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SCSL-03-01-T
(17206-17224)

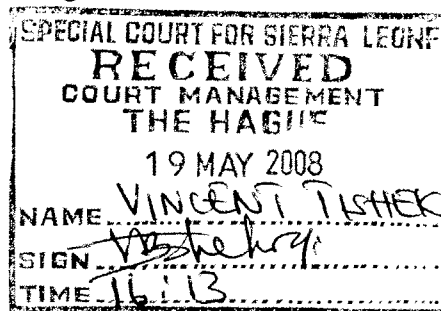
17206

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: 19 May 2008



THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PUBLIC

**PROSECUTION RESPONSE TO DEFENCE MOTION FOR DISCLOSURE OF EVIDENCE UNDERLYING
PREJUDICIAL STATEMENTS MADE BY THE CHIEF PROSECUTOR,
MR. STEPHEN RAPP, TO THE MEDIA**

Office of the Prosecutor:
Ms. Brenda J. Hollis
Ms. Kirsten Keith

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

I. INTRODUCTION

1. The Prosecution files this Response to the Defence "*Motion for Disclosure of Evidence underlying Prejudicial Statements made by the Chief Prosecutor, Mr. Stephen Rapp, to the Media,*" dated 9 May 2008.¹
2. The Motion seeks orders relating to disclosure obligations under Rules 66, 67 (d) and 68 of the Rules of Procedure and Evidence ("**Rules**") and further orders pursuant to Rule 54 relating to comments made by the Prosecutor.
3. The Motion is without merit and should be dismissed. The information referred to in the Motion is not disclosable under Rules 66 or 68, as it is not material the Prosecution intends, at this time, to offer into evidence, nor is it exculpatory. The Prosecutor's statements to which the Motion refer do not relate to matters *sub judice*, but to matters which are the subject of independent investigations in cooperation with the Panel of Experts appointed by the UN Security Council under Resolution 1760 (20 June 2007) and extended under Resolution 1792 (19 December 2007).²

II. ARGUMENT

Disclosure under Rules 66 (A), 67 (D) and 68

4. The Motion advances a tortured definition of Rules 66 (A) and 68 in an attempt to apply those rules to matters that are separate to the trial proceedings.
5. The Defence misinterpret the plain language of Rule 66 (A)³ in their attempt to make this Rule applicable to the materials to which they refer. The Motion ignores that Rule 66 (A) imposes an obligation to disclose evidence that is *intended to be used at trial*. The information that the Defence request relates to separate, on-going investigations into assets held by the Accused, as part of the UN freeze on the Accused's assets. While it is understandable that the Accused would wish to know the details of these investigations for his own purposes, the information is not obtainable pursuant to Rule 66 (A). Nor would

¹ SCSL-03-01-T-500.

² UN Security Council Resolution 1760, 20 June 2007 available at: http://www.un.org/Docs/sc/unsc_resolutions07.htm and UN Security Council Resolution 1792, 19 December 2007 available at: http://www.un.org/Docs/sc/unsc_resolutions07.htm (**Annex A**)

³ Rule 67 (D) simply imposes a continuing obligation to disclose material covered by the Rule and is of no assistance in resolving the issues raised by the Motion.

the Accused be given such details; to do so would jeopardize the ongoing investigations. As for disclosure, at such time, if any, that the Prosecution submits an application to call witnesses to testify as to the information referenced by the Defence, Rule 66 disclosure rules will apply. At such time, if any, that the Prosecution determines it may seek to introduce documentary evidence of the material referenced by the Defence, the Prosecution will provide appropriate notice of the material. As of this time, the Prosecution has no intention to either call witnesses or offer documentary evidence regarding the information which the Defence seeks to obtain. Therefore, there is no basis for disclosure pursuant to Rule 66 (A). Rule 66 (B) is not relevant; the procedure it sets out relates only to material which the Prosecution would otherwise be obligated to disclose.

