

139)

SCSL-03-01-PT
(3527-3529)

3527



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

TRIAL CHAMBER II

Before: Justice Richard Lussick, Presiding Judge
Justice Teresa Doherty
Justice Julia Sebutinde

Registrar: Lovemore G. Munlo, SC

Date: 11 December 2006

PROSECUTOR Against Charles Ghankay Taylor
(Case No.SCSL-03-1-PT)

**DECISION ON DEFENCE MOTION FOR LEAVE TO FILE AN OVERSIZED FILING
OF 'DEFENCE MOTION ON ADEQUATE TIME AND FACILITIES FOR THE
PREPARATION OF MR. TAYLOR'S DEFENCE'**

Office of the Prosecutor:

Christopher Staker
James C. Johnson
Nina Jorgenson
Wendy van Tongeren
Shyamala Alagendra
Alain Weruer

Defence Counsel for Charles G. Taylor:

Karim A. A. Khan
Roger Sahota

RECEIVED
16/12/06
Adura Nsiama-k
Nsiamah
16:35

TRIAL CHAMBER II ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court"), composed of Justice Richard Lussick, Presiding Judge, Justice Teresa Doherty and Justice Julia Sebutinde;

SEISED of the Defence Motion for Leave to File an Oversized Filing of 'Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor's Defence', filed on 30 November 2006 ("Motion"), wherein the Defence seeks leave to file an oversized motion on adequate time and facilities on the grounds that:

- (i) the oversized motion is exceptional in that "it is an omnibus motion that encapsulates numerous adequate facilities issues, as well as defence submissions on adequate time. Thus, the motion must necessarily relate, in detail, a select chronology of events related to the Defence attempts to secure adequate facilities and time to prepare this case for trial"¹;
- (ii) the oversized motion exceeds the page limit because it is in effect several motions in one²;
- (iii) the complexity of the case, in itself, is sufficient cause for an oversize filing³;
- (iv) the multiplicity of issues and relevant surrounding facts that require recounting within the oversized motion also merit leave being granted to file the said motion⁴;

NOTING the Prosecution Response filed on 30 November 2006 submitting that the Prosecution has no objection to the Motion;

NOTING the provisions of Article 6(C) and (G) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone ("Practice Direction"), which state:

- (C) Preliminary motions, motions, responses to such motions and replies to such shall not exceed 10 pages or 3,000 words, whichever is greater.
- (G) A Party, State, organization or person seeking to file a document which exceeds the page limits set out in this article shall obtain authorization in advance from a Judge or a Chamber and shall provide an explanation of the exceptional circumstances that necessitate the oversized filing;

NOTING the Defence request, if leave is granted, "to treat the motion attached hereto as the substantive motion to be ruled upon in due course"⁵ but that the Court Management Section did not allow the oversized motion to be filed in view of Article 6(G) of the Practice Direction;

NOT SATISFIED that it is necessary to combine "several motions in one", nor that administrative issues and legal issues need to be the subject of the same motion;

FINDING that the explanation provided by the Defence does not demonstrate exceptional circumstances necessitating the oversized filing;

¹ See Motion, para. 1.

² See Motion, para. 2.

³ See Motion, para. 3.

⁴ See Motion, para. 4.

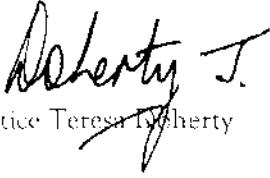
⁵ See Motion, page 3.



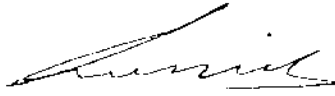


DISMISSES the Motion.

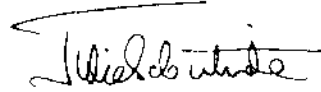
Done at Freetown, Sierra Leone, this 11th day of December 2006.



Justice Teresa L'Herbert



Justice Richard Lussick
Presiding Judge



Justice Julia Sebutinde

{Seat of the Special Court for Sierra Leone}

