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SCSL-03-01-T
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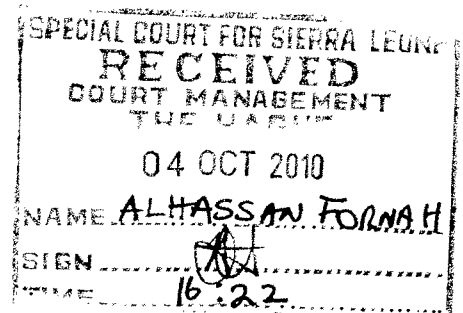
**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR**

TRIAL CHAMBER II

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

Registrar: Ms. Binta Mansaray

Date filed: 4 October 2010



THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

**PUBLIC WITH CONFIDENTIAL ANNEXES
PROSECUTION RESPONSE TO "PUBLIC WITH CONFIDENTIAL ANNEXES A-J AND PUBLIC
ANNEXES K-O DEFENCE MOTION REQUESTING AN INVESTIGATION INTO CONTEMPT OF
COURT BY THE OFFICE OF THE PROSECUTION AND ITS INVESTIGATORS"**

Office of the Prosecutor:
Ms. Brenda J. Hollis
Ms. Leigh Lawrie

Counsel for the Accused:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Mr. James Supuwood

I. INTRODUCTION & BACKGROUND

1. The “Public, with Confidential Annexes A-J and Public Annexes K-O, Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecution and its Investigators”,¹ as corrected by the corrigendum,² should be dismissed. The Motion is untimely and fails to establish that there is any reason to believe that “numerous members of the Prosecution are in contempt of court”, have violated the Code of Conduct or occasioned an abuse of process.³ The Prosecution has a mandate to investigate. If those investigations result in information the providers later wish to significantly change, that does not provide the requisite basis for a contempt investigation against the OTP.
2. The Motion, based on unfounded allegations, appears to be an attempt to delay the proceedings and to put “evidence” before this Trial Chamber outside of the testimony and trial record. Relevant witness evidence, including that concerning the conduct of the Prosecution, could have been heard in court, under oath and tested by cross-examination.⁴ The Defence decision not to call these “witnesses” and instead to submit affidavits and declarations leads to the inevitable conclusion that the Defence strategy is based on its evaluation that these witnesses’ credibility would not have withstood courtroom scrutiny.⁵

II. APPLICABLE LAW

3. The allegations levied by the Defence encompass violations of the Code of Conduct, abuse of process and contempt of Court.⁶ The Defence fails to address the applicable standard or jurisprudence relating to violations of the Code or “abuse of process”. As regards abuse of process, “before [such] doctrine can be invoked, it has to be clear that the

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-1089, Public, with Confidential Annexes A-J and Public Annexes K-O, Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecution and its Investigators, 24 September 2010 (“**Motion**”).

² *Prosecutor v. Taylor*, SCSL-03-01-T-1090, Public, with Confidential Annexes A-J and Public Annexes K-O, Corrigendum to Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecution and its Investigators, 27 September 2010.

³ Motion, paras. 1, 11, 12, 13, 14, 29 & 30.

⁴ DCT-192 only states he is “uncomfortable testifying” (Motion, Confidential Annex B, para. m) but this was after he had travelled to The Hague and was scheduled to testify after DCT-008. The Prosecution notes that DCT-102, DCT-133, DCT-032 and DCT-097 have all been scheduled to testify at various times in Defence witness list filings. See also Confidential Annex 5 detailing the Prosecution’s contact with the individuals in the Defence Annexes.

⁵ Where allegations of contempt are made in Court, this Chamber has ruled that the opposing party may cross-examine on these allegations (see Trial Transcript, 26 November 2008, p. 21219).

⁶ Motion, paras. 1, 11, 12, 13, 14, 29 & 30.