6. The attempt to argue in the alternative for disclosure on the basis of Rule 68 is also without basis. None of the information referred to by the Motion triggers the disclosure requirements of Rule 68. Rule 68 requires notice to the Defence of the existence of evidence which, of itself, "in any way tends to suggest the innocence or mitigate the guilt of the accused or may affect the credibility of prosecution evidence." It does not require notice to the Defence of the existence of information the "successful rebuttal of [which] would serve to exculpate the Accused."⁴ The Defence definition of this Rule goes beyond tortured; it is frivolous.

Rule 54 Orders

7. The reliance on Rule 54 as a basis for the orders sought in the Motion is also without merit. Such an order is only appropriate where there has been a showing that the Prosecution failed to discharge its obligations and that the request for disclosure is sufficiently specific.⁵ The Defence have failed to meet either requirement. There has been no failure of disclosure in accordance with the Rules.
8. The assertion that the comments made by the Prosecutor do not impartially respect the presumption of innocence of the Accused and prejudice the rights of the Accused under

⁴ Motion, para. 5.

⁵ *Prosecutor v Rutuganda*, ICTR-96-3-A, Appeals Chamber; Decision on Urgent Defence Motion for Disclosure and Admission of Additional Evidence and Scheduling Order, 12 December 2002 available at: <http://trim.unict.org/webdrawer/rec/35366/view/RUTAGANDA%20-%20DECISION%20ON%20THE%20URGENT%20MOTIO~SCLOSURE%20AND%20ADMISSION%20OF%20ADMISSION%20OF%20ADDITIONAL%20EVIDENCE%20AND%20SCHEDULING%20ORDER.pdf>

Article 17 is without merit⁶. The statements by the Prosecutor refer to assets being used for restitution *if* he is found guilty of Count 11⁷ and do not amount to a pronouncement of guilt. Rule 104 of the Rules of Procedure and Evidence provides that the determinations regarding the forfeiture and restitution of “property, proceeds, and assets acquired unlawfully or by criminal conduct” are to be made in a “special hearing” which is only held “after a judgment of conviction.” While a conviction is a condition precedent for an Order of Forfeiture by the Special Court for Sierra Leone (“**Special Court**”), it is not necessary for actions by the Government of Liberia or its citizens to recover property, proceeds or other assets traceable to alleged corruption in Liberia. The Prosecutor has never asserted that the conviction of the Accused at the Special Court is necessary for Liberians to recover from his assets.

9. At this stage the Prosecutor is encouraging the location and freezing of assets, which could later be subject to proceedings in the Special Court and other courts, where there could be a legal disposition of the property. The Prosecutor is entitled to engage public support for efforts to locate assets and make them subject to eventual judicial decision-making in the same way that he can engage such support for efforts to locate, arrest, and transfer individuals for proceedings in the Special Court or other appropriate jurisdictions.

Comments are not Prejudicial to the Accused

10. For the reasons given in paragraph 8 above, there has been no prejudice to the Accused. In regard to the Defence argument that there has been no change in the Accused’s indigency status, it is important to note that the determination regarding this status is provisional, not final. The “primary organ of the Court” has not yet made a final determination. It is to ensure the Accused’s right to counsel is implemented that the “primary organ of the Court” has continued with the current, provisional arrangement regarding the Defence team, pending a final determination.
11. The Accused’s concerns that they are unaware of the extent of the case they are supposed to meet are without merit. The only case that the Accused has to meet is the case on record before the Trial Chamber in Court. The Defence argument that it does not have the

⁶ Motion, para. 6.

⁷ Annex A of Motion

resources to compete with investigations made by London law firms⁸ ignores the fact that it is not in need of such assistance. The Accused knows where his assets are and/or with whom he has entrusted those assets.

12. The Defence has argued that the possibility of restitution gives witnesses an incentive to lie in order to achieve a criminal conviction of the Accused.⁹ For reasons noted in paragraph 8, this argument does not work for witnesses from Liberia. It also does not work for witnesses who are not victims. As for victims, it suggests that they cannot be trusted when recovery of damages is possible. This would call into question national systems for civil recovery of money judgements or for victim compensation in criminal proceedings.
13. The ability to obtain Defence witnesses is not negated by the statements of the Prosecutor. If the Defence have problems securing witnesses for testimony at trial, the witnesses could be subpoenaed to testify under Rule 54, as occurred with witness TF1-561. The Defence reference to the "prevailing allegations of inducements to witnesses by the Prosecution," ignores that the Defence have propagated such allegations.¹⁰ Further, the Defence self serving assertion that, conversely, it will not pay, for example, school fees for the children of potential witnesses is unsubstantiated.

