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SCSL-03-01-T
(30450-30604)

30450



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: 27 September 2010

Case No.: SCSL-03-01-T

THE PROSECUTOR
-v-
CHARLES GHANKAY TAYLOR



PUBLIC,
WITH CONFIDENTIAL ANNEXES A-J AND PUBLIC ANNEXES K-O

**CORRIGENDUM TO DEFENCE MOTION REQUESTING
AN INVESTIGATION INTO CONTEMPT OF COURT
BY THE OFFICE OF THE PROSECUTION AND ITS INVESTIGATORS**

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

1. Noting that there are a number of typographic and administrative errors in the *Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecution and its Investigators*, filed on 24 September 2010 (“Original Motion”).¹
2. Further noting that “Confidential Annex A – Table of Annexes” when listing attachments to Confidential Annex B should have included the first ten pages, not only the first three pages of the Suspect Statement of DCT-192; the ten pages are properly annexed hereto in Confidential Annex B.
3. Further noting that “Annex M – Prosecution disclosure of payments made to DCT-097” should have included the actual disclosure, not just the cover letter; the disclosure is properly annexed hereto in Annex M.
4. Further noting that “Annex N – Table of Improper Prosecution Payments” was overlooked and not attached at all; the table is properly annexed hereto in Annex N.
5. Further noting that the scanned affidavits and signed statements in Annexes B-J were not of the clearest quality and therefore replacing them with better copies of the originals.
6. The Defence hereby files a corrigendum to correct those mistakes. For ease of reference, the Defence proposes to substitute the Original Motion with the revised version with annexes attached hereto. The revised parts of the original motion are reflected below.
7. In this corrigendum, the Defence also attaches to the substitute motion, in which the following changes are made:
 - a. Para. 12: By the relocation of footnote 22 from the end of the sentence to the middle.
 - b. Para. 14: By the substitution of the word “Prosecution” with “Prosecution’s”.
 - c. Para. 16: By the addition of the word “the” before the words “attached affidavits”.

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-1089, Public with Confidential Annexes A-J and Public Annexes K-O Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecution and its Investigators, 24 September 2010.

- d. Para: 17. By the substitution of the word, “the” before the word “ransacked” with the word, “they”.
- e. Para: 19: By rephrasing, “... inducements that were offered and made by the Prosecution by its Witness Management Unit...”, to read “... inducements that were offered and made by the Prosecution’s Witness Management Unit...”.
- f. Para. 27: By rephrasing the phrase: “... earlier an agreement...” to read “...an earlier agreement...”.
- g. Para. 28: By rephrasing the phrase: “... and/or that the Prosecution could do so”, to read “and/or that the Prosecution could have done so” and by correcting “TF1-360” to “TF1-362”.
- h. Additionally in para. 28, by changing the tenses from the present to the past, in the sentence: “Such displays of power and munificence by the Prosecution poison the pool of potential witnesses and further interfere with the administration of justice in that the credibility of such witnesses who come to testify is severely impacted”, to read: “Such displays of power and munificence by the Prosecution poisoned the pool of potential witnesses and further interfered with the administration of justice in that the credibility of such witnesses who came to testify was severely impacted.”
- i. Para. 31(i) by the addition of “in this case” after “potential witnesses” such that the sentence would end as “...in relation to witnesses and potential witnesses in this case.”

Respectfully Submitted,



Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 27th Day of September 2010,
The Hague, The Netherlands



THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

Before: Justice Julia Sebutinde
Justice Richard Lussick, Presiding
Justice Teresa Doberty
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Registrar: Ms. Binta Mansaray

Date: 24 September 2010

Case No.: SCSL-03-01-T

THE PROSECUTOR

—v—

CHARLES GHANKAY TAYLOR

PUBLIC,

WITH CONFIDENTIAL ANNEXES A-J AND PUBLIC ANNEXES K-O

**DEFENCE MOTION REQUESTING AN INVESTIGATION INTO CONTEMPT OF COURT
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Mr. James Supuwood

I. INTRODUCTION

1. The Defence requests the Trial Chamber to direct the Registrar to appoint experienced independent counsel to investigate the Prosecution and its Investigators, whom the Defence have reason to believe have been conducting their investigations in a manner that is an abuse of process, brings the administration of justice into disrepute, and is contemptuous of the Special Court for Sierra Leone.
2. The Defence files this request pursuant to Rules 73, 46(C) and 77 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (“Rules”). Specifically, under Rule 77(A)(iv), the Defence submit that there is reason to believe that the Prosecution and its Investigators have knowingly and wilfully interfered with the administration of justice by, *inter alia*, threatening, intimidating, causing injury or offering bribes to, or otherwise interfering with witnesses or potential witnesses. Rule 77(C)(iii) gives the Trial Chamber the discretion to appoint experienced independent counsel to investigate possible instances of contempt.
3. The Defence attaches several affidavits and supporting documentation as Annexes B-J.

II. APPLICABLE LAW

4. The Office of the Prosecutor, which is charged with wide ranging powers of prosecution, is provided for by Article 15 of the Statute of the Special Court (“Statute”) and Rule 37. These include powers to investigate crimes within the jurisdiction of the Special Court, as well as the power to question suspects,¹ victims and witnesses, collect evidence,² and seize physical evidence.³ The Prosecutor also enjoys limited powers of arrest and detention,⁴ and ultimately, has the power to formally charge and bring a suspect to justice before the court.⁵
5. In exercising these powers, the Prosecution enjoys full autonomy⁶ and near absolute discretion.⁷ As a result, in exercising these powers, it is important that the Prosecutor conducts himself in a manner that is consistent with the public trust accorded him. Indeed

¹ Article 15(2) of the Statute; Rules 42 and 43.

² Article 15(2) of the Statute and Rule 39 of the Rules.

³ Rule 40(A)(ii) .

