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SCSL-03-01-T
(14436-14438)

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SPECIAL COURT FOR SIERRA LEONE

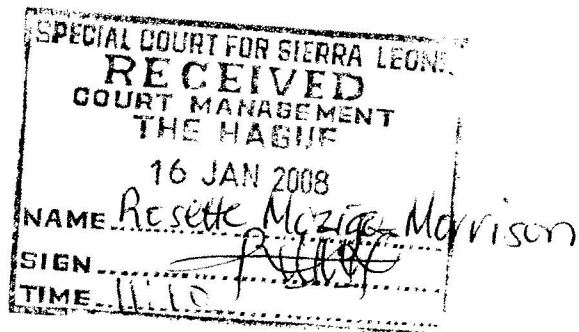
TRIAL CHAMBER II

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

Registrar: Mr. Herman von Hebel

Case No.: SCSL03-1-T

Date: 16 January 2007



THE PROSECUTOR

v.

Charles Ghanky TAYLOR

DECISION ON MOTION FOR EXTENSION OF TIME PURSUANT TO RULE 7BIS IN RESPECT OF TWO PROSECUTION MOTIONS: SCSL03-01-372 AND SCSL03-01-375

Office of the Prosecutor:

Brenda Hollis
Nicholas Koumjian
Leigh Lawrie

Defence Counsel for Charles G. Taylor:

Courtenay Griffiths, Q.C.
Terry Munyard
Andrew Cayley

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

SEIZED OF the “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”, filed on 8 January 2008 (“Motion”),¹ wherein the Defence submits that it failed to file timely responses to the said motions, that this failure was due to an unintentional oversight and that, in the interests of justice, the Chamber should grant it an extension of time until 14 January 2008 to file responses. The Defence further submits that the motions address important issues which may be litigated in this trial for the first time, such as the admission of Rule 92ter prior testimony and the use of closed session testimony;

NOTING the “Prosecution Response to the ‘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’”, filed on 10 January 2008 (“Response”),² wherein the Prosecution opposes the Motion, submitting that the Defence failed to establish good cause justifying the relief requested, that the Prosecution is prejudiced by the failure of the Defence to file timely responses, and that an extension of time is not in the interests of justice;

RECALLING the “Confidential Prosecution Motion for the Testimony of Witnesses TF1-548, TF1-555 and TF1-561 to be Held in Closed Session”, filed on 13 December 2007 (“Closed Session Motion”);³

RECALLING FURTHER the “Public with Confidential Annexes Prosecution Motion for Admission of Part of the Prior Evidence of TF1-362 & TF1-371 Pursuant to Rule 92ter”, filed on 14 December 2007 (“92ter Motion”);⁴

NOTING the “Confidential Defence Reply to the Prosecution Motion for the Testimony of Witnesses TF1-548, TF1-555 and TF1-561 to be Held in Closed Session”, filed on 14 January 2008;⁵

CONSIDERING that Rule 7(C) of the Rules of Procedure and Evidence (“Rules”) provides that the response to a motion shall be filed within 10 days of service of the motion, unless otherwise ordered by the Chamber;

CONSIDERING the President’s Order Scheduling Judicial Recess, ordering that “time limits for filing documents shall run during the judicial recess” and that if “the time limits should expire on a day falling within this judicial recess, the time limit shall automatically be extended to the subsequent working day, 7 January 2008.”⁶

NOTING that the time limits for responding to both the Closed Session Motion and the 92ter Motion expired on 7 January 2008; that the Defence filed a response to the Closed Session Motion on 14 January 2008, and that, as yet, there is no response filed to the 92ter Motion;

FINDING that the Defence has failed to establish good cause for an extension of time;

¹ SCSL-2003-01-T-382.

² SCSL-2003-01-T-384.

³ SCSL-2003-01-T-372.

⁴ SCSL-2003-01-T-371.

⁵ SCSL-2003-01-T-389.

⁶ SCSL-2003-01-T-349, Order Scheduling Judicial Recess, 17 October 2007.





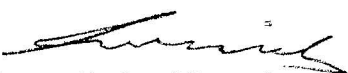
NOTWITHSTANDING that finding, however, the Trial Chamber considers that both motions address issues which may significantly affect the right of the Accused to a fair trial, that Defence Counsel's oversight should not prejudice the rights of the Accused, and that it is therefore in the interests of justice to hear the Defence submissions on the motions in question. The Chamber therefore exercises its discretion under Rule 7(C) and extends the time period in which it will receive and consider responses from the Defence, and also any further reply by the Prosecution;

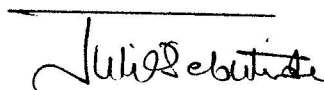
PURSUANT to Rule 7bis and 54 of the Rules and in the interests of justice;

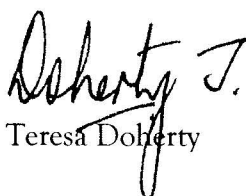
GRANTS THE MOTION and

ORDERS that the time limit for filing of Defence Responses to the Closed Session Motion and the Rule 92ter Motion be extended to Thursday, 17 January, 4:00 p.m., and that the time limit for filing of the Prosecution Replies to any Responses be extended to five days after filing of any Defence Response;

Done at The Hague, The Netherlands, this 16th day of January 2008.


Justice Richard Lussick


Justice Julia Sebutinde
Presiding Judge


Justice Teresa Doherty

