777) SCSL-03-01-T (25134 – 25149) 25134

THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

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

Registrar: Mr. Herman von Hebel

Date: 11 May 2009

Case No.: SCSL-2003-01-T

THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

PUBLIC WITH ANNEX A

DEFENCE APPLICATION FOR LEAVE TO APPEAL THE 4 MAY 2009 ORAL DECISION REQUIRING THE DEFENCE TO COMMENCE ITS CASE ON 29 JUNE 2009

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Nicholas Koumjian

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

I. Introduction

1. This is an Application for Leave to Appeal the 4 May 2009 oral decision by a majority of the Trial Chamber, requiring the Defence to commence its case on 29 June 2009.[1] This Application is being brought pursuant to Rule 73(B) of the Rules of Procedure and Evidence of the Special Court for Sierra Leone ("Rules")[2]. Copies of the relevant pages of the transcripts of proceedings which contain the Impugned Decision, as well as the Dissenting Opinion of Justice Julia Sebutinde are appended hereto in Annex A.
2. The Defence submits that the eight-week period allocated to the Defence on 4 May 2009 to prepare its case to start on 29 June 2009 is far from adequate (taking into account all relevant facts and circumstances of the case) and thereby impermissibly vitiates rights guaranteed the Accused under Article 17 of the Statute[3], resulting in "exceptional circumstances" and "irreparable prejudice" in support of leave to appeal within the meaning of Rule 73 (B).

II. Applicable Legal Principles

3. The legal standard for leave to appeal is set out in Rule 73(B) of the Rules which provides that:

   "[oral] decisions are without interlocutory appeal. However in exceptional circumstances and to avoid irreparable prejudice to a party, the Trial Chamber may give leave to appeal."
4. Trial Chamber I has ruled that an interlocutory appeal does not lie as of right. The party seeking leave to appeal must meet the conjunctive conditions of "exceptional circumstances" and "irreparable prejudice" before the Trial Chamber can exercise its

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[1] *Prosecutor v. Taylor*, SCSL-03-01-T, Transcripts of Proceedings, 4 May 2009, pages 24220, lines 14 - 18 ("Impugned Decision"). Justice Julia Sebutinde dissented. See, pages 24220 (line 22) through 24222 (line 2).

[2] See, *Practice Direction for certain Appeals before the Special Court*, 30 September 2004, filed under SCSL-04-16-PT-111, in particular, sub-section II (6), requiring, *inter alia*, identification of the specific provision of the Rule under which leave to appeal is sought.

[3] *Statute of the Special Court for Sierra Leone*, annexed to the *Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone*, 16 January 2002 ("Statute"), Article 17.

discretion.[4] "Exceptional circumstances may exist depending upon particular facts and circumstances, where for instance... the course of justice might be interfered with or it is of fundamental legal importance."[5]

5. The main purpose behind this is to ensure that interlocutory appeals only proceed in very limited and exceptional situations. Rule 73(B) is a restrictive provision.[6] The rationale behind this rule is that criminal trials must not be heavily encumbered and consequently unduly delayed by interlocutory appeals. The Appeals Chamber has however noted that although most decisions will be capable of disposal at final appeal "the underlying rationale for allowing such appeals is that certain matters cannot be cured or resolved by final appeal against judgment."[7]

III. Argument

Errors in the Impugned Decision

6. The Defence submits that errors in the Impugned Decision which undergird its application for leave to appeal include those of law, mixed questions of fact and law, and in the application of the law.[8] Those errors independently, collectively, or some in combination with others, led to the error of the Impugned Decision, and support the conclusion that the conjunctive standards of "exceptional circumstances" and "irreparable prejudice" of Rule 73(B) have been satisfied. The errors include the following: (i) The failure of the Majority to give due weight to the fair trial rights of the Accused. The Accused has the right to a fair trial under Article 17 of the Statute. Article 17(4)(b) guarantees the Accused's right to "have adequate time and facilities for the preparation of his or her defence..." The Impugned Decision grants the

