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SCSL-03-01-1
(11274, 11275)



11274

SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

**SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT MANAGEMENT**

16 JUL 2007

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

NAME THOMAS GEORGE
SIGN [Signature]
TIME 16:30

Registrar: Herman von Hebel

Case No.: SCSL-03-1-T

Date: 16 July 2007

PROSECUTOR

Against

CHARLES GHANKAY TAYLOR

**DECISION ON PROSECUTION'S MOTION FOR AN ORDER
ESTABLISHING GUIDELINES FOR THE CONDUCT OF THE TRIAL PROCEEDINGS**

Office of the Prosecutor:
Brenda Hollis
Ann Sutherland

Defence Counsel for Charles G. Taylor:
Charles Jalloh, Duty Counsel

11275

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

SEISED of the "Prosecution's Motion for an Order Establishing Guidelines for the Conduct of Trial Proceedings", filed on 22 May 2007 ("Motion"), in which the Prosecution seeks an order establishing guidelines to govern the manner in which the trial proceedings will be conducted, on the ground that the administration of justice throughout the trial will be better served if the parties are aware of the rules that the Chamber will apply from the beginning of the trial¹;

NOTING the "Defence Response to 'Prosecution's Motion for an Order Establishing Guidelines for the Conduct of Trial Proceedings", filed on 4 June 2007 ("Response"), in which the Defence opposes the Motion, on the grounds that

- (i) such guidelines are unnecessary and premature, and may impinge on the Trial Chamber's discretionary power to exercise control over the conduct of the proceedings in the manner it judges to be the fairest in the circumstances²; and
- (ii) the guidelines proposed by the Prosecution are not in accordance with established principles;³

NOTING the "Prosecution Reply to 'Defence Response to 'Prosecution's Motion for an Order Establishing Guidelines for the Conduct of Trial Proceedings'", filed on 11 June 2007 ("Reply"), in which the Prosecution replies that its proposed guidelines are not specifically covered by the Rules and reiterates its argument that the guidelines would enhance the efficient administration of justice;

MINDFUL of the provisions of Rules 5, 6, 26bis, 54, 66, 67, 68, 70 72bis, 73, 77, 85, 89, 90, 92ter and 95 of the Rules of Procedure and Evidence of the Special Court ("the Rules");

CONSIDERING that the proposed guidelines reflect well-established principles already laid out in the Statute, Rules and case-law of the international criminal tribunals and that the Rules are intended to be flexible in order to enable the Trial Chambers to interpret them in the fairest manner in the specific circumstances at issue;

HOLDING THEREFORE that the proposed guidelines are unnecessary and indeed may fetter the Trial Chamber's discretionary powers;

DISMISSES the Motion.

Done at Freetown, Sierra Leone, this 16th day of July 2007.

Justice Richard Lussick

Justice Julia Sebutinde
Presiding Judge

Justice Teresa Doherty

[Seal of the Special Court for Sierra Leone]



¹ Motion, paras 4, 31.

² Response, paras 2-7, 21.

³ Response, paras 8-20.