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SCSL-03-01-T  
(29988-29990)

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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

**Registrar:** Binta Mansaray

**Case No.:** SCSL-03-1-T

**Date:** 27 August 2010

SPECIAL COURT FOR SIERRA LEONE	
<b>RECEIVED</b>	
COURT MANAGEMENT	
THE JUDGE	
27 AUG 2010	
NAME	ALHASSAN FORNATH
SIGN	<i>AF</i>
TIME	17:00

PROSECUTOR

v.

Charles Ghankay TAYLOR

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### DECISION ON PUBLIC WITH ANNEXES A AND B DEFENCE MOTION FOR ADMISSION OF DOCUMENTS PURSUANT TO RULE 92 BIS

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Office of the Prosecutor:

Brenda J. Hollis  
Leigh Lawrie  
Nathan Quick

Counsel for the Accused:

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 the "Public with Annexes A and B Defence Motion for Admission of Documents Pursuant to Rule 92bis", filed on 11 August 2010 ("Motion"),<sup>1</sup> wherein the Defence requests the Trial Chamber, pursuant to Rule 92bis of the Rules of Procedure and Evidence ("Rules"), to admit into evidence two documents ("Defence Documents"), namely:

- (i) DCT-296, a two-page document with reference "RSG/MVA/CLN - 127" from "DOWNES-THOMAS, RSG, UNOL, MONROVIA" to "PRENDERGAST, UNITED NATIONS, NEW YORK", dated 14 April 1999 and entitled, "OUTGOING CODE CABLE : DAILY SITREP covering the period from 1401H 13 April 1999 to 1400H 14 April 1999";<sup>2</sup>
- (ii) DCT-328, a document from "PRENDERGAST, UNITED NATIONS, NEW YORK" to "DOWNES-THOMAS, UNOL, MONROVIA, NANA-SINKAM, UNOGBIS, BISSAU" dated 28 July 1999 and entitled "OUTGOING CODE CABLE: Recent SG Briefing to the Council", with an attachment entitled "The Secretary-General Talking Points For Press Encounter After Briefing the Security Council on Africa," consisting of six pages,<sup>3</sup>

on the grounds that the material sought to be admitted into evidence satisfies the requirements of Rule 92bis;<sup>4</sup>

NOTING the "Prosecution Response to Public with Annexes A and B Defence Motion for Admission of Documents Pursuant to Rule 92bis", filed on 16 August 2010 ("Response"),<sup>5</sup> wherein the Prosecution does not object to the admission of the Defence Documents pursuant to Rule 92bis;<sup>6</sup>

COGNISANT of the provisions of Rule 73(A), 89(C) of the Rules of Procedure and Evidence ("Rules"), and Rule 92bis which states:

**Rule 92bis: Alternative Proof of Facts**

(A) In addition to the provisions of Rule 92ter, a Chamber may, in lieu of oral testimony, admit as evidence in whole or in part, information including written statements and transcripts, that do not go to proof of the acts and conduct of the accused.

<sup>1</sup> SCSL03-01-T-1044.

<sup>2</sup> Motion, para 10; Annex A.

<sup>3</sup> Motion, para 12; Annex B.

<sup>4</sup> Motion, paras 9-13.

<sup>5</sup> SCSL03-01-T-1049.

<sup>6</sup> Response, paras. 2, 6.


- (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purpose for which it is submitted and if its reliability is susceptible of confirmation.
- (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.

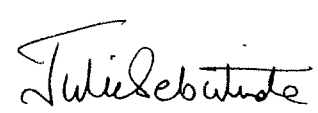
**SATISFIED** that the information in each of the Defence documents meets the requirements of Rule 92bis(A) & (B) in that (i) it does not go to proof of the acts and conduct of the Accused, (ii) is relevant to the purpose for which it is submitted, and (iii) its reliability is susceptible of confirmation;


**GRANTS THE MOTION** and admits the Defence Documents into evidence as follows:

- (i) DCT-296, a two-page document with reference “RSG/MVA/CLN - 127” from “DOWNES-THOMAS, RSG, UNOL, MONROVIA” to “PRENDERGAST, UNITED NATIONS, NEW YORK”, dated 14 April 1999 and entitled, “OUTGOING CODE CABLE : DAILY SITREP covering the period from 1401H 13 April 1999 to 1400H 14 April 1999” is admitted as Defence Exhibit D-448;
- (ii) DCT-328, a document from “PRENDERGAST, UNITED NATIONS, NEW YORK” to “DOWNES-THOMAS, UNOL, MONROVIA, NANA-SINKAM, UNOGBIS, BISSAU” dated 28 July 1999 and entitled “OUTGOING CODE CABLE: Recent SG Briefing to the Council”, with an attachment entitled “The Secretary-General Talking Points For Press Encounter After Briefing the Security Council on Africa,” consisting of six pages, is admitted as Defence Exhibit D-449.

Done at The Hague, The Netherlands, this 27<sup>th</sup> day of August 2010.

  
Justice Richard Lussick

  
Justice Julia Sebutinde  
Presiding Judge

  
Justice Teresa Doherty

