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SCSL-03-01-T
(12580-12582)

12580



SPECIAL COURT FOR SIERRA LEONE

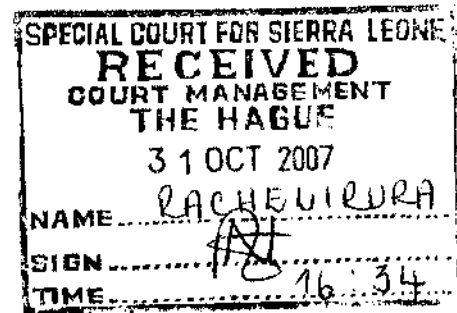
TRIAL CHAMBER II

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 TO EXCLUDE, AND IN THE ALTERNATIVE, LIMIT THE
ADMITTANCE OF STEPHEN ELLIS' TESTIMONY AND EXPERT REPORT**

Office of the Prosecutor:

Brenda Hollis
Nick Koumjian

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 to Exclude, and in the Alternative, Limit the Admittance of Stephen Ellis’ Testimony and Expert Report”, filed on 4 June 2007 (“Motion”)¹ wherein the Defence applies to exclude the expert report of Mr. Stephen Ellis and his intended testimony or, alternatively, to limit his report to his field of expertise on the grounds that-

- (a) Mr. Ellis is biased as he was a prior litigant in a libel action suit filed by the Accused;²
- (b) Mr. Ellis’ report and intended testimony reach unsupported conclusions which trespass the Trial Chamber’s competence to determine “ultimate issues”;³
- (c) Mr. Ellis’ report does not have a reasonable basis as his report relies primarily on secondary sources;⁴
- (d) Mr. Ellis’ report seeks to introduce factual hearsay evidence;
- (e) Mr. Ellis’s report and intended testimony exceed the scope of his expertise as a historian of Liberia;⁵

NOTING the Prosecution’s Response to “Defence Motion to Exclude and in the Alternative, Limit the Admittance of Stephen Ellis’ Testimony and Expert Report”, filed on 15 June 2007 (“Response”)⁶; wherein the Prosecution opposes the Motion on the grounds, *inter alia*, that-

- (a) Mr. Ellis’ expert opinion is relevant in assisting the Trial Chamber to understand the role of the Accused in the crimes committed in Sierra Leone⁷ but that his report does not contain any opinion on the criminal responsibility of the Accused for crimes charged in the Indictment;⁸
- (b) Any concerns relating to Mr. Ellis’ impartiality and independence, the accuracy of his evidence or the extent to which his evidence will be helpful to the Trial Chamber are matters of weight, not admissibility, and can be properly addressed during cross-examination;⁹

NOTING ALSO the “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’”, filed on 6 July 2007 (“Reply”);¹⁰

¹ SCSL-2003-01-T-297.

² Motion paras 7 and 18.

³ Motion, paras 8-9.

⁴ Motion, paras 10-16.

⁵ Motion, para. 17.

⁶ SCSL-2003-01-T-297

⁷ Response, paras 9-10.

⁸ Response, para. 11.

⁹ Response, paras 12-17.

¹⁰ SCSL-2003-01-T-315; 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.

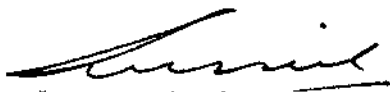
RECALLING the Defence Notice under Rule 94bis (B)¹¹ indicating the that Defence wishes to cross-examine Mr. Ellis;

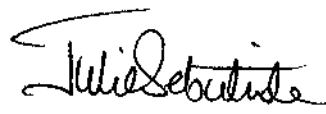
COGNISANT of the provisions of Rules 73, 89(C), 92bis, 94bis and 95 of the Rules of Procedure and Evidence ("Rules");

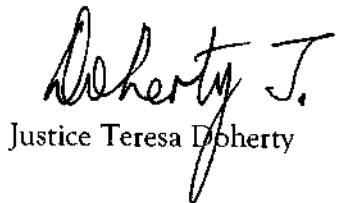
HOLDING that the Defence application to exclude Mr. Ellis's report and his intended testimony or, alternatively, to limit his report to his field of expertise, is premature since the Prosecution has not applied to tender the report in evidence, nor has Mr. Ellis yet testified;

HEREBY DISMISSES the Motion.

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


Justice Richard Lussick


Justice Julia Sebutinde
Presiding Judge


Justice Teresa Doherty



¹¹ *Prosecutor v. Taylor*, SCSL-2003-01-PT, Notice under Rule 94bis (B), 29 May 2007.