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SCSL-03-01-T
(29571 - 29578)

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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 Judge

Registrar: Ms. Binta Mansaray

Date filed: July 30, 2010

The Prosecutor

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

**PUBLIC
APPLICATION FOR LEAVE TO FILE
MOTION TO APPEAR AS COUNSEL TO A WITNESS**

Office of the Prosecutor:


Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Ms. Sigall Horovitz

Counsel for the Accused:

Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Mr. James Supuwood

Submitted by:

Daniel R. Bright
(Counsel for Witness Carole White)

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
THE JAGS	
02 AUG 2010	
NAME	ALHASSAN FORNAN
SIGN	
TIME	12:01

1. I am an attorney duly admitted to practice law in the State of New York. I am also admitted to practice before several federal jurisdictions in the United States, including district (trial level) courts and courts of appeal. I have been a member of the bar since 1989 and am in good standing.

2. I represent Carole White, a witness for the prosecution in the trial of Charles Taylor. I submit this application in order to request leave to file a motion to appear as counsel for Ms. White in her capacity as a witness in this trial.

3. On July 27, 2010, I filed a motion for the right of audience before the Special Court. That motion was dismissed on July 2, 2010, for failure to first seek and obtain leave to file the motion. I now seek leave to file a motion and the motion I seek leave to file is for the right to appear as counsel to witness Carole White.

4. My current understanding is that the Special Court distinguishes between the right of appearance and the right of audience. The request I now seek leave to file is for the right of appearance, which I understand would allow me to be present in the court room while my client testifies. I do not intend to seek the broader right of audience, as I have no intention of objecting to questions, asking the witness questions, or addressing the Special Court.

5. I currently represent Ms. White in litigation in New York in which she and another witness before the Special Court, Naomi Campbell, are adversaries. Any testimony Ms. White gives before the Special Court could potentially be used in the New York litigation and I would like to be present in order to be able to see and hear her testimony directly, so that I can properly represent her and safeguard her interests. Ms. White has also indicated to me that she would like me to be present while she testifies and would be more comfortable testifying before the Special Court if I am present in the court room, as the prospect of testifying is a bit intimidating to her. The Special Court should also know that I asked Ms. White to come forward and speak to the Prosecution in this case in April of this year, when I realized (after watching a television news report about this trial) that she had knowledge that might be material to the prosecution's case and, when she agreed to do so, I contacted the Prosecution on her behalf and arranged for them to speak to her.

6. I do not intend to request any particular seating arrangement inside the court room. For example, I will not be requesting that I be permitted to sit next to Ms. White while she testifies, if that is of concern to the Special Court or is objectionable to counsel for the parties. I intend to merely request that I be permitted to be present in the court room and seated where I will be able to directly observe my client while she testifies.

7. A copy of the motion I seek leave to file is annexed hereto as Annex A. In the interests of efficiency, and because there is not much time between now and the date my client is scheduled to testify, I request that, should the Special Court grant this application for leave to file the attached motion, that the attached motion be deemed filed and a decision on that motion be issued without my having to re-file the motion.

8. I thank the Special Court for its consideration of this application for leave to file the attached motion.

Dated: New York, New York

July 30, 2010

and

Filed in the Hague,

August 2, 2010



Daniel R. Bright
Counsel to Carole White

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29574

ANNEX A

29575

SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

Before: Justice Julia Sebutinde, Presiding
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Submitted by:

Daniel R. Bright
(Counsel for Witness Carole White)

Prosecutor v. Taylor, SCSL-03-01-T

1. I represent Carole White, a witness for the prosecution in the trial of Charles Taylor. I submit this motion to request the right to appear as counsel for Ms. White, so that I may be present in the court room while she testifies in this proceeding.

2. I currently represent Ms. White in litigation in New York in which she and another witness before the Special Court, Naomi Campbell, are adversaries. Any testimony Ms. White gives before the Special Court could potentially be used in the New York litigation and I would like to be present in the court room while she testifies in order to be able to see and hear her testimony directly, so that I can properly represent her and safeguard her interests. Ms. White has also indicated to me that she would like me to be present while she testifies and would be more comfortable testifying before the Special Court if I am present in the court room, as the prospect of testifying in a criminal matter of this magnitude is intimidating to her.

3. In April of this year, I asked Ms. White to come forward and speak to the Prosecution, when I realized (after watching a television news report about this trial and seeing an interview with Mia Farrow on *Nightline*) that Ms. White had knowledge that might be material to the prosecution's case. I then contacted the Prosecution on her behalf and arranged for them to speak to her. I knew that Ms. White had knowledge of the subject matter on which she is to testify from discussions I had had with her around the end of January 2010, after I saw a newspaper article about this trial in the *New York Times* and asked her if she knew anything about Naomi Campbell receiving a diamond from Charles Taylor. At that time, I did not realize that the question of whether Mr. Taylor had given diamonds to Ms. Campbell might be a material issue in this trial that Ms. White would be permitted to testify about, so I did not suggest to her before I saw the story on *Nightline* that we should contact the Office of the Prosecutor.

4. While I am requesting permission to be seated in the court room while my client testifies, I do not request any particular seating arrangement inside the court room. For example, I am not requesting that I be permitted to sit next to Ms. White while she testifies, if that is of concern to the Special Court or is objectionable to counsel for the parties. I merely request that I be permitted to be present in the court room and seated where I will be able to directly observe my client while she testifies and where she will be able to see that I am present.

5. The Code of Professional Conduct for Counsel with the Right of Audience before

the Special Court for Sierra Leone appears to contemplate and allow for the appearance of counsel for a witness testifying before the Special Court. Article 1, Section (A) defines "Counsel" to include "counsel representing a witness." Article 2 of the Code provides that the Code "shall apply to all counsel who appear or have appeared before the Special Court or who otherwise act or have acted on behalf of . . . a witness . . . and who thereby have the right of audience before the Special Court." I believe I have already "acted on behalf of a witness" by arranging for my client to speak to the Prosecution and make herself available to testify in this case. (See, "Public Prosecution Motion to Call Three Additional Witnesses," 20 May 2010, footnote 21 (Document Index Number 962).)

6. Wherefore, I respectfully request that the Special Court granted this motion for the right to appear as counsel to a witness in this proceeding and that I be permitted to be present in the court room while Carole White testifies.

Dated: New York, New York

July 30, 2010

and

Filed in the Hague,

August 2, 2010



Daniel R. Bright
Counsel to Carole White

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INDEX OF AUTHORITIES

SCSL

Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone, Articles 1 and 2.

Prosecutor v. Taylor, SCSL-03-01-T, “Public Prosecution Motion to Call Three Additional Witnesses” (Document Index Number 962), 20 May 2010.