- rights of the accused have been *egregiously* violated.”⁷ Notwithstanding the inflammatory language contained in the Motion,⁸ no such standard has been met.⁹
4. Indeed, despite the sweeping allegations of abuse of process, misconduct and impropriety against present and past members of the Prosecution,¹⁰ the actual relief sought is an independent investigation pursuant to Rule 77(C)(iii).¹¹ Therefore, the focus of this response is on the allegations of contemptuous conduct.
 5. The standard to determine whether an independent investigation into contempt should be ordered “is ‘reason to believe’ that an offence may have been committed.”¹² However, the Defence fails to identify: (i) the Appeals Chamber’s amplification of the standard, that the allegation *must be credible*;¹³ and (ii) that a party has a *duty* to bring alleged misconduct to the attention of the Trial Chamber *without undue delay*.¹⁴
 6. Further, in considering the Defence’s reliance on Rule 77(A)(iv), it is to be noted that this is not an open ended rule which triggers open ended investigations. In the context of these proceedings, there are no witnesses “giving” or “about to give” evidence. As regards “potential witnesses”, the Defence has consistently stated it is very unlikely to call any additional witnesses.¹⁵ Therefore, it is unlikely there remain any “potential

⁷ *Prosecutor v. Karadžić*, IT-95-5/18-PT, Decision on Motion to Dismiss for Abuse of Process, 12 May 2009, para. 9 citing *Prosecutor v. Nikolić*, IT-94-2-PT, Decision on Defence Motion Challenging the Exercise of Jurisdiction by the Tribunal, 9 October 2002 (“**Nikolić Trial Decision**”), para. 111 (emphasis added).

⁸ See Motion, para. 12 that “the Prosecution approach ... has not only been overly zealous, it has also been underhanded, malicious and overboard”, citing *inter alia* to a power point presentation at Annex O. This is gratuitous and adds nothing of substance to the otherwise extremely serious allegations of contempt. See also Motion, paras. 13 & 14 which prejudge the results of the requested investigation, stating that the Prosecution’s conduct casts doubt on the credibility of its entire evidence before this Court and has “poisoned the environment”.

⁹ The *Nikolić* case evidences the level of seriousness which must be attained before the abuse of process doctrine can successfully be invoked. In *Nikolić*, the Appeals Chamber found that the court’s jurisdiction would not have been set aside even if the illegal arrest and abduction of the accused could have been attributed to SFOR and, by extension, the Prosecution (see *Nikolić Trial Decision*, paras. 114, 116 & *Prosecutor v. Nikolić*, IT-94-2-AR73, Decision on Interlocutory Appeal Concerning Legality of Arrest, 5 June 2003, paras. 18-19).

¹⁰ Motion, para. 11.

¹¹ Motion, paras. 29 & 30.

¹² Motion, para. 9 & 10 citing *Prosecutor v. Brima et al.*, SCSL-04-16-AR77-315, Decision on Defence Appeal Motion Pursuant to Rule 77(J) on both the Imposition of Interim Measures and an Order Pursuant to Rule 77(C)(iii), 23 June 2005 (“**AFRC Contempt Appeal Decision**”), para. 17.

¹³ AFRC Contempt Appeal Decision, para. 2.

¹⁴ *Prosecutor v. Taylor*, SCSL-03-01-T-600, Confidential Decision on Prosecution Motion for Investigations into Contempt of the Special Court for Sierra Leone (SCSL-03-01-451; SCSL-03-01-452; SCSL-03-01-457; SCSL-03-01-513), 19 September 2008 (“**CT Contempt Decision**”), para. 16 citing AFRC Contempt Appeal Decision, para. 2. While the Appeals Chamber’s comments were made in the context of a breach of protective measures, arguably the duty to expeditiously bring any allegation of contempt to the Chamber’s attention is part of the rigorous protection advocated by the Appeals Chamber.

