

(154)

SCSL-03-01-T
(31523-31526)

31523



SPECIAL COURT FOR SIERRA LEONE

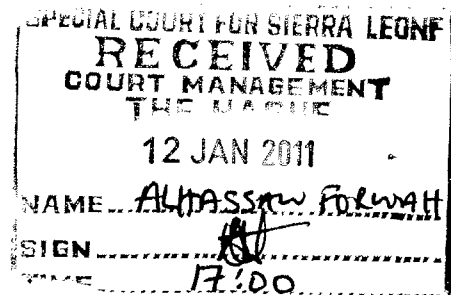
TRIAL CHAMBER II

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

Registrar: Binta Mansaray

Case No.: SCSL-03-1-T

Date: 12 January 2011



PROSECUTOR

v.

Charles Ghankay TAYLOR

DECISION ON DEFENCE REQUEST FOR A STATUS CONFERENCE PURSUANT TO RULE 65 *BIS*
AND DEFENCE MOTION FOR STAY OF PROCEEDINGS
PENDING RESOLUTION OF OUTSTANDING ISSUES

Office of the Prosecutor:
Brenda J. Hollis

Counsel for the Accused:
Courtenay Griffiths, Q.C.
Terry Munyard
Morris Anyah
Silas Chekera
James Supuwood

TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”);¹

SEISED of the “Urgent and Public Defence Request for a Status Conference Pursuant to Rule 65bis”, filed on 10 January 2011 (“Request”);² wherein the Defence requests the Trial Chamber to convene a status conference pursuant to Rule 65bis, submitting that it would like to review the status of the case, given that there are a number of outstanding filings before the Trial Chamber and Appeals Chamber and yet the Parties are scheduled to file their final trial briefs on 14 January 2011;³

SEISED ALSO of the “Urgent and Public Defence Motion for a Stay of Proceedings Pending Resolution of Outstanding Issues” (“Motion”),⁴ wherein the Defence requests a stay of proceedings, including vacating the deadline for filing the parties’ final briefs pending the resolution of outstanding issues in the trial, or alternatively, a one month extension for filing the briefs, and submitting further that a refusal by the Trial Chamber to grant such a stay would be a violation of the Accused’s right to a fair trial;⁵

CONSIDERING that while the Prosecution has not yet filed any response to the Request or the Motion, given the urgency of the request and the lack of prejudice to the Prosecution, it is appropriate in this case to render a decision without submissions from the Prosecution;

RECALLING the Trial Chamber’s “Order Setting a Date for the Closure of the Defence Case and Dates for Filing of Final Trial Briefs and the Presentation of Closing Arguments”, dated 22 October 2010,⁶ wherein it ordered that the Parties shall file their respective final trial briefs by 16:30 on 14 January 2011;

NOTING that the Defence has filed two Notices of Appeal before the Appeals Chamber, but that the Defence did not specifically request a stay of proceedings;⁷

¹ *Prosecutor v. Taylor*, SCSL-03-01-T, Order under Rule 16 to Continue Trial in the Absence of a Judge, 16 December 2010. The five working days during which the trial may proceed in the absence of a judge continue to run after the judicial recess ordered by the President on 15 November 2010. (*Prosecutor v. Taylor*, SCSL-03-01-1120, Order Scheduling Judicial Recess, 15 November 2010).

² SCSL-03-01-T-1145.

³ Request, para. 3.

⁴ SCSL-03-01-T-1144.

⁵ Motion, paras 1, 27.

⁶ SCSL-03-01-T-1105.

⁷ *Prosecutor v. Taylor*, SCSL-03-01-T Notice of Appeal and Submissions Regarding the Decision on the Defence Motion for Admission of Documents and Drawing of an Adverse Inference Relating to the Alleged Death of Johnny Paul Koroma, SCSL-03-01-T-1133, 10 December 2010; *Prosecutor v. Taylor*, SCSL-03-01-T-1134, Notice of Appeal and Submissions



RECALLING that on 13 September 2010, the Trial Chamber ordered the Defence to file all remaining motions by 24 September 2010;⁸

NOTING that on 17 December 2010, the Defence filed a Motion to recall four Prosecution witnesses and to hear evidence from the Chief of WVS,⁹ and that on 10 January 2011, it filed three further Motions;¹⁰

RECALLING the Status Conference on 22 October 2010, when the Defence position on a closure date for its case and issues in relation to Rule 86 of the Rules of Procedure and Evidence were reviewed and addressed extensively by the Defence and Prosecution;

NOTING that several of the motions involve issues that arose after the time limit expired on 24 September 2010 and after the Status Conference on 22 October 2010;

HOLDING that Rule 73(C) is not applicable in the present case, since the Trial Chamber and the Appeals Chamber are not seised of the same motion;

CONSIDERING that a review of the status of the case is not necessary at this stage as, once a determination on the pending motions has been made by the Trial Chamber, any outstanding issues on which the Defence may wish to make written submissions can be the subject of an appropriate application in accordance with the Rules;

CONSIDERING FURTHER that, for the same reasons, a stay of proceedings or an extension of the time for filing the final briefs is not necessary, and that given that the Defence may seek leave to make additional submissions after the filing of the final trial briefs, there is no prejudice to the Accused's fair trial rights;

Regarding the Decision on the Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecutor and its Investigators, 10 December 2010.

⁸ *Prosecutor v. Taylor*, SCSL-03-01-T, Transcript 13 September 2010, p. 48323.

⁹ *Prosecutor v. Taylor*, SCSL-03-01-T-1142, Defence Motion to Recall Four Prosecution Witnesses and to Hear Evidence from the Chief of WVS Regarding Relocation of Prosecution Witnesses, 17 December 2010.

¹⁰ *Prosecutor v. Taylor*, SCSL-03-01-T-1143, Urgent and Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution and the Registry based on Leaked USG Cables, 10 January 2011; *Prosecutor v. Taylor*, SCSL-03-01-T-1146, Urgent and Public with Annexes A-C Defence Motion to Re-Open its Case in Order to Seek Admission of Documents Relating to the Relationship Between the United States Government and the Prosecution of Charles Taylor; *Prosecutor v. Taylor*, SCSL-03-01-T-1146, Urgent and Public Defence Motion for Stay of Proceedings Pending Resolution of Outstanding Issues, 10 January 2011.

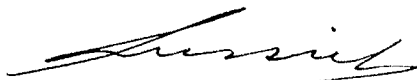
FOR THE ABOVE REASONS

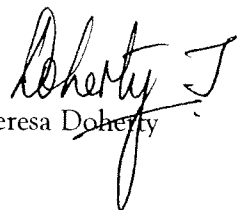
REFUSES the request for a Status Conference;

DISMISSES the Motion for a stay of proceedings or an extension of time for the filing of the final trial briefs and;

REMINDS the Parties of the original order to file the final trial briefs by 16:30 on 14 January 2011.

Done at The Hague, The Netherlands, this 12th day of January 2011.


Justice Richard Lussick


Justice Teresa Doherty

[Seal of the Special Court for Sierra Leone]