⁴ Rules 40(A)(i), 40(B) and 40bis.

⁵ Rule 47.

⁶ Article 15(1) of the Statute.

⁷ See Hassan Jallow article, *Prosecutorial Discretion and International Criminal Justice*, Journal of International Criminal Justice, Vol 3, Is1 (2005), p. 145-161, at <http://ijcj.oxfordjournals.org/content/3/1/145.short>

- this requires that the Prosecutor and all his subordinates act with utmost integrity and professionalism.⁸
6. Be that as it may, the working documents of the Special Court recognise that the conduct of the Prosecutor, including all other legal and to an extent non-legal personnel in the Prosecutor's office, is not above reproach and provide for the necessary regulation. Under Rule 46(C),⁹ it is an act of misconduct for counsel before the Special Court to act in any manner that in the opinion of the Chamber would constitute an abuse of process. Under Rule 95, the court shall disregard *any* evidence that would, if admitted, bring the administration of justice into serious disrepute.¹⁰ Rule 95 is thus also a form of sanction against the unbecoming conduct by either of the parties, which could bring the administration of justice into serious disrepute.
 7. The Code of Professional Conduct for Counsel with Rights of Audience before the Special Court for Sierra Leone ("Code of Conduct") amplifies the conduct expected of all counsel¹¹ before the court.¹² While breach of the Code would ordinarily attract personal sanctions against the offending counsel,¹³ when read in conjunction with the Court's other legal instruments, where the offending conduct of counsel reaches a threshold where it affects the integrity of the proceedings, the Court can also impose other measures.
 8. In terms of Rule 77, the Trial Chamber has the inherent power to hold in contempt of court, any conduct by *any person* who knowingly and wilfully interferes with the administration of justice. Punishable conduct includes interference with witnesses or potential witnesses through threats or other coercive means as well as bribery or other incentives.¹⁴

⁸ Thus, under Article 15(5) of the Statute, the Prosecutor shall, *inter alia*, be a person of high moral character and possess the highest level of professional competence.

⁹ See Rule 46(C) which also applies to the Prosecution per Rule 46(F).

¹⁰ See for instance, *Prosecutor v. Sesay et al*, SCSL-04-15-T-1188, Written Reasons – Decision on the Admissibility of Certain Prior Statements of the Accused Given to the Prosecution, 30 June 2008, paras. 66-68 (finding that the confessional statements made to the Prosecution by Issa Sesay were inadmissible under Rule 95 because they were obtained in violation of the Rules and were obtained "out of fear of prejudice and hope of advantage"). See also *Prosecutor v. Taylor*, SCSL-03-01-T-1045, Decision on Defence Motion to Exclude Custodial Statements of Issa Sesay, 12 August 2010, Separate Dissenting Opinion of the Hon. Justice Julia Sebutinde, para. 12.

¹¹ See definition of "Counsel" under Article 1.

¹² See for instance, Code of Conduct: Article 5(i); Article 6(A) and Article 6(B); Articles 7 and 8; Article 10 and in particular Article 10(B) and (C).

¹³ Rule 32. See also *Prosecutor v. Taylor*, SCSL-03-01-T-722, Decision on Defence Motion for Disclosure of Evidence Underlying Prejudicial Statements Made by the Chief Prosecutor, Stephen Rapp, to the Media, 6 February 2009, para. 30.

¹⁴ Rule 77(A)(iv)

9. The Appeals Chamber has held that the standard for an independent investigation for contempt is:

“[...] not that of a *prima facie* case, which is the standard for committal for trial. It is the different and lower standard of “reason to believe” that an offence may have been committed, which is the pre-condition for ordering an independent investigation”.¹⁵

10. An allegation of contempt must therefore only raise a “reason to believe” that a person may be in contempt.¹⁶

III. SUBMISSIONS

11. The Defence submits that there is reason to believe that the Prosecutor, David Crane and all his successors in title, through their own acts of commission or omission and/or through the acts and conduct of their subordinates and/or agents,¹⁷ have violated the Statute, the Rules and the Code of Conduct in that they have: i) assaulted a suspect and/or potential witness or source;¹⁸ ii) exerted undue pressure by threatening, intimidating, or harassing suspects, witnesses, potential witnesses or sources (“undue pressure”);¹⁹ and iii) offered and/or provided improper, unjustifiable or undue payments, benefits or other incentives, including relocation, to witnesses, potential witnesses or sources (“improper inducements”).²⁰

12. These acts amount to acts of misconduct, abuse of process and most importantly, contempt of court. The Trial Chamber must therefore order a thorough investigation of these instances in order to establish the full extent of the Prosecution’s investigatory misconduct.²¹ From the outset, the Prosecution approach to this case has not only been overly zealous, it has also been underhanded, malicious and overboard,²² and this has corrupted its entire investigation and case in the courtroom.

¹⁵ *Prosecutor v. Taylor*, SCSL-03-01-T-960, Confidential Decision, 8 December 2008, para. 22, citing *Prosecutor v. Brima et al*, SCSL-04-16-AR77-315, Decision on Defence Appeal Motion Pursuant to Rule 77(J) on both the Imposition of Interim Measures and an Order Pursuant to Rule 77(C)(iii), 23 June 2005, para. 17.

¹⁶ *Id.*, para. 23.

¹⁷ Including, but not limited to, the following named individuals: Alan White, Gilbert Morissette, Brenda Hollis, Chris Bomford, Rob Diack, John Berry, Chris Morris, Pete McLaren, Sharan Parmar, Yusuf Dafaie, Mustapha, Umaru, Kelvin, and Sophie Swart.

¹⁸ See, Signed Statement in Confidential Annex B.

¹⁹ See, for example, affidavits in Confidential Annexes B, C, D, E and F.

²⁰ See, for example, affidavits in Confidential Annexes B, C, D, E, F, G, H, I, and J.