[4] *Prosecutor v. Sesay et al.*, SCSL-2004-15-PT, "Decision on the Prosecutor's Application for Leave to File an Interlocutory Appeal against the Decision on the Prosecution Motion for Joinder," 13 February 2004, para. 10.
[5] *Prosecutor v. Sesay et al.*, SCSL-2004-15-T-357, "Decision on Defence Applications for Leave to Appeal Ruling of 3 February 2005 on the Exclusion of Statements of Witness TF1-141," 28 April 2005, para. 26.
[6] *Prosecutor v. Sesay et al.*, SCSL-2004-15-PT, "Decision on the Prosecutor's Application for Leave to File an Interlocutory Appeal against the Decision on the Prosecution Motion for Joinder," 13 February 2004, para. 11.
[7] *Prosecutor v. Norman et al.*, SCSL-04-14-T-669, "Decision on Prosecution Appeal against Trial Chamber Decision of 2 August 2004 Refusing Leave to File an Interlocutory Appeal," 17 January 2005, para 29.
[8] Reference to the above three permutations of error need not be read as excluding the possibility (or suggesting waiver by the Defence) of errors in fact and/or procedure that may also be alleged against the Impugned Decision.

Defence eight weeks from 4 May 2009 to prepare its case for a start-date of 29 June 2009. The Defence submits that this does not constitute adequate time within the meaning of Article 17, taking into account all relevant facts and circumstances of the case; (ii) The failure of the Majority to consider and/or give due weight to the unique circumstances of the case, in particular the logistical problems faced by the Defence which impact upon, *inter alia*, the Defence's ability to investigate, gather evidence and locate appropriate witnesses. Justice Sebutinde noted those difficulties in her dissenting opinion.[9] The present case is being tried in a separate location from the region in which the events referred to in the case took place. Further, the witnesses the Defence will call are located throughout West Africa. Co-ordinating the Defence's investigations in Sierra Leone and Liberia and communicating between Defence teams in all three locales is proving very difficult and also affects the time required by the Defence to prepare its case adequately. Proper consideration of these factors should have led the Majority to conclude that the eight-week period was inadequate and infringes upon Article 17(4)(b) of the Statute. As such the Majority's decision constitutes an error of law which invalidates the decision; (iii) The failure of the Majority to consider and/or give due weight to the time limits ordered in the other cases before the Special Court. In the CDF case, the Trial Chamber allocated three (3) months between the Rule 98 decision and the start of the defence case. In the AFRC case, that period was two (2) months and five (5) days. In the RUF case, that period was six (6) months and two (2) days. A review of the above deadlines confirms that an eight week period is the smallest amount of time thus far allocated to any Accused Defence before the Trial Chambers of the Special Court for the commencement of his case. Proper consideration of those deadlines should have led the majority to conclude that an eight-week preparation period was unduly short in the present case and to agree with Justice Sebutinde that "a period that compares either with the period granted in the AFRC or even in the RUF case, which were held in Freetown, is not a realistic comparison."[10] As such the Impugned Decision does not afford the Accused adequate time, therefore infringes Article 17(4)(b), and constitutes an error of law

[9] *Prosecutor v. Taylor*, SCSL-03-01-T, Transcripts of Proceedings, 4 May 2009 ("Transcript"), page 24221.
[10] Transcript, 24221:20-22.

invalidating the Majority's decision; (iv) The failure of the Majority to consider and/or give due weight to the fact that an expeditious trial requires the Defence to prepare its case as thoroughly as possible, as mentioned by Lead Counsel in his letter to the Trial Chamber and the Prosecution.[11] As stated in the March Letter, a premature start may well lead to multiple adjournments and prove to be a false-economy. In failing to take proper consideration of this fact, the Trial Chamber committed an error in the exercise of its discretion.

Exceptional Circumstances

7. Trial Chamber I has held that no precise definition of exceptional circumstances exists and whether or not the threshold of exceptional circumstances is reached depends on the particular facts and circumstances of the case.[12]

8. The Defence submits that exceptional circumstances exist in the present case in that: (i) the fair trial rights of the Accused require that he be given adequate time to prepare his defence and the absence of such time would undoubtedly cause irreparable prejudice to his case, thereby infringing upon the Accused's right to a fair trial and interfering with the cause of justice; (ii) the time sought by the Defence is reasonable and compares favourably with the time sought by, and granted to, other accuseds before the Special Court for Sierra Leone; and (iii) that the time sought by the Defence causes no prejudice to the Prosecution. Accordingly, the time allocated by the Trial Chamber to the Defence is unreasonable and constitutes "exceptional circumstances" within the meaning of Rule 73(B).

