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SCSL-03-1-T

11236

(11236-14239)



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

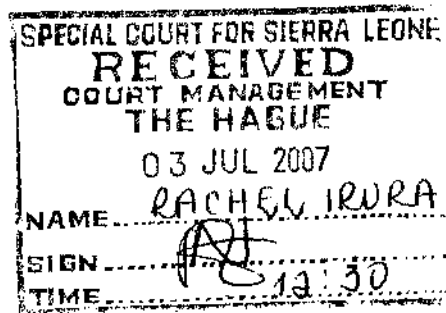
Case No.: SCSL-03-1-T

Date: 3 July 2007

PROSECUTOR

Against

CHARLES GHANKAY TAYLOR



**DECISION ON DEFENCE OFFICE APPLICATION TO SUSPEND ALL TIME LIMITS
PENDING THE RESOLUTION OF ISSUES SURROUNDING THE TERMINATION
OF MR. KARIM KHAN BY MR. CHARLES GHANKAY TAYLOR BEFORE THE
PROSECUTION OPENING STATEMENT OF 4 JUNE 2007**

Office of the Prosecutor:

Brenda Hollis
Wendy Van Tongeren
Ann Sutherland
Shymala Alegandra
Alain Werner
Leigh Lawrie

Defence Counsel for Charles G. Taylor:

Charles Jalloh, Duty Counsel

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

SEISED of the "Defence Office Application to Suspend all Time Limits Pending the Resolution of Issues Surrounding the Termination of Mr. Karim Khan by Mr. Charles Ghankay Taylor Before the Prosecution Opening Statement on 4 June 2007", filed on 12 June 2007 ("Motion")¹, wherein the Defence Office requests that the Trial Chamber issue an order suspending all time limits for filing responses and replies related to pending motions in order to preserve the rights of Mr. Taylor, and postpone the resumption of the Prosecution case, including the start date of trial, pending resolution of issues of adequate resources and representation for the Accused raised at the 4 June 2007 opening of Mr. Taylor's trial;

NOTING the "Prosecution's Response to Urgent and Public Pleading Filed by Principal Defender on 12 June 2007", filed on 21 June 2007 ("Response")², wherein the Prosecution seeks, *inter alia*, orders:

- (i) dismissing the Motion;
- (ii) declaring that the Principal Defender has no standing to file the Motion;
- (iii) denying leave for Mr. Khan's representation of the Accused to be terminated;
- (iv) directing the Defence Office personnel to assist Mr. Khan to represent the Accused;
- (v) alternatively, if Mr. Khan is allowed to withdraw from the case, appointing Defence Office personnel to represent the Accused;

NOTING that the Office of the Principal Defender did not file a Reply;

COGNISANT of the provisions of Article 17 of the Statute of the Special Court for Sierra Leone ("Statute"), Rules 7, 26bis, 45, 54 and 73 of the Rules of Procedure and Evidence ("Rules"), and Articles 24 and 25 of the Directive on the Assignment of Counsel;

CONSIDERING that the Principal Defender has since 4 June 2007 been able to meet with the Accused to discuss issues regarding his Defence;³

NOTING oral submissions of the Principal Defender, the Prosecution and the Registry in open court at the hearing held on 25 June 2007;⁴

NOTING that Article 25(A) of the Directive on the Assignment of Counsel provides that

Where the assignment of Counsel is withdrawn by the Principal Defender or where the services of Assigned Counsel are discontinued, Duty Counsel of the Defence Office, including the Principal Defender, shall give the Suspect or Accused legal assistance until a new Counsel is assigned unless the Suspect or Accused waives the right to such assistance in which case he shall represent himself until a new Counsel is assigned.

¹ Document No. SCSL-2003-01-T-289.

² Document No. SCSL-2003-01-T-304.

³ Transcript 25 June 2007, p. 3.

⁴ Transcript 25 June 2007.

RECALLING the Trial Chamber's Oral Decision of 25 June 2007

- 1) ordering the Principal Defender to assemble a Defence Team for the Accused consisting of one Lead Counsel and two Co-Counsel pursuant to Rule 45 (C) of the Rules, and one Senior Investigator by 31 July 2007;⁵
- 2) assigning Duty Counsel to represent the Accused in the interim;⁶

FURTHER RECALLING the Trial Chamber's "Order on Urgent and Public Joint Submissions by the Office of the Principal Defender and the Prosecution in Relation to the Re-Commencement of the Trial on 3 July 2007," dated 28 June 2007, in which the Trial Chamber granted the request of both parties by ordering the postponement of the Prosecution case until 20 August 2007;

HEREBY EXTENDS the time limits for Defence Responses and Replies to the following motions and ORDERS as follows:

1. That Duty Counsel file a reply to the Prosecution's Response to "Defence Motion to Exclude, and in the Alternative, Limit the Admittance of Stephen Ellis' Testimony and Expert Report"⁷ by 4:00 p.m. on 6 July 2007;
2. That Duty Counsel file a reply to the Prosecution's Response to "Defence Motion Seeking Special Measures with Regards to Resolutions 1521 and 1532 of the United Nations Security Council"⁸ by 4:00 p.m. on 6 July 2007;
3. That Duty Counsel file a reply to the Prosecution's Response to "Defence Application for Leave to Appeal the 29 May 2007 'Decision on Urgent and Public Defence Motion Requesting Leave for Charles Ghankay Taylor to Give an Un-sworn Statement from the Dock'"⁹ by 4:00 p.m. on 6 July 2007;
4. That Duty Counsel or assigned Defence Counsel file a response to the "Prosecution Motion for Judicial Notice"¹⁰ by 4:00 p.m. on 20 August 2007;
5. That any Response to the "Prosecution Motion Requesting Special Measures for Disclosure of Rule 70 Material"¹¹ shall be filed within 10 days from 20 August 2007.

⁵ Transcript 25 June 2007, p. 44.

⁶ Transcript 25 June 2007, p. 45.

⁷ SCSL-03-01-T-297.

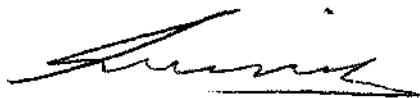
⁸ SCSL-03-01-T-298.

⁹ SCSL-03-01-T-299.

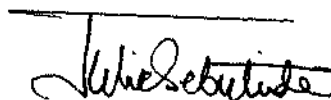
¹⁰ SCSL-03-01-T-236.

¹¹ SCSL-03-01-T-302.

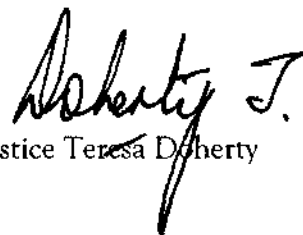
Done at The Hague, Netherlands, this 3rd day of July 2007.



Justice Richard Lussick



Justice Julia Sebutinde
Presiding Judge



Justice Teresa Doherty

