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SCSL-03-01-ES
(11610-11614)

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RESIDUAL SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER

Before: Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Emmanuel Roberts

Acting Registrar: Binta Mansaray

Date Filed: 29 September 2014

Case No.: SCSL-03-01-ES

In the matter of

CHARLES GHANKAY TAYLOR

PUBLIC

**MOTION FOR A FORMAL REQUEST OR ORDER DIRECTING
THE UNITED KINGDOM TO PERMIT FAMILY VISITS**

Office of the Prosecutor:
Ms. Brenda J. Hollis

Counsel for Charles Ghankay Taylor:
Mr. Christopher Gosnell
Mr. John Jones

Residual Defence Representative:
Ms. Claire Carlton-Hanciles

RESIDUAL SPECIAL COURT FOR SIERRA LEONE	
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**MOTION FOR A FORMAL REQUEST OR ORDER DIRECTING THE UNITED
KINGDOM TO PERMIT FAMILY VISITS**

I. INTRODUCTION

1. Charles Ghankay Taylor hereby requests that the President order, or in the alternative formally request, the United Kingdom (UK) to permit family visits by his wife and young children. Those visits have been prevented by decisions of the UK authorities denying Mrs. Taylor's visa requests. The consequence is that Mr. Taylor has been deprived of family visits for almost a year. This unconscionable human rights violation cannot continue. The Residual Special Court for Sierra Leone (RSCSL) is therefore respectfully requested to put an end to this violation by ordering, pursuant to Article 23 of the RSCSL Statute, the United Kingdom to permit such visits without further delay.

II. APPLICABLE LAW

2. The right of prisoners under international human rights law to receive family visits has been set out extensively in previous submissions.¹ Preventing a prisoner from seeing his wife and children for a year violates international human rights standards and recognized international standards of detention, as well as common decency.²

¹ See *In the Matter of Charles Ghankay Taylor*, Case No. SCSL-03-01-ES, Motion for Termination of Enforcement of Sentence in the United Kingdom and For Transfer to Rwanda, June 2014 ("Motion"), paras. 13-43; Request for Leave to Reply, and Reply, to Prosecution Response to 24 Motion for Termination of Enforcement of Sentence in the United Kingdom and For Transfer to Rwanda, 15 July 2014 ("Reply"), paras. 10-11.

² The European Court of Human Rights, which has jurisdiction over the United Kingdom in respect of violations of the European Convention of Human Rights (ECHR), has specifically held that an interruption of visits between husband and wife for a year violated the ECHR's right to family life. Motion, para. 25.

3. Article 23 (2) of the RSCSL Statute subordinates the conditions of detention in a State to “the supervision of the of the Residual Special Court.” Article 23(3) confers on the RSCSL the “power to supervise the enforcement of sentences.”

III. SUBMISSIONS

4. The RSCSL has the “power”, under Article 23, “to supervise the enforcement of sentences.” The RSCSL Statute must be interpreted as encompassing any ancillary powers as are necessary for the discharge of its authority and responsibility.³ A necessary ancillary power is the authority to make requests, if not orders, to a State in the exercise of the RSCSL’s enforcement power.
5. Almost a year has elapsed since Mr. Taylor’s transfer to the United Kingdom. Since that transfer, he has not been able to receive a single visit from his wife or young children. This blatant human rights violation arises from the UK’s denial of a visa for Mrs. Taylor on the basis that she might overstay her visa because, *inter alia*, her husband is present in the UK⁴ – as if his wife and children might be tempted to take up residence with him in a maximum-security prison. The visa decision blatantly ignores the special circumstances of Mrs. Taylor’s visit; the UK’s obligation – having accepted to enforce the sentence – to permit such a visit; and Mrs. Taylor’s consistent compliance with visas granted to visit her husband in The Netherlands.

³ *The Prosecutor v. Ruto & Sang*, ICC-01/09-01/11-1274, Decision on Prosecutor’s Application for Witness Summonses and resulting Request for State Party Cooperation, 17 April 2014, para. 81 (“An international institution – particularly an international court – is deemed to have such implied powers as are essential for the exercise of its primary jurisdiction *or the performance of its essential duties and functions*”) (italics added).

⁴ See Motion, paras. 43-49.

6. The Registry, despite its good intentions in relation to this matter, has been unable to have this decision reversed. Meanwhile, the rights violation continues, with the cruel consequences for husband and wife alike.
7. The time is now long overdue for a formal request, or order, from the RSCSL to the United Kingdom to permit Mrs. Taylor to visit Mr. Taylor.
8. The request should issue from the President, not from the Acting Registrar. The President is the final authority of the RSCSL and such a request or order will carry more weight if issued by him. The gravity of the ongoing rights violation, and the Registrar's lack of success in resolving this matter, favour a Presidential decision.

IV. RELIEF SOUGHT

9. Charles Ghankay Taylor respectfully requests that the RSCSL issue an order, or formal request, requiring the United Kingdom, without further delay, to permit a visit to him by his wife and young children.

Word count: 748.

Respectfully submitted.

The Hague, 29 September 2014



Christopher Gosnell
Counsel for Mr. Charles Ghankay Taylor

A handwritten signature in black ink that reads "John Jones". The signature is written in a cursive, flowing style.

John Jones QC
Counsel for Mr. Charles Ghankay Taylor