9. The Defence has consistently envisaged and stated that it would be ready to commence its case on or about 15 July 2009. That much was clearly conveyed in the March Letter by Lead Defence Counsel which the Trial Chamber acknowledged having received before it rendered the Impugned Decision.[13] Having calculated the amount of time that it would require to adequately prepare its case, the Defence outlined its pre-Defence schedule and justification for a mid-July starting date in the said March Letter, subsequently forwarding it to both the Prosecution and the Trial

[11] Letter entitled *Memorandum* dated 26 March 2009 ("**March Letter**").
[12] *Prosecutor v. Sesay et al.*, SCSL-2004-15-T-357, "Decision on Defence Applications for Leave to Appeal Ruling of 3 February 2005 on the Exclusion of Statements of Witness TF1-141," 28 April 2005.
[13] Transcript, 24212, lines 3 – 6.

Chamber. The letter was done and sent in good faith, bearing in mind as Justice Sebutinde observed, that the Defence is best placed to understand how much time it needs to prepare adequately.[14]

10. Defence counsel are and have been in West Africa since mid-April interviewing witnesses. This was impossible to do beforehand whilst counsel were in court during the Prosecution's case and, after that, whilst preparing for the Rule 98 application. As stated in the March Letter, counsel expect to complete this field work by the end of May (currently scheduled for 29 May 2009). This field work is fundamental to the Defence case and it is only after its completion will counsel and the Accused have the opportunity to assess the Defence case in its entirety, thereby having full knowledge of the identities of the witnesses the Accused wishes to call in his defence. The Defence will consequently require a period of time after counsel return from West Africa to analyse and synthesise the Defence case, and given the complexities of the case, the Defence submits that a four-week period from 29 May 2009 to 29 June 2009 does not constitute adequate time in which to undertake those important tasks.
11. Furthermore, the Defence previously advised the Trial Chamber of the unfortunate death of its sole International Investigator in February 2009 and the resulting logistical difficulties and delay that were bound to arise as a consequence thereof[15]. Indeed, it has only been during this month of May 2009 that a formal contractual relationship is being entered into between the Defence's new International Investigator and the Court's Office of the Principal Defender. There has thus been a substantial period of delay in the investigation of the Defence case which has exacerbated the task Defence counsel are presently undertaking.
12. The decisions of the Appeals Chamber in the JCE Appeal[16] and Trial Chamber on the Defence's Rule 98 Motion[17] have required the Defence to drop some potential witnesses and likewise necessitated that several new and additional witnesses be interviewed and considered as potential witnesses. While it could have been foreseen

[14] Transcript, 24221.
[15] *Prosecutor v. Taylor*, SCSL-03-01-T, Transcripts of Proceedings, 27 February 2009, page 24063, lines 10 - 17.
[16] See, *Prosecutor v. Taylor*, SCSL-03-01-T-775, "Decision on Defence Notice of Appeal and Submissions Regarding the Majority Decision Concerning the Pleading of JCE in the Second Amended Indictment," 1 May 2009.
[17] Transcript, page 24211.

that the Defence would have to call witnesses relating, for instance, to JCE, the precise nature of those decisions is new (in particular and significantly, the clarification by the Appeals Chamber regarding what the "common purpose" of the alleged JCE) and commits the Defence to consider these new witnesses. This has, in turn, added to the already voluminous evidence which the Defence must examine and analyze in consultation with the Accused, and likewise exacerbates the Defence's task.

13. As noted above, the Accused in the present case has been allocated less time to prepare his case than the accuseds in the other cases before the Special Court. While those other cases involved multiple accuseds, each accused possessed his own defence team, and each team worked within the jurisdiction in which its witnesses were based. As mentioned above, the Defence in the present case suffers from significant logistical difficulties which did not confront other defence teams. Given this, and by virtue of allocating such a short period of time for the commencement of the Defence case, the Defence submits that the Impugned Decision is unreasonable to the heightened degree that it constitutes an abuse of the Trial Chamber's discretion and amounts to exceptional circumstances.

