

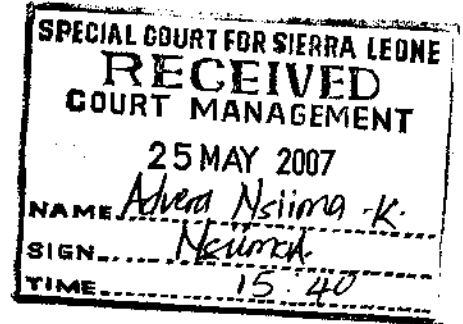
255.



9434

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: Herman von Hebel, Acting Registrar

Case No.: SCSL-03-1-PT

Date: 25 May 2007

PROSECUTOR

Against

CHARLES GHANKAY TAYLOR

DECISION ON THE PROSECUTION MOTION
 REQUESTING LEAVE TO AMEND INDICTMENT

Office of the Prosecutor:

Stephen Rapp
Brenda Hollis

Defence Counsel for Charles G. Taylor:

Karim A.A. Khan
Roger Sahota

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

9435

SEISED of the "Prosecution Motion Requesting Leave to Amend the Amended Indictment", filed on 14 May 2007, in which the Prosecution requests leave to amend the following counts of the Amended Indictment, which amendments are incorporated in a Second Amended Indictment attached to the Motion as Annex A, as follows :

- (a) Count 5 by deletion of the words "and any other form of sexual violence";
- (b) Count 11 by deletion of the word "Masiaka" from paragraph 30;
- (c) Count 11 by insertion between paragraphs 30 and 31 of a heading entitled "Port Loko District" and a paragraph numbered 30A which states "Between about 1 February 1998 and about 30 April 1998, in various locations, including Masiaka";¹

NOTING the "Defence Response to Motion Requesting Leave to Amend Indictment" filed on 18 May 2007 in which the Defence does not object to the proposed amendments to the Amended Indictment of 16 March 2006;²

NOTING that the Prosecution has not filed a Reply to the Response;

RECALLING that the original Indictment ("Indictment") against the Accused Charles Ghankay Taylor as filed by the Prosecutor on 3 March 2003 and approved³ by the Honourable Justice Bankole Thompson, Designated Judge on 7 March 2003 was first amended⁴ on 16 March 2006 ("Amended Indictment");

RECALLING the Accused Charles Ghankay Taylor made his initial appearance on 3 April 2006 pursuant to Rule 61 of the Rules of Procedure and Evidence ("Rules") before the Honourable Justice Richard Lussick and formally pleaded not guilty to all 11 counts of the Amended Indictment;

MINDFUL of the provisions of Article 17(4)(a) of the Statute of the Special Court for Sierra Leone ("Statute"), and of Rules 50(A), 52(A), and 73 of the Rules of Evidence and Procedure ("Rules");

SATISFIED that the proposed amendments do not cause any injustice to the accused, nor otherwise prejudice him unfairly in the conduct of his defence;⁵

HEREBY GRANTS the Prosecution leave to amend the Amended Indictment dated 16 March 2006 by substituting for the said Amended Indictment, the Second Amended Indictment which is attached to the Motion as Annex A.

¹ Motion Requesting Leave to Amend Indictment, para. 5.

² Defence Response to Motion Requesting Leave to Amend Indictment, para. 1.

³ *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-03-01-I, Decision Approving the Indictment and Order for Non-Disclosure, 7 March 2003.

⁴ *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-03-01-I, Decision on Prosecution's Application to Amend Indictment and on Approval of Amended Indictment, 16 March 2006.

⁵ *Prosecutor v. Norman, Kondewa, Fofana*, SCSL-04-14-A73, Decision on Amendment of the Consolidated Indictment, 16 May 2005, para 78 et seq; *Prosecutor v. Brima, Kamara, Kanu*, SCSL-04-16-T, Decision on the Prosecution Application to Further Amend the Amended Consolidated Indictment by Withdrawing Counts 15 - 18, 15 February 2005, page 2; *Prosecutor v. Casimir Bizimungu et al.*, ICTR-99-50-AR50, Decision on Prosecutor's Interlocutory Appeal Against Trial Chamber II Decision of 6 October 2003 Denying Leave to File Amended Indictment, 12 February 2004.

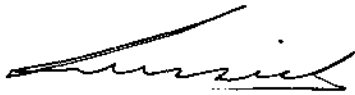


AND ORDERS

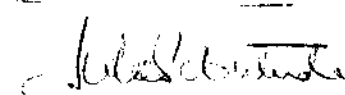
9436

1. That the Prosecution file the Second Amended Indictment by 4.00 p.m. on 29 May 2007;
2. That the Registrar effect personal service on the Accused of a copy of the Second Amended Indictment in accordance with Rule 52(B) of the Rules not later than 4.00 p.m. on 30 May 2007;
3. That the Accused enter a plea to the new Count 5, on 4 June 2007, before the Opening Statement of the Prosecution.

Done at Freetown, Sierra Leone, this 25th day of May 2007.



Justice Richard Lussick



Justice Julia Sebutinde
Presiding Judge



Justice Teresa Doherty

[Seal of the Special Court for Sierra Leone]