¹⁵ The most recent statement is at Trial Transcript, 27 September 2010, p. 48326.

witnesses” in this case.¹⁶ This context is particularly relevant given the Defence’s reliance on the *Šešelj* Decision.¹⁷ In *Šešelj* the contempt investigation was ordered before the commencement of the Defence case and accordingly was limited to witnesses who had appeared before the Chamber and to “potential Defence witnesses”.¹⁸ It specifically excluded those not indicated to become potential Defence witnesses. Under *Šešelj*, assuming, *arguendo*, potential Defence witnesses are still possible, they would be limited to those included within the seven whom lead Defence Counsel gave notice might be called.¹⁹

7. In assessing information in previous contempt allegations, this Trial Chamber has considered whether the allegations are sworn or unsworn.²⁰ However, the fact that eight of the nine individuals included in the Motion make their allegations in sworn affidavits or a signed statement is only one factor to be considered in determining what weight, if any, should be given to the information. An evaluation similar to that for *viva voce* testimony, including factors such as character and impartiality, must still be undertaken.²¹

III. SUBMISSIONS

Inordinate delay by Defence to take action warrants dismissal

8. The Motion should be dismissed as untimely. None of the allegations made by the Defence relate to recent incidents, events or contact.²² Indeed, the allegations relating to WMU concern OTP disbursements which the Defence has been aware of and has used in cross-examination.²³ The allegations made by DCT-086²⁴ relate to a lawful search

¹⁶ As no rebuttal case is contemplated at this time, the Prosecution has no “potential witnesses”.

¹⁷ Motion, para. 12 & fn 21.

¹⁸ *Prosecutor v. Šešelj*, IT-03-67-T, Redacted Version of the “Decision in Reconsideration of the Decision of 15 May 2007 on Vojislav Šešelj’s Motion for Contempt Against Carla Del Ponte, Hildegard Uertz-Retzlaff and Daniel Saxon”, 29 June 2010, para. 31.

¹⁹ Trial Transcript, 10 August 2010, p. 45875. These seven witnesses included DCT-008 (who testified) plus DCT-192 and DCT-097, who the Defence notified as being the next witnesses after DCT-008 (see filing SCSL-03-01-T-1056 for DCT-008 and DCT-192 and email notification from Defence of 26 August 2010 for DCT-097 (copied to Trial Chamber Legal Officers)).

²⁰ See comment regarding the unsworn allegations of TF1-390 (CT Contempt Decision, para. 24).

²¹ See guidance given in *Prosecutor v. Brima et al.*, SCSL-04-16-T, Judgement, 20 June 2007, paras. 108-109.

²² See Motion Confidential Annex B (refers to incident in November 2002); Annex C (refers to contact with Prosecution between November 2006 to January 2007); Annex D (refers to conduct in 2007); E (refers to search in March 2004); F (refers to contact with Prosecution in 2003); G (refers to contact with the Prosecution in June/July 2008); H (refers to contact with the Prosecution in 2002 and 2005/06); I (refers to contact with the Prosecution in 2003); J (refers to contact with the Prosecution from 2003/04).

²³ See Motion, Annex N.

conducted at White Flower in 2004,²⁵ further details of which were provided to the Defence in January 2007.²⁶ The allegations contained in Confidential Annex C of the Motion were publicized at a press conference in 2007.²⁷ Yet, notwithstanding the foregoing, no motion was brought before, during or immediately after the Prosecution's case in chief. Nor was any motion brought before the start of the Defence case.

9. No explanation of the inordinate delay in bringing the Motion is given. Indeed, an explanation regarding the WMU disbursements allegations is practically impossible since these disbursements have been raised as an issue in this and other cases.²⁸ Any explanation for the delay given after this response is filed must be subject to particular scrutiny as not only late but self serving.
10. The excessive delay in raising this Motion, which is considerably longer than the three month delay this Trial Chamber previously ruled as unacceptable,²⁹ indicates that there is no credible reason to believe that there has been an interference with the administration of justice. On this ground alone, the Motion should be dismissed.

