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SCSL-03-01-T  
(17258-17262)

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**THE SPECIAL COURT FOR SIERRA LEONE**

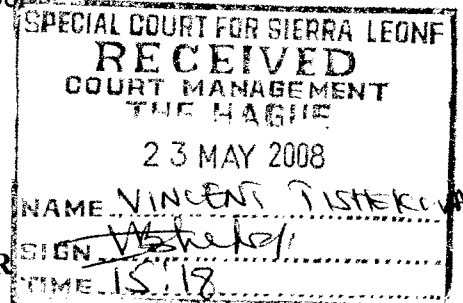
**In Trial Chamber II**

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

**Registrar:** Mr. Herman von Hebel

**Date:** 23 May 2008

**Case No.:** SCSL-2003-01-T



**THE PROSECUTOR**

-v-

**CHARLES GHANKAY TAYLOR**

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PUBLIC

**DEFENCE REPLY TO PROSECUTION RESPONSE TO DEFENCE MOTION  
PURSUANT TO RULE 75(G) TO MODIFY  
KALLON & GBAO DEFENCE PROTECTIVE MEASURES DECISIONS OF  
19 MARCH 2007 AND 1 MARCH 2007  
FOR ACCESS TO CLOSED SESSION DEFENCE WITNESS TESTIMONY  
AND LIMITED DISCLOSURE OF DEFENCE WITNESS NAMES  
AND RELATED EXCULPATORY MATERIAL**

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**Office of the Prosecutor**

Ms. Brenda J. Hollis

Ms. Leigh Lawrie

**Counsel for Charles G. Taylor**

Mr. Courtenay Griffiths Q.C.

Mr. Terry Munyard

Mr. Andrew Cayley

Mr. Morris Anyah

## I. Introduction and Procedural History

1. This is the Defence Reply to the 19 May 2008 *Prosecution Response to the Defence Motion Pursuant to Rule 75(G) to Modify Kallon & Gbao Defence Protective Measures Decisions of 19 March 2007 and 1 March 2007 for Access to Closed Session Defence Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material*.<sup>1</sup>
  
2. In its Motion,<sup>2</sup> the Defence requested:
  - (A) Service of copies of unredacted transcripts from the Kallon and Gbao Defence case by Court Management on an ongoing basis;<sup>3</sup>
  - (B) Disclosure of the witnesses' names and identifying data of witnesses subject to the Kallon and Gbao Protective Measures Decisions; and
  - (C) Disclosure of statements taken by the Kallon and Gbao Defence teams.
  
3. In its Response, the Prosecution acknowledges that the Defence have previously requested access to similar material from the Sesay Defence case, which was granted in full by this Trial Chamber.<sup>4</sup> The Defence acknowledges that access was previously granted by the Trial Chamber subject to certain restrictions, and would gladly abide by similar procedures in this instance.<sup>5</sup>

<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-508, Prosecution Response to the Defence Motion Pursuant to Rule 75(G) to Modify Kallon & Gbao Defence Protective Measures Decisions of 19 March 2007 and 1 March 2007 for Access to Closed Session Defence Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 19 May 2008 ("Response").

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-506, Defence Motion Pursuant to Rule 75(G) to Modify Kallon & Gbao Defence Protective Measures Decisions of 19 March 2007 and 1 March 2007 for Access to Closed Session Defence Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 15 May 2008, para. 19 ("Motion").

<sup>3</sup> By requesting material on an "ongoing" basis, this of course assumes that relevant transcripts would also be provided on a retroactive basis, especially as the Kallon Defence case has now closed and a decision on this Motion may not be rendered until the Gbao Defence case closes as well.

<sup>4</sup> Response, para. 3.

<sup>5</sup> Response, para. 3; *Prosecutor v. Taylor*, SCSL-03-01-T-439, Decision on Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 14 March 2008, pgs. 5-6 ("Sesay Protective Measures Modification Decision").

## II. Submissions

4. The Prosecution Response seeks to rely primarily on argumentation from its response<sup>6</sup> to the *Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material November 2006*,<sup>7</sup> except for the ex parte annex included therein.<sup>8</sup>
5. Consequently then, the Defence also seeks to rely primarily on argumentation previously made in reply to the same,<sup>9</sup> substituting the Kallon and Gbao Defence teams for references made to the Sesay Defence team.
6. The Defence notes that, crucially, the Prosecution again concedes that the criteria regarding the geographical and temporal nexus between the crimes charged in the Taylor Indictment and the RUF Indictment “have been established”.<sup>10</sup> Thus, once again, there is a good chance that the information sought in regard to allegations involved in the RUF case would be of material assistance to the Taylor case “given the geographical and temporal overlap” between the two cases.<sup>11</sup>

<sup>6</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-381, Public with *Ex Parte* Annex Prosecution Response to the Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 7 January 2008 (“Sesay Response”).

<sup>7</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-377, Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 14 December 2007.

<sup>8</sup> Response, para. 2.

<sup>9</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-387, Defence Reply to Prosecution Response to the Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 14 January 2008, paras. 5-20.


<sup>10</sup> Sesay Response, para. 6.


<sup>11</sup> Sesay Protective Measures Modification Decision, pg. 4.

### III. Conclusion

7. Access to witnesses and information for the purposes of preparing the defence for Mr. Taylor should not be unnecessarily hamstrung simply because it is the last case to be heard before the Special Court and because most of the witnesses who are relevant to the allegations against Mr. Taylor are, by now, subject to Protective Measures for either the Prosecution or for other defence teams.
8. Thus, the Defence requests that the Kallon and Gbao Protective Measures Decisions of 18 March 2007 and 1 March 2007 be varied by Trial Chamber II, in consultation with Trial Chamber I, to allow the Taylor Defence:
  - (A) Service of copies of unredacted transcripts from the Kallon and Gbao Defence cases by Court Management on an ongoing basis;
  - (B) Disclosure of the witnesses' names and identifying data of witnesses subject to the Kallon and Gbao Protective Measures Decisions; and
  - (C) Disclosure of statements taken by the Kallon and Gbao Defence teams (pursuant to the 42-day disclosure rule where applicable).

Respectfully Submitted,

  
SIMON CHIKERA

  
Courtenay Griffiths Q.C.  
Lead Counsel for Charles G. Taylor  
Dated this 23<sup>rd</sup> Day of May 2008  
The Hague, The Netherlands.

## Table of Authorities

### Prosecutor v. Taylor Cases

*Prosecutor v. Taylor*, SCSL-03-01-T-377, Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 14 December 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-381, Public with *Ex Parte* Annex Prosecution Response to the Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 7 January 2008

*Prosecutor v. Taylor*, SCSL-03-01-T-387, Defence Reply to Prosecution Response to the Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 14 January 2008

*Prosecutor v. Taylor*, SCSL-03-01-T-439, Decision on Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 14 March 2008

*Prosecutor v. Taylor*, SCSL-03-01-T-506, Defence Motion Pursuant to Rule 75(G) to Modify Kallon & Gbao Defence Protective Measures Decisions of 19 March 2007 and 1 March 2007 for Access to Closed Session Defence Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 15 May 2008

*Prosecutor v. Taylor*, SCSL-03-01-T-508, Prosecution Response to the Defence Motion Pursuant to Rule 75(G) to Modify Kallon & Gbao Defence Protective Measures Decisions of 19 March 2007 and 1 March 2007 for Access to Closed Session Defence Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material, 19 May 2008