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RESIDUAL SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER

**Before:** Justice Teresa Doherty, Presiding  
Justice Richard Lussick  
Justice Emmanuel Roberts

**Ag. Registrar:** Ms. Binta Mansaray

**Date:** 20 August 2014

**Case No.:** SCSL-03-01-ES

In the matter of  
**CHARLES GHANKAY TAYLOR**

**CONFIDENTIAL**

**DIRECTION TO REGISTRAR PURSUANT TO RULE 33 ARISING FROM MOTION FOR  
TERMINATION OF ENFORCEMENT OF SENTENCE IN THE UNITED KINGDOM AND  
FOR TRANSFER TO RWANDA,** [REDACTED]

**Office of the Prosecutor:**  
Ms. Brenda J. Hollis

**Counsel for Charles Ghankay Taylor:**  
Mr. Christopher Gosnell  
Mr. John Jones

**Residual Defence Representative:**  
Ms. Claire Carlton-Hanciles

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| RESIDUAL SPECIAL COURT FOR SIERRA LEONE |                        |
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| COURT MANAGEMENT<br>THE HAGUE           |                        |
| SCSL-03-01-ES                           | JAN 2015               |
| NAME                                    | Francesca Ngalah-Smart |
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| RESIDUAL SPECIAL COURT FOR SIERRA LEONE |                        |
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| COURT MANAGEMENT<br>THE HAGUE           |                        |
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| NAME                                    | Francesca Ngalah-Smart |
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20 August 2014

The Trial Chamber of the Residual Special Court for Sierra Leone (“Residual Special Court”)

**SEIZED** of the “Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda”, filed on 25 June 2014 (“Motion”), wherein Mr. Taylor asks to be transferred to and serve the remainder of his sentence in Rwanda, on grounds that his continued detention in the United Kingdom violates his and his family’s right to family life and international standards of detention due to his continued isolation; that he is under threat whilst incarcerated in the United Kingdom and that serving sentence away from his continent of origin is a breach of international human rights standards;<sup>1</sup>

**NOTING** the “Prosecutor’s (Submissions in) Response to Prisoner Taylor’s Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda with Public and Confidential Annexes<sup>2</sup>, filed, by leave of the President,<sup>2</sup> on 15 July 2014 (“Response”), wherein the Prosecutor objects to the Motion on grounds that: (1) Mr. Taylor’s rights have not been denied and there is no showing that his transfer to Rwanda would mitigate the alleged violations; (2) the transfer of Mr. Taylor to Rwanda would increase his possibilities to undermine peace, security and public order in Liberia and the West African subregion; (3) such transfer would threaten the security and sense of security of former witnesses, Residual Special Court officials, and former and current high level State officials; (4) such transfer would undermine the proper conditions of Mr. Taylor’s imprisonment and/or the possibility to engineer an escape from prison; and (5) the Motion is a repetition of previous proceedings relating to the enforcement of Mr. Taylor’s sentence.<sup>3</sup>

**NOTING** the “Request for Leave to Reply, and Reply, to Prosecution Response to Motion for Termination of Enforcement of Sentence in the United Kingdom and

<sup>1</sup> SCSL-03-01-ES-1396.

<sup>2</sup> SCSL-03-01-ES-1398.

<sup>3</sup> SCSL-03-01-ES-1399.

for Transfer to Rwanda<sup>4</sup>, filed, by leave of the President,<sup>4</sup> on 15 July 2014 (“Reply”);<sup>5</sup>

**NOTING** the “Order Convening Trial Chamber”, of 21 July 2014, appointing the Trial Chamber to hear and determine all matters arising from the Motion;<sup>6</sup>

**COGNISANT** of the provisions of Articles 3, 6, 7(2) and 9 of the Agreement between the Special Court for Sierra Leone and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the Special Court for Sierra Leone, of 10 July 2007 (“United Kingdom Agreement”), Articles 2, 3 and 6 of the Amended Agreement between the Special Court for Sierra Leone and the Government of the Republic of Rwanda on the Enforcement of Sentences of the Special Court for Sierra Leone, of 16 September 2009 (“Rwandan Agreement”), Articles 13, 18, 22 and 23 of the Statute of the Residual Special Court for Sierra Leone (“Statute”), Rules 33(B), 103(A) and 103(B) of the Rules of Procedure and Evidence (“Rules”), and the Practice Direction for Designation of State for Enforcement of Sentence, of 10 July 2009;

**RECALLING** the “Order Designating the State in which Charles Ghankay Taylor is to Serve His Sentence”, of 4 October 2013;<sup>7</sup>

**RECALLING** United Nations Security Council Resolution 1688 on the Situation in Sierra Leone, of 16 June 2006, wherein it was decided that Mr. Taylor’s trial be held in The Netherlands, as it was determined “that the continued presence of former President Taylor in the West-African subregion is an impediment to the stability and a threat to the peace of Liberia and of Sierra Leone and to the international peace and security in the region”;<sup>8</sup>

**NOTING** Article 6(1) of the Rwandan Agreement which allows for the inspection of the conditions of detention and treatment of the prisoners detained under the

<sup>4</sup> SCSL-03-01-ES-1402.

<sup>5</sup> SCSL-03-01-ES-1400.

<sup>6</sup> SCSL-03-01-ES-1403.

