



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

MONDAY, 9 FEBRUARY 2009  
9.30 A.M.  
TRIAL

TRIAL CHAMBER II

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**Before the Judges:**

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

**For Chambers:**

Mr William Romans  
Ms Carolyn Buff

**For the Registry:**

Mr Gregory Townsend  
Ms Advera Kamuzora  
Ms Rachel Irura  
Mr Momodu Tarawallie

**For the Prosecution:**

Mr Stephen Rapp  
Ms Brenda J Hollis  
Mr Mohamed A Bangura  
Ms Maja Dimitrova

**For the accused Charles Ghankay  
Taylor:**

Mr Courtenay Griffiths QC  
Mr Terry Munyard

**For the Office of the Principal  
Defender:**

Mr Silas Chekera

1 Monday, 9 February 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:03 5 PRESIDING JUDGE: Good morning. We will take appearances,  
6 please.

7 MS HOLLIS: Good morning, Mr President, your Honours,  
8 opposing counsel. This morning for the Prosecution are the  
9 Prosecutor Stephen Rapp, Mohamed A Bangura, Maja Dimitrova and  
09:31:25 10 myself Brenda J Hollis.

11 PRESIDING JUDGE: Thank you.

12 MR GRIFFITHS: Good morning Mr President, your Honours,  
13 counsel opposite. For the Defence today are myself Courtenay  
14 Griffiths, my learned friends Mr Terry Munyard and Mr Silas  
09:31:41 15 Chekera and also our case manager Ms Salla Moilanen.

16 PRESIDING JUDGE: Thank you. I don't know if either party  
17 has anything to mention, but if they do now is the time to do it?

18 MS HOLLIS: Mr President, if I may, the Prosecution has two  
19 matters that it would like to be discussed today, or as soon as  
09:32:11 20 possible. The first matter deals with whether or not there will  
21 be a Rule 98 submission by the Defence and if indeed there will  
22 be such a submission then what procedure will be followed in  
23 light of the change to the rule and the timing of such a  
24 submission.

09:32:29 25 The second matter has to do with a discussion related to  
26 the commencement of a Defence case, if there is to be a Defence  
27 case.

28 PRESIDING JUDGE: Aren't those issues a little bit  
29 premature, Ms Hollis? We've got, as you know, ten - virtually 11

1 Rule 92 bis interlocutory motions filed by the Prosecution which  
2 fall to be decided by us. Now that the Appeals Chamber has  
3 delivered its decision last Friday afternoon the way is clear for  
4 us to decide those, but that may very well entail the Prosecution  
09:33:20 5 electing to call more evidence or at least applying to do so.  
6 So, in other words, the Prosecution may not be able to close its  
7 case at this stage and so should we be talking about Rule 98  
8 procedures and the Defence case at this stage?

9 MS HOLLIS: If I may respond, we would suggest that first  
09:33:40 10 of all it is a good idea to talk about it to set some sort of  
11 framework for it. We think that the Rule 98 submissions would  
12 not be impacted by a decision on these documents as no document  
13 of itself would be the sole basis upon which there could be a  
14 conviction on any of the counts. The Defence is already aware of  
09:34:05 15 our testimonial evidence, the witnesses on the merits have been  
16 called and so we think that it is appropriate to discuss that  
17 either today or some day in the near future.

18 In terms of the Defence case, again we think discussions at  
19 least as to what form that case might take would also not be  
09:34:26 20 premature and would assist in planning in terms of future  
21 scheduling and the duration of the trial.

22 So we believe that it is really not premature to have those  
23 discussions although certainly dates perhaps could not be decided  
24 at this time, but the procedures to be followed for the Rule 98  
09:34:43 25 could be decided so that the parties are on notice. And even an  
26 indication that so many days from the end of the Prosecution case  
27 any Rule 98 submissions would be expected, we think that those  
28 things could appropriately be discussed.

29 PRESIDING JUDGE: Just before we hear from the Defence, is

1 the Prosecution saying that no matter what we decide on the  
2 outstanding motions the Prosecution won't be calling any further  
3 evidence?

09:35:17 4 MS HOLLIS: We think any further evidence would be in  
5 relation to the documentary evidence. We don't anticipate that  
6 there will be additional evidence on the substance of the case,  
7 but rather dealing with how certain portions of documents may be  
8 admitted. That's what our anticipation is at this time.

09:35:35 9 PRESIDING JUDGE: All right. Do you have anything to say,  
10 Mr Griffiths?

11 MR GRIFFITHS: Mr President, first of all, I am somewhat in  
12 the dark as to the last comment made by my learned friend in that  
13 depending on the outcome of the outstanding 92 bis motions there  
14 may well be need for the Prosecution to call a witness to deal  
09:36:00 15 with the admission of those documents. I don't know whether the  
16 Prosecution is saying they will not call any more witnesses even  
17 to introduce these documents, or whether they are saying they  
18 will seek the admission of those documents by another means.

09:36:22 19 Now, the bottom line is this. We feel that any discussion  
20 regarding any proposed 98 submission is somewhat premature in  
21 that firstly the Prosecution case has not yet closed and,  
22 secondly, as a consequence we don't know what the final shape of  
23 the case we have to meet is. It seems to us that no final  
24 decision can be made by us as to that topic until the Prosecution  
09:36:52 25 formally close their case, so consequently we feel that it's much  
26 too early to be contemplating those kinds of matters.

27 PRESIDING JUDGE: Thank you.

28 We have noted the Prosecution comments. Obviously the  
29 Prosecution has not closed its case as yet, but the matters

1 raised by Ms Hollis are matters that are appropriate to a status  
2 conference. We consider that in the light of the outstanding  
3 motions it is premature at this stage to consider those matters.

4 However, what we propose to do is this. We will need to

09:39:16 5 dispose of the outstanding motions and we will need time to do

6 so. As I have already mentioned, the Prosecution motions in

7 relation to 89(C)-92 bis are 11 in number and now that the

8 Appeals Chamber has delivered its decision we have now got a

9 clear way to dispose of those motions. Nevertheless, as the

09:40:00 10 parties are aware, some of the documentation is voluminous and we

11 are going to need time. There are also other important

12 interlocutory motions that need to be decided.

13 What we are going to do is adjourn this case to enable us

14 to attend to those matters. We will adjourn this case until

09:40:50 15 Thursday of next week, which is Thursday 19 February, and on that

16 date we are hoping to be able to appoint a status conference.

17 In other words, we will adjourn the case until 19 February.

18 It will be for mention only and we are hopeful that at the end of

19 that adjournment it will be appropriate to fix a status

09:41:21 20 conference for the following week and our order for that will

21 include an agenda. So, adjourned until 19 February for mention

22 only.

23 [Whereupon the hearing adjourned at 9.44 a.m.

24 to be reconvened on Thursday, 19 February at

09:42:15 25 9.30 a.m.]

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