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SCSL-03-01-T
(29728-29731)

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SPECIAL COURT FOR SIERRA LEONE

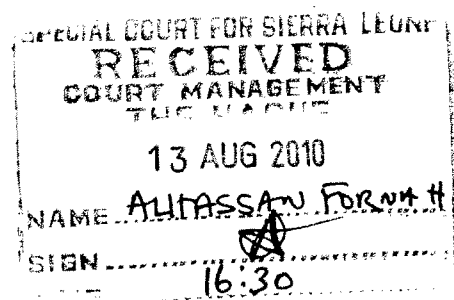
TRIAL CHAMBER II

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

Acting Registrar: Binta Mansaray

Case No.: SCSL03-1-T

Date: 13 August 2010



PROSECUTOR

v.

Charles Ghankay TAYLOR

DECISION ON PUBLIC WITH CONFIDENTIAL ANNEX A DEFENCE MOTION
FOR ADDITIONAL PROTECTIVE MEASURES IN RELATION TO WITNESS DCT-192

Office of the Prosecutor:
Brenda J. Hollis

Defence Counsel for Charles G. Taylor:
Courtenay Griffiths, Q.C.
Terry Munyard
Morris Anyah
Silas Chekera
James Supuwood

TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”);

SEISED of “Public with Confidential Annex A Defence Motion for Additional Protective Measures in Relation to Witness DCT-192”, filed on 30 July 2010 (“Motion”),¹ wherein the Defence requests that Witness DCT-192 be granted the additional protective measures of image and voice distortion, and private session whenever the particulars of the witness’s testimony could disclose the witness’s identity,² on the grounds, *inter alia*, that:

- (i) the witness has expressed significant security concerns and does not want his/her identity to be disclosed to the public;³
- (ii) there is an objective risk to the security and welfare of the witness if it becomes publicly known that the witness testified;⁴
- (iii) the witness has indicated that he is unwilling to testify without the additional protective measures, and that it is therefore vital that the respective protective measures be granted to facilitate the attendance and participation of the witness at trial and to uphold the Accused’s right to obtain the attendance and examination of the witnesses on his behalf;⁵

NOTING “Public Prosecution Response to Defence Motion for Additional Protective Measures in Relation to Witness DCT-192”, filed on 30 July 2010 (“Response”),⁶ wherein the Prosecution does not oppose the Motion;

RECALLING the Trial Chamber’s Decision of 27 May 2009,⁷ wherein the Trial Chamber granted Witness DCT-192 certain protective measures including the use of a pseudonym, delayed disclosure of the witness’ identity to the Prosecution and non-disclosure of the witness’ identity to the public;⁸

COGNISANT of the provisions of Article 17 of the Statute of the Special Court for Sierra Leone (“Statute”) and Rules 73(A), 75, 78 and 79 of the Rules of Procedure and Evidence (“Rules”);

¹ SCSL03-01-T-1021.

² Motion, para. 1.

³ Motion, paras 5, 13-14 and Confidential Annex A.

⁴ Motion, paras. 16-17.

⁵ Motion, para. 3.

⁶ SCSL03-01-T-1022.

⁷ *Prosecutor v. Taylor*, SCSL03-01-T, Decision on Urgent Defence Application for Protective Measures and for Non-Public Materials, 27 May 2009.

⁸ *Ibid.*, p. 13.

NOTING Article 17 (2) of the Statute of the Special Court ("Statute") which provides:

The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Court for the protection of victims and witnesses;

NOTING that Rule 75(A) provides that a Chamber may "order appropriate measures to safeguard the privacy and security of victims and witnesses, provided that the measures are consistent with the rights of the Accused";

NOTING that Rule 78 provides that "[a]ll proceedings before a Trial Chamber, other than deliberations of the Chamber, shall be held in public, unless otherwise provided";

NOTING ALSO that Rule 79(A) provides that the Chamber may also order that the press and public be excluded from all or part of the proceeding to protect the privacy, security or non-disclosure of the identity of a victim or witness as provided in Rule 75;

RECALLING that the protective measure of closed or private session testimony will only be granted where it is clearly demonstrated (a) that there is a real and specific risk to the witness and/or his family, (b) that the right of the Accused to a fair and public trial is not violated and (c) that no less restrictive protective measures can adequately deal with the witness's legitimate concerns";⁹

NOTING that the Prosecution does not oppose the Motion;

SATISFIED that the Defence has demonstrated that objective potential threats to the security of Witness DCT-192 exist and has shown good cause for the additional protective measures of voice and image distortion;

CONSIDERING that should the testimony of Witness DCT-192 contain specific information that is capable of revealing his or her identity, the Defence may at that stage apply to the Trial Chamber to grant limited private sessions and the Trial Chamber shall consider any such applications on a case-by-case basis;

⁹ *Prosecutor v. Taylor*, SCSL-03-01-T, Decision on Confidential Prosecution Motions SCSL-03-01-T-372 and SCSL-03-01-T-385 for the Testimonies of Witnesses to Be Held in Closed Session, SCSL-03-01-T-427, 26 February 2008, p. 6, citing *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Order to Hear the Evidence of Witness TF1-235 in Closed Session, 8 November 2004; *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-T, Decision on Prosecution Motion for the Testimony of Witnesses TF1-367, TF1-369 and TF1-371 to be held in Closed Session and for Relief for Witness TF1-369, 14 June 2006; *Prosecutor v. Milosević*, IT-02-54-T, Decision on Prosecution Motion for Closed Session Testimony for Witness B-1804, 23 January 2004.

PURSUANT to Rule 73(A) of the Rules;

HEREBY GRANTS THE MOTION and

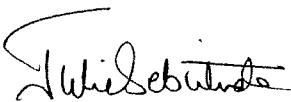
ORDERS as follows:

1. The following protective measures shall be additionally granted to Witness DCT-192:
 - a. Voice distortion
 - b. Image distortion

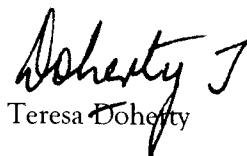
Done at The Hague, The Netherlands, this 13th day of August 2010.



Justice Richard Lussick



Justice Julia Sebutinde
Presiding Judge



Justice Teresa Doherty