Codes of Conduct

14. The Prosecutor's statements do not involve matters that are *sub judice* and do not violate the SCSL Code of Professional Conduct for Counsel or the US codes cited in the Motion. Comments regarding the credibility of evidence being introduced in this proceeding would be comments on matters *sub judice* and inappropriate; for example comments such as the following:

- "[...] there is no way that this man can be convicted with this kind of evidence." *Lead Defence Counsel Courtenay Griffiths, quoted in The Inquirer (Liberia) from UN Radio interview, 21 February 2008.*¹¹

⁸ Motion, para. 21.

⁹ Motion, para. 24

¹⁰ Statements made by Defence during cross-examination (see for instance Trial Transcripts 14.1.08, pp. 1121, 1163; 13.2.08, pp. 3767- 3771, 3808, and 7.3.08, pp. 5544-5545) and by Defence Counsel Terry Munyard in an interview with Canadian Broadcasting Company, "Putting a Price on Justice for Sierra Leone", 30 April 2008 available at: <http://www.sc-sl.org/Clippings/1%20May%202008.pdf>, page 4 and Ms. Logan Hambrick of the Defence as quoted by the Concord Times, 24 April 2008, available at: <http://www.sc-sl.org/Clippings/24%20April%202008.pdf>, page 5.

¹¹ Available at: <http://www.sc-sl.org/Clippings/25%20February%202008.pdf>, page 21.

- “[The evidence is ...] in some cases plain lies. [...] The information put forward [...] has been [...] a concoction of falsehoods. [... A lot ...] has been demonstrated to be a rag-bag of lies.” *Defence Counsel Terry Munyard, UN Radio, Freetown, April 15 2008*
 - [After acknowledging constraints on his ability to comment on the strength or otherwise of the evidence the Prosecution propose to give] “Safe to say that I am confident that much of it will be exposed for what it is – a rather shoddy concoction of rumour, hearsay and rubbish.” *Lead Defence Counsel Courtenay Griffiths, at a Defence Press Conference, Freetown, 18 August 2007.*¹²
 - [Commenting on why the trial was moved from Freetown to The Hague] “[O]ut of the public glare it is much easier to secure a conviction even where the evidence is shabby, as I have suggested.” *Lead Defence Counsel Courtenay Griffiths, New Democrat (Liberia) 12 February 2008.*¹³
 - [Referring to the testimony of a particular witness by name] “He is not credible.” *Lead Defence Counsel Courtenay Griffiths, ABC News, “Taylor Trial Resumes. Last Episode: Gruesome Accounts of Taylor-Ordered Cannibalism” 31 March 2008.*¹⁴
15. The Prosecutor’s statements are also not comments which disparage the institution where the Accused is on trial, in the process making it more difficult to obtain the cooperation of witnesses and national authorities that is necessary to a fair determination of matters that are *sub judice* and risking the consequence that Taylor supporters will react violently against those perceived to be Prosecution witnesses, for example:
- “It is not justice, but politics.” *Lead Defence Counsel Courtenay Griffiths, BBC article, “Africa’s test for international justice” 26 February 2008.*¹⁵
 - “[...] we think that this is a political trial [...].” *Defence Counsel Terry Munyard, UN Radio, Freetown, April 2008.*¹⁶
16. Such comments, relating to assessments of evidence before the fact finder, are of the type that would “have a substantial likelihood of materially prejudicing an adjudicative hearing.”¹⁷ However, the Prosecutor’s comments regarding the search for assets of the

¹² Available at: <http://www.sc-sl.org/Clippings/20%20August%202007.pdf>, page 39

¹³ Available at: <http://www.sc-sl.org/Clippings/12%20February%202008.pdf>, page 8.

