

804)

SCSL-03-01-T
(25740-25742)

25740



THE SPECIAL COURT FOR SIERRA LEONE

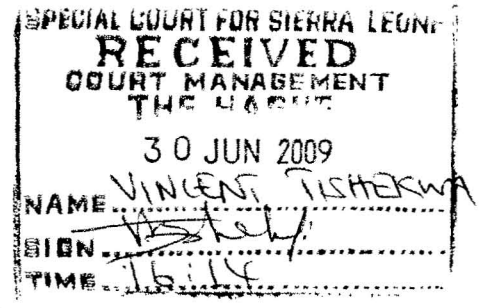
Trial Chamber II

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

Acting Registrar: Ms. Binta Mansaray

Date: 30 June 2009

Case No.: SCSL-2003-01-T



THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

URGENT AND PUBLIC

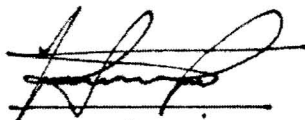
DEFENCE REPLY TO "PUBLIC PROSECUTION RESPONSE TO 'URGENT AND CONFIDENTIAL DEFENCE MOTION FOR AN ORDER TO REDACT'"

Office of the Prosecutor:
Ms. Brenda J. Hollis

Counsel for Charles G. Taylor:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Andrew Cayley
Mr. Morris Anyah
Mr. Silas Chekera
Mr. James Supuwood

1. The Defence files this Reply to “Public Prosecution Response to ‘Urgent and Confidential Defence Motion for an Order to Redact’”¹ dated and filed earlier today.
2. The Defence welcomes the Prosecution’s decision to join the Defence’s request for all orders being sought by the Motion²; nevertheless, the Defence disagrees with the characterisation that the Motion “seeks to rectify another in a pattern of failures by the Defence to protect non-public material.”³
3. To be sure, the Prosecution’s Response is directed at a Motion that was filed in the exercise of due diligence by the Defence to remedy an unintentional oversight regarding 1 of over 225 entries in the annexes to Version II⁴ of the Defence’s list of exhibits. Needless to say that such an oversight will occur on the rare occasion and the relevant consideration then becomes whether or not it was intentional and what remedial action, if any, has been undertaken by the responsible party. Judged with a view towards such considerations, the conclusion that the Defence has acted in good-faith and with due diligence in the totality of the circumstances should be inescapable.
4. Therefore, and respectfully, the Defence reiterates its request for the relief being sought by the Motion

Respectfully Submitted,



For Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 30th Day of June 2009
The Hague, The Netherlands

¹ *Prosecutor .v Taylor*, SCSL-2003-01-T-803, “Public Prosecution Response to ‘Urgent and Confidential Defence Motion for an Order to Redact’” 30 June 2009 (“Prosecution’s Response”).

² *Prosecutor .v Taylor*, SCSL-2003-01-T-802, “Urgent and Confidential Defence Motion for an Order to Redact” 30 June 2009 (“Motion”).

³ Prosecution’s Response, para. 2.

⁴ *Prosecutor .v Taylor*, SCSL-2003-01-T-800, “Public with Annex A and Confidential Annex B, Defence Rule 73ter Filing of Exhibit List (Version II),” 26 June 2009.

25742

List of Authorities

Prosecutor .v Taylor, SCSL-2003-01-T-788, “Public with Public Annex A and Confidential Annex B, Defence Rule 73ter Filing of Exhibit List,” 8 June 2009.

Prosecutor .v Taylor, SCSL-2003-01-T-800, “Public with Annex A and Confidential Annex B, Defence Rule 73ter Filing of Exhibit List (Version II),” 26 June 2009.

Prosecutor .v Taylor, SCSL-2003-01-T-802, “Urgent and Confidential Defence Motion for an Order to Redact” 30 June 2009.

Prosecutor .v Taylor, SCSL-2003-01-T-803, “Public Prosecution Response to ‘Urgent and Confidential Defence Motion for an Order to Redact’” 30 June 2009.