



**U.C. BERKELEY WAR CRIMES STUDIES CENTER**  
**SIERRA LEONE TRIAL MONITORING PROGRAM**  
**WEEKLY REPORT**

**Special Report<sup>1</sup>**  
**Initial Appearance of Charles Taylor**  
**April 3, 2006**  
**Trial Chamber II**

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Justice Lussick presided over the initial appearance of the accused, Charles Ghankay Taylor, in Trial Chamber II of the Special Court for Sierra Leone. The initial warrant for the former President of Liberia's arrest was issued almost three years prior to his arrival at the Special Court's detention facility on March 29, 2006. The public gallery was packed during the afternoon proceedings with members of the press, numerous diplomats and international lawyers as well as family members of the accused. During this initial appearance the accused was represented by the Principal Defender, Mr. Vincent Nmehielle, who acted as duty counsel as stipulated under Rule 45 of the Rules of Procedure and Evidence<sup>2</sup>. Also representing the Defence Office were the Deputy Principal Defender and the Office's three duty counsel.<sup>3</sup> The Chief Prosecutor, Mr. Desmond de Silva, was accompanied by the Chief of Prosecutions as well as several other senior staff members from the OTP. Taylor appeared to be in good health and spoke in a measured tone when addressing the court.

The initial appearance requires, according to Rule 61<sup>4</sup>, that Taylor be formally charged in accordance with the Indictment. As such, the Indictment is read out to the accused, who concomitantly enters a plea of guilty or not guilty for each count. Prior to this exercise Justice Lussick read out the rights of the accused as established in the Special Court's Statute under Article 17. The Chief of Court Management, Krystal Thompson,

<sup>1</sup> A full weekly summary of proceedings in both Trial Chamber I and II is forthcoming

<sup>2</sup> Rule 45 indicates that the Defence Office is to provide "initial legal advice and assistance by duty counsel" to any accused before the special court. Available at <<http://www.sc-sl.org/rulesofprocedureandevidence.pdf>>

<sup>3</sup> Duty counsel for the CDF case, Mr Lansana Dumbuya, was present during the proceedings. His presence remains somewhat controversial as some perceived his participation as unprofessional due to the potential conflict of interest between the CDF and Taylor cases. Dumbuya, however, does not legally represent any of the accused persons.

<sup>4</sup> Rule 61, Initial Appearance of Accused and Plea. Available at <<http://www.sc-sl.org/rulesofprocedureandevidence.pdf>>

subsequently read out the 11 counts contained in the Amended Indictment<sup>5</sup> in their entirety. During the oral narration of the Indictment Taylor sat calmly without any visible reaction to the counts being read to him. Justice Lussick then asked the accused if he understood the charges brought against him. Taylor initially did not respond and only after Lussick posed the question again did Taylor affirm that he had understood. It is unclear whether his initial silence was in protest or simply a result of the accused not hearing the question properly through his headset. Taylor subsequently stated that he wished to respond to the charges after they had been read out in their entirety as there were other issues he wished to raise in front of the court. He then submitted that as the 21<sup>st</sup> President of Liberia he did not recognize the jurisdiction of the court and that he had concerns regarding the manner of his arrival at the court. Justice Lussick replied that the Appeals Chamber had already ruled against Taylor in its Decision on Immunity from Jurisdiction<sup>6</sup>, and that furthermore, the accused is not permitted to bring any motions in front of the Trial Chamber until his initial appearance is completed, which requires that he enter a plea. Accordingly, the Judge recommended to Taylor that he plead now and present any motions he wishes to submit to the Trial Chamber at a later date. Taylor then responded that he 'did not and could not have committed these acts' contained in the indictment and that he was 'most definitely not guilty' with respect to all counts. Furthermore, he claimed that the indictment represented an attempt to divide the people of Sierra Leone and Liberia.

The Principal Defender then addressed the court and noted that, in accordance with the directive on assigning counsel, the accused had filed a declaration of means and had made a request for representation. He stated that according to Taylor's declaration he is partially indigent and therefore eligible for representation. A further determination of the accused's eligibility for legal aid will be made by the Defence Office. Mr. Nmehielle also asked permission for Taylor to express further concerns to the court, however Justice Lussick firmly reminded the Principal Defender that it is only counsel, representing the accused, who is to put the case to the court.

Following this directive, the Principal Defender stated that his client fears for his life. As both Foday Sankoh, and most recently Milosevic, have died while in detention Taylor is concerned about access to the necessary facilities to ensure his health and safety. The Principal Defender also communicated Taylor's concerns that as the tribunal is located in Sierra Leone he will not have access to the moral support of his family, who reside in Liberia. Finally, the Principal Defender communicated Taylor's desire to be tried in Sierra Leone, and nowhere else.<sup>7</sup> At this point Taylor was using animated hand gestures to indicate his wish to be tried in the country by pointing to the ground at his feet. The Principal Defender cited logistical reasons for this, both in terms of access to family as well as to witnesses; the latter being of particular concern as he fears the rumoured alternate locations for the trial may restrict the entry of witnesses he wishes to call in his defence. This represents a change from Taylor's earlier position, voiced by his

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<sup>5</sup> The Indictment was amended before Justice Thompson on 16 March, 2006. The amended version no longer contains any charges related to the capture of UNAMSIL personnel. Available at <<http://www.sc-sl.org/Documents/SCSL-03-01-I-75.pdf>>

<sup>6</sup> Appeals Chamber, Decision on Immunity from Jurisdiction, 31 May, 2004, SCSL-2003-01-I. Available at <<http://www.sc-sl.org/Documents/SCSL-03-01-I-059.pdf>>

<sup>7</sup> This is in response to requests for the Taylor trial to be transferred to the Hague, a possibility supported by Liberia's President as well as the President of the Special Court.

former spiritual advisor, that he would be happy to face trial in the Hague but not in Sierra Leone.<sup>8</sup>

In response to the accused's concerns for his health and safety, Justice Lussick directed that the relevant parts of the transcript be forwarded to the Registrar, who has particular purview over the issues raised around detention. As the accused had entered a plea of not guilty, and in accordance with Rule 61(iv), Justice Lussick also instructed the Registrar to set a date for trial. The hearing was then adjourned.

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<sup>8</sup> BBC News, 'Taylor Trial May be Out of Africa', March 30, 2006, available at <http://news.bbc.co.uk/2/hi/africa/4345120.stm>. There is much speculation as to why Taylor is now indicating a desire to be tried in Sierra Leone. Some within the OTP hypothesize that it is because he has better access to his Liberian supporters from Sierra Leone and can thus mobilize them more easily. Others simply see it as an attempt to go against the wishes of the international community.