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SCSL-03-01-T
(30171-30176)

30171



THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

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

Registrar: Ms. Binta Mansaray

Date: 15 September 2010

Case No.: SCSL-03-01-T

SPECIAL COURT FOR SIERRA LEONE	
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15 SEP 2010	
NAME	ALIMASSAN FERNAH
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TIME	10:15

THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC

**DEFENCE REPLY TO PROSECUTION OBJECTIONS TO DEFENCE MOTION FOR
ADMISSION OF DOCUMENTS PURSUANT TO RULE 92bis – SPECIAL TASK FORCE**

Office of the Prosecutor:

Ms. Brenda J. Hollis
Ms. Leigh Lawrie
Mr. Nathan Quick

Counsel for the Accused:

Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Mr. James Supuwood

I. INTRODUCTION

1. None of the objections made in the Prosecution's *Objections to Defence Motion for Admission of Documents Pursuant to Rule 92bis – Special Task Force*¹ warrant the exclusion of the eleven STF Documents annexed to the Defence Motion.²
2. Contrary to the Prosecution's assertions, all of the STF Documents (including DCT-460 at Annex H of the Motion and the third page of a letter at Annex J of the Motion) are relevant for the stated purpose and are not unduly cumulative. The STF Documents are probative of relevant issues and are corroborative (not duplicative) of evidence already on record. Thus, they should be admitted under Rule 92bis.

II. SUBMISSIONS

STF Documents Cannot be Viewed in Isolation

3. The STF Documents must be viewed in the context of all the evidence on record, and in the context of each other. The Trial Chamber should not be persuaded by the Prosecution's piece-meal approach to determining the relevance of the STF Documents.
4. The Prosecution characterizes DCT-460 in Annex H as an internal STF document with no connection to the Sierra Leone Army (SLA).³ However, on the face of the document alone, this is not the case. The Special Task Force Office is located at Defence Headquarters at Cockerill North, Wilkinson Road, Freetown. There is only one Defence Headquarters at Cockerill and that belongs to the RSLAF.⁴ Per paragraph one of the document, the STF Headquarters are at Grafton. Thus, the

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-1072, Prosecution Objections to Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92bis – Special Task Force, 14 September 2010

² *Prosecutor v. Taylor*, SCSL-03-01-T-1071, Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92bis – Special Task Force, 9 September 2010.

³ Objection, para. 5.

⁴ See, for instance, the letterhead of DCT-461 at Annex I of the Motion.

indications given on the document alone evidence the connection between the STF Office at Defence Headquarters and the SLA.

5. Looking at DCT-460 in light of the other STF Documents, it is also easy to note that the author, Lt. Col. GD Tarlue is a Liberian.⁵ The same analysis could be done in relation to the other individuals listed in DCT-460. Thus, it is possible to determine the nationality of those STF fighters in the document.
6. The Prosecution objects to the document at Annex H of the Motion, stating that it should not be admitted as it is incomplete.⁶ However, the Prosecution does not cite any case law to support its suggestion that incomplete documents are inadmissible. There is ample material on that one page to provide a time-frame and purpose for the letter, both of which give the document a significant degree of relevance, even absent the first two pages of the letter. There is reference to the “Third Anniversary of the NPRC”. There is also a statement to the effect that the under-signed members of The Committee are “ready to assume our operations”. When viewed in light of other evidence on record regarding ULIMO and STF activity in Sierra Leone, this document has indisputable relevance.
7. Furthermore, the individuals who signed the document (Col Mohamed S Kromah, Lt-Col Clearance Tengbeh, Lt-Col Gray Tarlue, Lt-Col Siake Kiawu, and Capt Stevens Weah) are part of “The Committee” which is approved by the Major General David L Bropleh, who is listed as the “Ex-ULIMO Combatants Leader”. Again, it is possible to cross-reference these names with evidence in the transcript record as well as the other STF Documents to show that the majority of these are Liberian. The fact that Bropleh was a founding member of ULIMO from 1991-1994 is also evident from his Curriculum Vitae, which is filed as DCT-452 at Confidential Annex K of the Motion.⁷ Witnesses have testified that ex-ULIMO combatants joined the ranks of the Special Task Force,⁸ thus providing greater

⁵ See, for example, DCT-458 at Annex G of the Motion (CMS p. 30098) and DCT-459 at Confidential Annex L of the Motion (CMS p. 30157).

⁶ Objection, para. 6.

⁷ See specifically CMS p. 30148.

⁸ See, for example, **Testimony of DCT-190**, *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 7 June 2010, p. 42268.

context for the obvious transition between ULIMO and STF that is taking place in the document.

8. The Defence notes that the Prosecution does not raise any objection regarding the relevance of the other STF Documents, and has stated that to the extent the Trial Chamber does not deem them unduly cumulative, the Prosecution does not object to the admission of the STF Documents in Annexes A-G, Annex I and Confidential Annexes K-L of the Motion.⁹

STF Documents Develop and Corroborate Evidence Already on Record

9. The eleven STF Documents, which are contemporaneous documentary material from the conflict period, provide detail regarding the STF personnel and operations that is not already on record. They develop the oral evidence heard by the Trial Chamber as well as the few documents already in evidence that touch on the STF.¹⁰ The evidence on record acknowledges the existence of the STF but does not explain any of the structural connection to the SLA or payment scales or personnel involved. Thus, there is no repetition of evidence as the Prosecution claim and the STF Documents are necessary in order to develop the evidence on record.
10. With regard to DCT-461 at Annex I of the Motion, the Defence reiterate its position that the entire document is necessary for the purpose of completeness.¹¹ The cover letter lists the parties who received a copy of the Final Communiqué of the Consultation Meeting of the Heads of State on the Mano River Union (Exhibit D-237). The fact that the Communiqué was actually attached to the letter shows that the STF was in fact sent a copy of the Communiqué by the SLA. Additionally, there is no harm in admitting these five pages of the Communiqué again, as part of this document, as the Trial Chamber can quickly take note of it without getting bogged down in the detail a second time.

⁹ Objection, paras. 3 and 12.

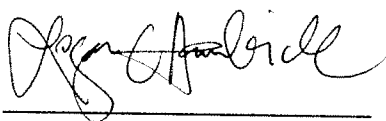
¹⁰ See Motion, paras. 8 and 9.

¹¹ See Objection, para. 8.

III. CONCLUSION

11. For the reasons stated above and in its Motion, the Defence respectfully requests the Trial Chamber, in exercising its discretion, to admit into evidence, pursuant to Rule 92*bis*, the eleven STF Documents annexed to the Motion.

Respectfully Submitted,



AV
Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 15th Day of September 2010
The Hague, The Netherlands

TABLE OF AUTHORITIES**Prosecutor v. Taylor**

Prosecutor v. Taylor, SCSL-03-01-T-1071, Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92*bis* – Special Task Force, 9 September 2010

Prosecutor v. Taylor, SCSL-03-01-T-1072, Prosecution Objections to Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92*bis* – Special Task Force, 14 September 2010