²¹ See *Prosecutor v. Seselj*, IT-03-67-T, Redacted Version of the “Decision in Reconsideration of the Decision of 15 May 2007 on Vojislav Seselj’s Motion for Contempt Against Carla del Ponte, Hildegard Uertz-Retzlaff and Daniel Saxon”, 29 June 2010.

²² See for instance, the power point presentation at Annex O where the Prosecutor acknowledges deliberately trying to embarrass Charles Taylor, Annexes B and I which allege collusion between LURD forces and the Prosecution and the Testimony of DCT-190 on that same issue.

13. In addition to being *ultra vires* and contemptuous, the Prosecution's acts also affect the case in two principal ways. Firstly, the Prosecution's conduct casts doubt on the credibility of its entire evidence before this court. An investigation into the manner in which the Prosecution conducted itself in relation to witnesses, potential witnesses or suspects in this case, in view of its tremendous powers and resources, and its veil of secrecy, would assist the Trial Chamber in fully assessing that evidence. As argued above, the Chamber has the discretion to disregard any evidence that would bring the administration of justice into disrepute.
14. Secondly, the Prosecution's misconduct has negatively affected the Accused's fair trial rights in that it has generally poisoned the environment and has made it difficult for the defence to find witnesses who have not compromised themselves with Prosecution.²³

Causing an Injury: Assault on a suspect during questioning

15. There is sufficient reason to believe that in the course of questioning a suspect and/or potential witness, Gilbert Morissette of the Prosecution, physically assaulted a suspect and/or potential witness, in order to elicit his cooperation and confession.²⁴ The Defence submits that this is a knowing and wilful interference by the Prosecution with the administration of justice in order to secure favourable evidence.

Threats, Intimidation and Other Interference

16. Based on the attached affidavits at Annexes B-F, the Defence submits that there are credible reasons to believe that the Prosecution is in contempt for wilfully and knowingly exerting undue pressure through threats and intimidation of witnesses, potential witnesses or sources in order to secure their cooperation and/or their evidence, which interferes with the administration of justice.
17. The acts complained of, included acts and conduct of its direct employees or agents and the acts and conduct of other outside organs that the Prosecution directly worked or cooperated with such as the Sierra Leonean and Liberian Police or Intelligence and UNAMSIL. In Kailahun, for instance the Prosecution, INTERPOL and the Sierra Leonean police used a system called "sweeping" in which those who refused to cooperate

²³ The Defence for instance was forced to withdraw the following witnesses after disclosure of inculcating statements to the Prosecution. In all instances, the witnesses alleged that the information was not accurate and that they had been induced: DCT-023, DCT-032, DCT-133, DCT-192, and DCT-097.

²⁴ Confidential Annex B: Signed Statement of Logan Hambrick and the first three pages of disclosed Prosecution interview transcripts with DCT-192, which indicate that he was read his suspect rights before commencing the interview.

would be arrested.²⁵ In Monrovia, the Prosecution passed on false intelligence²⁶ against a potential witness and got him arrested, only to then twist his arm into cooperating.²⁷ Furthermore, through an unnecessary show of force²⁸ they ransacked the Accused's residence in Monrovia. In the course of this search, Alan White of the Prosecution also made unnecessary threats to the caretaker and confiscated his personal items.²⁹ The next day the caretaker narrowly escaped a kidnap attempt by or involving the Prosecution.

18. The [then] Chief Prosecutor, David Crane also made direct verbal threats and intimidated a potential witness. Crane threatened to imprison DCT-102, like Issa Sesay, if he did not cooperate.³⁰ DCT-102 even has a souvenir from Crane to corroborate his account.³¹ The Prosecution also made up a story that DCT-133's life was in danger from persons associated with Charles Taylor simply intimidate him into cooperating at the back of an offer for protective measures.³²

Offers of Bribes and Other Inducements

19. Based on all of the affidavits and signed statements attached in Annexes B-J, the Defence submits that there are credible reasons to believe that the Prosecution is in contempt for offering and/or providing monetary bribes and/or other inducements, such as relocation, in exchange for cooperation and testimony. With respect to this question, the Defence takes no issue with any payments that were made to prosecution witnesses by the Witness and Victims Section ("WVS") of the Registry,³³ WVS payments apply to both prosecution and defence witnesses. Rather the Defence takes issue with the inducements that were offered and made by the Prosecution's Witness Management Unit ("WMU")³⁴

²⁵ Confidential Annex F: Affidavit of DCT-102.

²⁶ The Defence submits that this "intelligence" was based on information gathered from DCT-097, during the time in which DCT-097 was receiving over \$40,000 from the Prosecution to, *inter alia*, provide information. See Confidential Annex J and Annex M.

²⁷ Confidential Annex D: Affidavit of DCT-133.

²⁸ Confidential Annex E: Affidavit of DCT-086, and copy of search warrant for White Flower.

²⁹ Confidential Annex E: Affidavit of DCT-086.

³⁰ Confidential Annex F: Affidavit of DCT-102.

³¹ Confidential Annex F: Affidavit of DCT-102 and "Don Ray" calling card.

³² Confidential Annex D: Affidavit of DCT-133, and copies of plane tickets to Accra, hotel invoices in Accra, pictures of DCT-133's gate and fence with razor wire, calling cards of various Prosecution investigators and a slip of paper with Brenda Hollis' name and phone number.

³³ The Defence assumes these payments were made in accordance with the "Practice Direction on Allowances for Witnesses and Expert Witnesses", issued by the Registrar on 16 July 2004. The Practice Direction properly provides for a wide range of allowances to be paid to witnesses testifying before the Special Court. These include an attendance allowance as compensation for earnings and time lost as a result of testifying, accommodation, meals, transport, medical treatment, childcare and other allowances.