14. The Defence's requested start-date of 15 July 2009 causes no prejudice to the Prosecution. An additional two weeks causes no significant delay and should assist in producing an expeditious trial, given that the Defence would have completed the most vital of its pre-Defence investigation and legal tasks and would be primarily pre-occupied with the effective presentation of its case in court. As Lead Defence Counsel pointed out on 4 May 2009, the tribunal in this case is composed of professional judges with the testimony of witnesses already recorded in the transcript;[18] there is therefore no question that the Prosecution's evidence will be lost or forgotten as a consequence of granting the Defence the amount of time being sought. Indeed, when the negligible impact a start-date of 15 July 2009 would have upon the Prosecution is weighed against the harm that the 29 June 2009 start-date will cause the Defence, it is unreasonable to conclude that a start-date of 29 June 2009 amounts to "adequate time" within the meaning of Article 17 of the Statute. As such

[18] Transcript, page 24219.

the Impugned Decision constitutes an abuse of the Trial Chamber's discretion and gives rise to exceptional circumstances.

15. In light of the foregoing arguments, the Defence submits that "exceptional circumstances" exist in favour of granting leave to appeal within the meaning of Rule 73 (B).

Irreparable Prejudice

16. To constitute irreparable prejudice, a Trial Chamber's decision must not be remediable after the final disposition of the trial.[19] In this regard, the Defence submits that the Impugned Decision is not one that "... will be capable of effective remedy in [a] final appeal."[20]

17. A hastily prepared defence will affect the trial in innumerable and fundamental ways, resulting in irreparable prejudice to the Accused. Firstly, is the fact of the Accused's anticipated testimony and unavailability to instruct investigators and counsel in the field that would still be engaged in interviewing witnesses while the Accused is testifying, should the current start date of 29 June 2009 stand. In this regard, Lead Defence Counsel has in both public and formal statements to the Court, made it clear that the Accused would be testifying for several weeks in his own defence. As is certainly clear from the language of Rule 85 (C), the Accused must appear as the first witness for the Defence, with a significant and irreparable consequence of the requirement being that the Accused would be unable to (should the start date of 29 June 2009 stand) provide instructions to his team regarding ongoing field investigations and witness interviews whilst he is on a daily basis being examined in court and preparing after court with Lead Defence Counsel. Indeed, preparing the Accused for testimony will render both the Accused and Lead Defence Counsel unavailable to assist and give instructions regarding other Defence witnesses and evidence for a period of at least four to six weeks.

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[19] *Prosecutor v. Norman et al.*, SCSL-04-14-T-231, "Decision on Joint Request for Leave to Appeal against Decision on Prosecution's Motion for Judicial Notice," dated 19 October, 2004, filed 20 October 2004, para. 23.

[20] *Prosecutor v. Norman* SCSL-04-14-T-319, "Decision on Prosecution Appeal Against the Trial Chamber's Decision of 2 August 2004 Refusing leave to file an Interlocutory Appeal", 17 January 2005, Para 29.

18. As a consequence of the current date of 29 June 2009, and bearing in mind the need to have the Accused actively engaged in the preparation of his case which would still be ongoing at that time, the prejudice to the Accused from being unable to effectively do so would be significant and incapable of being remedied later on in the Defence case or in post-judgement proceedings.
19. Another prejudicial and irreparable by-product of the current start date of 29 June 2009 is the inadequate time that would be afforded the Defence for the preparation of the Accused's evidence. As Defence counsel indicated to the Trial Chamber on 7 May 2009, the bulk of Defence exhibits will be introduced through the testimony of the Accused.[21] Accordingly, inadequate time to prepare the Accused for his testimony would likely result in oversights and omissions of important Defence evidence and exhibits. Furthermore, strategic decisions that must be made at the outset of the Defence case will undoubtedly depend on thorough knowledge of all witnesses' evidence and an abridged pre-Defence preparation time will, accordingly, negatively impact the Defence's case in its entirety, and not just the Accused's testimony alone.
20. It might be argued by some that any prejudice resulting to the Accused as a result of the 29 June 2009 start date could be remedied by additional time being granted during the Defence case and/ or by way of additional evidence on appeal before the Appeals Chamber in post-judgement proceedings. Such arguments fail, bearing in mind that even were further evidence unavailable at trial allowed on appeal,[22] the passage of time may cause the loss of currently available evidence; memories fade and witnesses may become unavailable due to death or other circumstances; moreover, a conviction could prejudice formerly helpful witnesses against the Accused during the appeal process. Simply put, the harm that would inure to the Accused due to the inadequate pre-Defence preparation time would not be capable of remedy either by delays later on in the Defence case or in post-judgment proceedings before the Appeals Chamber.
21. On the basis of the foregoing, the Defence submits that irreparable prejudice would result to the Accused should leave to appeal not be granted.

