

1089)

SCSL-03-01-T  
(30337 - 30449)

30337



**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:** 24 September 2010

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

**THE PROSECUTOR**  
-v-  
**CHARLES GHANKAY TAYLOR**

SPECIAL COURT FOR SIERRA LEONE	
<b>RECEIVED</b>	
COURT MANAGEMENT	
THE HAGUE	
24 SEP 2010	
NAME	ALHASSAN FLYNN
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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**

**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

## 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,<sup>1</sup> victims and witnesses, collect evidence,<sup>2</sup> and seize physical evidence.<sup>3</sup> The Prosecutor also enjoys limited powers of arrest and detention,<sup>4</sup> and ultimately, has the power to formally charge and bring a suspect to justice before the court.<sup>5</sup>
5. In exercising these powers, the Prosecution enjoys full autonomy<sup>6</sup> and near absolute discretion.<sup>7</sup> 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

<sup>1</sup> Article 15(2) of the Statute; Rules 42 and 43.

<sup>2</sup> Article 15(2) of the Statute and Rule 39 of the Rules.

<sup>3</sup> Rule 40(A)(ii).

<sup>4</sup> Rules 40(A)(i), 40(B) and 40*bis*.

<sup>5</sup> Rule 47.

<sup>6</sup> Article 15(1) of the Statute.

<sup>7</sup> See 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>

- this requires that the Prosecutor and all his subordinates act with utmost integrity and professionalism.<sup>8</sup>
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),<sup>9</sup> 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.<sup>10</sup> 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 counsel<sup>11</sup> before the court.<sup>12</sup> While breach of the Code would ordinarily attract personal sanctions against the offending counsel,<sup>13</sup> 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.<sup>14</sup>

<sup>8</sup> 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.

<sup>9</sup> See **Rule 46(C)** which also applies to the Prosecution per **Rule 46(F)**.

<sup>10</sup> 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.

<sup>11</sup> See definition of "Counsel" under **Article 1**.

<sup>12</sup> 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).

<sup>13</sup> **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.

<sup>14</sup> **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”.<sup>15</sup>

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

### 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,<sup>17</sup> 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;<sup>18</sup> ii) exerted undue pressure by threatening, intimidating, or harassing suspects, witnesses, potential witnesses or sources (“undue pressure”);<sup>19</sup> 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”).<sup>20</sup>
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.<sup>21</sup> From the outset, the Prosecution approach to this case has not only been overly zealous, it has also been underhanded, malicious and overboard, and this has corrupted its entire investigation and case in the courtroom.<sup>22</sup>

<sup>15</sup> *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.

<sup>16</sup> *Id.*, para. 23.

<sup>17</sup> 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 Dafaee, Mustapha, Umaru, Kelvin, and Sophie Swart.

<sup>18</sup> See, Signed Statement in Confidential Annex B.

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

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

<sup>21</sup> 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.

<sup>22</sup> 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 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.<sup>23</sup>

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.<sup>24</sup> 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 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

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<sup>23</sup> The Defence for instance was forced to withdraw the following witnesses after disclosure of inculpatory 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.

<sup>24</sup> 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.<sup>25</sup> In Monrovia, the Prosecution passed on false intelligence<sup>26</sup> against a potential witness and got him arrested, only to then twist his arm into cooperating.<sup>27</sup> Furthermore, through an unnecessary show of force<sup>28</sup> the 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.<sup>29</sup> 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.<sup>30</sup> DCT-102 even has a souvenir from Crane to corroborate his account.<sup>31</sup> 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.<sup>32</sup>

#### 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;<sup>33</sup> 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 by its Witness Management Unit

<sup>25</sup> Confidential Annex F: Affidavit of DCT-102.

<sup>26</sup> 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.

<sup>27</sup> Confidential Annex D: Affidavit of DCT-133.

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

<sup>29</sup> Confidential Annex E: Affidavit of DCT-086.

<sup>30</sup> Confidential Annex F: Affidavit of DCT-102.

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

<sup>32</sup> 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.

<sup>33</sup> 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.

(“WMU”)<sup>34</sup> 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.<sup>35</sup>
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,<sup>36</sup> 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

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<sup>34</sup> 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.

<sup>35</sup> 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”.