³⁴ For some insight into the apparent mandate of the WMU, see attached at Annex L a 2007 Vacancy Announcement for the Chief of the Witness Management Unit.

directly to its witnesses, potential witnesses or sources in relation to expenses that squarely fall within the purview of WVS. The Defence submits that these payments, administered through the opaque Witness Management Unit, are contemptuous.

20. While in terms of Rule 39(ii), the Prosecution may “[t]ake all measures deemed necessary for the purpose of the investigation, including the taking of any *special measures* to provide for the safety, the support and assistance of *potential witnesses and sources*” [emphasis added] such discretion is limited in at least two ways. Firstly, by the wording of the Rules itself, and secondly by the limitations in the Statute, Rules and Code of Conduct, as considered above. In terms of Rule 39, any payment must be objectively “necessary” and must be for the safety, the support and assistance of potential witnesses and sources.³⁵
21. The specific limitation of the remit to *potential witnesses and sources* was deliberate as Rule 39 was designed to cover the Prosecution’s pre-trial investigative phase whereafter the welfare of the witnesses would be taken over by WVS, which is neutral and independent of the parties. Article 16(4) thus allows the Registrar, through the WVS, to provide “protective measures and security arrangements, counseling and other appropriate assistance for witnesses” and even sources. In terms of Article 2(B) of the Practice Direction,³⁶ which amplifies the functions of the WVS, the WVS shall “ensure the payment of all allowances”. In terms of both provisions, although WVS may act in consultation with the parties, WVS, to the exclusion of both parties, retains sole jurisdiction for the management and payment of witnesses.
22. Even accepting, *arguendo*, that the WMU’s and WVS’s functions could overlap with respect to witness payments, it would still be impermissible for the Prosecution to, without justification, duplicate or supplement payments made by the WVS.
23. The Defence submits that in making certain payments to witnesses, potential witnesses or sources, the WMU usurped the role of the WVS, which unlike the Prosecution is an independent organ of the court and therefore less susceptible to abusing the process. Further, by continuing to pay witnesses throughout the life of the trial, the Prosecution is undermining any need for an independent witness section. The Defence submits that this conduct by the Prosecution is deliberate and was designed to influence the cooperation, and consequently, the evidence of potential witnesses, witnesses, suspects or sources.

³⁵ The latter wording is, it is true, wider than that of the Rules of the ICTY or the ICTR, but it is not as wide as to permit an “unfettered discretion”.

³⁶ Practice Direction on Allowances for Witnesses and Expert Witnesses Testifying in The Hague, 8 June 2007.

24. The Defence further submits that even some of the pre-trial payments to witnesses that were properly within the Prosecution's WMU purview were irregular as they went well beyond the proscribed rationale and were willfully and knowingly designed to interfere with the administration of justice. The exorbitant payments to DCT-097 at the time he was a Prosecution witness, recently disclosed,³⁷ are a ready example.
25. In Annex N is a list of many smaller but equally improper payments that were made by the Prosecution to witnesses who came and testified before this Court. As the Trial Chamber would observe, these were payments which, according to the witnesses' own evidence, were not justified by the explanations given by the Prosecution.
26. Aside from these, the Prosecution offered or made other payments or inducements to witnesses, potential witnesses or sources in order to elicit their assistance, cooperation or evidence. For instance, the Prosecution approached DCT-032³⁸ and DCT-133³⁹ with gifts of money before ever having a substantive conversation with them.
27. The most egregious examples are offers of relocation and/or security protection where none was requested or warranted, or worse yet, where the suggested security threat was actually created by the Prosecution. Abu Keita for instance testified openly before this Chamber at the back of earlier an agreement for relocation.⁴⁰ DCT-102 was told he could relocate to America and should open a bank account so the Prosecution could deposit \$90,000, as his knowledge of RUF and diamonds was critical to the Prosecution case.⁴¹
28. Another of the Prosecution's stratagems was inducement by reference. Through this method, the Prosecution would, directly or indirectly try to induce potential witnesses by alluding to benefits or inducements they would have given to other persons known to the targeted witness. DCT-102, for instance, was told by a Prosecution investigator to consider how well off Gibril Massaquoi and Abu Keita were living on Prosecution largess. John Tarnue, listed as a Prosecution witness in this case,⁴² called DCT-086 from America and tried to convince him to cooperate. In the case of DCT-032, one Kelvin of the Prosecution alluded to Vamuyan Sheriff's largess (a Prosecution-financed house in Kenema) and even called Sheriff for DCT-032 to confirm. Sheriff tried to persuade DCT-

³⁷ Confidential Annex J: Signed Statement of DCT-097 and Annex M: Prosecution disclosure of payments made to DCT-097.

³⁸ Confidential Annex G: Affidavit of DCT-032.

³⁹ Confidential Annex D: Affidavit of DCT-133.

⁴⁰ See Exhibit D-468, recently admitted per CMS 1082, dated 22 September 2010.

⁴¹ Confidential Annex F: Affidavit of DCT-102

⁴² Confidential Annex K: Prosecution disbursement records of TF1-139. Furthermore, TF1-139 was listed among the first ten Prosecution witnesses to testify, had the trial begun as scheduled in June 2007.

032 to cooperate with the Prosecution. It is common knowledge amongst RUF ex-combatants that TF1-362 testified and lied before the Special Court and in exchange made approximately \$10,000.⁴³ It is also common knowledge that Foday Lansana and Isaac Mongor both witnesses in this case were released from prison at the behest of the Prosecution, and/or that the Prosecution could have done so.⁴⁴ Such displays of power and munificence by the Prosecution poisoned the pool of potential witnesses and further interfered with the administration of justice in that the credibility of such witnesses who came to testify was severely impacted.

