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SCSL-03-01-T
(28155-28158)

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THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

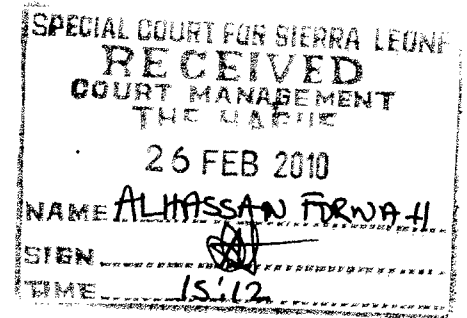
Before: Justice Julia Sebutinde, Presiding
Justice Richard Lussick
Justice Teresa Doherty
Justice El Hadji Malick Sow, Alternate

Registrar: Ms. Binta Mansaray

Date: 26 February 2010

Case No.: SCSL-03-01-T

THE PROSECUTOR
-v-
CHARLES GHANKAY TAYLOR



PUBLIC

**DEFENCE REPLY TO PUBLIC WITH ANNEXES 1 AND 2 PROSECUTION RESPONSE TO
DEFENCE MOTION FOR ADMISSION OF DOCUMENTS MARKED FOR IDENTIFICATION
DURING THE TESTIMONY OF CHARLES TAYLOR**

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 Orders¹ the Defence files this Reply to the Prosecution Response to the Defence Motion for Admission of Documents Marked for Identification during the Testimony of Charles Taylor.²
2. The Defence submits that the Prosecution's objection to the admission into evidence of the Defence documents listed in Annex 1 to the Prosecution Response is mistimed and without foundation. In consequence, it is submitted that all 301 documents and photographs presented and marked for identification during the evidence-in-chief of the Accused should be admitted.

II. ARGUMENT

3. It is common ground that the test to be applied at the admission stage is solely relevance, as provided in Rule 89(C) of the Rules of the Special Court.³
4. The issue of proper foundation arises at the stage when the document is sought to be produced through the witness. Objection to the use of the document on the basis of a lack of foundation should be taken at that stage, the moment of production. The Prosecution failed to do so in respect of all the documents now listed in Annex 1 of the Prosecution Response.
5. In light of the above, it is submitted that the Prosecution's objection, raised at this stage, is totally misplaced. The sole issue to be determined now is whether the document is relevant.
6. It is of note that whereas the Prosecution sets out a list of documents at the end of Annex 2 to its Response, which it deems to lack relevance but nonetheless in

¹ *Prosecutor v Taylor*, SCSL-03-01-T, Trial Transcript, 15 February 2010 p. 34881; *Prosecutor v Taylor*, SCSL-03-01-T, Trial Transcript, 17 February 2010, p. 35165.

² *Prosecutor v Taylor*, SCSL-03-01-T-914, Public with Annex 1 and 2 Prosecution Response to Defence Motion for Admission of Documents Marked for Identification During the Testimony of Charles Taylor, 24 February 2010 ("Prosecution Response").


³ Rules of Procedure and Evidence ("Rules"), Rule 89(C): "A chamber may admit any relevant evidence". See also, *Prosecutor v. Brima et al.*, SCSL-04-16-T-280, Decision on Joint Defence Motion to Exclude All Evidence from Witness TF1-277 Pursuant to Rule 89(C) and/or Rule 95, 24 May 2005, paras. 12-15; *Prosecutor v. Norman et al.*, SCSL-04-14AR65, Fofana – Appeal Against Decision Refusing Bail, 11 March 2005.

respect of which no objection is taken as to their admission, it is not suggested by them that the documents listed in Annex 1 to that Response, lack relevance.

III. CONCLUSION

7. For the above reasons, the objections to the admission of documents raised in the Prosecution Response should be dismissed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Griffiths', written over a horizontal line.

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 26th day of February 2010
The Hague, The Netherlands

LIST OF AUTHORITIES

SCSL

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

Prosecutor v Taylor, SCSL-03-01-T-914, Public with Annex 1 and 2 Prosecution Response to Defence Motion for Admission of Documents Marked for Identification During the Testimony of Charles Taylor, 24 February 2010

Prosecutor v Taylor, SCSL-03-01-T, Trial Transcript, 15 February 2010

Prosecutor v Taylor, SCSL-03-01-T, Trial Transcript, 17 February 2010

AFRC

Prosecutor v. Brima et al., SCSL-04-16-T-280, Decision on Joint Defence Motion to Exclude All Evidence From Witness TF1-277 Pursuant to Rule 89(C) and/or Rule 95, 24 May 2005

CDF

Prosecutor v. Norman et al., SCSL-04-14AR65, Fofana – Appeal Against Decision Refusing Bail, 11 March 2005