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

- conduct by the Prosecution is deliberate and was designed to influence the cooperation, and consequently, the evidence of potential witnesses, witnesses, suspects or sources.
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,<sup>37</sup> 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-032<sup>38</sup> and DCT-133<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup>
  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,<sup>42</sup> called DCT-086 from America and tried to convince him to cooperate. In the case of DCT-032, one Kelvin of

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

<sup>38</sup> Confidential Annex G: Affidavit of DCT-032.

<sup>39</sup> Confidential Annex D: Affidavit of DCT-133.

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

<sup>41</sup> Confidential Annex F: Affidavit of DCT-102

<sup>42</sup> 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.



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-032 to cooperate with the Prosecution. It is common knowledge amongst RUF ex-combatants that TF1-360 testified and lied before the Special Court and in exchange made approximately \$10,000.<sup>43</sup> 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 do so.<sup>44</sup> 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.

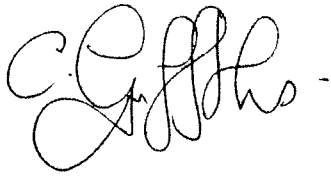
#### IV. CONCLUSION AND RELIEF REQUESTED

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, 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.

<sup>43</sup> 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.*

<sup>44</sup> 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 horizontal line extending to the right from the end of the signature.

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**Courtenay Griffiths, QC**  
**Lead Counsel for Mr. Charles G. Taylor**  
The Hague, the Netherlands  
Done this 24<sup>th</sup> Day of September 2010

## 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>



SPECIAL COURT FOR SIERRA LEONE  
DOKTER VAN DER STAMSTRAAT 1 • 2265 BC LEIDSCHENDAM • THE NETHERLANDS

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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: **1089**

Document Date: **24 September 2010**

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Number of Pages: **75** Number from: **30348 - 30422**

Application

Order

Indictment

Response

**Motion**

Correspondence

Document Title:

**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**

Name of Officer:

Alhassan Fornah

Signed:

30423

**Annex K**









30427



SPECIAL COURT FOR SIERRA LEONE  
SCSLP0757

Wednesday, June 13, 2007

SPECIAL COURT FOR SIERRA LEONE  
WITNESS PERSONAL PROFILE WITNESS MANAGEMENT UNIT

EXTREMELY SENSITIVE

TEL-139

12

Date: Monday, November 18, 2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for communications, top up card, by A1 White.

Category:

Amount: 100.00

Receipt

SUS Dollars

Local Currency

Approved By: AWHITE

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13

Date: Wednesday, November 06,  
2002

Made By: AWHITE

Reason: Payment made to SCSLP0757 for communications by A1 White.

Category: COMMUNICATION

Amount: 100.00

Receipt

SUS Dollars

Local Currency

Approved By: AWHITE

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30428

**Annex L**

# Special Court for Sierra Leone

30429

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**  
**DEADLINE FOR APPLICATIONS**  
**POST TITLE AND LEVEL**  
**POST NUMBER**  
**DUTY STATION**  
**ORGANIZATIONAL UNIT**

SCSL- 2007- 064 (RE-CIRCULATION)  
21 NOVEMBER 2007  
CHIEF, WITNESS MANAGEMENT UNIT, P-4  
SCSL-OTPI/1000.4/03-P4-001  
SIERRA LEONE (FREETOWN)  
OFFICE OF THE PROSECUTOR  
SPECIAL COURT FOR SIERRA LEONE

**ANNUAL NET SALARY**  
**PLUS DAILY LIVING ALLOWANCE IN SIERRA LEONE**  
**PLUS ANNUAL RECRUITMENT ALLOWANCE**

US\$ 61,834.00  
US\$ 115.00 from date of arrival in Sierra Leone  
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 [sctl-personnel@un.org](mailto:sctl-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: [sctl-personnel@un.org](mailto:sctl-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

**Annex M**



30431

SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR

128 JOMO KENYATTA ROAD • NEW ENGLAND • FREETOWN • SIERRA LEONE  
PHONE: +1 212 963 9915 Extension: 178 7100 or +39 0831 257100  
FAX: EXTENSION 178 7366 OR +39 0831 257366 OR +232 22 297366

---

Public with Confidential Annexes.

*By hand*

Mr. Courtenay Griffiths  
c/o Defence Office  
The Special Court for Sierra Leone  
The Haag

13 September 2010

Dear Mr. Griffiths,

***Prosecutor v Charles TAYLOR, SCSL-03-01-T – DCT-097***

In compliance with oral order delivered by the Trial Chamber on 7 September 2010, the Prosecution provides the attached information in Public Annexes A and Confidential Annex B and C. The disclosed material is provided to you in hard copy only.

