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
**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR**

TRIAL CHAMBER II

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

Registrar: Ms. Binta Mansaray

Date filed: 26 February 2010

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THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PUBLIC

**PROSECUTION REPLY TO DEFENCE RESPONSE TO PROSECUTION LIST OF DOCUMENTS
MARKED FOR IDENTIFICATION DURING THE TESTIMONY OF CHARLES TAYLOR SOUGHT TO BE
ADMITTED INTO EVIDENCE**

Office of the Prosecutor:
Ms. Brenda J. Hollis

Counsel for the Accused:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Mr. James Supuwood

I. INTRODUCTION

1. In accordance with the Trial Chamber's Orders,¹ the Prosecution files this reply to the "Defence Response to Prosecution List of Documents Marked for Identification during the Testimony of Charles Taylor sought to be Admitted into Evidence" of 24 February 2010 ("Response").²

II. ARGUMENT

2. As a preliminary point, the Prosecution notes that the Defence understanding of the applicable procedure indicated at paragraph 10 of the Response does not appear to accord with the Trial Chamber's orders. The Trial Chamber specifically ordered three stages of filings: first, the lists of documents sought to be admitted by each party; second, the objections by each party; and third, the responses to those objections.³ The Prosecution hereby files its response to the objections made by the Defence to the admissibility of eleven documents out of the list of documents sought to be admitted by the Prosecution.
3. Notably in paragraph 3 of the Response, the Defence states that it does not object to the admission into evidence of any of the documents used by the Prosecution during the cross-examination of the Accused "where the relevance and hence the admissibility of the document is for the sole purpose of challenging the credibility of the Accused and his evidence". No document that the Prosecution seeks to admit was marked by the Prosecution for use and admission in relation to both impeachment and guilt. All documents which the Prosecution was allowed to use with the Accused were allowed for impeachment purposes only; none was found to be probative of

¹ *Prosecutor v. Taylor*, Trial Transcript, 15 February 2010, 34881; *Prosecutor v. Taylor*, Trial Transcript, 17 February 2010, 35165.

² *Prosecutor v. Taylor*, SCSL-03-01-T-915, Public with Annex A, "Defence Response to Prosecution List of Documents Marked for Identification during the Testimony of Charles Taylor sought to be Admitted into Evidence", 24 February 2009.

³ *Prosecutor v. Taylor*, Trial Transcript, 17 February 2010, 35165: "The time frames were that the lists were to be filed by close of business on Friday, 19 February. The responses from the other side, if any, were to be filed by Wednesday, 24 February. [...] Now, the response to the objections, if any, may be filed by the parties by the following Friday, 26 February, close of business."

guilt. As discussed in Annex 1 attached to its motion⁴, in general and in particular, the Prosecution seeks admission of the documents for impeachment purposes only. The “exceptional circumstances” test therefore does not apply to the eleven documents objected to by the Defence. In relation to those eleven documents, the Prosecution’s arguments as to relevance in Annex 1 attached to its motion must be considered in the context in which the documents were used during the proceedings and not in the abstract. Any interpretation of the language used in Annex 1 attached to the motion suggesting relevance to guilt should simply be disregarded. The Trial Chamber is requested to admit the document or portion of the document for impeachment, the purpose for which the documents were presented and for which they were allowed to be used during cross-examination.

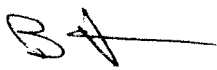
III. CONCLUSION

4. For the reasons given in its motion and in this reply, the Prosecution seeks the admission into evidence of all the documents or portions of documents listed in Annex 1 to its motion.

Filed in The Hague,

26 February 2010,

For the Prosecution,



Brenda J. Hollis
The Prosecutor

⁴ See *Prosecutor v. Taylor*, SCSL-03-01-911, “Prosecution List of Documents Marked for Identification during the Testimony of Charles Taylor sought to be Admitted into Evidence”, 19 February 2010, Annex 1.

INDEX OF AUTHORITIES**SCSL*****Prosecutor v. Taylor***

Prosecutor v. Taylor, Trial Transcript, 15 February 2010, 34881

Prosecutor v. Taylor, Trial Transcript, 17 February 2010, 35165.

Prosecutor v. Taylor, SCSL-03-01-T-915, Public with Annex A, “Defence Response to Prosecution List of Documents Marked for Identification during the Testimony of Charles Taylor sought to be Admitted into Evidence”, 24 February 2009.

See *Prosecutor v. Taylor*, SCSL-03-01-911, “Prosecution List of Documents Marked for Identification during the Testimony of Charles Taylor sought to be Admitted into Evidence”, 19 February 2010, Annex 1.