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SCSL-03-01-T  
(14360 - 14364)



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**THE SPECIAL COURT FOR SIERRA LEONE**

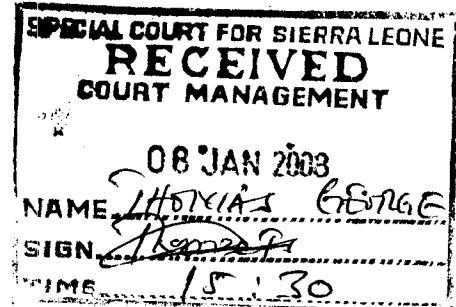
**In Trial Chamber II**

**Before:** Justice Julia Sebutinde, Presiding  
Justice Richard Lussick  
Justice Teresa Doherty  
Justice El Hadji Malick Sow, Alternate

**Registrar:** Mr. Herman von Hebel

**Date:** 8 January 2008

**Case No.:** SCSL-2003-01-T



**THE PROSECUTOR**

-v-

**CHARLES GHANKAY TAYLOR**

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PUBLIC

**MOTION FOR EXTENSION OF TIME PURSUANT TO RULE 7bis IN RESPECT OF  
TWO PROSECUTION MOTIONS: SCSL-03-01-T-372 AND SCSL-03-01-T-375**

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**Office of the Prosecutor**

Ms. Brenda J. Hollis  
Mr. Nicholas Koumjian  
Ms. Leigh Lawrie

**Counsel for Charles G. Taylor**

Mr. Courtenay Griffiths Q.C.  
Mr. Terry Munyard  
Mr. Andrew Cayley  
Mr. Morris Anyah

## I. Introduction

1. On 13 December 2007, the Prosecution filed a *Confidential Prosecution Motion for the Testimony of Witnesses TF1-548, TF1-555 & TF1-561 to be Held in Closed Session*.<sup>1</sup> Additionally, on 14 December 2007, the Prosecution filed a *Public with Confidential Annexes Prosecution Motion for Admission of Part of the Prior Evidence of TF1-362 & TF1-371 Pursuant to Rule 92ter*.<sup>2</sup> Both were filed just before the Defence separated for the Judicial Recess.
2. According to the *Order Scheduling Judicial Recess* of 17 October 2007, Defence responses to both of these motions should have been filed by 7 January 2008.<sup>3</sup>
3. Pursuant to Rule 7bis of the Special Court Rules of Procedure and Evidence, a motion for extension of time must be filed within three days of the receipt of the motion. Accordingly, and considering that the otherwise applicable deadline for a Response by the Defence to both motions expired during judicial recess, a motion for an extension of time should have also been filed by the Defence on 7 January 2008. Rule 7bis also states that the Trial Chamber may dispose of a motion for an extension of time without giving the other party the opportunity to respond if it is of the opinion that no prejudice will be caused to the other party.
4. The failure by the Defence to file timely responses to both Prosecution motions was the result of an unintentional oversight which, in turn, derived from a combination of factors, including: the fact that the motions were filed right on the eve of the Judicial Recess period at a time when members of the Defence team were all not in the same location (The Hague) and were somewhat distracted by the personal events surrounding the approaching December holiday season. This regrettable oversight resulted in no member of the Defence team being assigned to work on the responses during the recess. However, the

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<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-372, Confidential Prosecution Motion for the Testimony of Witnesses TF1-548, TF1-555 & TF1-561 to be Held in Closed Session, 13 December 2007 (“Closed Session Motion”).

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-375, Public with Confidential Annexes Prosecution Motion for Admission of Part of the Prior Evidence of TF1-362 & TF1-371 Pursuant to Rule 92ter, 14 December 2007 (“92ter Motion”).

<sup>3</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-349, Order Scheduling Judicial Recess, 17 October 2007 (“Order”).

Defence is of the view that both the Closed Session Motion and the 92ter Motion raise significant issues regarding the Accused's Article 17 rights to a fair and public hearing, and that they each require a substantive and thoughtful response. Consequently, and in the interests of justice, the Defence respectfully seeks leave of court to file this motion for an extension of time and to be granted a reasonable period of time to respond to both. In this regard, the Defence respectfully requests until 14 January 2008, to file its responses to both motions at issue.