Should you withdraw from representation of the Accused in the Taylor Case prior to the conclusion of proceedings, please remit all materials disclosed to you to the Office of the Principal Defender. We also request that at the conclusion of proceedings in this case, all non-public material disclosed to the Defence by the Prosecution be remitted to the Registry.

Kindly inspect the contents of the disclosure package and sign and return the receipt to the Charles Taylor Prosecution team at your earliest convenience.

Yours faithfully,

**Brenda J. Hollis**  
**The Prosecutor**

**CC: Simon Meisenberg, Senior Legal Officer, Trial Chamber II**



30432

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**ANNEX 1**

**DISCLOSURE INDEX**

***PROSECUTOR v CHARLES TAYLOR CASE NO. SCSL-2003-01-T***

**RECEIPT**

The following material is hereby submitted by hand to Mr. Courtenay Griffiths, lead counsel for the Accused, at the Special Court for Sierra Leone in The Hague, Netherlands, on 13 September 2010 in hard copy only. Kindly inspect the disclosure package and make a note of any discrepancies, sign and return this receipt to the Prosecution as soon as possible.

	TFI No.	Description	ERN
1.	DCT-097	Public Annex A – Index of Payments made to DCT-097 – 23 typed pages	/
2.		Confidential Annex B – Receipts, Vouchers, MoneyGram Receipts – Tabs 6 – 29; 33, 38 – 39 – total number of 51 pages	/
3.		Confidential Annex C - 1 typed page	/

I, \_\_\_\_\_, acknowledge receipt of the items listed above.