¹⁴ Available at: <http://abcnews.go.com/Blotter/Story?id=4556784&page=1>

¹⁵ Available at: http://news.bbc.co.uk/2/hi/programmes/this_world/7259238.stm

¹⁶ Extract of interview with UN Radio, Freetown, 15 April 2008 (**Annex B**), audio recording available for inspection. Also referred to by the Concord Times available at:

<http://www.sc-sl.org/Clippings/24%20April%202008.pdf>, page 5.

¹⁷ Motion, para. 6.

Accused are not of that type. These “extra-judicial comments”¹⁸, unlike those cited above, relate to “extra-judicial” matters: the ongoing independent investigation, consistent with UN resolutions, to locate and freeze assets of the Accused. The comments of the Prosecutor are made in the context of a longstanding and renewed effort by the international community through the Sanctions Committee on Liberia of the United Nations Security Council to locate assets of the Accused and known allies and associates and to instruct all member states of the UN to freeze without delay all such funds.¹⁹ The comments were made as part of an effort to gain and encourage the cooperation of various governments, including the government of Liberia, in this investigation to ensure that such assets are available in the event there are lawful claims against those assets, arising from whatever source.

17. To protect the integrity and efficiency of the ongoing investigation, the Prosecutor has made only general public comments on the matter, avoiding any detail which would jeopardize the investigation. To the extent the Defence motion alleges the Prosecutor’s comments were unsubstantiated, his comments were based on the assessments provided to him by experts involved in the ongoing investigation. In relation to two accounts only, these assessments identified numerous suspicious transactions and movements of money to other accounts in the name of the Accused, members of his family, and known associates. The assessments indicated that during the seven year period of the transactions in question \$2,545,743,597.19 was debited from one account and \$2,500,565,751.08 was credited to it. The experts’s analysis of the transactions indicated that there would have been debits and credits of comparable amounts in a second account.
18. However, as noted by the Prosecutor in his fully-reported public comments, the assessment indicated that these figures gave an inflated view of the true turnover because the account was “swept” regularly, meaning that once the account reached a certain level monies were swept into a second account. The assessment showed that the general pattern was for a round sum of money to be moved out of the first account into the second account and then paid back in on the following day.

¹⁸ Motion, para. 7.

¹⁹ United Nations Security Council Committee Established Pursuant To Resolution 1521 (2003) Concerning Liberia – Resolutions: (i) 1532 (2004). Distr.: General 12 March 2004, (ii) 1760 (2007). Distr. General 20 June 2007 and (iii) 1792 (2007). Distr. General 19 December 2007 (**Annex A**)

19. The assessment indicated that once the sweeps between the two accounts were accounted for, a more realistic figure of monies flowing in and out of the first account emerged: credits of \$344,109,671.53 and debits of \$375,759,712.00. Locating this outgoing amount, \$375,759,712.00, is one of the aims of the ongoing investigations.
20. As stated above, the Prosecutor's comments do not relate to evidence before this Trial Chamber, which is the evidence that will be the basis for the judgement in this case, not media reports or commentary. In addition, to quote Defence Counsel Terry Munyard regarding his comments about the evidence of witnesses being lies: "Now that is not prejudicing the Judges, for a start, even if the Judges heard me on the Radio this morning [...]. Now no professional judge is going to be influenced by a radio show or generalization."²⁰
21. As for concerns about the statements heightening public condemnation of the Accused in contravention of domestic codes of conduct, the comments provided general information about the ongoing efforts to identify assets and the means by which assets could be made available to victims. They did not include inflammatory language and they cannot affect the results of a trial that is, as noted by Mr. Munyard, being heard not by a jury but by professional judges.

III. CONCLUSION

22. For the reasons given above, the Motion should be dismissed.

Filed in The Hague,

19 May 2008

For the Prosecution,



Brenda J. Hollis
Senior Trial Attorney

²⁰ Mr. Munyard, Defence Outreach Event, Freetown, 15 April 2008 – extracts of interview in **Annex B**, video recording available for inspection.

