



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

Tuesday, 3 July 2007
9:05 a.m.

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Carolyn Buff

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis

For the accused Charles Ghankay
Taylor:

Self-represented

For the Office of the Principal
Defender:

Mr Charles Jalloh

1 Tuesday, 3 July 2007

2 [Open session]

3 [The accused not present in court]

4 [Upon commencing at 9:05 a.m.]

09:05:38 5 COURT OFFICER: All rise. Please be seated.

6 PRESIDING JUDGE: Good morning.

7 I note the accused is not in court. Mr Jalloh, could you
8 address the Court in that regard, please.

9 MR JALLOH: Yes, your Honour, if I may. I understand that
09:06:06 10 Mr Taylor is actually on his way here at this moment. I've been
11 informed that he's a bit late, but I understand that he should --
12 he has the intention of being here, your Honours. Thank you.

13 PRESIDING JUDGE: In that case we'll have to proceed under
14 Rule 50(B) -- I'm sorry, Rule 60, Rule 60, whereby it's implied
09:06:41 15 that he's waived his right to be here. But as soon as he comes
16 in, he's welcome. And I have every confidence, Mr Jalloh, that
17 you will represent him.

18 MR JALLOH: Thank you, your Honour.

19 PRESIDING JUDGE: Now, the first point that I wish to make
09:07:01 20 is with regard to the decision of the Court in relation to the
21 urgent and public joint submission by the Prosecutor and the
22 Office of the Principal Defender in relation to the
23 recommencement of the trial today.

24 This was an urgent motion that the two institutions jointly
09:07:28 25 filed last week, on the 28th, and we did issue on the same day,
26 the 28th, a written decision, a written order, but reserved our
27 reasons to be read out in court today, and that is what I am
28 about to do.

29 Now, on the 25th of June 2007, the Trial Chamber adjourned

1 the trial proceedings to Tuesday, the 3rd of July, for the
2 continuation of the Prosecution case with the expectation that
3 either Duty Counsel or a newly assigned Defence counsel would be
4 present and ready to represent the accused today.

09:08:09 5 However, subsequently, on the 20th of June 2007, the Office
6 of the Principal Defender and the Prosecutor filed a joint
7 submission in relation to the recommencement of the trial today,
8 amongst others, requesting the Trial Chamber to further postpone
9 the recommencement of the Prosecution case to the 20th of August,
09:08:33 10 2007. That would be after the Special Court recess.

11 Now, given the urgency of the request, the Trial Chamber
12 thought it fit to expedite its decision and we issued a written
13 order postponing the continuation of the Prosecution case to
14 Monday, the 20th of August 2007. The following are the reasons:

09:08:59 15 Both the Prosecution and the Office of the Principal
16 Defender jointly submitted, one, that the Acting Registrar --
17 sorry, when we adjourned to this day, we ordered, the Trial
18 Chamber ordered, that the Acting Registrar of the Special Court
19 should facilitate the Principal Defender to assemble, by the 31st
09:09:27 20 of July 2007, a Defence team for the accused Charles Ghankay
21 Taylor. The team would comprise one lead counsel, two
22 co-counsel, and one senior investigator at P4 level.

23 We further ordered that pending the appointment of the
24 above Defence team, the Principal Defender should, in accordance
09:09:49 25 with Article 24(D) of the Directive on the Assignment of Counsel,
26 immediately assign new counsel from his list to represent the
27 accused, or, in the alternative, assign Duty Counsel from the
28 Office of the Principal Defender to represent Mr Taylor in
29 accordance with Article 25(A) of the same directive.

1 In their joint submission, both the Office of the Principal
2 Defender and the Prosecutor requested the Trial Chamber to
3 further postpone the recommencement of the trial on the grounds
4 that Duty Counsel, who has been assigned to represent the accused
09:10:36 5 in the interim, is not able to effectively do so due to the
6 following reasons:

7 One, that in view of the short notice that Duty Counsel has
8 had to prepare, coupled with the fact that he has hitherto not
9 been privy to the Prosecution material disclosed to the Defence
09:10:58 10 and has no administrative support in The Hague, he is not in a
11 position to effectively cross-examine the Prosecution witnesses
12 slated to testify between today, the 3rd of July, and the 11th of
13 July.

14 Secondly, on the grounds that the two expert witnesses
09:11:18 15 slated to testify for the Prosecution during the period in
16 question have been challenged by the former Defence counsel,
17 acting on behalf of the accused, for reasons to which Defence
18 counsel was not privy and is therefore not able to address.