No credible reason to believe any of the allegations

11. In addition to the above, the Motion should be dismissed as none of the allegations made therein provide a credible reason to believe that *any* member of the Prosecution has been involved in contemptuous conduct. As developed below, the allegations are based on the statements of admitted liars³⁰ and a person with an ongoing financial relationship with the Accused;³¹ speculation;³² a misrepresentation of WMU's mandate;³³ matters already subjected to cross-examination;³⁴ inaccuracies;³⁵ and irrelevant documentation.³⁶

²⁴ Note DCT-086 was not on the updated core witness list filed by the Defence in May 2010 (*Prosecutor v. Taylor*, SCSL-03-01-T-957, Public with Annex A, C and Confidential Annex B – Defence Rule 73ter Filing of Witness Summaries – Version Five, 12 May 2010).

²⁵ Motion, Confidential Annex E.

²⁶ This letter dated 27 January 2007 from the Prosecution to the Defence provided details of the search at White Flower and enclosed *inter alia* the Writ of Search warrant. This was copied to the Trial Chamber at the time.

²⁷ Motion, Confidential Annex C, para. 5.

²⁸ See examples given in Motion, Annex N for this trial. In relation to the RUF trial, see *Prosecutor v. Sesay et al.*, SCSL-04-15-T-1185, Decision on Sesay Motion to Request Trial Chamber to Hear Evidence Concerning the Prosecution's Witness Management Unit and its Payments to Witnesses, 25 June 2008 ("**Sesay WMU Decision**").

²⁹ CT Contempt Decision, para. 17. See also the comments on delay at paragraph 25 of this Decision.

³⁰ Motion, Confidential Annexes D, paras. 24 & 25; G, paras. 9, 17, 21, 22, 27; I, para. 8; and J, para. 11.

³¹ See Confidential Annex 1 hereto which provides further details of the relationship.

³² Motion, Confidential Annexes C, paras. 5, 7, 8, 10, 12; F, paras. 8, 22; and H paras. 7, 8, 14.

³³ Motion, paras. 19-23.

³⁴ See examples in Motion, Annex N. The pre-2004 disbursements in Annex L were disclosed and available for cross-examination in the RUF trial (see *Prosecutor v. Sesay et al.*, SCSL-04-15-T, Trial Transcripts, 5 October 2004,

No credible reason to believe there was an assault during questioning

12. The allegation that a member of the Prosecution physically assaulted DCT-192 is not credible.³⁷ The allegation was not signed or sworn to by DCT-192,³⁸ despite his being present in The Hague for proofing, there is no showing he was unavailable to sign a declaration, and relates to an alleged incident which supposedly occurred some 8 years ago.³⁹ In addition, DCT-192's failure to report his allegations until recently raises sufficient doubt regarding their credibility as to make them an unsound basis upon which to order an investigation. The more credible explanation is that the allegations of misconduct were triggered by the witness' sudden realization that he would shortly be required to explain in Court the discrepancies between his statements to the Defence and his previous statements to the Prosecution.

No credible reason to believe threats, intimidation or other interference has occurred

13. There is no credible reason to believe that the Prosecution exerted undue pressure on witnesses and sources.⁴⁰ As stated above, the allegations under this head in the Motion relate to historic events⁴¹ and are made by individuals lacking credibility.⁴²
14. DCT-102's allegations of undue pressure also do not satisfy the "reason to believe standard". The Prosecution has no record of interviewing DCT-102 under the name given in his affidavit. From the details provided, it appears he *may* be protected witness TF1-273. This individual has, therefore, lied about his name and/or his contact with the Prosecution. Further, DCT-102's allegations of "sweeping"⁴³ are based solely on supposed statements from unnamed sources⁴⁴ and his own speculation.⁴⁵ DCT-102 also alleges threats and intimidation by former Prosecutor David Crane in 2003. However, no such meeting occurred between this witness and Mr. Crane, although if this individual is

pp. 18-40 and 6 October 2004, pp. 27-33). The 2007 disbursement relates to a clarification interview for a person who never testified in this trial.