LIST OF AUTHORITIES

SCSL Cases

Prosecutor v. Taylor, Case No. SCSL-03-01-T

Prosecutor v Taylor, SCSL-03-01-T-500, “Motion for Disclosure of Evidence underlying Prejudicial Statements made by the Chief Prosecutor, Mr. Stephen Rapp, to the Media,” 9 May 2008

Taylor Trial Transcripts, 14 January, 13 February and 7 March 2008

ICTR

Prosecutor v Rutuganda, ICTR-96-3-A, Appeals Chamber; “Decision on Urgent Defence Motion for Disclosure and Admission of Additional Evidence and Scheduling Order”, 12 December 2002

Available at:

<http://trim.unictr.org/webdrawer/rec/35366/view/RUTAGANDA%20-%20DECISION%20ON%20THE%20URGENT%20MOTIO~SCLOSURE%20AND%20ADMISSION%20OF%20ADMISSION%20OF%20ADDITIONAL%20EVIDENCE%20AND%20SCHE DULING%20ORDER.pdf>

UN Documents

UN Security Council Resolution 1532, 12 March 2004

UN Security Council Resolution 1760, 20 June 2007

UN Security Council Resolution 1592, 19 December 2007

Internet Sites for Press Clippings

<http://abcnews.go.com/Blotter/Story?id=4556784&page=1>
http://news.bbc.co.uk/2/hi/programmes/this_world/7259238.stm
<http://www.sc-sl.org/Clippings/20%20August%202007.pdf>
<http://www.sc-sl.org/Clippings/12%20February%202008.pdf>
<http://www.sc-sl.org/Clippings/25%20February%202008.pdf>
<http://www.sc-sl.org/Clippings/24%20April%202008.pdf>
<http://www.sc-sl.org/Clippings/1%20May%202008.pdf>

17215

Annex A

UN Security Council Resolutions 1760 and 1792, dated June and December 2007
and Resolution 1532, March 2004.

17216

United Nations

S/RES/1760 (2007)



Security Council

Distr.: General
20 June 2007

Resolution 1760 (2007)

**Adopted by the Security Council at its 5699th meeting,
on 20 June 2007**

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights,

Applauding the Government of Liberia's recent admission as a participant in the Kimberley Process Certification Scheme,

Anticipating the Kimberley Process report to the Council, through the Committee established pursuant to resolution 1521 (2003), as encouraged in paragraph 2 of resolution 1753 (2007),

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security through Liberia and helping the new Government establish its authority throughout the country, particularly in the diamond and timber-producing regions, and border areas,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 24 May 2007 (S/2007/340, annex),

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

07-38933 (E)



Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Requests* the Secretary-General to establish, within one month from the date of adoption of this resolution, in consultation with the Committee, for a period of six months, a Panel of Experts consisting of up to three members, with the range of expertise necessary to fulfil the Panel's mandate described in this paragraph, drawing as much as possible on the expertise of the members of the Panel of Experts reappointed pursuant to resolution 1731 (2006), to undertake the following tasks:

(a) To conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003), including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson Sirleaf on 5 October 2006, recalling that resolution 1689 (2006) decided not to renew the measure in paragraph 10 of resolution 1521 (2003) that obligated Member States to prevent the import into their territories of all round log and timber products originating in Liberia;

(d) To assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme, recalling that resolution 1753 (2007) decided to terminate the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1731 (2006);

(e) To report to the Council through the Committee by 6 December 2007 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before that date;

(f) To cooperate with other relevant groups of experts, in particular that established on Côte d'Ivoire by resolution 1708 (2006) of 14 September 2006;

(g) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

2. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

3. *Decides* to remain actively seized of the matter.

