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SCSL-03-01-PT
(4783-4786)

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SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

THE PRESIDENT OF THE SPECIAL COURT

Before: Justice George Gelaga King

Registrar: Mr. Lovemore Munlo, SC

Date: 12 March 2007

PROSECUTOR **Against** **Charles Ghankay Taylor**
(Case No.SCSL-2003-01-PT)

**DECISION OF THE PRESIDENT ON DEFENCE MOTION FOR
RECONSIDERATION OF ORDER CHANGING VENUE OF PROCEEDINGS**

Office of the Prosecutor:

Mr. James C. Johnson
Ms. Brenda Hollis
Ms. Wendy van Tongeren
Ms. Shyamala Alagendra
Mr. Alain Werner
Ms. Leigh Lawrie

Defence Counsel for Charles Ghankay Taylor:

Mr. Karim A.A. Khan
Mr. Roger Sahota

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
12 MAR 2007	
NAME	<i>Aduwa Nsüma-K</i>
SIGN	<i>Nsüma</i>
TIME	<i>12:10</i>

THE PRESIDENT of the Special Court for Sierra Leone (“Special Court”), Justice George Gelaga King,

SEIZED of the Defence Motion for Reconsideration of Order Changing Venue of Proceedings, filed on 22 February 2007 (“Motion”), wherein the Defence requests that I, as President of the Special Court:

- (i) reconsider the Order Changing Venue of Proceedings of 19 June 2006;¹
- (ii) invite representations from interested parties on the issue of venue on an expedited basis; and
- (iii) order that the trial of Mr. Taylor be held at the Seat of the Special Court in Freetown²

on the grounds that (a) “[t]here has been a significant change in circumstances” since the Order Changing Venue of Proceedings such that the security situation in Liberia and Sierra Leone no longer justifies the original change in venue, and (b) that the accused’s “fair trial rights will be violated or made significantly more difficult to guarantee if the trial proceeds in The Hague.”³

NOTING that the Prosecution has not filed a response to the Motion;

RECALLING the Urgent Defence Motion for an Order that no Change of Venue from the Seat of the Court in Freetown be Ordered Without the Defence Being Heard on the Issue and Motion that the Trial Chamber Request the President of the Special Court to Withdraw the Requests Reportedly made to (1) the Government of The Kingdom of The Netherlands to permit that the Trial of Charles Ghankay Taylor be Conducted on its Territory & (2) to the President of the ICC for Use of the ICC Building and Facilities in

¹ Order Changing Venue of Proceedings, 19 June 2006, SCSL-03-01-PT.

² Defence Motion for Reconsideration at para. 24.

³ Defence Motion for Reconsideration at para. 2.

The Netherlands During the Proposed Trial of Charles Ghankay Taylor (“Urgent Defence Motion”), dated 6 April 2006 and filed on 7 April 2006;

RECALLING the Prosecution Response to Taylor Urgent Motion against Change of Venue, filed 25 April 2006;

RECALLING the Defence Reply to the Prosecution’s Response, filed 28 April 2006;

RECALLING the Order Pursuant to Rules 72(E) and 72(F) issued on 3 May 2006 wherein Trial Chamber II referred the determination of the Urgent Defence Motion to the Appeals Chamber;

RECALLING that the Appeals Chamber disapproved of Trial Chamber II’s aforementioned referral;

RECALLING the Decision on Urgent Defence Motion Against Change of Venue, filed 29 May 2006, wherein the Appeals Chamber held that matters relating to the venue of the Mr. Charles Ghankay Taylor’s trial are exclusively within the President’s “administrative and diplomatic functions;”

RECALLING United Nations Security Council Resolution 1688 adopted on 16 June 2006 which creates a Chapter VII legal basis for the Special Court to detain and conduct the trial of Mr. Taylor in The Netherlands;

NOTING the Order Changing Venue of Proceedings, dated 19 June 2006, wherein I found that, pursuant to Article 10 of the Agreement between the United Nations and the Government of Sierra Leone, the security situation in Freetown rendered it “necessary for the efficient exercise” of the Court’s functions for the trial of Mr. Taylor to be moved outside of the West African region, and pursuant to Rule 4 of the Rules of Procedure and Evidence (“Rules”), I authorized the relevant Trial Chamber and the Appeals Chamber to exercise their functions away from the Seat of the Court at the International Criminal Court facilities in The Hague;

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NOTING my Endorsement of the Order of the Registrar Pursuant to Rule 64 ordering the detention of Mr. Taylor and the pre-trial proceedings, trial, and any appeal in Mr. Taylor's case to be conducted at The Hague, filed 20 June 2006;

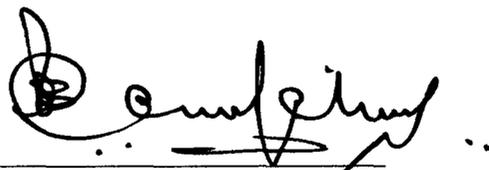
CONSIDERING that the authority vested in the President and properly exercised in this matter is administrative in nature and that the Rules do not provide the Applicant an avenue for "reconsideration" or review before the President;

FINDING that the present Motion is improperly placed before me having regard to the Rules and is therefore inadmissible;

FOR THE ABOVE REASONS

I HEREBY DISMISS the Motion in its entirety.

Done in Freetown, this 12 March 2007.



Hon. Justice George Gelaga King
President