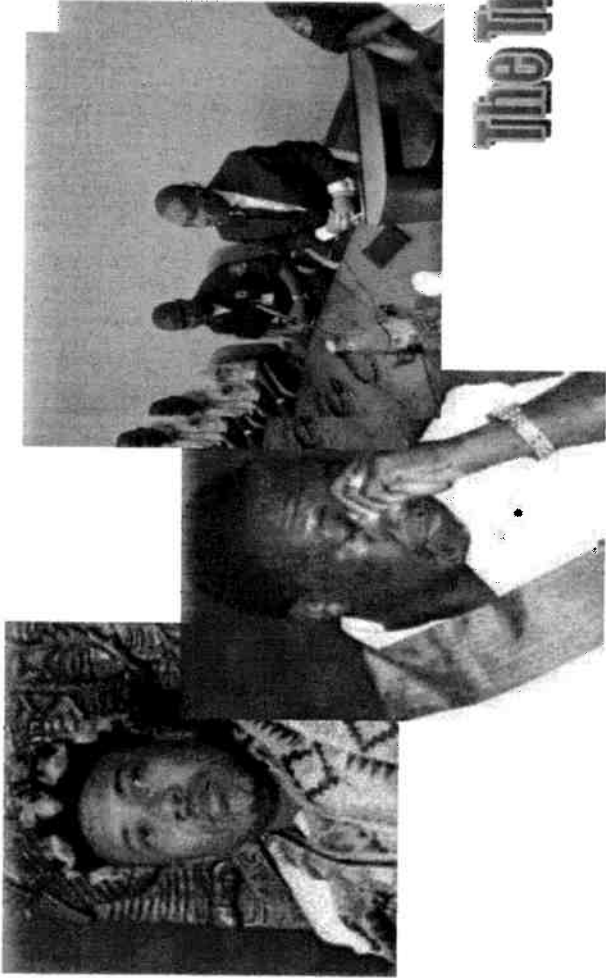
Signature \_\_\_\_\_

Date \_\_\_\_\_

**Annex N**

**Annex O**



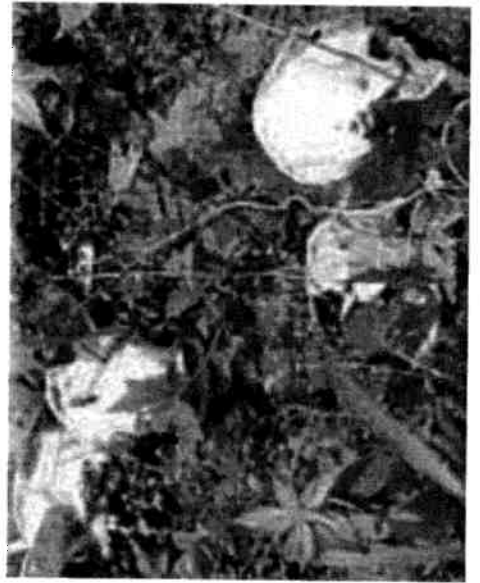


# **The Triumph of Good Over Evil.**

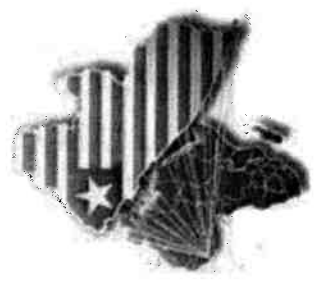
**The Investigation, Indictment, and Arrest  
of Charles Taylor**

**A Regional Approach to Justice**

*Professor David M. Crane  
Syracuse University  
College of Law*



# What we'll talk about today... What we'll talk about today...



Review the conflict.

Discuss the joint criminal enterprise.

Consider the crimes committed.

Highlight Operation Justice.

The key appellate decision: Prosecutor v. Taylor.

Focus on the Summer of 2003.

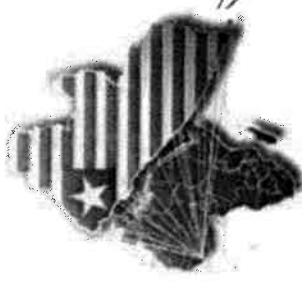
Taylor in Nigeria.

The international operation to bring him in!

Justice for West Africa.

Concluding thoughts/lessons





# IN GENERAL

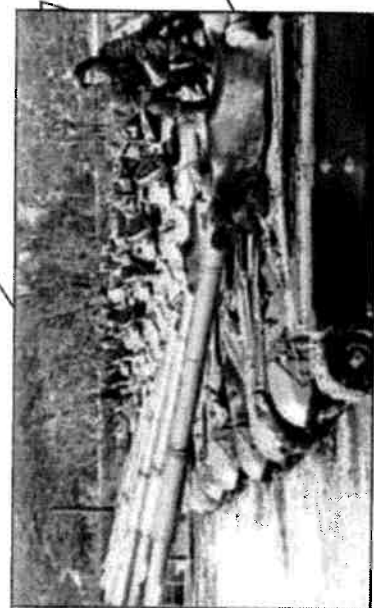


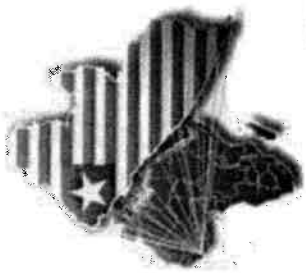
CONFLICTS ARE EVOLVING INTO UNCIVILIZED EVENTS.

THEY ARE LESS POLITICAL... MORE ECONOMIC IN ORIGIN/SCOPE.

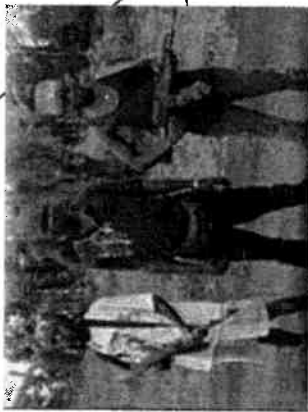
THE COMBATANTS ARE MERE PAWNS IN A DEADLY CRIMINAL ENTERPRISE.

RESPECT FOR THE LAW OF ARMED CONFLICT—DIMINISHING AS THE CRIMINAL ELEMENT INCREASES





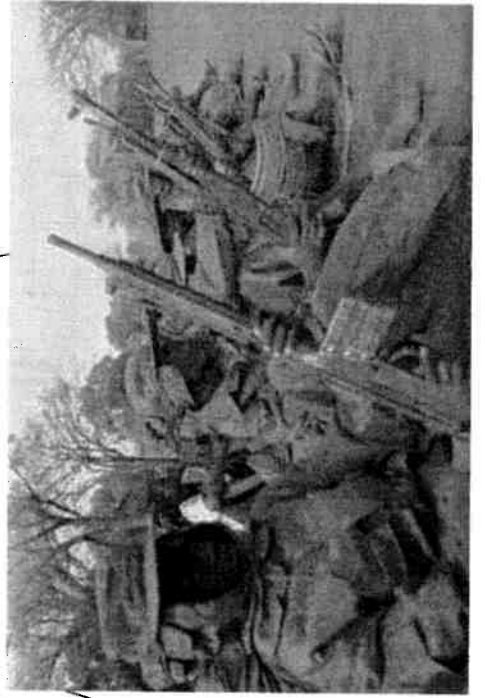
# IN GENERAL



LESS NATIONAL AND MORE REGIONAL  
IN SCOPE

COMBATANTS ARE INCREASINGLY  
CRIMINALS

THE KEY PLAYERS ARE NOT STATE  
BUT NON-STATE ACTORS





## *The Conflict in Sierra Leone*



Horrific destruction of life and property!

