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SCSL-03-01
(24023-24025)

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SPECIAL COURT FOR SIERRA LEONE

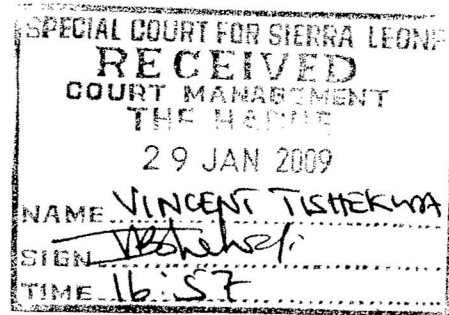
TRIAL CHAMBER II

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

Registrar: Herman von Hebel

Case No.: SCSL-03-1-T

Date: 29 January 2009



PROSECUTOR

v.

Charles Ghankay TAYLOR

ORDER PURSUANT TO CONFIDENTIAL PROSECUTION NOTICE UNDER RULE 92 *BIS* FOR THE ADMISSION OF EVIDENCE RELATED TO *INTER ALIA* FREETOWN & WESTERN AREA - TF1-169

Office of the Prosecutor:

Brenda J. Hollis
Kathryn Howarth
Ula Nathai-Lutchman

Defence Counsel for Charles G. Taylor:

Courtenay Griffiths, Q.C.
Terry Munyard
Andrew Cayley
Morris Anyah

TRIAL CHAMBER II ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court");

SEISED of the "Confidential Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Freetown & Western Area - TF1-169", filed on 12 January 2009 ("Notice"),¹ wherein the Prosecution gives notice under Rule 92bis of its intention to seek admission into evidence two prior statements relating to Witnesses TF1-169 contained respectively in Annexes A and B of the Notice;²

NOTING the "Defence Response to Confidential Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Freetown & Western Area - TF1-169", filed on 16 January 2009 ("Response"),³ wherein the Defence states that it does not object to the admission of the two statements under Rule 92bis, and does not wish to cross-examine Witness TF1-169;⁴

NOTING FURTHER that the Prosecution did not file a Reply;

MINDFUL of the provisions of Rules 73, 89(C) and 92bis of the Rules of Procedure and Evidence ("Rules");

MINDFUL ALSO of the Trial Chamber's jurisprudence relating to the admission of evidence pursuant to Rule 92bis (B) of the Rules;⁵

SATISFIED that the information the Prosecution is seeking to tender in lieu of the oral testimony of Witness TF1-169 does not directly go to proof of the acts and conduct of the Accused, is relevant to the purpose for which it is submitted and that its reliability is susceptible of confirmation;

NOTING that Witness TF1-169 is a protected witness⁶ and that the statements contain information which if made public, could reveal his identity;

FOR THE ABOVE REASONS

ORDERS that the statements of Witness TF1-169 contained in Annexes A and B of the Notice are admitted into evidence pursuant to Rule 92bis as follows:

- (i) Statement dated 8 January 2009 is admitted as Exhibit No. P-284 and shall be classified as confidential;
- (ii) Statement dated 11 December 2008 is admitted as Exhibit No. P-285 and shall be classified as confidential;

¹ SCSL-03-1-T-710 ("Notice").

² Statement dated 8 January 2009 as contained in Annex A and Statement dated 11 December 2008 as contained in Annex B; See Notice, para. 2.

³ SCSL-03-01-T-712 ("Response").

⁴ Response, paras 3-4.


⁵ *Prosecutor v. Taylor*, SCSL-03-01-T-556, Decision on Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 into Evidence, 15 July 2008.

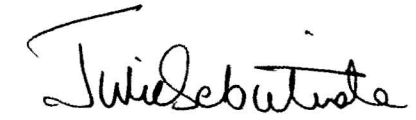
⁶ *Prosecutor v. Sesay et al.*, SCSL-05-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004; *Prosecutor v. Taylor*, SCSL-03-01-T-666, Confidential Decision on Prosecution Appeal Regarding the Decision Concerning Protective Measures of Witness TF1-062, 13 November 2008.

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Done at The Hague, The Netherlands, this 29th day of January 2009.


Justice Teresa Doherty


Justice Richard Lussick
Presiding Judge


Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]