19 Duty Counsel submitted that for him to purport to represent
09:11:39 20 the accused under those circumstances would amount to a violation
21 of Mr Taylor's fair-trial rights under Article 17(4)(e) of the
22 Statute, which entitles the accused to examine, or have examined,
23 the witnesses against him under the same conditions as that of
24 the Prosecution. The Prosecutor completely agreed with Defence
09:12:07 25 counsel in this regard.

26 Now, after careful reflection, the Trial Chamber is of the
27 view that in the circumstances good cause has been shown for the
28 postponement of this trial. The Chamber agrees that to compel
29 Duty Counsel to represent the accused during this one week,

1 without affording him adequate administrative support or time to
2 prepare, would indeed amount to a violation of Mr Taylor's
3 fair-trial rights in as far as counsel could not be expected to
4 effectively cross-examine the witnesses, Prosecution witnesses,
09:12:43 5 nor effectively challenge the Prosecution evidence.

6 It will be remembered that the Trial Chamber did, as early
7 as March 2007 and on several occasions after that, warn of
8 unlikely due delay emanating from the failure of the Registry to
9 address and resolve Mr Taylor's representation and investigative
09:13:08 10 requirements in good time before the start of the trial. Thus,
11 while the Chamber generally frowns upon undue delay of these
12 proceedings, we are mindful of our overriding obligation to
13 conduct a fair trial and to guarantee the statutory rights of
14 Mr Taylor, who, in this case, should not be penalised for the
09:13:32 15 laxity of the Registry.

16 Furthermore, the Trial Chamber is of the view that the
17 alternative proposed by the Prosecutor; namely, that of calling
18 the experts today to give their evidence in-chief and then to
19 postpone their cross-examination until August when a new Defence
09:13:54 20 team is in place, would also not be in the interests of justice
21 or of a fair trial.

22 It is for all the above reasons that the Trial Chamber
23 agreed to review its earlier order of 25th June 2007 and granted
24 the joint request and postponed this trial to 20th August 2007,
09:14:15 25 when the Prosecution case is then expected to recommence and a
26 new Defence team is expected to be in place and ready to
27 effectively represent the accused without further undue delay.

28 Those are the reasons accompanying the order that we
29 issued. This order, I think, will be published sometime today,

1 because it has already been signed. But I think it will be
2 published sometime today, or was published sometime last week.
3 It was issued on the 28th. So these are the reasons that I have
4 just read.

09:15:00 5 Now, there is a second matter related somehow to the
6 reasons that I have just read, and this is the matter that
7 relates to the Principal Defender's application for suspension of
8 time limits in relation to the pleadings that are attached to the
9 pending motions.

09:15:27 10 The Office of the Principal Defender did, on the 12th of
11 June 2007, file an application requesting the Trial Chamber to
12 suspend the time limits within which the Defence is required to
13 file either a response or a reply with regard to certain motions
14 pending before the Chamber, and the request for suspension was
09:15:48 15 until the issues surrounding Mr Taylor's representation have been
16 sorted out.

17 On the whole, the Trial Chamber is of the view that the
18 request by the Office of the Principal Defender is a reasonable
19 one and that an extension rather than a suspension of time limits
09:16:08 20 would be in the interests of justice. The Trial Chamber's
21 decision in this regard has been issued also today and should be
22 published shortly. So we have granted the request in a modified
23 form where we have indicated the time extensions that we have
24 given with regard to each pleading and with regard to each
09:16:30 25 motion.

26 Now, a third issue that I would address the parties on is
27 the request by court management for court to adjust its sitting
28 schedule.

29 The Trial Chamber recalls that during the Pre-Trial

1 Conference of 7th May 2007, we did, in consultation with the
2 parties and with the representative of the Registry in The Hague,
3 issue a schedule of daily sitting hours. At that time the Trial
4 Chamber received assurances from the Registrar's representative
09:17:14 5 in The Hague that the proposed schedule would not pose any
6 administrative difficulties for the ICC staff rendering support
7 to the Special Court.

8 Since then, however, it has been drawn to our attention
9 that, for technical reasons, the morning break of 15 minutes that
09:17:33 10 we had proposed is insufficient to enable the ICC staff handling
11 the recording of the proceedings to change their tapes and is
12 also insufficient for the ICC staff handling the movement of
13 witnesses in dealing with their protective measures. The Trial
14 Chamber has thus been requested to extend the 15-minute break by
09:17:56 15 another 15 minutes every morning to 30 minutes. We think that
16 the request is a reasonable and necessary one in the
17 circumstances. Accordingly, the revised sitting times will be as
18 follows:

19 From Monday to Thursday, this will be the schedule: Court
09:18:18 20 will start at exactly 9:00 a.m. and will sit until 10:30 a.m. for
21 the first session. We will have a 30-minute break from 10:30 to
22 11:00 a.m. We'll resume for the second session at 11:00 and
23 we'll sit through to 1:00 p.m. We'll break for lunch from 1:00
24 p.m. to 2:30 p.m. and then we'll resume for the third -- the
09:18:44 25 afternoon session, from 2:30 p.m. to 4:30 p.m.