1.2 million murdered, raped, maimed and mutilated.

5 million internally displaced.

2 countries destroyed... Sierra Leone and Liberia.

Sustained by a joint criminal enterprise backed by three heads of state... Libya, Liberia, and Burkina Faso.

Motive was geopolitical influence and personal greed and avarice.

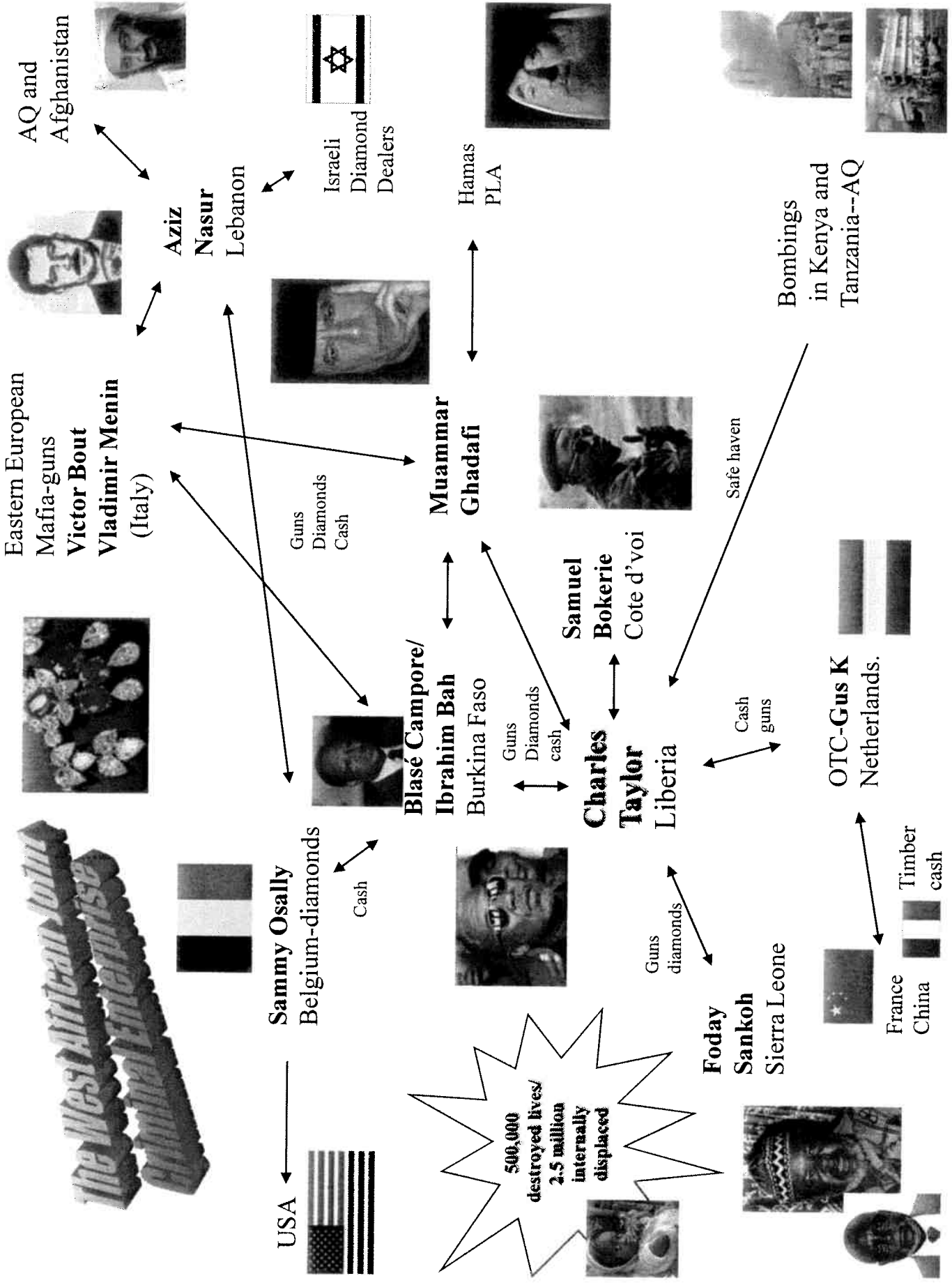
Lasted over 10 years.