IV. CONCLUSION AND RELIEF REQUESTED

29. The Defence submits that for any one or more of the foregoing reasons, and based on other examples abounding within the attached affidavits, numerous members of the Prosecution are in contempt of court. The instances highlighted above are sufficiently credible indicia of a reason to believe that contempt has occurred, warranting the appointment of an independent investigation. The issue at stake not only affects the integrity of the Prosecution, but the entire judicial process.

30. The Trial Chamber should, pursuant to Rule 77(C)(iii) and subject to the necessary protective measures in place and any other measures the Trial Chamber might deem fit, order an independent investigation into:

- i) The conduct of the Prosecution, including all its employees or agents, since the inception of the Court, in relation to witnesses and potential witnesses in this case, that is in breach of the Statute, Rules and Code of Conduct, including but not limited to the acts indicated in the attached affidavits and signed statements in Annexes B-J;
- ii) All payments and benefits, including ongoing payments and relocations, offered and/or paid by the Prosecution to witnesses, potential witnesses or sources in connection with this case. This investigation should explore the full mandate of the Prosecution's Witness Management Unit, the source of its funding, and all disbursements made by that Unit in relation to this case.

⁴³ Confidential Annex F: Affidavit of DCT-102. See also **Testimony of Charles Taylor**, 16 September 2009, at p.29066 to 29077 and **Testimony of John Vincent**, 30 March 2010 at p. 38245 *et seq.*

⁴⁴ Confidential Annex F: Affidavit of DCT-102; Confidential Annex H: Affidavit of DCT-023. See also **Testimony of Foday Lansana**.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Griffiths' with a flourish at the end.

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 24th Day of September 2010,
The Hague, The Netherlands

Table of Authorities

Prosecutor v. Taylor

Prosecutor v. Taylor, SCSL-03-01-T-960, Confidential Decision, 8 December 2008

Prosecutor v. Taylor, SCSL-03-01-T-722, Decision on Defence Motion for Disclosure of Evidence Underlying Prejudicial Statements Made by the Chief Prosecutor, Stephen Rapp, to the Media, 6 February 2009

Prosecutor v. Taylor, SCSL-03-01-T-1045, Decision on Defence Motion to Exclude Custodial Statements of Issa Sesay, 12 August 2010, Separate Dissenting Opinion of the Hon. Justice Julia Sebutinde

Prosecutor v. Brima et al.

Prosecutor v. Brima et al., SCSL-04-16-AR77-315, Decision on Defence Appeal Motion Pursuant to Rule 77(J) on both the Imposition of Interim Measures and an Order Pursuant to Rule 77(C)(iii), 23 June 2005

Prosecutor v. Sesay et al.

Prosecutor v. Sesay et al., SCSL-04-15-T-1188, Written Reasons – Decision on the Admissibility of Certain Prior Statements of the Accused Given to the Prosecution, 30 June 2008

ICTY

Prosecutor v. Seselj, IT-03-67-T, Redacted Version of the “Decision in Reconsideration of the Decision of 15 May 2007 on Vojislav Seselj’s Motion for Contempt Against Carla del Ponte, Hildegard Uertz-Retzlaff and Daniel Saxon”, 29 June 2010
<http://www.icty.org/x/cases/seselj/tdec/en/100629.pdf>

Other

Hassan Jallow article, *Prosecutorial Discretion and International Criminal Justice*, Journal of International Criminal Justice, Vol 3, Is1 (2005), p. 145-161, at
<http://jicj.oxfordjournals.org/content/3/1/145.short>



SPECIAL COURT FOR SIERRA LEONE
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Court Management Section – Court Records

CONFIDENTIAL DOCUMENT CERTIFICATE

This certificate replaces the following confidential document which has been filed in the Confidential Case File.

Case Name: **The Prosecutor – v- Charles Ghankay Taylor**

Case Number: **SCSL-03-01-T**

Document Index Number: **1090**

Document Date: **27 September 2010**

Filing Date: **27 September 2010**

Document Type: - **Confidential Annexes A-J**

Number of Pages: **88** Number from: **30464 - 30551**

Application

Order

Indictment

Response

Motion

Correspondence

Document Title:

Public with confidential Annexes A-J and public Annexes K-O Corrigendum to Defence motion requesting an investigation into contempt of court by the office of the Prosecution and its investigation

Name of Officer:

Alhassan Fornah

Signed:

Annex K



SPECIAL COURT FOR SIERRA LEONE
SCSLP0757

Wednesday, June 13, 2007

SPECIAL COURT FOR SIERRA LEONE
WITNESS PERSONAL PROFILE WITNESS MANAGEMENT UNIT

EXTREMELY SENSITIVE TFI-139

DISBURSEMENTS:

1 Date: Monday, March 05, 2007
Made By: PMCLAREN
Reason: Transportation/Meals for 2 days during clarification interviews
Category: TRANSPORT/MEALS Amount: 100.00
Receipt SUS Dollars Local Currency
Approved By: JVBERRY

2 Date: Friday, October 31, 2003
Made By: AWHITE
Reason: Payment made to SCSLP0757 for communications, top up card and subsistence for family, by Al White.
Category: COMMUNICATIONS Amount: 500.00
Receipt SUS Dollars Local Currency
Approved By: AWHITE

3 Date: Wednesday, December 18, 2002
Made By: AWHITE
Reason: [REDACTED]
Category: [REDACTED] Amount: 150.00
Receipt SUS Dollars Local Currency
Approved By: AWHITE

30554



SPECIAL COURT FOR SIERRA LEONE

Wednesday, June 13, 2007

SCSLP0757

SPECIAL COURT FOR SIERRA LEONE

WITNESS PERSONAL PROFILE WITNESS MANAGEMENT UNIT

EXTREMELY SENSITIVE

TFI-139

4 Date: Tuesday, December 31, 2002

Made By: AWHITE

Reason: [REDACTED]

Category: [REDACTED] Amount: 4,700.00

Receipt SUS Dollars Local Currency

Approved By: AWHITE

5 Date: Saturday, November 23, 2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for Air Ticket to Ghana to US, by Al White.