³⁵ See Confidential Annex 4 (Note of Inaccuracies) attached hereto.

³⁶ Motion, Confidential Annex H, paras. 7 & 14; and Annexes L (WMU Vacancy Announcement) and O (Power point presentation).

³⁷ Motion, para. 15 & Confidential Annex B.

³⁸ If the witness is illiterate, he could have marked his statement or affidavit with a finger print.

³⁹ Motion, Confidential Annex B, paras. 1 & 2(b).

⁴⁰ Motion, para. 16 & Confidential Annexes B-F.

⁴¹ See paragraphs 8-10 above.

⁴² See paragraphs 11 & 12 above.

⁴³ Motion, para. 17 & Confidential Annex F, paras. 6 & 7.

⁴⁴ Motion, Confidential Annex F, paras. 6 & 7.

⁴⁵ *Ibid*, para. 8.

- TF1-273, he did meet with members of the OTP. The “souvenir” referred to in the Motion is not David Crane’s business card and does not corroborate the witness’ account of threats and intimidation.⁴⁶
15. The allegations regarding false intelligence, arrests, pressure to co-operate and intimidation⁴⁷ are based on Defence speculation,⁴⁸ and the statements of the admitted liar DCT-133.⁴⁹ In addition to the admission of lying, the record shows that disbursements were made in response to security fears voiced by DCT-133.⁵⁰ These fears were taken seriously given the OTP’s possession of information similar to that provided by DCT-023 about an approach by Sando Johnson⁵¹ and information that the Accused telephoned Musa Cisse from detention and told Cisse that he was aware of Special Court contacts with Cisse.⁵² Moreover, the Prosecution interviewed DCT-133 outside Liberia because he insisted he could not be interviewed in Liberia due to the same security concerns.
 16. The allegations made by DCT-130⁵³ are based on subjective interpretations of otherwise normal events,⁵⁴ speculation,⁵⁵ an inaccurate account of Prosecution contact⁵⁶ and alleged acts which have been known about since 2007.⁵⁷
 17. Further, the untimely allegations in Confidential Annex E do not warrant the requested relief. The search of White Flower in March 2004 was lawfully performed pursuant to a warrant granted by the Liberian authorities.⁵⁸ The use of hyperbole to describe this lawful

⁴⁶ Motion, para. 18 & Confidential Annex F, CMS pp. 30527-28. Don Ray was never a Prosecution staff member.

⁴⁷ Motion, paras. 17 & 18.

⁴⁸ Motion, fn 26. This weak basis is further undermined by the fact that the speculation refers to information provided by the admitted liar, DCT-097.

⁴⁹ Motion, Confidential Annex D, paras. 24 & 25.

⁵⁰ See DCT-133 Information & Disbursement Record provided in Confidential Annex 2 hereto.

⁵¹ See Confidential Annex 3 hereto. The Prosecution’s earlier understanding that Johnson remained loyal to and was closely associated with the Accused and the Association for the Defence of Charles Taylor proved correct (see Trial Transcript, 18 November 2009, pp. 32013, 32015 – 32016).

⁵² In 2007 the OTP was in contact with Cisse at his residence. At the end of March 2007, the OTP received source information that the Accused had directly contacted Cisse by telephone and had told Cisse that he had been informed that people from the Special Court were visiting Cisse at Cisse’s residence. Such contact was possible via use of Supuwood’s unmonitored, privileged access phone which had call forwarding capability (re. call forwarding see Trial Transcript, 16 November 2009, p. 31728).

⁵³ These allegations are not specifically referred to in the body of the Motion.

⁵⁴ Motion, Confidential Annex C, para. 7. According to Prosecution information, the witness’ request was granted. However, even if the request had been refused, there is nothing to objectively justify the feelings of intimidation.