17218

United Nations

S/RES/1792 (2007)



Security Council

Distr.: General
19 December 2007

Resolution 1792 (2007)

**Adopted by the Security Council at its 5810th meeting, on
19 December 2007**

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights, the conservation and protection of biodiversity, and the process for the awarding of contracts for commercial forestry operations,

Recalling its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds,

Welcoming the Government of Liberia's participation in the Kimberley Process Certification Scheme, noting Liberia's implementation of the necessary internal controls and other requirements of the Kimberley Process, and calling on the Government of Liberia to continue to work diligently to ensure the effectiveness of these controls,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security through Liberia and helping the Government establish its authority throughout the country, particularly in the diamond and timber-producing regions, and border areas,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 5 December 2007 (S/2007/689, annex), including on the issues of diamonds, timber, targeted sanctions, and arms and security,

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards



meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

Urging all parties to support the Government of Liberia in identifying and implementing measures that will ensure progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003),

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides*, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of this resolution;

(b) That Member States shall notify the Committee established by paragraph 21 of resolution 1521 (2003) ("the Committee") upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (e) or 2 (f) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006), or paragraph 1 (b) of resolution 1731;

(c) To review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

2. *Recalls* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on the lack of progress in this regard, and calls on the Government of Liberia to continue to make all necessary efforts to fulfil its obligations;

3. *Reconfirms* its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year;

4. *Welcomes* UNMIL's assistance to the Government of Liberia in conducting joint patrols with the Forestry Development Authority with a view to strengthening Government control in forestry areas;

5. *Decides* to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 1 of resolution 1760 (2007) for a further period until 20 June 2008 to undertake the following tasks:

(a) To conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraph 1 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003)

and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson-Sirleaf on 5 October 2006;

(d) To assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance;

(e) To report to the Council through the Committee by 1 June 2008 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before that date, especially on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of paragraph 6 of resolution 1521 (2003) in April 2007;

(f) To cooperate actively with other relevant groups of experts, in particular that on Côte d'Ivoire re-established by paragraph 8 of resolution 1782 (2007), and with the Kimberley Process Certification Scheme;

(g) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

6. *Requests* the Secretary-General to reappoint the current members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;

7. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

8. *Encourages* the Government of Liberia to invite the Kimberley Process to conduct a review visit within a year of Liberia's full participation in and implementation of the Kimberley Process Certification Scheme;

9. *Encourages* the Kimberley Process to inform, as appropriate, the Security Council through its Committee about any possible review visit to Liberia and its assessment of progress made by the Liberian Government in implementing the Kimberley Process Certification Scheme;

10. *Decides* to remain actively seized of the matter.

17221

United Nations

S/RES/1532 (2004)



Security Council

Distr.: General
12 March 2004

Resolution 1532 (2004)

**Adopted by the Security Council at its 4925th meeting,
on 12 March 2004**

The Security Council,

Recalling its resolution 1521 (2003) of 22 December 2003, and its other previous resolutions and statements by its President on the situation in Liberia and West Africa,

Noting with concern that the actions and policies of former Liberian President Charles Taylor and other persons, in particular their depletion of Liberian resources, and their removal from Liberia and secreting of Liberian funds and property from that country, have undermined Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources,

Recognizing the negative impact on Liberia of the transfer abroad of misappropriated funds and assets and the need for the international community to ensure as soon as possible, in accordance with paragraph 6 below, the return of such funds and assets to Liberia,

Also expressing concern that former President Taylor, in collaboration with others still closely associated with him, continues to exercise control over and to have access to such misappropriated funds and property, with which he and his associates are able to engage in activities that undermine peace and stability in Liberia and the region,

Determining that this situation constitutes a threat to international peace and security in West Africa, in particular to the peace process in Liberia,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that, to prevent former Liberian President Charles Taylor, his immediate family members, in particular Jewell Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established by paragraph 21 of resolution 1521 (2003) (hereinafter, "the Committee") from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the sub-region, all States in which there are, at the date of adoption of this resolution or at any time thereafter, funds, other financial assets and economic resources owned or controlled

directly or indirectly by Charles Taylor, Jewell Howard Taylor, and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources, and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons;

2. *Decides* that the provisions of paragraph 1 above do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant State(s) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State(s) to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(b) have been determined by relevant State(s) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee; or