The Special Court for Sierra Leone was established to seek justice for the victims.

Ultimately all those who bore the greatest responsibility were accounted for.

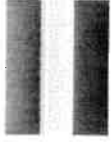
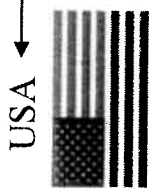


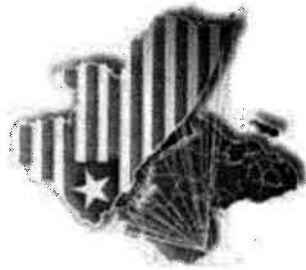
30440



500,000 destroyed lives/  
2.5 million internally displaced

The West African Jihad  
Hududal Jihadist





# The horror of the crimes committed

13 indicted...

A sitting head of state, President Charles Taylor was indictment #1.

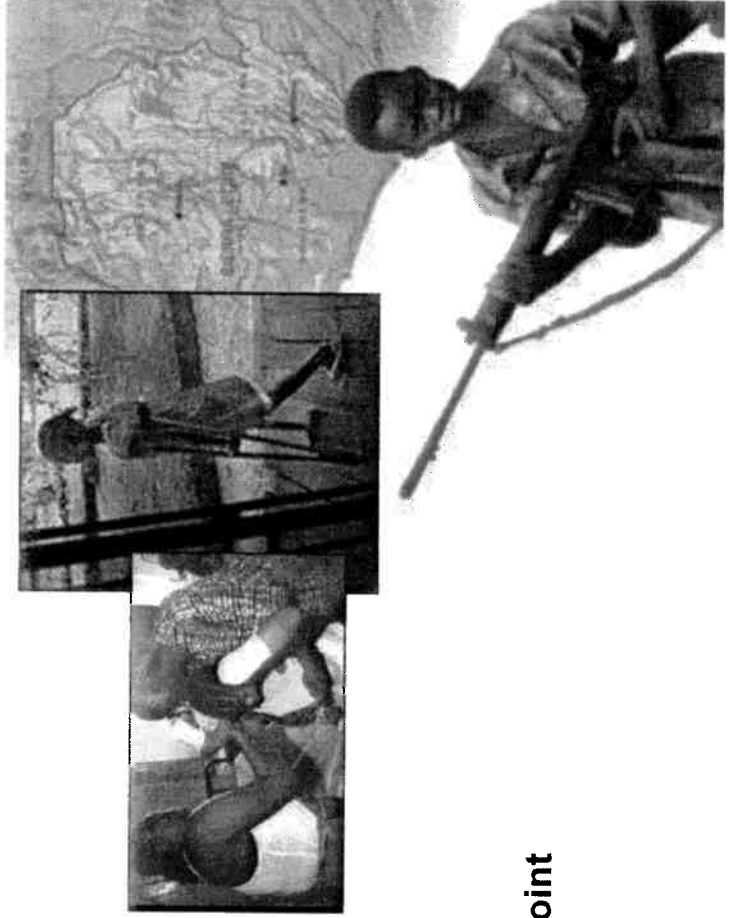
The initial indictment signed on 3 March 2003 consisted of 17 counts.

Amended to 11 counts.

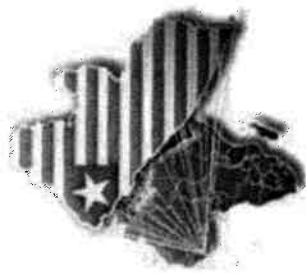
Indicted for:

- Murder
- Rape
- Pillaging
- Use of Child Soldiers
- Enslavement
- Among other crimes

**Charles Taylor was the heart of the Joint Criminal Enterprise**



30441



# Operation Justice

10 March 2003.

7 months after arrival.

Allied involvement.

Bonthe Island.

The "take down".



A new dawn for Sierra Leone!





## A Key Decision....



### ***Prosecutor v. Charles G. Taylor:***

First time ever...

