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SCSL-03-01-T
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SPECIAL COURT FOR SIERRA LEONE

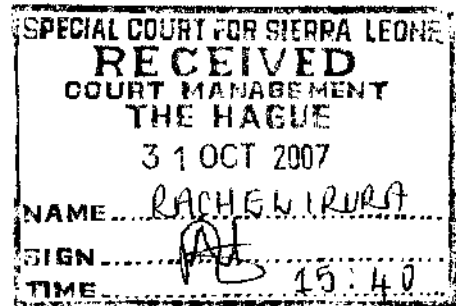
TRIAL CHAMBER II

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

Registrar: Herman von Hebel

Case No.: SCSL-03-1-T

Date: 31 October 2007



PROSECUTOR

Against

CHARLES GHANKAY TAYLOR

**DECISION ON DEFENCE MOTION SEEKING SPECIAL MEASURES WITH REGARD TO
RESOLUTIONS 1521 AND 1532 OF THE UNITED NATIONS SECURITY COUNCIL**

Office of the Prosecutor:
Brenda Hollis

Defence Counsel for Charles G. Taylor:
Courtenay Griffiths, Q.C.
Terry Munyard
Andrew Cayley

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

SEISED of the “Defence Motion Seeking Special Measures with Regard to Resolutions 1521 and 1532 of the United Nations Security Council (Rule 8 and 54 of the Rules of Procedure and Evidence)”, filed 4 June 2007 (“Motion”);¹

NOTING the “Prosecution’s Response to ‘Defence Motion Seeking Special Measures with Regard to Resolutions 1521 and 1532 of the United Nations Security Council’”, filed 15 June 2007 (“Response”);²

NOTING the “Defence 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”, filed on 6 July 2007 (“Reply”) by Duty Counsel Mr. Charles Jalloh;³

NOTING that on 30 August 2007 Court Management Section re-issued the Motion in order to confirm its status and to allow the signature of the former defence counsel to be entered, as the original document was not signed (“re-filed Motion”).

NOTING FURTHER the “Confidential Prosecution Motion for Leave to Substitute an Amended Version of the ‘Prosecution’s Response to the “Defence Motion Seeking Special Measures with Regard to Resolution 1521 and 1532 of the United Nations Security Council’ Filed on 15 June 2007”, filed on 3 September 2007, wherein the Prosecution seeks leave to re-file its Response to the re-filed Motion (“Prosecution Motion”);⁴

NOTING the “Registrar’s Submission Pursuant To Rule 33(B) In Relation To Defence Motion Seeking Special Measures With Regard To Resolutions 1521(2003) and 1532(2004) of The United Nations Security Council”, filed on 17 September 2007 (“Registrar’s Submissions”);⁵

NOTING the “Defence Reply to the Registrar’s Submissions pursuant to Rule 33(B) in Relation to Defence Motion Seeking Special Measures with regard to Resolutions 1521 (2003) and 1532 (2004) of the United Nations Security Council”, filed on 24 September 2007 (“Defence Reply to Registrar’s Submissions”);⁶

CONSIDERING that the Motion, as originally filed, fails to comply with Article 4(J) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone,⁷ as it was not signed, and in addition, the annexures headed “affidavit” were not sworn;

FINDING that the issuing of a re-filed Motion by Court Management Section, signed as required by the Practice Direction, and the re-classification of the annexures as “confidential”, without leave of

¹ SCSL03-01-PT-277.

² SCSL03-01-T-298.

³ SCSL03-01-T-345; the Defence was granted an extension of time to file its Reply, see 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, 3 July 2007.

⁴ SCSL03-01-T-333.

⁵ SCSL03-01-T-343.

⁶ SCSL03-01-T-345.

⁷ Practice Direction on Filing Documents before the Special Court for Sierra Leone, adopted on 27 February 2003 and amended on 1 June 2004 and 10 June 2005.

the Trial Chamber was highly irregular and unauthorised, and does not suffice to cure the procedural defects in the original;

HEREBY DISMISSES the Motion as defective; and consequently also

DISMISSES the Prosecution Motion as redundant.

Done at The Hague, The Netherlands, this 31st day of October 2007.

Justice Richard Lussick

Justice Julia Sebutinde
Presiding Judge

Justice Teresa Doherty

[Seal of the Special Court for Sierra Leone]

