filing, if not already filed before I came here, is that I find
19 that from the information contained in the declaration of means,
15:49:28 20 as at present the accused person will require legal assistance
21 because he could be deemed partially indigent.

22 PRESIDING JUDGE: Yes, thank you, Mr Principal Defender.

23 MR De SILVA: My Lord, I'm very sorry to hear that, but
24 there is a further matter that is under Rule 61(iv).

15:50:25 25 PRESIDING JUDGE: I was saving that for the last order,
26 Mr de Silva.

27 MR De SILVA: I didn't intend to jump the gun. I'm so
28 sorry.

29 PRESIDING JUDGE: I think that does conclude our business

1 now and, Principal Defender, you have heard what Mr Taylor had to
2 say and I trust you will give him the appropriate advice.

3 MR NMEHIELLE: Very well, Your Honour.

4 Your Honour, I had made an initial request at the beginning
15:50:59 5 if you could permit some of the concerns that the accused person
6 has which I don't think would in any way impinge upon this
7 process this afternoon.

8 PRESIDING JUDGE: Just one moment, Mr Principal Defender.
9 Mr de Silva, having learned that, as I suspected, the accused has
15:51:16 10 filed with the Principal Defender a document as to his means, I
11 take it you would be satisfied.

12 MR De SILVA: My Lord, yes. It is something that was
13 unknown to me. It was unknown to me and that is why I raised
14 that matter and, of course, I leave that enquiry at that and take
15:51:37 15 it no further.

16 PRESIDING JUDGE: Yes, thank you.

17 Yes, Mr Principal Defender.

18 MR NMEHIELLE: Yes, Your Honour. I do not know if you
19 would permit the accused person to say something about the
15:51:52 20 concerns that he has which he has communicated to me he would
21 love to express to the Court.

22 PRESIDING JUDGE: Well, firstly I have just heard from the
23 accused. Were those the matters that the accused raised the
24 matter that you're referring now?

15:52:13 25 MR NMEHIELLE: No, Your Honour.

26 PRESIDING JUDGE: Well, look, just have a seat,
27 Mr Principal Defender. We will lay this rule right now, that if
28 an accused is represented by counsel, then it is counsel who will
29 put the accused's case to the Court. There are some very good

1 reasons for that, which I'm sure all counsel here today know.
2 That is the way it is going to be in this Court.

3 MR NMEHIELLE: Very well, Your Honour. If I may, I could
4 raise the concerns.

15:52:46 5 PRESIDING JUDGE: Yes.

6 MR NMEHIELLE: Your Honour, the accused person wants to
7 inform the Court that he fears for his life and therefore would
8 express that to the Court as a concern that he has.
9 Particularly, according to him, in view of the fact that Mr Foday
10 Sankoh died in detention while at this Court and also in view of
11 the fact that recently Mr Milosevic also died in detention and,
12 therefore, fears for his life and would love that necessary
13 facilities in terms of his health and to ensure his safety be
14 provided.

15:53:14 10
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15:53:40 15 Secondly, the accused person fears that not being in
16 Liberia his family is not here and has some concerns as to him
17 needing the moral support of his family in Sierra Leone and,
18 therefore, every necessary facility in that regard to facilitate
19 his family being able to have access to him be provided.

15:54:08 20 That is it, Your Honour.

21 PRESIDING JUDGE: Yes, thank you, Mr Principal Defender. I
22 don't know whether you --

23 MR NMEHIELLE: Just one moment.

24 Sorry, Your Honour, this will, of course, also be subjected
15:54:29 25 to some other procedure, but the accused person wants me to bring
26 to the attention of the Court of his concern that he wants to be
27 tried in Sierra Leone and nowhere else. Thank you, Your Honour.
28 That is the concern he has in terms of the logistics, his
29 possible witnesses and the fact that this is a domestically-based

1 trial for him within the sub-region. To facilitate his family
2 from Liberia to come to Sierra Leone, he thinks that the most
3 appropriate venue for him if the trial is to go on is in Sierra
4 Leone. He raises that before the Court. Just one more minute.

15:55:16 5 Let me confer with the accused person.

6 [Principal Defender and accused conferred]

7 MR NMEHIELLE: Thank you, Your Honour, for your indulgence.
8 I will just try to emphasise the last point that I made, that he
9 needs the trial here, if it is to go on, principally because his

15:56:01 10 witnesses are based here, the logistics, the tendency that there
11 may be a deprivation of access by his witnesses to countries that
12 he hears are being proposed and they could easily be denied visa
13 to get to those places that are being proposed. And, therefore,
14 he believes for the logistics of his case, Sierra Leone will be
15:56:28 15 the most appropriate venue. Those are the concerns he wants me
16 to relay to the Court. I thank you so much for the opportunity
17 to put them through to the Court.

18 PRESIDING JUDGE: Yes, thank you, Mr Principal Defender.
19 Chief Prosecutor, I don't know whether you wish to reply in any
15:56:45 20 way.

21 MR De SILVA: I have no observations to make, My Lord.

22 PRESIDING JUDGE: Yes, well, I have taken a note of what
23 Mr Taylor has said and I have also noted what the Principal
24 Defender has said on his behalf and I will direct the relevant
15:57:09 25 parts of the transcript be forwarded to the Registrar.

26 As you know, Mr Principal Defender, the matters you raised
27 are the responsibility of another organ of the Court, at least in
28 the first instance and there is a certain procedure to deal with
29 Mr Taylor's concerns under the rules of detention. So what I

1 will do at this stage is, as I said, I will direct the relevant
2 part of the transcript for the Registrar's attention.

3 Thank you, Mr Principal Defender.

4 MR NMEHIELLE: Thank you, Your Honour.

15:57:50 5 PRESIDING JUDGE: The last order I will make is pursuant to
6 Rule 61(iv). I adjourn this hearing to a date to be fixed and I
7 instruct the Registrar to set a date for trial. That, of course,
8 will be subject to certain procedural matters laid down in the
9 Rules. Does that meet with your approval on Rule 61(iv)?

15:58:24 10 MR De SILVA: Indeed, My Lord, yes.

11 PRESIDING JUDGE: Thank you. I will adjourn the Court.

12 [Whereupon the hearing adjourned at 3.55 p.m.]

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