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SCSL-03-01-T
(30231-30234)

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SPECIAL COURT FOR SIERRA LEONE

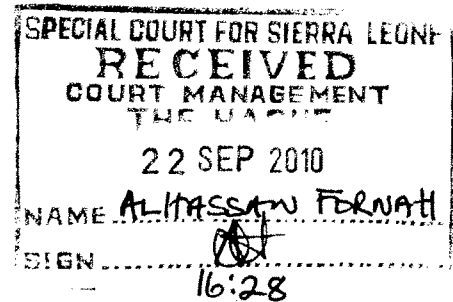
TRIAL CHAMBER II

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: 22 September 2010



PROSECUTOR

v.

Charles Ghankay TAYLOR

DECISION ON PUBLIC WITH ANNEXES A TO D DEFENCE MOTION FOR ADMISSION OF DOCUMENTS PURSUANT TO RULE 92BIS - CONTEMPORANEOUS DOCUMENTATION

Office of the Prosecutor:

Brenda J. Hollis
Nicholas Koumjian
Leigh Lawrie

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 to D Defence Motion for Admission of Documents Pursuant to Rule 92bis – Contemporaneous Documentation”, filed on 20 September 2010 (“Motion”),¹ wherein the Defence requests the Trial Chamber, pursuant to Rule 92bis of the Rules of Procedure and Evidence (“Rules”), to admit into evidence four documents (“Defence Documents”), on the grounds that the material sought to be admitted into evidence satisfies the requirements of Rule 92bis,² namely:

- (i) Letter from Alimamy Pallo Bangura, Secretary of State for Foreign Affairs, to Col. A. K. Sesay, Secretary-General of the AFRC, dated 13 October 1997 and the attached “Report of the AFRC Delegation to Guinea, Cote d’Ivoire, Togo, Burkina Faso, and Niger: 23rd August to September 26, 1997” which documents the Defence submits, show a fledgling AFRC Government looking for support from countries other than Liberia and are further evidence that the AFRC had independent links to Ibrahim Bah and Gilbert Diendere in Burkina Faso, without the assistance or intervention of Mr. Taylor;³
- (ii) Letter from Gibril Massakhoi [sic], RUF Spokesman, to His Excellency Olusegun Obasanjo, President of the Federal Republic of Nigeria, dated 4 October 2000 which document the Defence submits, corroborates the testimony of Issa Sesay as to his request during his first meeting with the ECOWAS leaders for a satellite phone and the subsequent undertaking by President Obasanjo of Nigeria to provide the satellite phone through Mr. Taylor;⁴
- (iii) Standard Times article, titled “Prosecution Witness [Abu Keita] May Take Legal Suit Against Special Court ...Breach Of Agreement”, dated 29 September 2009 which document the Defence submits, gives the court an insight into Abu Keita’s motivation for testifying against Mr. Taylor and should assist the court in assessing his credibility;⁵ and

¹ SCSL03-01-T-1080.

² Motion, paras 3, 9, 22.

³ Motion, paras 2, 10-13; Annex A.

⁴ Motion, paras 2, 14-16; Annex B.

⁵ Motion, paras 2, 17-19; Annex C.

- (iv) Letter from Brigadier General David L. M. Bropleh to Acting CDS at DHQ, dated 30 November 2000 which document the Defence submits, further explains the presence and allegiance of "Liberian fighters" in Sierra Leone during the Indictment period;⁶

NOTING the "Prosecution Notice of No Objection to Public with Annexes A to D Defence Motion for Admission of Documents Pursuant to Rule 92bis - Contemporaneous Documentation", filed on 22 September 2010 ("Response"),⁷ wherein the Prosecution does not object to the admission of the Defence Documents pursuant to Rule 92bis;⁸

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.
- (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) it 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:

- (1) Letter from Alimamy Pallo Bangura, Secretary of State for Foreign Affairs, to Col. A. K. Sesay, Secretary-General of the AFRC, dated 13 October 1997 and the attached "Report of the AFRC Delegation to Guinea, Cote d'Ivoire, Togo, Burkina Faso, and Niger: 23rd August to September 26, 1997", is admitted as Defence Exhibit D-466;
- (2) Letter from Gibril Massakhoi [sic], RUF Spokesman, to His Excellency Olusegun Obasanjo, President of the Federal Republic of Nigeria, dated 4 October 2000, is admitted as Defence Exhibit D-467;

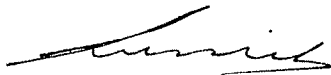
⁶ Motion, paras 2, 20-21; Annex D.

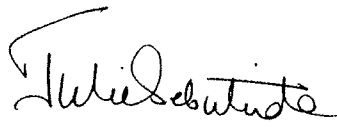
⁷ SCSL-03-01-T-1081.

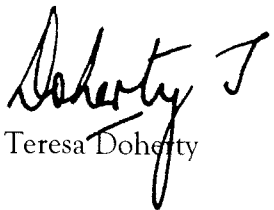
⁸ Response, para. 2.

- (3) Standard Times article, titled "Prosecution Witness [Abu Keita] May Take Legal Suit Against Special Court [...] Breach of Agreement", dated 29 September 2009, is admitted as Defence Exhibit D-468;
- (4) Letter from Brigadier General David L. M. Bropleh to Acting CDS at DHQ, titled "Request for Redress on the twenty-six (26) Liberians Rejected at BTC BSTTT 4 Training Programme on Constitutional Grounds", dated 30 November 2000, is admitted as Defence Exhibit D-469.

Done at The Hague, The Netherlands, this 22nd day of September 2010.


Justice Richard Lussick


Justice Julia Sebutinde
Presiding Judge


Justice Teresa Doherty