(c) have been determined by relevant State(s) to be the subject of a judicial administrative, or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement: was entered prior to the date of the present resolution; is not for the benefit of a person referred to in paragraph 1 above or an individual or entity identified by the Committee; and has been notified by the relevant State(s) to the Committee;

3. *Decides* that all States may allow for the addition to accounts subject to the provisions of paragraph 1 above of:

(a) interest or other earnings due on those accounts; and

(b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of paragraph 1 above;

provided that any such interest, other earnings and payments continue to be subject to those provisions;

4. *Further decides* that the Committee shall:

(a) identify individuals and entities of the types described in paragraph 1 above, and promptly circulate to all States a list of said individuals and entities, including by posting such a list on the Committee's web site;

(b) maintain and regularly update and review every six months the list of those individuals and entities identified by the Committee as being subject to the measures set forth in paragraph 1 above;

(c) assist States, where necessary, in tracing and freezing the funds, other financial assets and economic resources of such individuals and entities;

(d) seek from all States information regarding the actions taken by them to trace and freeze such funds, other financial assets and economic resources;

5. *Decides* to review the measures imposed in paragraph 1 above at least once a year, the first review taking place by December 22, 2004 in conjunction with its review of the measures imposed in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and to determine at that time what further action is appropriate;

6. *Expresses* its intention to consider whether and how to make available the funds, other financial assets and economic resources frozen pursuant to paragraph 1 above to the Government of Liberia, once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia;

7. *Decides* to remain actively seized of the matter.

ANNEX B

Terry Munyard, interview on UN Radio, Sierra Leone
Interviewed by Zainab Kamara, on 15 April 2008

[...]

Question: How do you think people perceive your client here [in Sierra Leone]?

Mr. Munyard: It's difficult for me to say how people perceive Mr. Taylor here in Sierra Leone. Because I haven't yet done a major outreach event, I'm doing one later this morning, in fact. Clearly if the reaction in this country is the same as in other countries around the world, the Prosecution have been going around giving a great deal of propaganda against Mr. Taylor and I have no doubt that many people here are hostile to him. It's our job to explain why the Special Court is trying him, how it is doing its job, and why we think that this is a political trial.

[...]

Terry Munyard, Defence Outreach event,
Freetown, Sierra Leone 15 April 2008

Question: And you mentioned on the radio witnesses who have testified in court, you are saying, are a bag of lies. I think I got that this morning clearly. So I don't know whether you have already taken sides as to prejudice over the [indecipherable] has passed any sentences on Mr. Charles Taylor? You did say that witnesses were telling lies so I want some clarification with that.

Mr. Munyard: Did he say am I saying that witnesses are telling a rag bag of lies?

Ms. Logan Hambrick: Right, and is that prejudicial to the case.

Mr. Munyard: I was asked this morning on the radio, what my, I think it was put to me that the evidence of the linkage witnesses so far has been compelling and what I said in a nutshell was that from our point of view as Defence lawyers, the evidence of many of the linkage witnesses was not compelling. We will be submitting in due course to the Judges that the evidence of some of those witnesses, in fact quite a few of those witnesses, I think the expression I used is a ragbag of lies." Now we've been putting to those witnesses, you're telling lies, we will eventually be submitting to the Judges that this evidence and that evidence and other evidence is lies and we explain why because we're saying it's obvious, that some of it is lies. I am not saying that all of it is but my point this morning on the radio was to say it's quite wrong as far as we are concerned to describe the linkage witnesses as compelling when so much of it is demonstrably shown to be untrue. Now that's not prejudicing the Judges, the Judges, for a start even if the Judges heard me on the radio this morning, and in fact they were sitting in the court in the Hague, so they wouldn't, even if they heard me on the radio this morning they wouldn't say to themselves, oh my goodness, yes, Terry Munyard says it's a rag bag of lies, therefore we much throw the case out. That's not what's going in a radio interview, nor is it what is going on in the court. The court eventually will receive in writing and orally in an open public hearing where we will be saying to them you cannot rely on this evidence because in certain cases it is demonstrably lies. Now no professional judge is going to be influenced by a radio show or generalization.

[...]