⁵⁵ Motion, Confidential Annex C, para. 12.

⁵⁶ See Confidential Annex 4 (Note of Inaccuracies) hereto.

⁵⁷ See argument regarding delay at paragraphs 8-10 above.

⁵⁸ See Motion, Confidential Annex E, CMS p. 30517.

search does not make it contemptuous conduct.⁵⁹ Further, the allegations regarding threats and kidnap attempts⁶⁰ are clearly incredible given the delay and this witness' ongoing financial relationship with the Accused.⁶¹

No credible reason to believe bribes or other inducements have been made

18. The Defence allegations under this head rely generally on the affidavits and statements included in Confidential Annexes B to J.⁶² None of these documents contain information sufficient to satisfy the "reason to believe" standard. The grounds on which the allegations made in Confidential Annexes B-F can be challenged are set out in detail above and are incorporated by reference.⁶³
19. Confidential Annexes G-J can be challenged on the basis of delay and as follows. The allegations made by DCT-032 cannot satisfy the "reason to believe" standard as they are inaccurate⁶⁴ and he is an admitted liar.⁶⁵ As regards DCT-023, the affidavit provided is generally irrelevant as the information contained in it is speculative⁶⁶ and supports the view that the Prosecution never offered this witness anything improper.⁶⁷ Finally, the affidavits of DCT-261 and DCT-097 fail to satisfy the "reason to believe" standard as they are also provided by admitted liars.⁶⁸
20. The specific allegation that there is reason to believe that OTP disbursements are contemptuous are without merit. Contrary to the Defence's assertions,⁶⁹ OTP disbursements have been disclosed and subjected to cross examination.⁷⁰ Given the timing and merit of these allegations, the motivation for this Motion is extremely questionable.⁷¹

⁵⁹ For example, see Motion, para. 17: "through an unnecessary show of force, they ransacked the Accused's residence".

⁶⁰ Motion, para. 17 & Confidential Annex E.

⁶¹ See Confidential Annex 1 hereto.

⁶² Motion, para. 19.

⁶³ See paragraphs 8-12 & 14-17 above.

⁶⁴ See Confidential Annex 4 (Note of Inaccuracies).

⁶⁵ Motion, Confidential Annex G, paras. 9, 17, 21, 22, 27.

⁶⁶ Motion, Confidential Annex H, paras. 4, 8, 14 & 15.

⁶⁷ Motion, Confidential Annex H, paras. 7 & 14.

⁶⁸ Motion, Confidential Annexes I, para. 8 and J, para. 11.

⁶⁹ Motion, para. 19.

⁷⁰ Motion, Annex N. The title of this chart and the summary of witness testimony regarding disbursements is argument and not accepted by the Prosecution; the chart, however, sets out the disbursements disclosed by the Prosecution.

⁷¹ In the RUF Trial, Trial Chamber I dismissed a request to hear evidence concerning WMU and its payments as it found the objection was not raised at the earliest opportunity and no material prejudice had been caused. The

21. The Defence mis-state and erroneously narrow the mandate of WMU.⁷² Article 15 of the Court's Statute gives the Prosecutor the "power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations." Rule 39 governs the "Conduct of Investigations". This Rule is not limited in time⁷³ and grants the Prosecutor the authority to "[t]ake all measures deemed necessary for the purpose of the investigation ..." and is written in terms of potential witnesses and sources.⁷⁴ This is in contrast to WVS who has no mandate to deal with sources, nor arguably with potential witnesses. Indeed, the need for liaison between WVS and WMU is recognized in the otherwise irrelevant Annex L of the Motion.
22. As noted above, the Defence had the opportunity to cross-examine witnesses in this trial regarding any OTP disbursements including any which they considered to be 'irregular'.⁷⁵ Additionally, in citing the example of DCT-097, the Defence fails to acknowledge that this individual was not called as a Prosecution witness, that he was used as a source, and that the payments made reflect this use.⁷⁶
23. There is also no credible reason to believe that the Prosecution has made improper offers of relocation and/or security protection.⁷⁷ It is normal for members of the Prosecution to discuss with witnesses their security concerns and needs in general terms and, in cooperation with WVS, to make such arrangements as are necessary and justified. The Defence reference to Abu Keita does not support its allegation under this head as the OTP made no promises and his complaints concerned fears for the security of his family and himself,⁷⁸ which are concerns legitimately addressed by measures including relocation.
24. Finally, the allegations of "inducement by reference" do not satisfy the "reason to believe" standard, particularly when "common knowledge" is relied upon in support.⁷⁹ The perils of relying on "common knowledge" are highlighted by the evidence adduced