26 Now, for Friday, which is a half-day sitting in court, the
27 schedule will be exactly as above until the lunch break, and then
28 after the lunch break we will not sit in court but this will be
29 time for counsel and for the Bench for in-house assignments,

1 catching up with our in-house assignments.

2 The fourth matter that I need to clarify is with regard to
3 the two court recesses under which the Trial Chamber operates.

4 We operate under two judicial calendars that may not always
09:19:41 5 coincide, namely, that of the Special Court for Sierra Leone and
6 that of the ICC. We wish to clarify that for our sitting times
7 here in court, we are obligated to abide by the ICC judicial
8 calendar whereby we only sit when the ICC court is also sitting
9 and not during their recesses, while, for purposes of court
09:20:11 10 filings, we are bound by the Special Court judicial calendar.

11 This, in effect, means that whilst we may not be able to
12 sit in court during the ICC judicial recess or other public
13 holidays pertaining to the Netherlands, the parties are free to
14 carry on with their work that is outside of the court, including
09:20:33 15 filing of pleadings, except during the Special Court recess. The
16 converse -- I've been requested -- is the accused waiting to come
17 in? The accused may come in. It's okay.

18 So as the accused is coming in, let me finish this thought
19 on the judicial calendar. I was going to say that the converse
09:21:13 20 is always true in that while the Special Court is in recess, the
21 parties may not file their pleadings, notwithstanding that the
22 ICC is in session. And this is how the system will work. This
23 is the way that we've tried to balance and work around the two
24 judicial calendars, because our filings are done at the
09:21:39 25 headquarters in Freetown but we find ourselves sitting here for
26 the court proceedings, and we have to find a balance between the
27 two judicial calendars.

28 I'm informed that the accused is here. Is that correct?
29 Well, bring him in.

1 [Trial Chamber confers]

2 [The accused entered court]

3 PRESIDING JUDGE: Good morning, Mr Taylor.

4 The representative of the Registrar is not here, but the
09:23:29 5 comments that I'm going to make really relate to him or should be
6 addressed to him.

7 Court was scheduled to begin at 9:00 and we are just
8 wondering why the accused has been brought in at 25 past 9:00.
9 I'm sure it's not Mr Taylor's fault, but definitely the Court
09:23:56 10 deserves an explanation why the accused has been brought late.
11 Is anybody able to give that explanation? Mr Jalloh?

12 [Principal Defender and accused confer]

13 COURT OFFICER: Your Honour, we are informed that it had to
14 do with the transport police. For security reasons, they had to
09:24:21 15 adjust the route and make modifications to the movement of the
16 accused, and that is the reason that he's late. Thank you, your
17 Honour.

18 PRESIDING JUDGE: Okay. The reason is noted but it's not
19 satisfactory, because the schedule of this court is well known,
09:24:41 20 was known beforehand. The schedule is not changing. We will sit
21 every day, we will start at 9:00, and we expect that the
22 necessary adjustments are made to ensure that the police
23 transport the accused in good time to enable him to be here and
24 ready to be in court just before 9:00.

09:25:04 25 So we are directing -- actually, I'm directing the
26 Registrar, the Acting Registrar, to ensure that this is done, to
27 communicate to the authorities, the relevant authorities, to
28 ensure that court time is not wasted because we're waiting for
29 someone to transport Mr Taylor to court. We are very

1 time-conscious. We try our best to abide by the schedule that
2 we've set for ourselves, and so I expect that this will not be
3 repeated in future.

09:25:41 4 I also need to point out that this is the first time or the
5 first occasion that the Court has had to read the amended
6 indictment to Mr Taylor now that he's in court. The indictment
7 was amended in two counts, namely, count 5 and count 11. I'm
8 going to ask the court manager to read count 5 to the --

9 Mr Jalloh, you're on your feet.

09:26:16 10 MR JALLOH: Yes, your Honour. If I may crave the
11 indulgence of the Court to speak very briefly with Mr Taylor, I
12 would be most grateful, because as you're aware he's coming now
13 late and we have not had time to discuss matters relating to the
14 amendments in the indictment. I would wish to have an

09:26:34 15 opportunity to address him before the counts are read out to him.
16 Thank you, your Honour.

17 PRESIDING JUDGE: Very well.

18 [Trial Chamber confers]

09:26:52 19 PRESIDING JUDGE: I think it is quite reasonable. How much
20 time do you require, 20 minutes?

