

SPECIAL COURT FOR SIERRA LEONE

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TRIAL CHAMBER II

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

Registrar: Lovemore G. Munlo, SC

Date: 14 December 2006

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

DECISION ON DEFENCE MOTION FOR URGENT RECONSIDERATION OF “DECISION ON DEFENCE MOTION FOR LEAVE TO FILE AND OVERSIZED MOTION: ‘DEFENCE MOTION ON ADEQUATE TIME AND FACILITIES FOR THE PREPARATION OF MR. TAYLOR’S DEFENCE’”

Office of the Prosecutor:

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

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”), composed of Justice Richard Lussick, Presiding Judge, Justice Teresa Doherty and Justice Julia Sebutinde;

NOTING the Authorization Pursuant to Rule 4 by the President, dated 13 December 2006, authorizing Justice Sebutinde to exercise her functions away from the seat of the Special Court;

SEISED of the Defence Motion for Urgent Reconsideration of “Decision on Defence Motion for Leave to File an Oversized Motion: ‘Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor’s Defence”, filed on 12 December 2006 (“Motion to Reconsider”), attaching as an appendix the proposed oversized motion entitled “Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor’s Defence” (“Proposed Oversized Motion”);

NOTING that the Motion to Reconsider seeks reconsideration of the Trial Chamber’s 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’, dated 11 December 2006 (“Decision of 11 December 2006”) on the ground that the Court Management Section’s erroneous rejection of the Proposed Oversized Motion prevented the Trial Chamber from considering it before arriving at the said Decision;

NOTING the Prosecution Response to “Urgent and Public: Defence Motion for Urgent Reconsideration of “Decision on Defence Motion for Leave to File an Oversized Motion: ‘Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor’s Defence’”, filed on 13 December 2006, in which, “[i]n the interests of expedition and efficiency”, the Prosecution does not object to the Defence Motion being granted;

RECALLING the Decision of 11 December 2006 wherein the Trial Chamber was not satisfied that it was necessary to combine “several motions in one”, nor that administrative issues and legal issues needed to be the subject of the same motion and, upon finding that the Defence did not demonstrate exceptional circumstances necessitating the oversized filing, dismissed the Defence 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;

FINDING that the Defence has not made out its ground for the present Motion to Reconsider, since the Proposed Oversized Motion was originally not filed as an appendix to the earlier 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, but as a separate motion and that therefore the Court Management Section was correct in rejecting it;¹

CONSIDERING, however, that since the Proposed Oversized Motion is now before the Trial Chamber it would be in the interests of justice for the Trial Chamber, in the exercise of its inherent power, to reconsider its Decision of 11 December 2006 taking into account the contents of the Proposed Oversized Motion;

FINDING that, having considered the contents of the Proposed Oversized Motion, there is no reason to depart from the Trial Chamber's Decision of 11 December 2006;

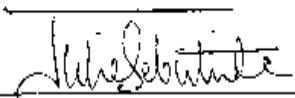
FOR THE FOREGOING REASONS,

GRANTS the Motion to Reconsider,

CONFIRMS its Decision of 11 December 2006, and

REFUSES the Defence leave to file the "Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor's Defence" as an oversized motion.

Done at Freetown, Sierra Leone, this 14th day of December 2006.



Justice Teresa Doherty

Justice Richard Lussick
Presiding Judge

Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]

¹ See Court Management - Form 1 - Filing Cover Sheet, Filed by Karim A A Khan (Taylor Defence), filing date 30 November 2006.