Category: [REDACTED] Amount: 1,453.00

Receipt SUS Dollars Local Currency

Approved By: AWHITE

6 Date: Monday, February 18, 2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for communications, top up card, by Al White.

Category: COMMUNICATION Amount: 100.00

Receipt SUS Dollars Local Currency

Approved By: AWHITE

7 Date: Wednesday, December 18, 2002

Made By: AWHITE

Reason: Payment for SCSLP0757 for lodging expenses in Accra, Ghana pending FBI vetting investigation.

Category: LODGING EXPENSES Amount: 517.31

Receipt SUS Dollars Local Currency

Approved By: AWHITE

30555



SPECIAL COURT FOR SIERRA LEONE

Wednesday, June 13, 2007

SCSLP0757

SPECIAL COURT FOR SIERRA LEONE

WITNESS PERSONAL PROFILE WITNESS MANAGEMENT UNIT

EXTREMELY SENSITIVE

TF1-139

8 Date: Wednesday, January 08, 2003

Made By: AWHITE

Reason: Payment obtain lodging, purchase clothing, food and miscellaneous expenses for SCSLP0757 and Nine (9) family members.

Category: Amount: 6,180.00

Receipt \$US Dollars Local Currency

Approved By: AWHITE

9 Date: Thursday, November 14, 2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for communication, top up cards, by AI White.

Category: COMMUNICATIONS Amount: 200.00

Receipt \$US Dollars Local Currency

Approved By: AWHITE

10 Date: Thursday, December 19, 2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for subsistence allowance by AI White.

Category: SUBSISTANCE ALLOWANCE Amount: 281.00

Receipt \$US Dollars Local Currency

Approved By: AWHITE

11 Date: Friday, December 13, 2002

Made By: AWHITE

Reason: Payment made in incurred lodging expenses paid on behalf of SCSLP0757 [redacted] receipt obtained. And also extra payment of \$40 in additiona to the \$780, by AI White.

Category: LODGING EXPENSES Amount: 820.00

Receipt \$US Dollars Local Currency

Approved By: AWHITE

30556



SPECIAL COURT FOR SIERRA LEONE

Wednesday, June 13, 2007

SCSLP0757

SPECIAL COURT FOR SIERRA LEONE

WITNESS PERSONAL PROFILE WITNESS MANAGEMENT UNIT

EXTREMELY SENSITIVE

TEI-139

12 Date: Monday, November 18, 2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for communications, top up card, by Al White.

Category: Amount: 100.00

Receipt

SUS Dollars

Local Currency

Approved By: AWHITE

13 Date: Wednesday, November 06,
2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for communications by Al White.

Category: COMMUNICATION Amount: 100.00

Receipt

SUS Dollars

Local Currency

Approved By: AWHITE

Annex L

30558

Special Court for Sierra Leone

The Special Court for Sierra Leone is not a United Nations body. It is an international organization in its own right created by an agreement between the United Nations and the Government of Sierra Leone.

Vacancy Announcement

External/internal

VACANCY ANNOUNCEMENT NUMBER

SCSL- 2007- 064 (RE-CIRCULATION)

DEADLINE FOR APPLICATIONS

21 NOVEMBER 2007

POST TITLE AND LEVEL

CHIEF, WITNESS MANAGEMENT UNIT, P-4

POST NUMBER

SCSL-OTPI/1000.4/03-P4-001

DUTY STATION

SIERRA LEONE (FREETOWN)

ORGANIZATIONAL UNIT

OFFICE OF THE PROSECUTOR

SPECIAL COURT FOR SIERRA LEONE

ANNUAL NET SALARY

US\$ 61,834.00

PLUS DAILY LIVING ALLOWANCE IN SIERRA LEONE

US\$ 115.00 from date of arrival in Sierra Leone

PLUS ANNUAL RECRUITMENT ALLOWANCE

US\$ 4,328.00 for staff members without dependents, or

US\$ 12,267.00 for staff members with dependents

DUTIES AND RESPONSIBILITIES:

Under the overall direction and supervision of the Chief of Investigations, the incumbent's responsibilities are to:

- Supervise the Witness Management Unit, which includes two contractors, two international seconded police officers, four national seconded personnel and one translator;
- Coordinate with the attorneys of the Prosecutions Section to establish and maintain a prioritized list of witnesses for pre-trial interviews and court orientation;
- Coordinate, supervise and direct all Witness Management field missions and the investigators performing them while they are on mission;
- Assist Investigations Section in coordination with Prosecutions Section on follow-up questions required of the witnesses during pre-trial interviews;
- Coordinate with the Prosecutions section in the development of a Court Orientation Program and schedule for each witness;
- Coordinate and supervise the preparation of Threat/Risk Assessment on all witnesses interviewed by the Office of the Prosecutor;
- Supervise the implementation of Special Protective Measures that are forwarded to the Chief of Investigations and ensure that all necessary procedures are carried out in conjunction with the Chief of Investigations and Witnesses and Victims Section (WVS);
- Develop operational contingency plans to deal with the protection of witnesses;
- Liaise with the WVS regarding the care and needs of all witnesses under the Office of the Prosecutor;
- Set up schedules for all witnesses to meet with members of the OTP;
- Supervise staff responsible for the input and retrieval of all data entered into the Witness Management Database (WMD);

Staff members of the Special Court will not serve as staff members of the United Nations. External appointments are limited to the Special Court only. In accordance with Article 24 of the Statute of the Special Court for Sierra Leone the working language will be English.

