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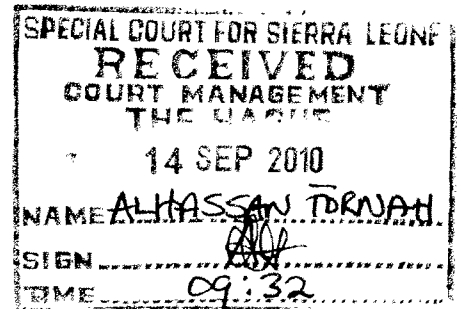
**SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR**

**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: 14 September 2010



**THE PROSECUTOR**

**Against**

**Charles Ghankay Taylor**

Case No. SCSL-03-01-T

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**PUBLIC**

**PROSECUTION OBJECTIONS TO PUBLIC WITH ANNEXES A-J AND CONFIDENTIAL ANNEXES K-L  
DEFENCE MOTION FOR ADMISSION OF DOCUMENTS PURSUANT TO RULE 92BIS – SPECIAL  
TASK FORCE**

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Office of the Prosecutor:  
Ms. Brenda J. Hollis  
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Mr. Courtenay Griffiths, Q.C.  
Mr. Terry Munyard  
Mr. Morris Anyah  
Mr. Silas Chekera  
Mr. James Supuwood

## I. INTRODUCTION

1. The Prosecution files these objections to the “Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92bis – Special Task Force.”<sup>1</sup>
2. The Prosecution objects to the admission of the documents set out in Annexes H and J as both are irrelevant to the purposes stated in the Motion.
3. The Prosecution does not oppose the admission of the remaining documents but observes that the proposed evidence is unduly cumulative. Therefore, in the interests of judicial efficiency, the Trial Chamber may wish to restrict admission of such unduly duplicative evidence.

## II. ARGUMENT

### The Documents at Annexes H and J are Irrelevant to the Purpose Stated

4. The documents contained in Annexes H and J are irrelevant to both the specific<sup>2</sup> and general<sup>3</sup> purposes stated in the Motion. Considering that Rule 92bis(B) requires that information submitted be relevant to the purpose for which it is submitted, neither document should be admitted.
5. DCT-460 (Annex H) is irrelevant to the specific purpose stated at paragraph 22 of the Motion as it does not mention the SLA and so cannot “give an indication of how much various STF personnel were owed by the SLA.” Rather, DCT-460 is clearly an internal STF document. The document is a “Situation Report” addressed to the STF Commanding Officer,<sup>4</sup> was sent by the STF “Ops Plans/Trg Off” based at the STF Office,<sup>5</sup> and details the salary owed to various STF personnel,<sup>6</sup> with no direct or indirect language showing that the amounts owed are to be paid by the SLA. This internal STF document is also irrelevant to the general

<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1071, Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92bis – Special Task Force, 9 September 2010 (“**Motion**”).

<sup>2</sup> Motion, paras. 22 & 24.

<sup>3</sup> Motion, paras. 8 (“the presence and allegiance of ‘Liberian fighters’ in Sierra Leone during the Indictment period, namely that they were employed and utilized by the Sierra Leone Army (SLA)”), 9 & 10 (“an example of a government incorporating ex-combatants from another conflict into their paid fighting forces”).

<sup>4</sup> Annex H, DCT-460, CMS p. 30129

<sup>5</sup> Annex H, DCT-460, CMS pp. 30129-30130.

<sup>6</sup> Annex H, DCT-460, CMS p. 30130, para. 8 & pp. 30131-30133.

purposes identified in the Motion as the basis for its admission. As noted, the document appears on its face to be an internal STF document, which does not mention the SLA. The document also does not contain any information regarding the nationality of the STF soldiers. In the absence of any information relating to the nationality of STF fighters or connecting the STF to the SLA, DCT-460 does not prove the presence and allegiance of “Liberian fighters” in Sierra Leone,<sup>7</sup> that the STF “were employed and utilized by the SLA,”<sup>8</sup> or the incorporation of ex-combatants from another conflict into the paid fighting forces of another.<sup>9</sup>

6. The document included in Annex H of the Motion should not be admitted as it is incomplete and its relevance is based on pure Defence speculation. The document consists of a series of signatures and two paragraphs of text which require the missing pages of the letter to fully understand, set in context and establish the document’s relevance. The document as currently submitted does not identify the addressee, the date when the letter was written or give any indication as to the contents of the missing part of the letter, save an oblique reference to the re-examination of a case. Nothing in the document supports the speculative leap made by the Defence as regards the identity of the addressee of the letter<sup>10</sup> or that it evidences Bropleh’s cooperation with the Government of Sierra Leone during the NPRC period.<sup>11</sup> Therefore, absent Defence speculation, there is also nothing in the Bropleh letter that is relevant to showing the presence and allegiance of “Liberian fighters” in Sierra Leone, that the STF “were employed and utilized by the SLA,” nor does it relate to “a government incorporating ex-combatants from another conflict into their paid fighting forces”.

