



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 10 MAY 2010
9.35 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Silas Chekera
Ms Logan Hambri ck

1 Monday, 10 May 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.35 a.m.]

09:28:03 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MS HOWARTH: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel opposite. For the
9 Prosecution this morning, Mr Koumjian, Mr Mohamed A Bangura,
09:35:46 10 Ms Maja Dimitrova and myself Ms Kathryn Howarth.

11 MR GRIFFITHS: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence today, myself Courtenay
13 Griffiths, with me Mr Silas Chekera, Mr Terry Munyard and
14 Ms Logan Hambri ck of counsel .

09:36:06 15

16 {Redacted}

17 Before I continue, could I ask that
18 we deal with this matter in private session.

19 PRESIDING JUDGE: And perhaps the comments by counsel could
09:36:37 20 be redacted. The first few comments relating to Mr Taylor should
21 be redacted, and we'll go into private session for the privacy of
22 the accused person, please.

23 PRESIDING JUDGE: Mr Griffiths, would you have the witness
24 excused for a moment, or not?

09:37:09 25 MR GRIFFITHS: Yes, I think it would be wise for the
26 witness to step outside.

27 PRESIDING JUDGE: Okay.

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1 [At this point in the proceedings, a portion of
2 the transcript, pages 40716 to 40720, was
3 extracted and sealed under separate cover, as
4 the proceeding was heard in private
5 session.]

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1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 PRESIDING JUDGE: The Defence counsel has requested the
4 Court to adjourn for the reason that Mr Taylor is unable to
09:50:56 5 attend court today and would like to be present in court today
6 but is simply unable. We have heard the reasons in private
7 session and we are satisfied that it's a reasonable request to
8 adjourn the proceedings today until tomorrow morning when
9 Mr Taylor is able to attend court. So we will adjourn court for
09:51:20 10 the rest of today and reconvene tomorrow at 9.30 in the morning.

11 Mr Griffiths, this is on a slightly different matter. Are
12 we done with the request for adjournment?

13 MR GRIFFITHS: We are done with that. I was going to deal
14 with another matter which I anticipate may be troubling
09:51:54 15 your Honours, which is the question of the timeline for the
16 Defence case.

17 PRESIDING JUDGE: Yes, exactly.

18 MR GRIFFITHS: The position is this, your Honours: That
19 our most optimistic view of the duration of the Defence case is
09:52:15 20 that it will conclude sometime in August, but we cannot rule out
21 the pessimistic possibility that we may run into September.

22 Now, that raises another issue, which is the question of
23 whether or not the Court ought to be planning now for a summer
24 recess. And I raise that matter for this reason: If that most
09:52:48 25 pessimistic prediction is correct, it will mean that by September
26 we will have sat continuously and intensively for some five
27 months. And it is a fact that this case is beginning to take its
28 toll on many of us physically and, in our view, the Court ought
29 realistically to factor in a summer recess, we would submit

1 sometime perhaps in mid-July.

2 Now, the other reason why in our submission the Court
3 should be thinking along these lines is this: We don't know
4 whether or not the Prosecution will be applying to call rebuttal
09:53:44 5 evidence or indeed, if they do choose to do so, the duration of
6 that evidence. And in our submission, that possibility ought to
7 be factored in to any considerations as to the future timetabling
8 of the case. We would submit that that very real possibility
9 provides an even more powerful reason why the Court ought to be
09:54:13 10 considering a summer recess at some stage.

11 I don't know if there is any particular matters with which
12 I could assist at this point.

13 PRESIDING JUDGE: Yes, Mr Griffiths, before you sit, we
14 have been wondering actually. I know that the Defence
09:54:33 15 investigations have been ongoing and that you have been revising
16 your witness lists, et cetera. Perhaps I am just urging you to
17 really consider the absolutely necessary number, minimum number
18 of witnesses, having in view the fact that the onus of proof lies
19 on the Prosecution and not the Defence. This is a very, very
09:55:02 20 vital factor in the timeline. You could go through as a Defence
21 team again through your witness list just to ensure that there
22 are no duplications and that these are absolutely necessary
23 witnesses in the circumstances.

24 MR GRIFFITHS: Madam President, I can assure you that were
09:55:27 25 it left purely to the lawyers, there would be a minimum of
26 witnesses called. But your Honours have to appreciate we act on
27 instructions and we have the situation as to Defence witnesses
28 continuously under review. And I can assure you that my concern
29 is to put the Defence case within as short and as narrow compass

1 as possible, subject of course to any instructions I receive.