1. Both internal and external applicants must complete a Personal History form (P.11) together with a detailed curriculum vitae including date of birth, nationality, educational qualifications. This form is available upon request from scsl-personnel@un.org, or at the Special Court website <http://www.sc-sl.org/>

2. ALL APPLICATIONS SHOULD BE SENT BY MAIL TO:

Chief of Personnel, Special Court for Sierra Leone, New England, Freetown, Sierra Leone.

OR BY EMAIL TO: scsl-personnel@un.org

OR BY FAX TO: +232 22 279 204; or +39 0831 257204

Sierra Leone is a non-family duty station.

PLEASE INDICATE THE VACANCY ANNOUNCEMENT NUMBER ON THE ENVELOPE OR THE FAX, AND ON THE APPLICATION.

Date of Issuance: 02 November 2007

30559

Special Court for Sierra Leone

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Vacancy Announcement

External/internal

- Supervise the integrity of the data that is entered into the WMD. Research the witness details and ensure accuracy of information being entered;
- Ensure that all photographs entered are of sufficient quality and dimensions to be an accurate representation of the witness;
- Ensure that all witness contact information whether initiated by the WMU, WVSS or by a third party is entered for the appropriate witness within 24 hours of being received;
- Supervise all reporting and production of reports from the WMU and ensure that they are not disseminated without prior authorization;
- Create and maintain regular contact by the Unit with both current and potential witnesses;
- Direct and supervise the financial control of all payments made to or for a witness by the Office of the Prosecutor.

COMPETENCIES AND SKILLS:

Professionalism: Ability to maintain absolute confidentiality and tact, sensitivity, loyalty, discretion and good judgement, including particular sensitivity to the needs of victims of sexual violence, children, the elderly and disabled. Ability to deal effectively with witnesses in stressful situations and also to gather evidence and interview suspects and witnesses;

Planning and Organization: Strong organisational skills and ability to coordinate the work of others, plan own work and manage conflicting priorities.

Cultural Diversity: Ability to work in a multi-cultural environment.

Communication: Strong interpersonal and communication (spoken, written and presentational) skills.

Technology: Fully proficient computer skills and ability to use relevant software applications including information databases, internet/intranet services, library sources, etc.

Managing Performance: Ability to delegate responsibility appropriately, matching tasks to skills.

QUALIFICATIONS

- Advanced University Degree in related area and/or equivalent formal training in Criminal Investigations from a recognized National Police College, Academy and experience.

- Broad knowledge of criminal investigation and/or witness management practices and procedures.

WORK EXPERIENCE

Staff members of the Special Court will not serve as staff members of the United Nations. External appointments are limited to the Special Court only. In accordance with Article 24 of the Statute of the Special Court for Sierra Leone the working language will be English.

1. Both internal and external applicants must complete a Personal History form (P.11) together with a detailed curriculum vitae including date of birth, nationality, educational qualifications. This form is available upon request from scsl-personnel@un.org, or at the Special Court website <http://www.sc-sl.org/>

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Date of Issuance: 02 November 2007

Special Court for Sierra Leone

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Vacancy Announcement

External/internal

- Minimum of 20 years experience at both national and international level in criminal investigations and/or witness management, at least ten (10) of which should have been at the supervisory level.
- Relevant experience in field operations and witness logistics.
- Familiarity with witness relocations and experience working in conflict and post-conflict environments.
- Experience with an International Criminal Tribunal is desirable.

LANGUAGES:

English is the working Language of the Special Court for Sierra Leone (SCSL). For the post advertised, fluency in both oral and written English is mandatory.

Staff members of the Special Court will not serve as staff members of the United Nations. External appointments are limited to the Special Court only. In accordance with Article 24 of the Statute of the Special Court for Sierra Leone the working language will be English.

1. Both internal and external applicants must complete a Personal History form (P.11) together with a detailed curriculum vitae including date of birth, nationality, educational qualifications. This form is available upon request from scsl-personnel@un.org, or at the Special Court website <http://www.sc-sl.org/>
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PLEASE INDICATE THE VACANCY ANNOUNCEMENT NUMBER ON THE ENVELOPE OR THE FAX, AND ON THE APPLICATION.
Date of Issuance: 02 November 2007

Annex M

INDEX OF PAYMENTS MADE TO DCT-097

NO.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
1.	26.03.2004	<p>TRAVEL</p> <p>Payment made to DCT-097 for travel expenses for initial meetings with OTP investigators as a potential source.</p> <p>-Sent via wire transfer.</p>	\$1000.00	No receipt, voucher, MoneyGram receipt available.
2.	02.04.2004	<p>TRAVEL</p> <p>Payment made to DCT-097 for travel expenses for initial meetings with OTP investigators as a potential source.</p>	\$600.00	No receipt, voucher, MoneyGram receipt available.
3.	02.04.2004	<p>COMMUNICATION</p> <p>Payment made to source DCT-097 for source related communications expenses.</p>	\$300.00	No receipt, voucher, MoneyGram receipt available.
4.	02.04.2004	<p>ASSISTANCE</p> <p>Payment made to source DCT-097 to locate potential witnesses. No potential witnesses identified by, or contacted through this source.¹</p>	\$300.00	No receipt, voucher, MoneyGram receipt available.

¹ See Confidential Annex C.

