



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 2 SEPTEMBER 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Mr Benedict Williams

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:

Mr Morris Anyah

1 Wednesday, 2 September 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:39 5 PRESIDING JUDGE: Yes, we'll take appearances, please.

6 MS HOLLIS: Good morning, Mr President, your Honours
7 opposing counsel. This morning for the Prosecution, Brenda J
8 Hollis, Christopher Santora and our case manager, Maja Dimitrova.

9 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Anyah?

09:31:57 10 MR ANYAH: Yes, good morning, Mr President. Good morning,
11 your Honours. Good morning, counsel opposite. Appearing for the
12 Defence this morning myself, Morris Anyah. I am joined by
13 Mr Simon Chapman and Ms Haydee Dijkstal.

14 PRESIDING JUDGE: Thank you, Mr Anyah. We see that once
09:32:14 15 more Mr Griffiths is not in Court. What's the situation,
16 Mr Anyah?

17 MR ANYAH: That is indeed the case, Mr President.
18 Mr Griffiths rang me this morning at about 8.20 a.m. and he gave
19 me an update on his medical condition. He indicated that
09:32:31 20 yesterday a doctor came to his flat or his apartment and examined
21 him and the doctor was unsure after the examination of the
22 precise nature of his medical condition. However, the doctor did
23 prescribe antibiotics and the antibiotics are for both the
24 possibility of a viral infection as well as pneumonia and
09:32:54 25 Mr Griffiths is to take the antibiotics for a period of
26 approximately eight days.

27 In the circumstances, and given the persistent sore throat,
28 he thought it wise to avoid coming into the courtroom, given that
29 this is an enclosed setting and there exists the possibility of

1 transferring any possible infections he might have. He wanted me
2 to make it clear that it is not a case of him being unable to be
3 on his feet or to move around. It is simply a case of him being
4 unsure of his medical condition, him still feeling under the
09:33:36 5 weather so to speak, and he having to take this regimen of
6 antibiotics.

7 In the circumstances - and Mr Taylor is well informed about
8 this, he himself has spoken with Mr Griffiths this morning, and
9 as your Honours will observe he still appears before your Honours
09:33:58 10 today nonetheless. In the circumstances, we wish to seek an
11 adjournment for a day. Although it seems to me that bearing in
12 mind that tomorrow is Thursday, your Honours might be inclined to
13 consider adjourning the case for the rest of this week because by
14 then we would have a couple of days to assess Mr Griffiths's
09:34:22 15 situation and perhaps there will be feedback from the doctor as
16 to the precise nature of his medical condition. I leave that
17 second request, the possibility of an adjournment for the entire
18 week in your Honours' hands and in your discretion, but for our
19 purposes my application is for an adjournment for one day until
09:34:43 20 tomorrow.

21 PRESIDING JUDGE: If we grant the one-day adjournment,
22 Mr Anyah, what are the realistic prospects of Mr Griffiths being
23 ready to resume tomorrow?

24 MR ANYAH: Without knowing the precise nature of his
09:35:01 25 physical condition, I haven't seen him, I have merely spoken to
26 him on the telephone, my assessment would be the probability
27 would be below 50 per cent that he would be here tomorrow. But
28 we want to show good faith that he will make every effort to be
29 here to the extent it is possible, so we presume a day-to-day

1 evaluation of where he is might be the best course forward
2 vis-a-vis showing good faith on our part.

09:35:45

3 PRESIDING JUDGE: I appreciate that, Mr Anyah. From what
4 you are saying though, Mr Griffiths' condition might in fact be
5 pneumonia. Was that one of the diagnoses?

6 MR ANYAH: All I know is that the prescribed antibiotics
7 also encompasses pneumonia. It could be either a viral infection
8 or pneumonia. That is, it seems to me, a possibility under the
9 circumstances.

09:36:05

10 PRESIDING JUDGE: Considering the other option of giving
11 Mr Griffiths time to recover or at least be more certain of his
12 medical condition, assuming that we adjourned for the rest of
13 this week and Mr Griffiths is not ready to resume next Monday,
14 would the Defence then be in a position to have co-counsel
15 continue Mr Taylor's evidence on Monday?

09:36:39

16 MR ANYAH: We appreciate the question. It is a legitimate
17 question, but I think it's too premature to respond affirmatively
18 to that question in the sense that Mr Griffiths is Mr Taylor's
19 lead counsel. He is the person Mr Taylor has chosen to lead his
20 examination and, that being the case, if the wishes of the
21 accused are to be borne in mind it would seem that every effort
22 would have to be made to accommodate Mr Griffiths under the
23 circumstances.

09:37:01

24 Your Honours will take note that in our filing of our
25 weekly witness order, the last one CMS-837 on 31 August, Monday
26 this week, and that encompasses the week of 14 through 17
27 September, Mr Taylor is again listed as our only witness. That
28 indicates that we anticipate his testimony running through the
29 middle of the month at a minimum and Mr Griffiths and him have

09:37:21

1 been, in our view, doing a job that is exceptional for our
2 purposes and we don't wish to disrupt that flow. So if we come
3 back on Monday and he is unwell I'm sure I will have instructions
4 to report to the Court about the best way of proceeding forward
09:38:07 5 then.

6 PRESIDING JUDGE: All right. Thank you, Mr Anyah. I don't
7 know, Ms Hollis, whether you want to respond to that application
8 or - I'll give you a chance in any event.

9 MS HOLLIS: Thank you, Mr President. In light of the
09:38:25 10 condition of the Defence counsel, the only other option would
11 seem to be perhaps to be informed this afternoon as to whether
12 Mr Griffiths himself believes he would be able to come tomorrow,
13 but it would certainly make sense to have a view toward no Court
14 tomorrow as well.

09:38:44 15 In terms of what options are available to your Honours
16 should Mr Griffiths be ill next week, the Prosecution is of the
17 view that it is entirely within your discretion to order that
18 other counsel proceed, having in mind of course that this has
19 been and will continue apparently to be a very lengthy
09:39:00 20 examination. So it would be a matter of balancing short-term
21 gain and long-term gain, but we think that's entirely within your
22 discretion.

23 PRESIDING JUDGE: Thank you, Ms Hollis.

24 [Trial Chamber conferred]

09:41:01 25 PRESIDING JUDGE: We have considered the Defence
26 application for an adjournment. It's on the basis that lead
27 counsel is again unavailable to appear in Court because of
28 illness. Now, this Trial Chamber is sympathetic to the fact that
29 Mr Griffiths is not well enough to come to Court and we also

1 appreciate that Mr Griffiths has personally taken on the
2 responsibility for the presentation of the accused's evidence.

3 Nevertheless, the trial must proceed and the Trial Chamber
4 is of this view that, firstly, we will grant an adjournment until
09:41:57 5 next Monday. That will give Mr Griffiths hopefully a chance to
6 recover and appear in Court. But if on Monday Mr Griffiths is
7 not well enough to come to Court, then this Trial Chamber is of
8 the view that Mr Taylor will not be prejudiced whatsoever if the
9 continuation of the presentation of his evidence is taken over by
09:42:30 10 one or other of the experienced co-counsel that are part of the
11 Defence team. So that is the likely situation that will happen
12 on Monday if Mr Griffiths is still too ill to attend Court.

13 Having said that, we will now adjourn this case until 9.30
14 next Monday morning.

09:43:03 15 MR ANYAH: Thank you, Mr President.

16 [Whereupon the hearing adjourned at 9.43 a.m.
17 to be reconvened on Monday, 7 September 2009 at
18 9.30 a.m.]

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