Following dicta in the Congo case...

Heads of state who, for the own personal criminal gain, commit international crimes are NOT immune from those crimes.

The head of state immunity hurdle had cracked if not eroded.

A tactical error on Charles Taylor's part making an "appearance" before the appellate chamber.





# The Summer of 2003

April/May planning to focus attention on Charles Taylor...

Information operation against him.

Exposed his involvement in the Ivory Coast.

J.P. Karoma and "the Maskita" ...

The Ghana Peace Accords. "Lets publicly humiliate him!"

CT humbled before the law.

Several weeks of indecision

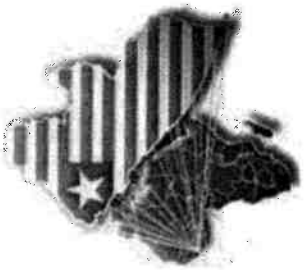
August 11, 2003: Removed!



**"I'll be back!"**

30444

# Taylor in Nigeria... Taylor in Nigeria...



Ultimately there for almost three years...lived in luxury.

Ran Liberia from Calabar!

Meddled in the elections.

Continued to influence the region.

Terrorists

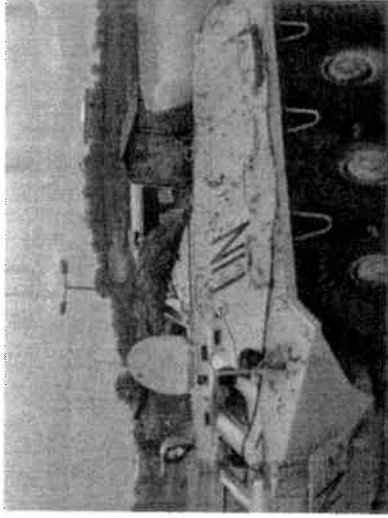
Attempted assassination

Moved assets.





# The Moose Tightens...



## The International Effort to Bring Taylor in!

Dec 2004: Red Notice issued from INTERPOL.

Feb 2005: EU passes resolution.

Spring 2005: US lobbying.

April/May 2005: At the UN: UNSC "seized" of the Taylor issue.

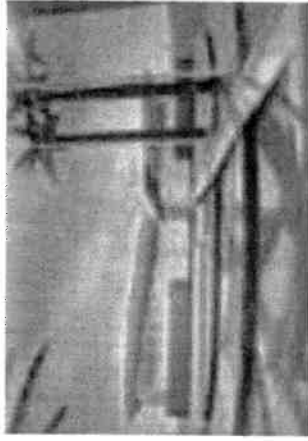
US Congress: Resolution 127: Immediate handover.



30446



# Justice for West Africa



President Johnson-Sirleff visit to US...

“There must be justice.”

Nigeria...” you want him... come get him.”

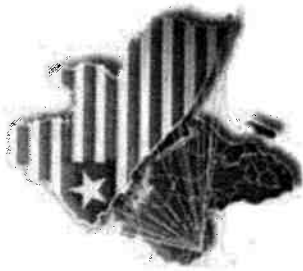
The attempted “escape” ...

“The President will not see you tomorrow.”

The arrest and handover to the SCSL.

Arraignment and movement to the Hague.





# Concluding thoughts and perspectives...

## Concluding thoughts and perspectives...



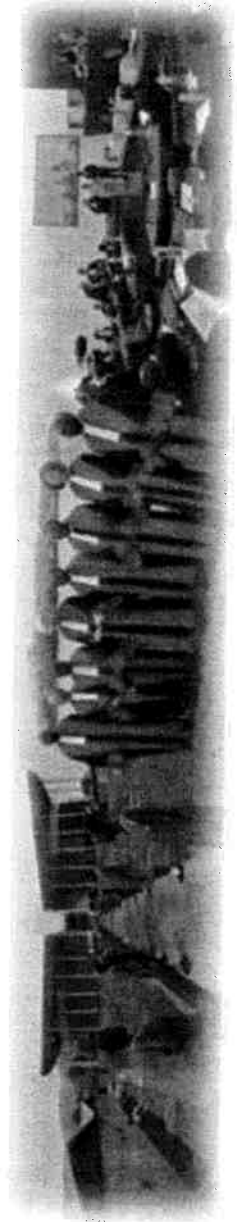
No one is above the law.