NO.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
5.	14.04.2004	<p>INFORMATION</p> <p>Payment to source DCT-097 for providing information.</p> <p>-Sent via wire transfer.</p>	\$400.00	No receipt, voucher, MoneyGram receipt available.
6.	04.08.2004	<p><u>TRAVEL & ACCOMODATION</u></p> <p>Payment to source DCT-097 for travel accommodation expenses to locate high level insiders close to Charles Taylor as potential witnesses. No such potential witnesses identified through, or contact made through, this source.</p> <p>- Payment made via wire transfer - \$1900.00</p> <p>- Wire Transfer fee - \$100.00</p>	\$2000.00	MoneyGram receipt & signed receipt from DCT-097
7.	07.10.2004	<p><u>TRAVEL, ACCOMODATION & COMMUNICATION</u></p> <p>Payment to source DCT 097 for travel, communication and accommodation expenses for travel from the country of source's residence to a third country to meet with OTP investigators in re efforts related to Number 6 above. No such potential witnesses identified through, or contact made through, this source.</p> <p>- Payment sent via wire transfer - \$660.00</p> <p>- Wire Transfer fee - \$40.00</p>	\$700.00	MoneyGram & Signed Receive Form from DCT-097

NO.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
8.	09.10.2004	<p>COMMUNICATION, ACCOMMODATION, TRAVEL RELATED LIVING EXPENSES</p> <p>Payment to source DCT 097 for communication, accommodation and living expenses while attempting to locate and contact two high level insiders close to Charles Taylor as potential witnesses and facilitate introduction between such potential witnesses and OTP investigators. No such potential witnesses identified through, or contact made through, this source.</p>	\$200.00	Signed receipt by DCT-097

305-64

NO.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
9.	20.10.2004	<p>TRAVEL & COMMUNICATION</p> <p>Payment to source DCT 097 for communication and transportation expenses for attempting to locate and contact two high level insiders close to Charles Taylor as potential witnesses and facilitate introduction between such potential witnesses and OTP investigators. No such potential witnesses identified through, or contact made through, this source.</p> <p>- Payment made via wire transfer - \$280 - Wire Transfer fee - \$20.00</p>	\$300.00	MoneyGram receipt and Receive Form signed by DCT-097

NO.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
10.	09.11.2004	<p>TRAVEL & COMMUNICATION</p> <p>Payment to source DCT-097 for transportation and communication expenses related to:</p> <p style="padding-left: 40px;">a. locating and monitoring activities of potential suspects and locating, monitoring and contacting high level insiders close to Charles Taylor as potential witnesses. No such potential witnesses identified through, or contact made through, this source.</p> <p style="padding-left: 40px;">b. for providing information to OTP investigators on the whereabouts of Johnny Paul Koroma or his remains.²</p> <p>- Payment made via wire transfer - \$950 - Wire Transfer fee - \$50.00</p>	\$1000.00	MoneyGram receipt

² Source's information was not corroborated and was contradicted by potential witnesses and other sources, such as DCT-192 who in May and June 2003 indicated Johnny Paul Koroma was in charge of a 3,000 member unit including Charles Taylor personnel and that Johnny Paul Koroma had been killed by Taylor forces in Lofa county.

No.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
11.	12.11.2004	<p><u>TRAVEL AND RELATED EXPENSES</u></p> <p>Payment made to source DCT-097 for airfare and other travel expenses to gather information related to activities which may undermine the security of the SCSL, including Charles Taylor's possible involvement in efforts to destabilize the West African subregion and/or return to Liberia, movements of those who may be working with Charles Taylor in these efforts.</p> <p>- Payment made via wire transfer - \$ 470.00 - Wire transfer fee - \$ 30.00</p>	\$500.00	<p>MoneyGram receipt Signed receipt by DCT-097</p>
12.	18.11.04	<p><u>TRAVEL AND RELATED EXPENSES</u></p> <p>Payment made to source DCT-097 for airfare and other travel expenses to gather information related to activities which may undermine the security of the SCSL, including Charles Taylor's possible involvement in efforts to destabilize the West African sub region and/or return to Liberia, movements and activities of those who may be working in concert with Charles Taylor in these efforts.</p> <p>- Payment made via wire transfer - \$ 2850.00 - Wire transfer fee - \$ 150.00</p>	\$3000.00	<p>MoneyGram receipt (for the signed receipt by DCT-097 please see the signed receipt behind No.11)</p>

No.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
13.	22.11.2004	<u>INFORMATION</u> Payment made to source DCT-097 for providing information to OTP investigators. . - Payment made via wire transfer - \$1000.00 - Wire transfer fee - \$50.00	\$1050.00	MoneyGram receipt
14.	22.11.2004	<u>INFORMATION</u> Payment made to source DCT-097 for providing information to OTP investigators. - Payment made via wire transfer - \$1720.00 - Wire transfer fee - \$80.00	\$1800.00	MoneyGram receipt

NO.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
15.	03.12.2004	<p><u>INFORMATION</u></p> <p>Payment made to source DCT-097 for providing information related to activities which may undermine the security of the subregion and of the SCSL, that is, for infiltrating group suspected of planning to overthrow and kill the President of Guinea, Lansana Conte, monitoring and providing information regarding their activities, and providing information concerning arms, location of fighters, operational meetings, and the involvement of Charles Taylor and/or Charles Taylor subordinates.</p> <p>- Payment made via wire transfer - \$1200.00 - Wire transfer fee - \$60.00</p>	\$1260.00	MoneyGram receipt, signed Receive Form by DCT-097 & Signed receipt by DCT-097
16.	10.12.2004	<p><u>INFORMATION</u></p> <p>Payment made to source DCT-097 for providing information</p>	\$1200.00	Signed receipt by DCT-097

30569

No.	DATE	PURPOSE OF PAYMENT	AMOUNT IN US \$	RECEIPT, VOUCHER, MONEYGRAM RECEIPTS
17.	21.12.2004	<p><u>INFORMATION</u></p> <p>Payment made to source DCT-097 for providing information on background, activities and whereabouts of persons believed to be involved in activities which may undermine the security of the sub-region and of the SCSL, that is, on individuals believed to be planning to overthrow and kill the President of Guinea, Lansana Conte, the involvement of Charles Taylor and/or Charles Taylor subordinates.</p> <p>- Payment made via wire transfer - \$1430.00 - Wire transfer fee - \$70.00</p>	\$1500.00	MoneyGram receipt and signed receipt by DCT-097