*The Proposed Evidence is Unduly Cumulative*

7. Considering the abundance of evidence already on the record regarding the STF, the proposed evidence is unduly cumulative. There is ample existing evidence that there were Liberians in the STF and that the STF were at various times “employed and utilized” by the SLA and the

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<sup>7</sup> Motion, para. 8.

<sup>8</sup> Motion, para. 8.

<sup>9</sup> Motion, para. 10.

<sup>10</sup> Motion, para. 24 (Although there is no indication who the recipient of the letter at Annex H was, the Defence speculates that it was “*apparently* written to the NPRC Government” (emphasis added)).

<sup>11</sup> *Ibid.*

Government of Sierra Leone.<sup>12</sup> However, contrary to the Defence claims, the proposed evidence does not “develop” the evidence already on record<sup>13</sup> but merely unduly repeats it.<sup>14</sup>

8. The most blatant example of repetition is DCT-461. Other than the first two pages, this document is identical to Exhibit D-237.<sup>15</sup> The first two pages are a cover letter, dated 24 March 2000, forwarding on the “Final Communiqué of the Consultation Meeting of the Heads of State on the Mano River Union” – there is no ambiguity that the cover letter is referring to D-237. Therefore, there is no need for D-237 to be admitted a second time for “completeness”<sup>16</sup> as evidence which is unduly cumulative impairs the efficiency of the proceedings and should not be admitted.
9. In relation to the evidence on record regarding the STF, the Prosecution notes an overstatement rather than a development of this evidence by the Defence. At paragraph 3 of the Motion, the Defence states that “a large percentage” of the STF members were Liberian – neither the evidence on the record nor the STF documents support this assertion.<sup>17</sup>
10. Insofar as the Chamber is minded to admit the proposed evidence in spite of its unduly cumulative nature, the Prosecution does not oppose admission of the documents contained in Annexes A-G, Annex I and Confidential Annexes K-L of the Motion.

### III. CONCLUSION

11. The proposed evidence at Annexes H and J should not be admitted for the reasons stated

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<sup>12</sup> Motion, paras. 3, 8.

<sup>13</sup> Motion, para. 8.

<sup>14</sup> Indeed, the existing STF evidence on the record, including that identified in the Motion at FN 10, addresses the 2 major points sought to be proven by admission of the proposed evidence. First, the following demonstrate that there were Liberians in the STF who were present in Sierra Leone: **Testimony of TF1-584**, *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 19 June 2008, 12253-12254; **Testimony of TF1-567**, 7 July 2008, 13085-13086; **Testimony of TF1-568**, 16 September 2008, 16383-16384; **Testimony of DCT-146**, 23 March 2010, 37834; **Testimony of TF1-360**, 5 February 2008, 3093; **Testimony of TF1-334**, 29 April 2008, 8785-8789; and **Exhibit D-26** (para. 54). Additionally, the following indicate that the STF was “employed and utilized” by the SLA and Government of Sierra Leone: **Testimony of the Charles Taylor**, 23 July 2009, 25141-25142, 8 September 2009, 28311; **Exhibits D-29; Exhibit P-375 and Exhibit D-26** (paras. 58-61).

<sup>15</sup> Motion, FN 13.

<sup>16</sup> Motion, FN 13.

<sup>17</sup> Less than 13% or 35 of the 270 STF personnel listed in Annex G were of Liberian nationality – none of the other STF documents indicate what percentage of the STF were Liberian.

above.

12. The Prosecution notes that all of the submitted STF documents are unduly cumulative. However, if the Chamber is minded to admit those documents contained in Annexes A-G, Annex I and Confidential Annexes K-L, the Prosecution does not oppose such admission.

Filed in The Hague,

14 September 2010,

For the Prosecution,



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Brenda J. Hollis,  
The Prosecutor

**INDEX OF AUTHORITIES**

**SCSL**

*Prosecutor v. Taylor*, SCSL-03-01-T-1071, Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92*bis* – Special Task Force, 9 September 2010