21 MR JALLOH: Yes, your Honour. I would be most grateful for
22 about 20 minutes. I wish to point out that Mr Taylor is aware
23 that there have been amendments. It's just that I would want to,
24 before he enters a plea, address the matters this morning. Thank
09:27:06 25 you.

26 PRESIDING JUDGE: I appreciate that.

27 Court will rise for 20 minutes. It is now --

28 [Trial Chamber confers]

29 PRESIDING JUDGE: We are adjourning for 20 minutes. We

1 will return to the court to read the counts, the amended counts,
2 to the accused. Thank you.

3 [Recess taken at 9:27 a.m.]

4 [On resuming at 9:47 a.m.]

09:47:15 5 COURT OFFICER: All rise. Please be seated.

6 PRESIDING JUDGE: Now, under Rule 50(B) of the rules of the
7 Special Court, the Trial Chamber is obliged to read out any
8 amended count of the indictment, if the amended count comprises
9 new charges, and have the accused plead to the new count. In
10 accordance with that rule, I'm going to ask the court manager to
11 read the relevant counts or count that was amended.

12 But, firstly, I wish to point out that there were two
13 amendments introduced by the Prosecutor. The first amendment was
14 with regard to count 5. Count 5 was substantively amended to
09:48:51 15 include a new charge.

16 Now, count 11 was only amended in as far as the amendments
17 touched on the particulars of the count. There are no charges,
18 no new charges, introduced in count 11. The extent of the
19 amendment in count 11 is with regard to a new district that was
09:49:18 20 introduced, or a new location, that is, Port Loko District, as a
21 new crime base, and the place originally pleaded in paragraph 30,
22 the place, a village called Masiaka, was removed from Bombali
23 District and now constituted in a newly inserted district of Port
24 Loko.

09:49:45 25 So, Mr Jalloh, count 11, in our opinion, doesn't really
26 substantially affect the initial pleading by the accused person
27 and so I don't think I'm going to ask the accused to plead again,
28 if that's okay with you.

29 MR JALLOH: Yes, your Honour. Thank you.

1 PRESIDING JUDGE: In which case, I will now ask the court
2 manager to read count 5, the amended count 5.

3 COURT OFFICER: Count 5: Sexual slavery, a crime against
4 humanity, punishable under Article 2.g of the Statute.

09:50:30

5 The particulars:

6 Between about 30th November 1996 and about 18th January
7 2002, members of the RUF, AFRC, AFRC/RUF Junta or alliance,
8 and/or Liberian fighters, assisted and encouraged by, acting in
9 concert with, under the direction and/or control of, and/or

09:51:13

10 subordinate to the accused, committed widespread acts of sexual
11 violence against civilian women and girls, including the
12 following:

13 Kono District. Between about 1 February 1998 and about
14 31st December 1998, raped an unknown number of women and girls in
15 various locations, including Koidu, Tombodu or Tumbodu, Wonedu
16 and AFRC and/or RUF camps such as "Superman Ground," "Guinea
17 Highway" and "PC Ground"; abducted an unknown number of women and
18 girls from various locations within the District, or brought them
19 from locations outside the District, and used them as sex slaves;

09:52:27

20 Kailahun District. Between about 30 November 1996 and
21 about 18 January 2002, raped an unknown number of women and girls
22 in locations throughout Kailahun District; abducted many victims
23 from other areas of the Republic of Sierra Leone, brought them to
24 locations throughout the District, and used them as sex slaves;

09:53:04

25 Freetown and the Western Area. Between about 21 December
26 1998 and about the 28 February 1999, raped an unknown number of
27 women and girls throughout Freetown and the Western Area, and
28 abducted an unknown number of women and girls and used them as
29 sex slaves.

1 PRESIDING JUDGE: Mr Taylor, could you please stand.

2 [The accused stands up]

3 PRESIDING JUDGE: Have you understood count 5, as read out
4 by the court manager?

09:53:53 5 THE ACCUSED: Yes, I do, your Honour.

6 PRESIDING JUDGE: On count 5, how do you plead?

7 THE ACCUSED: I plead not guilty, your Honour.

8 PRESIDING JUDGE: A plea of not guilty is entered for the
9 accused in respect of count 5.

09:54:10 10 Please be seated.

11 [The accused sits down]

12 PRESIDING JUDGE: There being no further business today, we
13 will adjourn these proceedings and this trial to Monday, the 20th
14 of August 2007, at 9 a.m., for the continuation of the

09:54:38 15 Prosecution case.

16 COURT OFFICER: All rise.

17 [Whereupon the hearing adjourned at 9:54 a.m.]

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