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SCSL-03-01-T
(16361-16381)

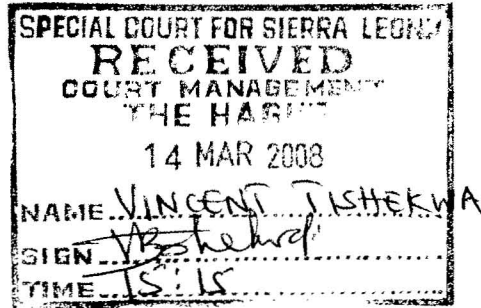
16361

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone

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

Registrar: Mr. Herman von Hebel

Date filed: 14 March 2008



THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PUBLIC WITH CONFIDENTIAL ANNEX

**PROSECUTION MOTION FOR LEAVE TO SUBSTITUTE CONFIDENTIAL URGENT
PROSECUTION MOTION SCSL-03-01-T-435 WITH AMENDED MOTION**

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

Counsel for the Accused:
Mr. Courtenay Griffiths
Mr. Andrew Cayley
Mr. Terry Munyard
Mr. Morris Anyah

I. INTRODUCTION

1. On 29 January 2008, the Prosecution filed the motion “Confidential Prosecution Motion for Additional Protective Measures for the Trial Proceedings of Witnesses TF1-515, TF1-516, TF1-385, TF1-539, TF1-567, TF1-388 and TF1-390”.¹ In this motion the Prosecution requested *inter alia* that TF1-567 be permitted to testify entirely in closed session.
2. On 3 March 2008, the Presiding Judge stated that “the request for an entirely closed session in relation to witnesses TF1-567 and TF1-390 will be denied” and advised that written reasons for this decision would be published.²
3. As the Prosecution understood that its request that TF1-567 testify in closed session had been denied and as the Prosecution had made no request in its motion for alternative relief, on 12 March 2008, the Prosecution filed the “Confidential and Urgent Prosecution Motion for Additional Protective Measures for Witnesses TF1-375, TF1-401, TF1-521, TF1-542, TF1-555, TF1-567, TF1-585 & TF1-590”.³ In this Second Motion, the Prosecution *inter alia* sought alternative protective measures for TF1-567⁴ although indicated that:

Should the Trial Chamber grant the Prosecution’s request to use facial distortion and/or voice distortion in combination with the existing protective measure of referring to the witness by pseudonym, the Prosecution notifies the Court that recourse to closed or private session may also be required during the course of a witness’ testimony in order to lead evidence which may in and of itself identify the witness.⁵

4. The Prosecution has today been served with the decision “Decision on Confidential Prosecution Motion for Additional Protective Measures for the Trial Proceedings of Witnesses TF1-515, TF1-516, TF1-385, TF1-539, TF1-

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-404, “Confidential Prosecution Motion for Additional Protective Measures for the Trial Proceedings of Witnesses TF1-515, TF1-516, TF1-385, TF1-539, TF1-567, TF1-388 and TF1-390”, 29 January 2008.

² *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 3 March 2008, page 5152, lines 17 – 18.

³ *Prosecutor v. Taylor*, SCSL-03-01-T-435, “Confidential and Urgent Prosecution Motion for Additional Protective Measures for Witnesses TF1-375, TF1-401, TF1-521, TF1-542, TF1-555, TF1-567, TF1-585 & TF1-590”, 12 March 2008 (“**Second Motion**”).

⁴ The measures requested are use of face distortion, screen and voice distortion (see Annex A of the Second Motion).

⁵ Second Motion, para. 7.

567, TF1-388 and TF1-390”.⁶ In this decision the Trial Chamber grants TF1-567 “the additional protective measures of testifying behind a screen shielding the witness from the public view and with the use of an image and voice distortion device and where necessary testify in closed session for a limited duration only.”⁷

II. APPLICATION

5. As the Decision, in effect, grants the additional protective measures requested for TF1-567 by the Prosecution in the Second Motion, the Prosecution’s request contained therein for this witness is now moot. The Prosecution, therefore, requests that the Chamber grant it leave to substitute the Second Motion with the motion attached in the Annex hereto. This substitute motion removes all reference to TF1-567.

III. CONCLUSION

6. The Prosecution requests that the Trial Chamber grant leave for the Prosecution to substitute the Second Motion with the motion set out in the Annex hereto. If such leave is granted, the Prosecution further requests that the Trial Chamber order the Court Management Section to give effect to the requested substitution.

Filed in The Hague,

14 March 2008

For the Prosecution,



Brenda J. Hollis
Senior Trial Attorney

⁶ *Prosecutor v. Taylor*, SCSL-03-01-T-437, “Decision on Confidential Prosecution Motion for Additional Protective Measures for the Trial Proceedings of Witnesses TF1-515, TF1-516, TF1-385, TF1-539, TF1-567, TF1-388 and TF1-390”, 13 March 2008 (“**Decision**”).

⁷ *Ibid*, page 5.

LIST OF AUTHORITIES**SCSL*****Prosecutor v. Taylor, SCSL-03-01***

Prosecutor v. Taylor, SCSL-03-01-T-404, “Confidential Prosecution Motion for Additional Protective Measures for the Trial Proceedings of Witnesses TF1-515, TF1-516, TF1-385, TF1-539, TF1-567, TF1-388 and TF1-390”, 29 January 2008

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 3 March 2008, page 5152, lines 17 – 18

Prosecutor v. Taylor, SCSL-03-01-T-435, “Confidential and Urgent Prosecution Motion for Additional Protective Measures for Witnesses TF1-375, TF1-401, TF1-521, TF1-542, TF1-555, TF1-567, TF1-585 & TF1-590”, 12 March 2008

Prosecutor v. Taylor, SCSL-03-01-T-437, “Decision on Confidential Prosecution Motion for Additional Protective Measures for the Trial Proceedings of Witnesses TF1-515, TF1-516, TF1-385, TF1-539, TF1-567, TF1-388 and TF1-390”, 13 March 2008



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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**
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Document Index Number: **440**
Document Date **14 March 2008**
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Number of Pages **17** Page Numbers from: **16365-16381**

- Application
- Order
- Indictment
- Other
- Motion**
- Correspondence

Document Title:

**PUBLIC WITH CONFIDENTIAL ANNEX PROSECUTION MOTION FOR LEAVE TO
SUBSTITUTE CONFIDENTIAL URGENT PROSECUTION MOTION SCSL-03-01-T-435
WITH AMENDED MOTION**

Name of Officer:

Vincent Tishekwa

Signed: 