Chamber noted Defence Counsel had the opportunity to cross examine Prosecution witnesses called on payments and had exercised this right (see Sesay WMU Decision).

⁷² Motion, paras. 19-23 & Annex N.

⁷³ The interpretation of Rule 39 is facilitated by the definition section of the Rules which defines "investigation" as "[a]ll activities undertaken by the Prosecutor under the Statute and the Rules for the collection of information and evidence, *whether before or after approval of the indictment*" (emphasis added).

⁷⁴ Rule 39(ii).

⁷⁵ Motion, para. 24.

⁷⁶ Ibid.

⁷⁷ Motion, para. 27.

⁷⁸ Exhibit D-468, CMS p. 30223.

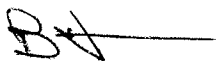
⁷⁹ Motion, para. 28.

during judicial questioning of DCT-062 and DCT-215 in relation to the Defence claims regarding TF1-362.⁸⁰ These allegations are in effect an improper attempt to attack the credibility of TF1-362, Lansana and Mongor for a second time, outside the courtroom. All disbursement information was disclosed for these witnesses prior to testimony. In relation to Lansana, the Prosecution also disclosed all relevant information associated with his release from prison. No information was disclosed regarding Mongor's release from prison as the Prosecution was not involved. Accordingly, the Defence has had ample opportunity to cross-examine each witness on this information and their motivations for testifying.

IV. CONCLUSION

25. The Prosecution denies *all* allegations that, at *any* time, *any* former or current staff member knowingly and willfully interfered with the administration of justice. The allegations are false and the Prosecution has no doubt that this would be established by a full and fair investigation. The Prosecution would, of course, fully co-operate with any investigation ordered. However, the Motion in effect asks for a delay in these proceedings, at a point over three years after the trial has begun and when evidence has apparently concluded. Such a delay would be unjustified. There has been no infringement of the Accused's fair trial rights. The Prosecution has made full disclosure of all Rule 68 material for all Prosecution witnesses and the Defence has had the opportunity to cross examine thereon. Further, the Defence has made no showing that it has been prevented from calling any of its witnesses.
26. For the reasons set out above, the Motion should be dismissed.

Filed in The Hague,
4 October 2010,
For the Prosecution,



Brenda J. Hollis,
The Prosecutor

⁸⁰ Trial Transcripts, 1 April 2010, pp. 38492-93 and 28 April 2010, p.40255.

INDEX OF AUTHORITIES

SCSL

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Prosecutor v. Taylor, SCSL-03-01-T, Exhibit D-468

Prosecutor v. Sesay et al. SCSL-04-15

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Court Management Section – Court Records

CONFIDENTIAL DOCUMENT CERTIFICATE

This certificate replaces the following confidential document which has been filed in the Confidential Case File.

Case Name: **The Prosecutor – v- Charles Ghankay Taylor**

Case Number: **SCSL-03-01-T**

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Application

Order

Indictment

Response

Motion

Correspondence

Document Title:

Public with confidential Annexes Prosecution response to public with confidential Annexes A-J and public Annexes K-O Defence motion requesting an investigation into contempt of court by the office of the Prosecution and its investigators

Name of Officer:

Alhassan Fornah

Signed: