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SCSL-03-01-T
(26010-26022)

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THE SPECIAL COURT FOR SIERRA LEONE

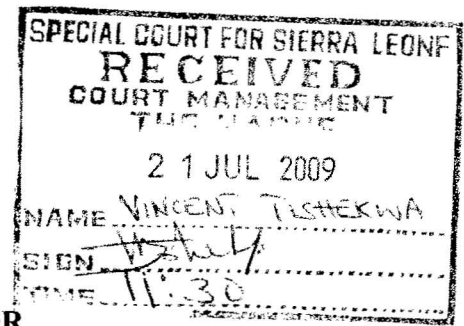
Trial Chamber II

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

Acting Registrar: Ms. Binta Mansaray

Date: 21 July 2009

Case No.: SCSL-03-01-T



THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC WITH ANNEX A

DEFENCE MOTION FOR LEAVE TO FILE WITNESS ORDER AND LIST OF EXHIBITS FOR THE WEEK 27 JULY – 31 JULY 2009 OUT OF TIME

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

I. INTRODUCTION

1. This is the Defence Motion for Leave to File Witness Order and List of Exhibits for the Week of 27 through 31 July 2009 Out of Time.

II. BACKGROUND

2. On 8 June 2009, The Trial Chamber ordered the Defence to file a witness order, language of testimony, and anticipated exhibits to be used by the witness two weeks prior to the week which the witness is expected to be called.¹
3. In compliance with that Order, the Defence has filed the Witness Order and List of Exhibits for the week 13 through 17 July 2009 on the 29 June 2009 and Witness Order and List of Exhibits for the week 20 through 24 July 2009 on 6 July 2009.
4. The Defence was expected to file the Witness Order and List of Exhibits for the week 27 through 31 of July 2009 on 13 July 2009. The Defence unfortunately failed to file such list and therefore seeks leave to file the list out of time.

III. SUBMISSIONS

5. In relation to the Witness Order, the Defence has noted that the evidence of the witness who is currently testifying, the Accused, is expected to last between six and eight weeks as estimated by the Lead Counsel on 8 June 2009.²
6. The Defence therefore submits that the delay of the filing of Witness Order and Exhibits List for the week 27 through 31 July 2009 do not prejudice the Prosecution as it is aware of the estimation given regarding the length of testimony of the Accused.
7. In relation to the exhibits anticipated to be used for the week 27 through 31 July 2009, the Defence could not notify and file the exhibits list on 13 July

¹ *Prosecutor v. Taylor* SCSL-03-01 Trial Transcripts 8 June 2009 p.24267 line 2-9

² *Prosecutor v. Taylor* SCSL-03-01 Trial Transcripts 8 June 2009 p.24261 line 7-11

2009. This was because the Defence was required to make some unexpected and necessary re-arrangements to the exhibits list. The re-arrangements were even more crucial after noting that the evidence given by the current witness, the Accused, is proceeding at a faster pace than was anticipated.³
8. The Defence has previously noted that its investigations are still ongoing as a result of the timetables set by the court.⁴ Nevertheless, the Defence is making every effort to make sure that it will not prejudice the Prosecution
 9. On 15 July 2009, as agreed between the Prosecution and the Defence, the Defence noted the Prosecution of its intention to disclose all documents listed as Potential Defence Exhibits in the Defence Rule 73 *ter* Filing of Exhibit List (Version II) of 26 June 2009⁵ to the Prosecution.
 10. On 16 July 2009 the Defence disclosed the documents to the Prosecution. In addition to that, on 19 July 2009, prior to this filing, the Prosecution was notified of the anticipated exhibits for the week 27 through 31 July 2009.
 11. These efforts were done in order to ensure that the Defence has justly given the Prosecution adequate notice of its anticipated exhibits and will not prejudice the Prosecution whatsoever.

IV. RELIEF

12. For the aforesaid reason, the Defence respectfully requests the Trial Chamber to grant leave to file the witness list and list of exhibits for the week 27 through 31 of July 2009 out of time as annexed⁶ to this filing.

³ Lead Counsel for the Defence has mentioned in open court that the trial is moving faster than what was anticipated and noted the Trial Chamber of its intention to disclose the Defence anticipated exhibits listed in the Defence Rule 73 *ter* Filing of Exhibit List (Version II)³ in chronological order. See *Prosecutor v. Taylor* SCSL-03-01 Trial Transcripts 16 July 2009 p.24590-24591.

⁴ *Prosecutor v. Taylor* SCSL-03-01 Trial Transcripts 8 June 2009 p.24248 line 1-3

⁵ *Prosecutor v. Taylor* SCSL-03-01-800 "Defence Rule 73*ter* Filing of Exhibits List (Version II), 26 June 2009.

⁶ The Annex hereto does not contain the formal title page that otherwise accompanies submissions before this Court because the Court Management Section disallowed the filing of an Annex with such a cover page, apparently because in CMS' view, such an Annex could be confused as a separate filing and not as part of the current filing.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Griffiths'.

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 21st Day of July 2009
The Hague, The Netherlands

LIST OF AUTHORITIES

Prosecutor v. Taylor SCSL-03-01 Trial Transcripts 8 June 2009

Prosecutor v. Taylor SCSL-03-01 Trial Transcripts 16 July 2009

Prosecutor v. Taylor SCSL-03-01-800 “Defence Rule 73ter Filing of Exhibits List (Version II)”, 26 June 2009.

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Annex A

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PUBLIC WITH ANNEXES A AND B

**DEFENCE WITNESS ORDER AND LIST OF EXHIBITS FOR THE WEEK 27
JULY – 31 JULY 2009**

I. INTRODUCTION

1. The Defence files this Witness Order and List of Exhibits for the week of 27 through 31 July 2009.

II. WITNESS ORDER

2. Pursuant to the Trial Chamber's Order¹, the Defence hereby provides the following information in Annex A hereto:
 - a. Names and pseudonyms of witnesses to be called during the week 27 through 31 July 2009;
 - b. Language of testimony of each witness; and
 - c. Estimated length of time required for the direct-examination of each witness.²

III. ANTICIPATED EXHIBITS

3. The list of exhibits the Defence anticipates will be used in connection with the witnesses for the week 27 through 31 July 2009 is provided as Annex B.³
4. Nine (9) copies of each listed exhibit will be prepared by the Defence and a set of each will be provided in conjunction with this filing to: the Judges, the Trial Chamber's Senior Legal Officers, the Office of the Prosecutor, the Court Management Section; copies of the same exhibits will be hand-delivered in open court to Court's stenographers and language interpreters.

¹ *Prosecutor v Taylor*, SCSL-2003-01-T, Trial Transcripts, 8 June 2009, page 24267, lines 2 -9.

² The Trial Chamber did not specifically order that this information to be included in the Defence's recurring filings regarding its witness order and related exhibits. Nonetheless, and considering the importance of time estimates and the prospects that they might need modification since the filing of the Defence Rule 73 *ter* materials, the Defence provides this information for the benefit of the Trial Chamber, the Prosecution, and the Registry.

³ Annex B attached.

Respectfully Submitted,

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 21st Day of July 2009
The Hague, The Netherlands

ANNEX A

WITNESS ORDER FOR THE WEEK 27 JULY THROUGH 31 JULY 2009

Witness Order

No.	Witness Name / Pseudonym	Language	Estimated Time for Direct Examination
1.	The Accused, CHARLES GHANKAY TAYLOR	English	22 hours (limited to this week)

ANNEX B

Witness Details

NO.	WITNESS NAME/PSEUDONYM
1.	The Accused, CHARLES GHANKAY TAYLOR

Anticipated Exhibits to be used in connection to the Witness

NO.	DCT EXHIBIT NO	ITEM	SUMMARY OF CONTENT/DOCUMENT DESCRIPTION
1.	47	Letter	Letter dated 26 September 1997 from Ramsey Clark to President Charles Taylor
2.	175	Letter	Letter dated 01 October 1997 from Donald M. Payne to President William Jefferson Clinton
3.	196	Letter	Letter dated 03 October 1997 from Major Johnny Paul Koroma to the President Charles Taylor of Liberia
4.	39	Communiqué	5th meeting of the Ministers of the Foreign Affairs of the Committee of Five on Sierra Leone dated 10-11 October 1997, Abuja, Nigeria
5.	213	Letter	Letter dated 24 October 1997 from Charles Taylor to Gen. Sani Abacha of Nigeria
6.	214	Letter and itinerary	Letter dated 7 November 1997 and itinerary on the meeting of the Board of Directors of Roberts International Airport (RIA) by the General Manager and Secretary to the Board
7.	184	Journal	Official Journal of ECOWAS Vol.22/1997 "Special Edition"
8.	109	Minutes	Record of the 3rd Regular Cabinet Meeting of the Republic of Liberia dated 14 January 1998
9.	197	Newsletter	Newsletter published by the Embassy of Nigeria in Monrovia, Liberia dated 05 February 1998
10.	163	Letter	Letter dated 20 February 1998 from the Secretary General of the UN Kofi Annan to the President of the UN Security Council
11.	11 (P-311)	Resolution	UN Security Council Resolution 1231 adopted by the Security Council on the 11 March 1999
12.	189	Report	4th Report of the Secretary General of the UN on the

NO.	DCT EXHIBIT NO	ITEM	SUMMARY OF CONTENT/DOCUMENT DESCRIPTION
			Situation in Sierra Leone dated 18 March 1998
13.	146	Article	Article dated 25 March 1998 outlining President Clinton's visit to Africa
14.	217	Letter	Letter dated 8 April 1998 from the Special Presidential Commission setting out their review and recommendations regarding the banking sector of the Liberian economy
15.	60	Conference Agenda	Conference Agenda for the Liberia Day Conference convened and hosted by Rev. Jesse Jackson Special Envoy of President Clinton to Africa dated 16, 17, and 18 April 1998
16.	75	Report	Report of a meeting between Ambassador Antonio Montierro, Permanent Representative of Portugal and President of the Security Council of the UN and Minister Counsellor Christian Wisseh dated 15 June 1998
17.	4	Letter	Letter dated 27 June 1998 from President Abdulsalami Abubakar, President of Nigeria, to Charles Taylor, President of Liberia
18.	200	Report	The British House of Commons, Report of the Sierra Leone Arms Investigation, dated 27th July 1998.
19.	201	Report	The British House of Commons Second Report on Sierra Leone (2 volumes) dated 3rd February 1999.
20.	139	Letter	Letter dated 12 August 1998 from Liberian Ambassador to Conakry, Guinea setting out forthcoming military attack upon Liberia
21.	88	Report	Report to the UN Secretary General outlining armed incursion into Liberian territory from the Republic of Guinea dated 13 August 1998
22.	36	Report	Report to the UN detailing armed offensive against the Republic of Liberia, in particular, attack on Lofa County dated 17 August 1998
23.	176	Report	Report to the UN dated 20 September 1998 setting out the Camp Johnson Road incidents of 18 September 1998 and subsequent developments
24.	9	Report	Official Report of the Government of the Republic of Liberia on the Camp Johnson Road Conspiracy dated 24 September 1998
25.	198	Report	Report dated 15 October 1998 to the UN on the Reported Attack by Liberia in Sierra Leone
26.	170 (P-306)	Report	Report dated 16 October 1998 of the Secretary General of the UN to the Security Council of the UN. on the UN Observer Mission on Sierra Leone

NO.	DCT EXHIBIT NO	ITEM	SUMMARY OF CONTENT/DOCUMENT DESCRIPTION
27.	102	Report	Report of the Secretary General of the UN to the Security Council of the UN dated 16 December 1998
28.	52	Letter	Letter dated 30 December 1998 from President Taylor to President Clinton
29.	144	Report	Report on the Government of Liberia's position on the 1998 State Department Human Rights Report of the US on Liberia
30.	23	Communiqué	Media Communiqué from ECOWAS containing a compilation of news and press releases from ECOMOG
31.	256	Book	Presidential Papers August 2, 1997 - December 31, 1998
32.	261	Photographs	Photographs relating to Mr. Taylor's evidence DP-1 - DP-153, Photos DP 12-DP 32