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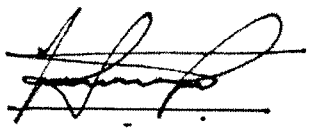
[21] *Prosecutor v. Taylor*, SCSL-03-01-T, Transcripts of Proceedings, 7 May 2009, page 24237, lines 26 - 27.
[22] *See* Rule 115, "Addition Evidence."

IV. Conclusion

22. For all of the foregoing reasons, the Defence respectfully submits that it has satisfied the conjunctive standard of Rule 73(B), requiring a demonstration of both exceptional circumstances and irreparable prejudice in order for leave to appeal to be granted.
23. The Defence therefore respectfully requests that the Trial Chamber grant it leave to appeal in this matter.

Respectfully Submitted,



For Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor

Dated this 11th Day of May 2009,
The Hague, The Netherlands

25144

List of Authorities

Prosecutor v. Taylor

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcripts, 27 February 2009

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 4 May 2009

Prosecutor v. Taylor, SCSL-03-01-T, Transcripts of Proceedings, 7 May 2009

Prosecutor v. Taylor, SCSL-03-01-PT-164, "Joint Decision on Adequate Facilities and Adequate Time for the Preparation of Mr. Taylor's Defences," 23 January 2007

Prosecutor v. Taylor, SCSL-03-01-T-775, "Decision on Defence Notice of Appeal and Submissions Regarding the Majority Decision Concerning the Pleading of JCE in the Second Amended Indictment," 1 May 2009

Prosecutor v. Norman et al.

Prosecutor v. Norman et al., SCSL-04-14-T-231, "Decision on Joint Request for Leave to Appeal against Decision on Prosecution's Motion for Judicial Notice," dated 19 October 2004, filed 20 October 2004.

Prosecutor v. Norman et al., SCSL-04-12-T-669, "Decision on Prosecution Appeal against Trial Chamber Decision of 2 August 2004 Refusing Leave to File an Interlocutory Appeal," 17 January 2005

Prosecutor v. Norman et al., SCSL-2004-14-AR73, "Decision on Amendment of the Consolidated Indictment," 16 May 2005.

Prosecutor v. Sesay et al.

Prosecutor v. Sesay et al., SCSL-2004-15-PT-14, "Decision on the Prosecutor's Application for Leave to File an Interlocutory Appeal against the Decision on the Prosecution Motion for Joinder," 13 February 2004

Prosecutor v. Sesay et al., SCSL-2004-15-T-357, "Decision on Defence Applications for Leave to Appeal Ruling of 3 February 2005 on the Exclusion of Statements of Witness TF1-141," 28 April 2005

Prosecutor v. Sesay, SCSL-01-03-T-1001, "Decision on Prosecution Application for Leave to Appeal Decision on the Sesay Defence Motion Requesting the Lifting of Protective Measures in respect of Certain Prosecution Witnesses," 25 February 2006

25145

Annex A

Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 4 MAY 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Justice Richard Lussick, Presiding Justice Teresa Doherty Justice Julia Sebutinde Justice Al Hadji Malick Sow, Alternate
For Chambers:	Mr Simon Meisenberg Ms Carolyn Buff
For the Registry:	Mr Gregory Townsend Ms Advera Kamuzora Ms Rachel Irura
For the Prosecution:	Mr Nicholas Koumjian Mr Mohamed A Bangura Ms Kathryn Howarth Ms Ula Nathai-Lutchman Ms Maja Dimitrova
For the accused Charles Ghankay Taylor:	Mr Courtenay Griffiths QC Ms Salla Moilanen

the commencement of the Defence case we have considered the arguments of the parties, including the memorandum of Mr Griffiths of 26 March 2009 and that of Ms Hollis for the Prosecution of 15 April 2009; both of which were referred to in the Defence submissions.