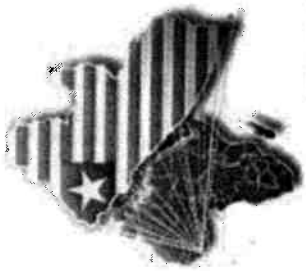
The rule of law is more powerful than the rule of the gun.

Politics is the bright red thread in international criminal justice.

The beast of impunity must be faced down wherever it rears its ugly head.

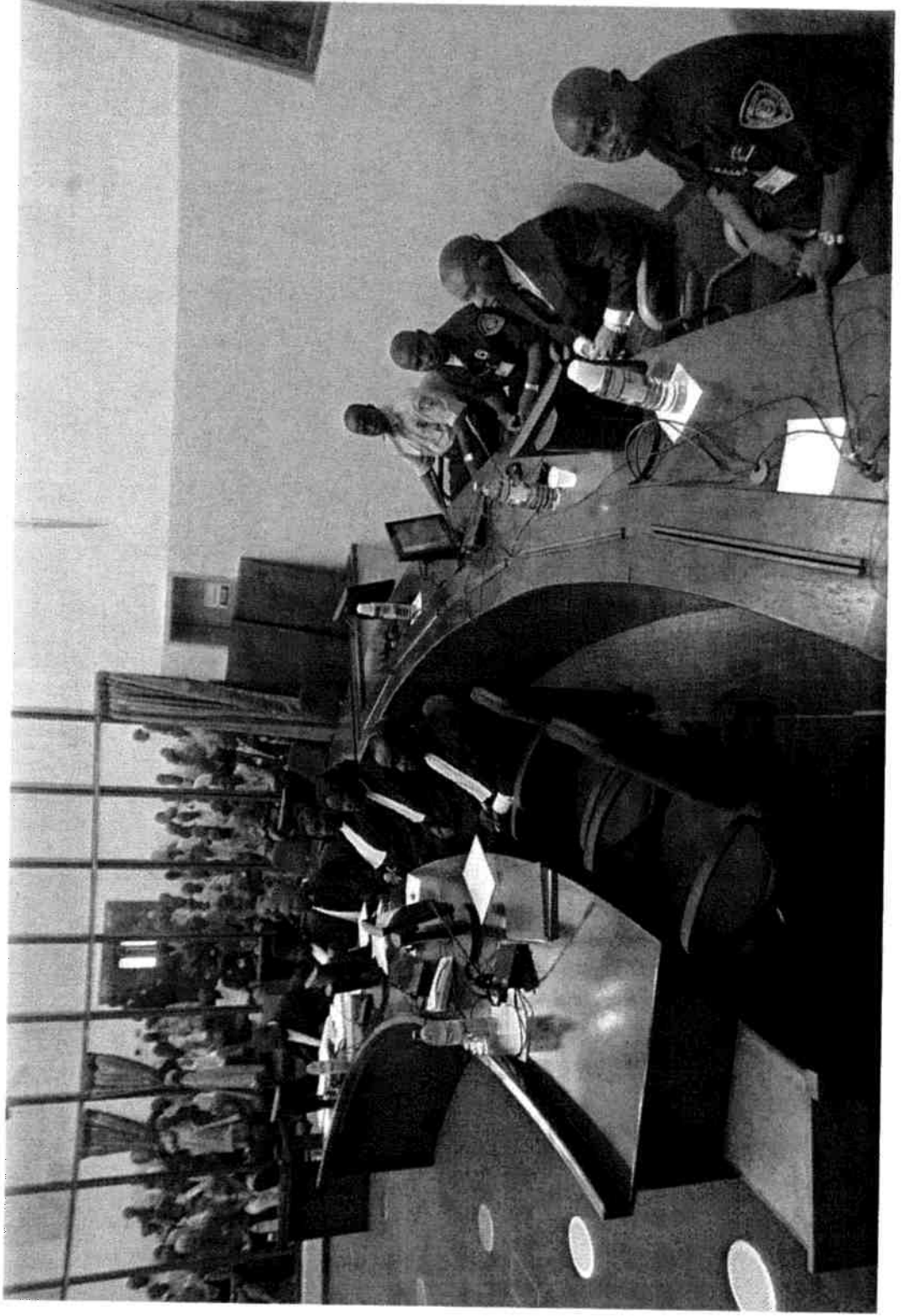
Indifference.





Thank you for your attention...

I look forward to your questions/comments and a dialog!



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