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SCSL-03-01-PT  
(3497-3499)



**The Special Court for Sierra Leone**

**Case No.:** SCSL-03-01-PT

**Before:** Hon. Justice Richard Lussick, Presiding  
Hon Justice Teresa Doherty  
Hon Justice Julia Sebutinde

**Registrar:** Mr. Lovemore G. Munlo, SC

**Date filed:** 29 November 2006

**THE PROSECUTOR**

-v-

**CHARLES TAYLOR**

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**PUBLIC**

**DEFENCE MOTION FOR LEAVE TO FILE AN OVERSIZED FILING OF  
'DEFENCE MOTION ON ADEQUATE TIME AND FACILITIES FOR THE  
PREPARATION OF MR. TAYLOR'S DEFENCE'**

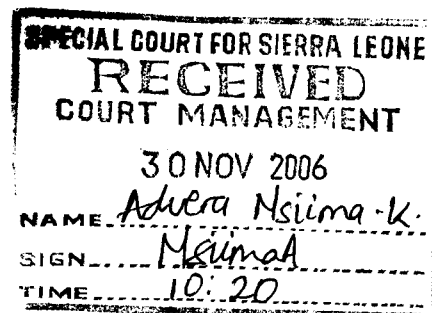
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**Office of the Prosecutor**

Mr. Christopher Staker  
Mr. James C. Johnson  
Ms. Nina Jorgensen  
Ms. Wendy van Tongeren  
Ms. Shyamala Alagendra  
Mr. Alain Werner

**Counsel for Charles Taylor**

Mr. Karim A. A. Khan  
Mr. Roger Sahota



1. The Defence for Mr. Charles Taylor seek the Trial Chamber's (hereinafter the "Chamber") permission to file on oversize motion for adequate time and facilities for the preparation of Mr. Taylor's defence, pursuant to Article 6 (G) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone (hereinafter "Practice Direction"). Article 6(C,G) require a motion exceeding "10 pages or 3000 words, whichever is greater", to "obtain authorization in advance from a Judge or a Chamber and [ ] provide an explanation of the exceptional circumstances that necessitate the oversize filing." The motion on adequate time and facilities, attached, is exceptional – it is an omnibus motion that encapsulates numerous adequate facilities issues, as well as defence submissions on adequate time. Thus, the motion must necessarily relate, in detail, a select chronology of events related to the Defence attempts to secure adequate facilities and time to prepare this case for trial.
  
2. The motion for adequate time and facilities exceeds the page limit because it is in effect several motions in one. The appended motion on adequate time and facilities incorporates several alleged shortcomings in the facilities provided to the Defence in the present case and addresses time constraints resulting from the complexity of the case. The inadequate facilities provided for Mr. Taylor's defence have negatively impacted the preparation of the defence case, particularly the defence team's ability to work towards a "tentative" trial commencement date of 02 April 2007.
  
3. The complexity of the case, in itself, is sufficient cause for an oversize filing. In *Prosecutor v. Galic*, leave to file an oversize appeal was allowed on reconsideration because the case had been reclassified administratively due to its complexity.<sup>1</sup> The present case is, at the very least, of similar complexity. It is not only broad in geographic, temporal and factual scope, including allegations of multiple crime scene locations that require investigative hubs across international boundaries, but it involves a significant change in venue. Consequently, the case also involves at least two court administrations, that of the Special Court for Sierra Leone and that of the International Criminal Court.

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<sup>1</sup> *Prosecutor v. Galic*, Case No. IT-98-29-A, ICTY, "Decision on Defence's Request for Reconsideration", 16 July 2004.

4. The Defence submits that the multiplicity of issues and relevant surrounding facts that require recounting within the motion, also merit leave being granted to file the motion attached hereto. In *Prosecutor v. Milosevic*, an oversize filing was allowed because of the “number of witnesses and breadth of proceedings with which it was dealing.”<sup>2</sup> Necessarily, this motion, related to numerous factual issues, must relate these factual issues, chronologically, to the Chamber for its consideration. Despite exceeding the 10-page limit for this motion, the issues and problems chronicled therein are only a selection of the issue and problems encountered by the Defence. Proper consideration of the Defence submissions requires an understanding not only the current circumstances facing the Defence, but a brief history related to the Defence’s active engagement with the Registry and Office of the Principal Defender on the issues raised. Thus, the filing is sufficiently exceptional, due to the complexity of this case, and the breadth of proceedings and issues addressed in the motion itself, to merit, in the respectful submission of the Defence, an oversize filing.
5. If leave to file is granted, the Defence request that the attached motion be treated as the substantive motion.

**FOR THE ABOVEMENTIONED REASONS, MAY IT PLEASE THIS HONOURABLE COURT**

**To GRANT the Defence leave to file an oversized motion on adequate time and facilities, and, if so granted, to treat the motion attached hereto as the substantive motion to be ruled upon in due course.**

Respectfully submitted,



**Karim A. A. Khan**

**Counsel for Mr. Charles Taylor**

**Dated this 29<sup>th</sup> Day of November 2006**

<sup>2</sup> *Prosecutor v. Milosevic*, Case No. It-02-54-T, ICTY, “Decision on Prosecution Motion for Trial Related Protective Measures for Witnesses (Bosnia)”, 30 July 2002, para. 9.