## II. Submissions

5. Had time not expired during Judicial Recess, a 14 January 2008 deadline would be considered timely under Rule 7, as the responses would have been filed within the 10 day time period. This motion for an extension would also been considered timely because it would have fallen within the prescribed three- day time period under Rule 7bis.
6. The Defence submits that there would be no prejudice caused to the Prosecution if the Defence is granted an additional week to respond to these two motions. Nor will a one-week extension delay the trial proceedings in any way. The Closed Session Motion is in relation to witnesses TF1-548, TF1-555 and TF1-561. The 92ter Motion is in relation to witnesses TF1-362 and TF1-371. According to the Prosecution Witness Lists for the first three weeks of trial, none of these three witnesses are scheduled to testify between now and 25 January 2008.<sup>4</sup> This should allow the Prosecution enough time to Reply and still give the Trial Chamber ample time to reach a decision before any of the witnesses are scheduled to testify.
7. The interests of justice favour an extension of time for the Defence, in large part because the substance of the motions deal with the public nature of the trial proceedings against Mr. Taylor and the Defence should, as such, be permitted the requested opportunity to respond. Additionally, the 92ter Motion touches on the rights of the Accused to confront

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<sup>4</sup> See *Prosecutor v. Taylor*, SCSL-03-01-T-373, Public Prosecution Witness List with Confidential Annex B for Weeks 7-11 January and 14-18 January 2008, 13 December 2007; *Prosecutor v. Taylor*, SCSL-03-01-T-379, Public Prosecution Witness and Exhibit List for Week 21-25 January 2008, 7 January 2008.

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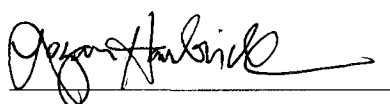
the witnesses against him and manner in which evidence against him will be tendered. These essential rights should not be abrogated simply because of an unintentional oversight on the part of the Defence.

8. It is important to note that this is the first time in the trial against Mr. Taylor that either the use of closed session testimony or the admission of Rule 92ter prior testimony have been considered by the Trial Chamber. The Defence do not wish for the Trial Chamber to set a precedent on these issues without first having the views of the Defence considered.
9. Both motions are of considerable length and, given the fact that trial is now in session, it is not possible for the Defence to adequately respond to them in just a day or two. For instance, the 92ter motion contains annexes of almost 1000 pages in length.

### III. Conclusion

10. In the interests of justice and because there is no prejudice to the Prosecution or delay in the trial schedule, the Defence respectfully request leave to submit this Motion for an Extension of Time, and through it, respectfully requests until 14 January 2008, to respond to the *Confidential Prosecution Motion for the Testimony of Witnesses TF1-548, TF1-555 & TF1-561 to be Held in Closed Session and the Public with Confidential Annexes Prosecution Motion for Admission of Part of the Prior Evidence of TF1-362 & TF1-371 Pursuant to Rule 92ter.*

Respectfully Submitted,



**For Courtenay Griffiths, Q.C.**  
**Lead Counsel for Charles G. Taylor**  
Dated this 8<sup>th</sup> Day of January 2008  
Freetown, Sierra Leone.

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## Table of Authorities

### Miscellaneous

*Prosecutor v. Taylor*, SCSL-03-01-T-349, Order Scheduling Judicial Recess, 17 October 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-372, Confidential Prosecution Motion for the Testimony of Witnesses TF1-548, TF1-555 & TF1-561 to be Held in Closed Session, 13 December 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-373, Public Prosecution Witness List with Confidential Annex B for Weeks 7-11 January and 14-18 January 2008, 13 December 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-375, Public with Confidential Annexes Prosecution Motion for Admission of Part of the Prior Evidence of TF1-362 & TF1-371 Pursuant to Rule 92ter, 14 December 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-379, Public Prosecution Witness and Exhibit List for Week 21-25 January 2008, 7 January 2008