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SCSL-03-01-T  
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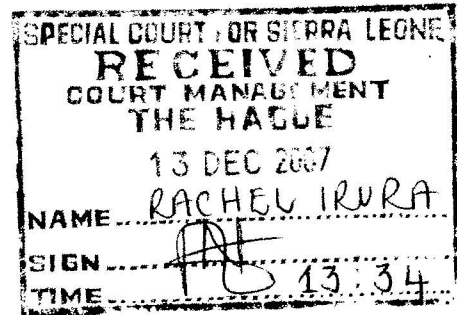
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**SPECIAL COURT FOR SIERRA LEONE**  
OFFICE OF THE PROSECUTOR  
Freetown – Sierra Leone

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

Registrar: Mr. Herman von Hebel

Date filed: 13 December 2007



**THE PROSECUTOR**

**Against**

**Charles Ghankay Taylor**

Case No. SCSL-03-01-T

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**PUBLIC**

**PROSECUTION MOTION FOR IMMEDIATE PROTECTIVE MEASURES FOR WITNESSES  
AND FOR NON-PUBLIC DISCLOSURE**

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

Defence Counsel for Charles Taylor:  
Mr. Courtenay Griffiths Q.C.  
Mr. Andrew Cayley  
Mr. Terry Munyard

## I. INTRODUCTION

1. Pursuant to Rules 54, 69, 73 and 75 of the Special Court's Rules of Procedure and Evidence ("**Rules**") the Prosecution requests immediate measures to protect the identity of the witnesses, TF1-585 and TF1-597<sup>1</sup>, and to protect the confidentiality of all non-public materials related to these witnesses to be disclosed to the Defence.
2. This motion relates to witnesses who are not currently covered by any existing protective measures order and who have not waived their right to protection in these proceedings.
3. The Prosecution will seek leave to add *inter alia* these witnesses to its witness list filed on 4 April 2007<sup>2</sup> and also permission to disclose the statements of its proposed additional witnesses to the Defence.

## II. PROCEDURAL BACKGROUND

4. The Prosecution recently filed a motion seeking protective measures in respect of seven witnesses.<sup>3</sup> The November Motion was granted on 7 December 2007.<sup>4</sup>
5. In the November Motion, the Prosecution set out the procedural background to the Prosecution's requests and the Prosecution respectfully refers the Chamber to the details set out therein.<sup>5</sup>

## III. APPLICATION

6. As stated in the November Motion, the Prosecution's continued investigations and ongoing evidentiary evaluation have resulted in the identification of several new witnesses, including TF1-585 and TF1-597, with relevant and material evidence to the charges against the Accused. In view of the nature of this evidence and the fact that the Prosecution does not intend to call TF1-585 and TF1-597 during the first session (set to commence on 7 January 2008), it

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<sup>1</sup> The Prosecution has provisionally assigned pseudonyms to these two witnesses.

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-01-PT-218, "Public Rule 73 *bis* Pre-Trial Conference Materials", 4 April 2007.

<sup>3</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-356, "Confidential Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure", 6 November 2007 ("**November Motion**").

<sup>4</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-368, "Decision on Confidential Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure", 7 December 2007.

<sup>5</sup> November Motion, paras. 4-5.

is in the interests of justice to bring this evidence before the Trial Chamber. The Prosecution, therefore, seeks an order from the Trial Chamber for the protective measures set out in the first protective measures decision<sup>6</sup> to be applied to TF1-585 and TF1-597 with immediate effect.

7. In view of the recent filing before this Chamber on this issue, the Prosecution respectfully refers the Trial Chamber to the arguments contained in the November Motion<sup>7</sup> and the Prior Protective Measures Motions regarding the legal and factual basis for this application.
8. As advised in the November Motion, the potential threats to the security of witnesses remain real and current. The Prosecution's concerns regarding the safety and security of witnesses being substantiated by the declaration by the Investigations Commander of the Office of the Prosecutor included therein.<sup>8</sup> Accordingly, the Prosecution seeks protective measures for TF1-585 and TF1-597.

#### IV. VARIATION OF PROTECTIVE MEASURES

9. The Prosecution reserves its right to apply to the Chamber to rescind, vary or augment any protective measures that are put in place or to seek additional protective measures as it deems necessary pursuant to Rule 75(I).

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<sup>6</sup> *Prosecutor v. Taylor*, SCSL-03-1-PT-99, "Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures", 5 May 2006 ("**First Protective Measures Decision**").

<sup>7</sup> See November Motion, paras. 7-13 and Annex B and *Prosecutor v. Taylor*, SCSL-03-01-PT-86, "Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures", 4 April 2006 (as amended by *Prosecutor v. Taylor*, SCSL-03-01-PT-93, "Confidential Motion for Leave to Substitute a Corrected and Supplemented Witness List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures Filed on 4 April 2006", 25 April 2006); *Prosecutor v. Taylor*, SCSL-03-01-PT119, "Confidential Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure", 4 September 2006; *Prosecutor v. Taylor*, SCSL-03-01-PT-138, "Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of which is filed *Ex-Parte*", 8 December 2006; and *Prosecutor v. Taylor*, SCSL-03-01-PT-200, "Urgent Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure", 8 March 2007 (together the "**Prior Protective Measures Motions**").

<sup>8</sup> November Motion, Annex B.

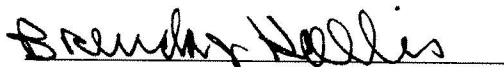
V. CONCLUSION

10. The Prosecution requests that the Trial Chamber order that the protective measures set out in paragraphs (a) to (m) of the First Protective Measures Decision be put in place for witnesses, TF1-585 and TF1-597 and that those measures be implemented immediately.

Filed in The Hague

13 December 2007

For the Prosecution



Brenda J. Hollis

Senior Trial Attorney

**LIST OF AUTHORITIES**

**SCSL**

***Prosecutor v. Taylor, SCSL-03-01-T***

*Prosecutor v. Taylor*, SCSL-03-01-PT-86, “Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures”, 4 April 2006

*Prosecutor v. Taylor*, SCSL-03-01-PT-93, “Confidential Motion for Leave to Substitute a Corrected and Supplemented Witness List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures Filed on 4 April 2006”, 25 April 2006

*Prosecutor v. Taylor*, SCSL-03-1-PT-99, “Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures”, 5 May 2006

*Prosecutor v. Taylor*, SCSL-03-01-PT-119, “Confidential Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure”, 4 September 2006

*Prosecutor v. Taylor*, SCSL-03-01-PT-138, “Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of which is filed *Ex-Parte*”, 8 December 2006

*Prosecutor v. Taylor*, SCSL-03-01-PT-200, “Urgent Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure”, 8 March 2007

*Prosecutor v. Taylor*, SCSL-03-01-PT-218, “Public Rule 73 *bis* Pre-Trial Conference Materials”, 4 April 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-356, “Confidential Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure”, 6 November 2007

*Prosecutor v. Taylor*, SCSL-03-01-T-368, “Decision on Confidential Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure”, 7 December 2007