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SCSL-03-D1-T
(24369-24371)

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SPECIAL COURT FOR SIERRA LEONE

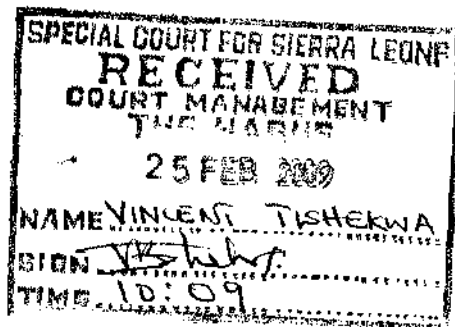
TRIAL CHAMBER II

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

Registrar: Herman von Hebel

Case No.: SCSL-03-1-T

Date: 25 February 2009



PROSECUTOR

v.

Charles Ghankay TAYLOR

**DECISION ON PROSECUTION MOTION FOR ADMISSION OF DOCUMENT PURSUANT TO
RULES 89(C) AND 92 BIS**

Office of the Prosecutor:
Brenda J. Hollis
Ula Nathai-Lutchman

Defence Counsel for Charles G. Taylor:
Courtenay Griffiths, Q.C.
Terry Munyard
Andrew Cayley
Morris Anyah

TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”);
SEISED of the “Prosecution Motion for Admission of Document Pursuant to Rules 89(C) and 92bis” filed on 12 February 2009¹ (“Motion”) wherein the Prosecution requests that the Trial Chamber admit into evidence Security Council Resolution 1315 (2000) under Rules 89(C) and 92bis on the grounds that it is relevant, susceptible of confirmation and does not go to proof of the acts and conduct of the Accused;²

NOTING the “Defence Response to Prosecution Motion for Admission of Documents Pursuant to Rules 89(C) and 92bis” filed on 17 February 2009³ (“Response”) wherein the Defence submits that it is not possible to tender a document under Rule 89(C) and 92bis conjunctively and therefore the Motion should be dismissed on procedural grounds;⁴

NOTING ALSO the “Reply to Response to Prosecution Motion for Admission of Document Pursuant to Rules 89(C) and 92bis” filed on 18 February 2009⁵ (“Reply”) wherein the Prosecution submits that the Response is without merit as it places form over substance and argues that (i) Rules 89(C) and 92bis are not internally inconsistent as both require the offered evidence to be relevant, and (ii) the Motion addresses all the requirements of Rule 92bis;⁶

COGNISANT of the provisions of Article 17 of the Statute of the Special Court for Sierra Leone (“Statute”) and Rule 26bis, 73, 89(C), 92bis of the Rules of Procedure and Evidence (“Rules”);

RECALLING the recent ruling of the Appeals Chamber, “Decision on ‘Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents’” dated 6 February 2009⁷ (“Appeals Chamber Decision”), wherein the Appeals Chamber upheld a Decision of the Trial Chamber, and confirmed that Rule 92bis exclusively controls the admission of documents submitted in lieu of oral testimony;⁸

¹ SCSL03-01-T-729.

² Motion, paras 1, 8-10.

³ SCSL03-01-T-731.

⁴ Response, paras 1, 3-6.

⁵ SCSL03-01-T-733.

⁶ Reply, paras 2-4.

⁷ SCSL03-01-AR73-721, “Decision on Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents”, 6 February 2009 (“Appeals Chamber Decision”).

⁸ Appeals Chamber Decision, para. 34.

RECALLING ALSO the subsequent ruling of the Trial Chamber, "Decision on Prosecution Motion for Admission of Document Pursuant to Rule 89(C)" dated 9 February 2009 wherein the Trial Chamber held that Security Council Resolution 1315 (2000) should have been tendered under Rule 92bis;⁹

CONSIDERING that although the Trial Chamber agrees with the Defence submission that the Prosecution is not procedurally correct in seeking admission of the document under both of Rules 89(C and 92bis, this is not sufficient reason for dismissing the Motion and that the Trial Chamber is entitled to consider the Motion in terms of Rule 92bis alone;

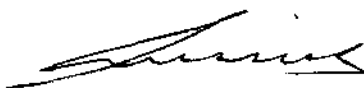
SATISFIED that Security Council Resolution 1315 (2000) is relevant, susceptible of confirmation and does not go to the acts and conduct of the Accused;

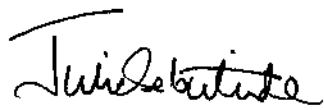
PURSUANT to Rule 73(A) of the Rules;

HEREBY GRANTS THE MOTION and ADMITS Security Council Resolution 1315 (2000) into evidence as Prosecution Exhibit-337.

Done at The Hague, The Netherlands, this 25th day of February 2009.


Justice Teresa Doherty


Justice Richard Lussick
Presiding Judge


Justice Julia Sebutinde



⁹ SCSL03-01-T-724, "Decision on Prosecution Motion for Admission of Document Pursuant to Rule 89(C)", 9 February 2009.