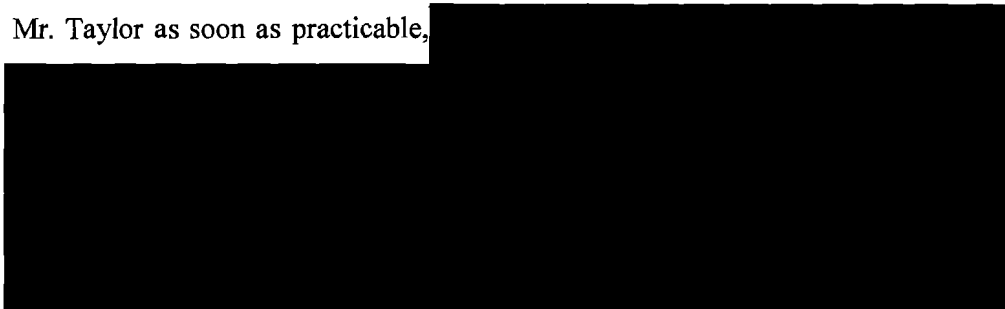
<sup>7</sup> SCSL-03-01-ES-1391.

<sup>8</sup> S/RES/1688 (2006).

Rwandan Agreement, by the International Committee of the Red Cross ("ICRC") or such other body designated by the Special Court, and for the submission of a confidential report based on the findings of those inspections to the Government of Rwanda and the President and the Registrar of the Special Court;

NOTING Article 6(1) of the United Kingdom Agreement which allows for the inspection of the conditions of detention and treatment of the prisoners detained under the United Kingdom Agreement, by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("CPT"), and for the submission of a confidential report based on the findings of those inspections to the Foreign and Commonwealth Office and the President of the Special Court, who shall not release the confidential report to any person outside the Special Court without the consent of the Government of the United Kingdom;

NOTING the 'Update on issues pertaining to the SCSL prisoner Charles Taylor' of 24 March 2014, Annex JJ to the Motion, wherein the Ag. Registrar informed the President of the Residual Special Court that the CPT had been requested to visit Mr. Taylor as soon as practicable,



CONSIDERING that in the instant case the issues raised by both parties are such that the Trial Chamber must seek further clarifications, and therefore requests the Ag. Registrar for the following information, pursuant to Rule 33:

1. Considerations for Mr. Taylor's enforcement of sentence in the United Kingdom:
  - 1.1. Given the considerations referred to in Security Council Resolution 1688, what considerations, if any, on peace, security and/or stability of Liberia,

Sierra Leone and the West-African subregion, were part of the decision that Mr. Taylor serve his sentence in the United Kingdom;

- 1.2. Can the Trial Chamber have sight of the submissions, if any, preceding the President's Order deciding that Mr. Taylor serve his sentence in the United Kingdom, and all documents relating to Mr. Taylor's previous submissions on his preference for a place of confinement;
- 1.3. Given the Prosecutor's submissions on the safety and security of witnesses, personnel and others, should Mr. Taylor return to Africa, has the Ag. Registrar received any information relating to such issues of security.

2. Mr. Taylor's detention in the United Kingdom:

- 2.1 Can the Trial Chamber receive the report of the investigation team comprising of the Principal Defender and the Head of Detention who were sent on mission in December 2013 to investigate issues previously brought to the attention of the Residual Special Court, and/or any other report on the Residual Special Court's inspection of the conditions of Mr. Taylor's imprisonment;
- 2.2 Is Mr. Taylor held in isolation. If so:
  - 2.2.1 Is Mr. Taylor under conditions of "complete" isolation or is he in contact with other prison-patients in the hospital wing;
  - 2.2.2 Are there indications from the prison authorities as to how long this isolation might last, whether it can be permanent, and when and how often is this decision to isolate reviewed;
- 2.3 Is there a Vulnerable Prisoners Unit in the prison, and if so, why is Mr. Taylor not held there;
- 2.4 Has the CPT acceded to the Ag. Registrar's request to inspect Mr. Taylor's conditions of confinement, and if so, can the Trial Chamber be furnished with their report.

3. Family contact:

- 3.1 What is the extent, if at all, of the United Kingdom authorities' obligation to "facilitate" visits of a prisoner's family, bearing in mind the "restrictions" inherent in the concept of imprisonment;
- 3.2 Does the United Kingdom have a legal obligation to ensure that Mr. Taylor's family can visit him, and if so, what does it derive from;
- 3.3 Has Mrs. Taylor availed herself of the offer of assistance from the Ag. Registrar to re-apply for a United Kingdom entry visa for herself and/or her children and/or the children's aunt;
- 3.4 Has Mrs. Taylor followed the appeal procedure indicated in Confidential Annex III to the Motion;
- 3.5 What assistance, if any, has been given by the Residual Special Court to Mr. Taylor to maintain contact with his family, and/or what assistance has been given to his wife in that regard;
- 3.6 Can Mr. Taylor make phone calls and/or write letters to his family. If so, who bears the costs of the phone calls;
- 3.7 Who pays for family visits to Mr. Taylor by his wife and children, in particular: does the Residual Special Court assist financially in payment; do the prison services of the United Kingdom assist financially in payment.

4. Detention in Rwanda:

- 4.1 Does the Government of Rwanda agree to accept Mr. Taylor as a prisoner;
- 4.2 What are the entry requirements of Rwanda for citizens of Liberia;
- 4.3 Given the complaints by other Residual Special Court prisoners about the conditions of detention in Rwanda, were any visit(s) made at any time to the Rwandan prison by the ICRC or any other designated body by the Residual Special Court. If so: (1) is there a report of such visit(s) and any

response by the Rwandan government, and (2) what is the content of Subha report and of the response by Rwanda.

Done at The Hague, The Netherlands, this 20th day of August 2014.

Justice Richard Lussick

Justice Teresa Doherty

Justice Emmanuel Roberts

Presiding Judge

