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SCSL-03-01-T

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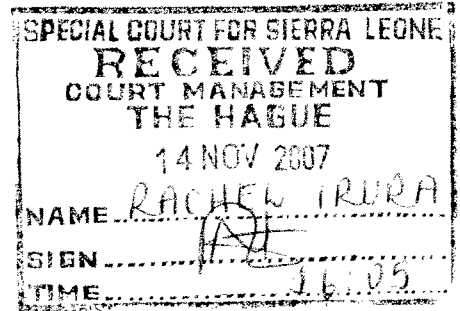
(12770-12773)

**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: 14 November 2007



**THE PROSECUTOR**

**Against**

**Charles Ghankay Taylor**

Case No. SCSL-03-01-T

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**PUBLIC**

**PROSECUTION MOTION FOR LEAVE TO RE-CLASSIFY AS "PUBLIC" A MOTION  
PREVIOUSLY FILED ON AN *EX PARTE* & CONFIDENTIAL BASIS**

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Office of the Prosecutor:

Ms. Brenda J. Hollis

Ms. Leigh Lawrie

Counsel for the Accused:

Mr. Courtenay Griffiths

Mr. Andrew Cayley

Mr. Terry Munyard

## I. INTRODUCTION

1. Pursuant to Rule 73 of the Rules of Procedure and Evidence, the Prosecution requests that the Trial Chamber grant leave for the Court Management Section of the Registry (“CMS”) to re-classify as “public” the “Motion for an Order to Provide the Prosecution Non-Privileged Recently Obtained Documents from the Accused’s Personal Archive” which was filed on 31 August 2007 on an *ex parte* and confidential basis.<sup>1</sup>

## II. BACKGROUND

2. On 31 August 2007 the Prosecution filed the Motion on an *ex parte* and confidential basis. The Motion was filed *ex parte* to ensure that the integrity of the documents in the Accused’s personal archive was maintained while the Trial Chamber deliberated on the Motion. In the Motion the Prosecution proposed procedures that would ensure that no document was delivered to the Prosecution before the Defence had a full opportunity to litigate all the issues surrounding the seizure of the documents.
3. The Trial Chamber issued its decision dismissing the Motion on 5 November 2007.<sup>2</sup> At the status conference held on 13 November 2007, Lead Defence Counsel notified the Chamber of his concerns regarding the practice of filing documents *ex parte* with the Court and asked that the Trial Chamber issue a practice directive setting out guidelines for the filing of *ex parte* documents.<sup>3</sup> Counsel stated that, if such a directive were to be issued, then he believed that in future the Trial Chamber would be assured of having the benefit of arguments from both sides before issuing any decisions.<sup>4</sup>
4. As the Motion was denied, there is no longer any reason to maintain the *ex parte* and confidential nature of the filing. Further, in order to ensure that the records of the proceedings are public, unless the circumstances require confidentiality, the Motion should now be re-classified as “public”. As the

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<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-332, “Motion for an Order to Provide the Prosecution Non-Privileged Recently Obtained Documents from the Accused’s Personal Archive”, 31 August 2007 (“**Motion**”).

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-355, “Decision on *Ex Parte* and Confidential Prosecution Motion for an Order to Provide the Prosecution Non-Privileged Recently Obtained Documents from the Accused’s Personal Archive”, 5 November 2007 (“**Decision**”).

<sup>3</sup> *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript (Draft), 13 November 2007, pages 22-23.

<sup>4</sup> *Ibid*, page 22.

Decision is public, such a re-classification will ensure that the public is given access to all the relevant information concerning the issue. In particular, public access to the Motion will establish that the Defence's concerns that the Prosecution "would in effect have access to Defence material"<sup>5</sup> are unfounded and that the procedures the Prosecution proposed regarding the seizure of the documents precluded Prosecution access to any legally privileged material. Further, the proposed procedures would have ensured that the Defence had a full opportunity to challenge the provision of any document to the Prosecution before the prosecution had access to it.

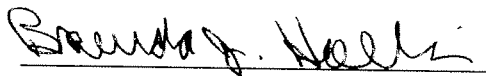
### III. APPLICATION

6. For the reasons set out above, the Prosecution submits that it is now appropriate to lift the confidential and *ex parte* status of the Motion in order to ensure that the Defence and public have access to all the information concerning the issue and the Motion. The Prosecution, therefore, requests that the Trial Chamber order CMS to re-classify the Motion as "public".

Filed in The Hague,

14 November 2007

For the Prosecution,



Brenda J. Hollis  
Senior Trial Attorney

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<sup>5</sup> *Ibid*, page 23.

LIST OF AUTHORITIES

SCSL

*Prosecutor v. Taylor, SCSL-03-01*

*Prosecutor v. Taylor*, SCSL-03-01-T-332, “Motion for an Order to Provide the Prosecution Non-Privileged Recently Obtained Documents from the Accused’s Personal Archive”, 31 August 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-355, “Decision on *Ex Parte* and Confidential Prosecution Motion for an Order to Provide the Prosecution Non-Privileged Recently Obtained Documents from the Accused’s Personal Archive”, 5 November 2007

*Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript (Draft), 13 November 2007