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SCSL-03-01-T

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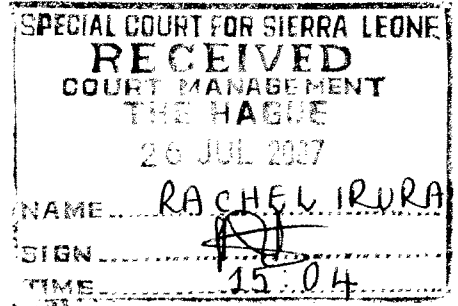
(11283 - 11286)

**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone**

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

Registrar: Mr. Herman von Hebel

Date filed: 26 July 2007



THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PROSECUTION MOTION TO RESCIND PROTECTIVE MEASURES FOR WITNESSES

Office of the Prosecutor:

Ms. Brenda J. Hollis

Ms. Leigh Lawrie

Defence Counsel for the Accused:

Mr. Courtenay Griffiths

Mr. Andrew Cayley

Mr. Terry Munyard

Office of the Principal Defender:

Mr. Charles Jalloh (Duty Counsel)

I. INTRODUCTION

1. The Prosecution files this motion pursuant to Rule 73 and Rule 75 of the Rules of Procedure and Evidence (“**Rules**”) to request the rescission of the protective measures in place for two Prosecution witnesses who are subject to the continued effect¹ of the protective measures granted in: (i) *Prosecutor v Sesay, Kallon and Gbao*, SCSL-04-15-T²; and (ii) the current proceedings, *Prosecutor v Taylor*, SCSL-03-01-T.³

II. RESCISSION OF PROTECTIVE MEASURES

2. Rule 75 (G) states that:

“A party to the second proceedings seeking to rescind, vary or augment protective measures ordered in the first proceedings shall apply to the Chamber seized of the second proceedings.”
3. Rule 75 (I) states:

“An application to a Chamber to rescind, vary or augment protective measures in respect of a victim or witness may be dealt with ... by the Chamber”
4. Accordingly, pursuant to: (i) Rule 75(G) in respect of TF1-092 who is protected by protective measures granted in the RUF Protective Measures Decision; and (ii) Rule 75(I) in respect of TF1-406 who is protected by measures ordered by this Chamber in the Taylor Protective Measures Decision, the Prosecution seeks an order rescinding the protective measures currently in place for both these witnesses in relation to the current proceedings.
5. The protective measures currently in force in respect of TF1-092 and TF1-406⁴ include

¹ Rule 75(F)(i) provides that protective measures granted in any proceedings before the Special Court shall continue to have effect *mutatis mutandis* in any other proceedings before the Special Court.

² *Prosecutor v Sesay, Kallon, Gbao*, SCSL-04-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004 (“**RUF Protective Measures Decision**”).

³ *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-99, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented Witness List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures, 5 May 2006 (“**Taylor Protective Measures Decision**”).

⁴ TF1-406 was previously included in a Prosecution motion seeking *inter alia* an order that the testimony of this witness be heard entirely in closed session (see *Prosecutor v. Taylor*, SCSL-03-01-PT-233, Confidential Prosecution Motion to Rescind and Augment Protective Measures for Witnesses, 3 May 2007). This request was refused by the Trial Chamber on the basis that insufficient detail had been provided by the Prosecution to allow the Trial Chamber to determine whether protective measures short of those proposed by the Prosecution should be ordered instead (see *Prosecutor v. Taylor*, SCSL-03-01-T-318, Decision on the Confidential Prosecution Motion to Rescind and Augment Protective Measures for Witnesses, 16 July 2007).

measures preventing the release of their identities to the public. Following informed discussions with the Prosecution and the Prosecution's Witness Management Unit, each witness has indicated the witness' willingness to testify in open court and has verbally waived the witness' rights to the protective measures to which the witness is subject, including those related to the release of the witness' identity to the public.

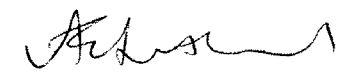
III. CONCLUSION

6. The Prosecution requests that the Trial Chamber issue an order that the protective measures currently applicable to TF1-092 and TF1-406 be rescinded in relation to the current proceedings.

Filed in The Hague,

26 July 2007

For the Prosecution,



P.P.

Brenda J. Hollis

Senior Trial Attorney

LIST OF AUTHORITIES**Prosecutor v Sesay, Kallon & Gbao, SCSL-2004-15-T**

Prosecutor v Sesay, Kallon, Gbao, SCSL-04-15-T-180, “Decision on Prosecution Motion for Modification of Protective Measures for Witnesses”, 5 July 2004.

Prosecutor v. Taylor, SCSL-2003-01-T

Prosecutor v. Taylor, SCSL-03-01-PT-99, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented Witness List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures, 5 May 2006.

Prosecutor v. Taylor, SCSL-03-01-PT-233, Confidential Prosecution Motion to Rescind and Augment Protective Measures for Witnesses, 3 May 2007.

Prosecutor v. Taylor, SCSL-03-01-T-318, Decision on the Confidential Prosecution Motion to Rescind and Augment Protective Measures for Witnesses, 16 July 2007.