2 PRESIDING JUDGE: Okay.

3 MR GRIFFITHS: I guess I am being rather Delphic but
4 your Honour can understand why.

09:56:20 5 PRESIDING JUDGE: Yes, but also, if I may remind you, the
6 Chamber does have powers to ask you to show cause why you can't
7 call less witnesses. This is a trump card that we keep, we would
8 not like to resort to. But if we think that the trial is being
9 protracted to an inordinate length we have that power, and,
09:56:48 10 indeed, the duty to conduct an efficient and expeditious trial,
11 and I think your client should be reminded of this in all wisdom
12 to trust his lawyers. That should be really the bottom line.

13 But I would like to hear the Defence - sorry, the
14 Prosecution, if you are in a position to say - first of all, to
09:57:13 15 comment on the timing of the summer recess, but also on the other
16 comments relating to the timeline, rebuttal evidence, et cetera,
17 if you are able to. I realise that Ms Hollis is not here, but if
18 you are able to, we could hear from you. We are not going to
19 make a decision today. If you need time to consult the team
09:57:35 20 leader, we appreciate that. But if you have anything to say at
21 this moment, it's welcome.

22 MR KOUMJIAN: I appreciate that flexibility, and I would
23 say that these, then, are preliminary remarks.

24 The first is while we understand it's helpful with
09:57:50 25 everyone's planning to know about the summer recess, it's even
26 more helpful for everyone's planning in the whole institution,
27 including hiring, retention, budget, to have an estimate of when
28 the trial will finish. So we would urge the Court to try - that
29 it is an appropriate time to try to come up with a schedule that

1 would be an approximation, an estimate of when this trial would
2 finish.

3 I would say the Prosecution is contemplating at the present
4 time - we haven't heard the Defence case; we've only heard part
09:58:24 5 of it - a short rebuttal - application for a short rebuttal -
6 that would be less than a week at the present time - and we just
7 think that at the moment - I think we are still working from a
8 witness list of about 270 witnesses, because the core witness
9 list, apparently, is only a suggestion. Some witnesses are being
09:58:48 10 moved in and out of the core list, so that's an approximation.
11 But we still have a very, very large number of witnesses.

12 In my domestic practice, it is ultimately the attorney's
13 responsibility, and not the client, to decide which witnesses are
14 called. Clients enjoy the services of professional, experienced
09:59:12 15 Defence counsel and they have to place their trust - when you
16 decide to be represented by experienced, professional Defence
17 counsel, you have to place your trust in their judgement. That's
18 what their years and years of experience - that's why you are
19 using their services, and we hope that the accused would
09:59:35 20 understand that.

21 And these are the preliminary remarks that I have for
22 your Honour, and I would add that I am sure Ms Hollis would have
23 additional and more precise answers to your Honours' questions.

24 PRESIDING JUDGE: So, Mr Koumjian, you couldn't give the
09:59:52 25 Court an indication as to what your preferences for the summer
26 recess would be?

27 MR KOUMJIAN: That I really don't know, other than our
28 preference was to finish, as your Honours said earlier, the
29 Defence case before the summer recess.

1 PRESIDING JUDGE: Perhaps we will hear from the Prosecution
2 tomorrow morning on this issue before we finally take a decision,
3 in which case we will adjourn as previously indicated. I do not
4 think it's --

10:00:33 5 MR GRIFFITHS: Madam President, can I mention two things:
6 Firstly, we still have a witness who is anticipating giving
7 evidence, so he will have to be discharged for the day; secondly,
8 can I mention, out of courtesy, that I will not be here tomorrow.
9 Mr Munyard will undoubtedly deal with any matters arising from
10:00:54 10 the matters discussed this morning.

11 PRESIDING JUDGE: Madam Court Officer, if we could have the
12 witness brought back, please.

13 [In the presence of the witness]

14 PRESIDING JUDGE: Mr Zaymay, the Court has decided to
10:02:05 15 adjourn for the rest of today, the reason being that Mr Taylor,
16 who should be here in court, is unable to be in court today, but
17 hopefully will be in court tomorrow morning.

18 So I would like to officially inform you that you are not
19 to discuss your evidence, as I normally caution you, and you will
10:02:28 20 return tomorrow morning for the rest of your testimony,
21 hopefully.

22 Thank you. Court is adjourned.

23 [Whereupon the hearing adjourned at 10.03 a.m.
24 to be reconvened on Tuesday, 11 May 2010 at
10:03:02 25 9.30 a.m.]

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