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SCSL-03-01-T

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( 11230-11233 )



**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, Acting Registrar

**Date Filed:** 28 June 2007

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

SPECIAL COURT FOR SIERRA LEONE	
<b>RECEIVED</b>	
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THE HAGUE	
28 JUN 2007	
NAME	RACHEWIRURA
SIGN	<i>[Signature]</i>
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**THE PROSECUTOR**

-v-

**CHARLES GHANKAY TAYLOR**

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**URGENT AND PUBLIC**

**JOINT SUBMISSION BY THE OFFICE OF THE PRINCIPAL DEFENDER  
AND THE PROSECUTION IN RELATION TO THE RE-COMMENCEMENT OF THE  
TRIAL ON 3 JULY 2007**

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**Office of the Prosecutor:**  
Ms. Brenda J. Hollis

**Office of the Principal Defender:**  
Mr. Charles Jalloh

## I. INTRODUCTION

1. The Office of the Principal Defender (Duty Counsel) and the Prosecution hereby file this joint submission in relation to the re-commencement of the trial on 3 July 2007, as ordered by this Honourable Trial Chamber on 25 June 2007.<sup>1</sup>
2. On 25 June 2007, the Trial Chamber ordered that the Prosecution's case continue on 3 July 2007 through 11 July 2007, following which the proceedings will be adjourned by the Chamber until reconvened on 20 August 2007.<sup>2</sup> The Chamber also ordered that the Registrar enable the Principal Defender to assemble, by 31 July 2007, a defence team for the Accused comprising of one lead counsel, two co-counsel, and one senior investigator at a P-4 level.<sup>3</sup> Additionally, the Chamber ordered, as a short-term measure before the appointment of a permanent defence team, the assignment of Interim Counsel to represent the Accused during the period between 3 and 11 July 2007 or, alternatively, the appearance of Duty Counsel during those dates to represent Mr. Charles Ghankay Taylor ("the Accused").<sup>4</sup>
3. Excluding those days in July which fall on a weekend, the practical effect of the Chamber's order is that the Prosecution would present evidence for a seven-day period in July 2007, during which the Accused will be represented either by Interim Counsel or by Duty Counsel.
4. The Duty Counsel wishes to note that he has not received instruction from the Accused and, of course, is not representing the positions of the permanent defence team, which is yet to be constituted. This permanent defence team will fashion its own position on such matters.
5. One of the Prosecution expert witnesses is scheduled to travel from another continent on the evening of 28 June 2007. To avoid unnecessary travel and inconvenience to the

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<sup>1</sup> See *Prosecution v. Taylor*, SCSL-03-01-T, Trial Transcript, 25 June 2007, pages 44 – 46.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, at page 45, lines 18 through 29.

<sup>4</sup> *Ibid.*, at pages 45, lines 1 through 7.

witness, Prosecution and Duty Counsel request that this motion be decided as a matter of urgency.

## II. SUBMISSION

6. The parties herein respectfully submit that good cause exists in the interests of justice for a slight modification of the prevailing trial schedule. In this regard, the parties respectfully request that the trial be reconvened, not as presently scheduled for 3 July 2007, but rather on 20 August 2007. The Defence Office anticipates that the Accused's permanent defence team will be in place at that time.
7. In particular, the Duty Counsel, having in mind the requirements of Article 17(4)(e) of the Statute of the Court which provides that the Accused is entitled to "examine, or have examined, the witnesses against him" under the same conditions as that of the Prosecution considers that the following constitute "good cause", in the totality of the circumstances:
  - (a) Duty Counsel, after having been ordered only two days ago to possibly undertake the substantive representation of the Accused, is presently unable to adequately or effectively represent him in respect of the matters that are expected to arise once the Prosecution examination-in-chief begins. In this regard, Duty Counsel has thus far not played a role in the substantive defence of the Accused, as he has not previously been instructed by the Accused or reviewed any of the significant material (including expert reports) that has so far been disclosed by the Prosecution. Indeed, it was only yesterday that Duty Counsel became aware of who the Prosecution intends to call as its first witness, if the trial were to recommence on 3 July 2007. Furthermore, Duty Counsel, who does not have any administrative support, continues to receive material from the Prosecution while he is engaged upon identifying and locating available lawyers from the List of Counsel kept by the Defence Office in compliance with the Trial Chambers order to appoint Interim Counsel and a permanent defence team.

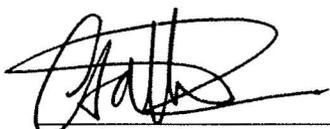
- (b) The two expert witnesses to be called by the Prosecution have been challenged by previously assigned counsel acting on behalf of the Accused. Duty counsel was not privy to the analysis and discussions which led to the decision to challenge these witnesses.
8. As stated in paragraph 6 *supra*, the Prosecution submits that “good cause” exists in the interests of justice for the requested modification of the trial schedule. Should the Trial Chamber deny this motion, the Prosecution would call the two expert witnesses referred to in paragraph 7(b) *supra*. These witnesses could be provisionally qualified as experts, subject to later challenge by the permanent defence team. The witnesses may also be subject to recall should the permanent defence team state that it wishes to pursue additional relevant line(s) of inquiry. In both instances, the witnesses could be required to travel again to The Hague to testify.

### III. CONCLUSION

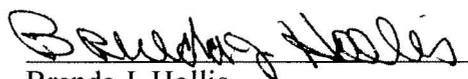
9. In closing, the parties jointly request a postponement of the resumption of the Prosecution case until 20 August 2007.

Filed in The Hague,

Dated this 28<sup>th</sup> day of June 2007



Charles Jalloh  
Legal Officer/Duty Counsel



Brenda J. Hollis  
Senior Trial Attorney