11:40:03

We bear in mind in fixing an appropriate start date that Mr Taylor has been in custody since March 2006 and presumably investigations and preparations have been ongoing since that time. We also note that the last Prosecution witness was heard over three months ago on 29 January 2009. We note also that the Defence intends to call Mr Taylor to give evidence and no doubt that will be a substantial amount of time which could be used for the preparation of other Defence witnesses.

11:40:31

Taking these considerations into account we are not convinced that the time sought by the Defence is justified and we, the majority, are of the view that a reasonable and appropriate date for the start of the Defence case will be Monday, 29 June 2009 and we so order.

11:41:08

When I say the majority, Justice Sebutinde dissents from this view and wishes to say some words putting forward the dissenting view.

11:41:41

JUDGE SEBUTINDE: Thank you, Mr President. I am of the view - and this is my dissenting opinion - that the time requested by the Defence in order to permit them to adequately prepare their Defence is not unreasonable.

11:42:05

My view is premised upon three pertinent factors. Firstly, in my view the Defence is in the best position to assess the time that they require at this stage to prepare. This particular Defence team, as opposed to previous Defence teams representing

Mr Taylor, in my view have earned themselves a good track record, inasmuch as they have lived up to their commitment at the outset of the trial that the continuance we granted them at the beginning would translate into a smooth trial and it did. I see no reason to doubt Mr Griffiths's commitment now.

11:42:49

Secondly, the time set by my colleagues is roughly a period of eight weeks from I think the 98 decision and this is based upon a comparison - this compares with, it is not based upon but compares with, the time that this Court granted to the accused persons in the AFRC trial.

11:43:30

Now, in my view, I think this trial is different in that the parties are not sitting in the jurisdiction where the witnesses are located and both the Prosecution and the Defence have additional logistical problems that are posed as a result of the trial not being held at the seat of the Court, or where the witnesses are located.

11:43:53

Now, in this particular case the problem is compounded for the Defence because their witnesses are likely to be located at least in two different locations separate from where the trial is being held, and so for me a period that compares either with the period granted in the AFRC or even in the RUF case, which were held in Freetown, is not a realistic comparison.

11:44:16

Thirdly, I think that a premature start of the Defence case is likely to result in an interrupted hearing with a multiplicity of unforeseen and probably undesirable delays once the hearing begins. In my view I think if adequate time were granted at the start, or before the start, in the long run we would avoid a delay.

11:44:45

For those reasons I would have granted the time requested

by the Defence and which time I think they are entitled to under Article 17 of the Statute.

PRESIDING JUDGE: The next matter to consider is a status conference prior to fixing a pre-Defence conference. Now, Mr Griffiths, you mentioned earlier that before considering the matter further you wanted to know what the status conference is all about.

Well, we could indicate this. If you look at Rule 73 ter, there are a number of things that could be ordered of the Defence prior to the pre-Defence conference. The Trial Chamber proposes that any submissions - well, the Trial Chamber proposes the status conference could firstly deal with any submissions as to what should be produced by the Defence and when it should be produced prior to making any orders for production of those items prior to the pre-Defence conference. That is why we had in mind a status conference.

MR GRIFFITHS: Mr President, we accept the nature of the obligations we have under Rule 73 ter and appreciate the need to set a date for a pre-Defence conference.

Can I make the following suggestion. I've already indicated that several members of the team are currently in West Africa and are due to return at the end of May, I myself will be engaged in the same mission until that time and we will be in a better position at that stage, the end of May, to comply with some of the obligations and duties which fall upon us under Rule 73 ter. So, could I suggest a date for such a pre-Defence conference on or about 8 June.

PRESIDING JUDGE: Are you talking about the status conference prior?