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SCSL-03-01-T
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SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE
PHONE: +39 0831 257000 or +232 22 297000 or +39 083125 (+Ext)
UN Intermission 178 7000 or 178 (+Ext)
FAX: +232 22 297001 or UN Intermission: 178 7001

Trial Chamber II

Case No. SCSL-03-01-T

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

Registrar: Mr. Herman von Hebel

Case No.: SCSL-03-1-T

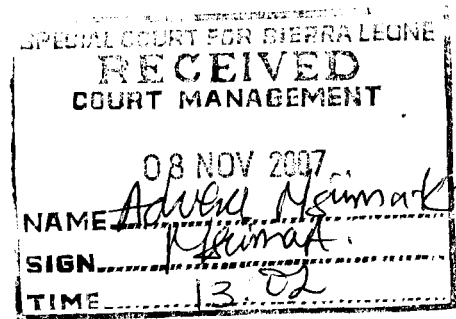
Date Filed: 8 November 2007

The Prosecutor

-v-

CHARLES GHANKAY TAYLOR

Case No:SCSL-2003-01-T



**SUBMISSION BY THE REGISTRAR PURSUANT TO RULE 33(B) OF THE
RULES OF PROCEDURE AND EVIDENCE REGARDING THE DECISION ON
PROSECUTION MOTION TO ALLOW WITNESSES TO GIVE TESTIMONY
BY VIDEO-LINK OF TRIAL CHAMBER II DATED 30 MARCH 2007**

Office of the Prosecutor:
Brenda J. Hollis

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

Office of the Registrar:
Herman von Hebel

I. INTRODUCTION

1. In its “Decision on Prosecution Motion to Allow Witnesses to Give Testimony by Video-Link” dated 30 March 2007 (hereafter, the “Decision”), Trial Chamber II dismissed the Prosecution’s Motion seeking video-link technology prior to the commencement of the Charles Taylor Trial.¹
2. The Registrar made a submission pursuant to Rule 33(B) of the Rules of Procedure and Evidence on 22 February 2007 on the state of affairs regarding the video-link technology as it existed at the time of that submission.²
3. In its Decision, the Trial Chamber noted:

Regarding the timing of this Motion, we can only express surprise that neither the Prosecution nor the Registrar has explored the possibility of installing video link facilities until now, even though the option of video-link testimony was in the circumstances, a reasonably foreseeable consequence of the transfer of proceedings from the Seat of the Court to The Hague. Despite the fact that both the Accused and the trial proceedings were officially transferred to The Hague a year ago, the Prosecution has waited until two months before the trial is set to commence to make this application. Given that no video-link facilities presently exist, it is premature to issue any practice directions on procedures of the kind sought by the Prosecution.³

4. The Registrar is aware that the Trial Chamber recently scheduled a status conference for 13 November 2007 at 11:00 a.m., and ordered that the Parties may submit proposed agenda items by the close of business on 9 November 2007.⁴
5. Similarly, the Registrar is aware that the Special Court for Sierra Leone will observe a judicial recess from 17 December 2007 until 4 January 2008.⁵
6. Accordingly, the Registrar makes the present submission in the hopes that it will help the Trial Chamber to prepare for both the status conference on 13 November 2007 and the beginning of a new judicial term on 7 January 2008.

¹ See *Prosecutor v. Taylor*, SCSL-01-217, Decision at p. 11.

² See *Prosecutor v. Taylor*, Registrar’s Submission Pursuant to Rule 33(B) Relating to Issues Pertaining to the Prosecution Motion to Allow Witnesses to Give Testimony by Video-Link Filed on 9 February 2007, SCSL-01-191, 22 February 2007.

³ Decision at para. 2.

⁴ See *Prosecutor v. Taylor*, “Scheduling Order for Status Conference on 13 November 2007,” SCSL-01-350, 31 October 2007, at p. 2.

⁵ See *Prosecutor v. Taylor*, “Order Scheduling Judicial Recess,” SCSL-01-349, 17 October 2007.

II. SUBMISSIONS

a. Applicable Law

7. The Registrar makes the present submission pursuant to Rule 33(B) of the Rules of Procedure and Evidence.
8. The Registrar also takes note of Rules 75 and 85(D) of the Rules of Procedure and Evidence of the Special Court for Sierra Leone.

b. Analysis

9. In the event that the Parties will present any issues relating to existing video-link technology at the status conference, the Office of the Registrar and the Department of Information Technology at the Special Court for Sierra Leone jointly have evaluated the possibility of video teleconferencing (“VTC”) as it may relate to the proceedings in The Hague.
10. On 11 September 2007, the Chief of IT submitted a Memorandum to the Office of the Registrar on the subject of “VTC and its possible utilization within the Charles Taylor trials” (hereafter, the “IT Memorandum”).
11. Thereafter, the Office of the Registrar and the Department of Information Technology communicated further on the issue of VTC capacity of the Special Court for Sierra Leone regarding the Charles Taylor proceedings in The Hague.
12. Several criteria need to be taken into account with regards to this issue:
 - (1) Whether a witness who will be employing VTC will be located in The Hague (at the International Criminal Court) or in Freetown (at the Special Court for Sierra Leone);
 - (2) Whether a witness who will be employing VTC will be testifying in English (which does not require translation) or in a non-English language (which will require translation);
 - (3) Whether the translators who will be translating for a witness who will be testifying in any non-English language and will be employing VTC will be located in The Hague (at the International Criminal Court) or in Freetown (at the Special Court for Sierra Leone); and

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(4) Whether a witness who will be employing VTC will be testifying in open sessions (Rule 78 of the Rules of Procedure and Evidence) or closed sessions (Rule 79 of the Rules of Procedure and Evidence).

13. According to the Department of Information Technology, any translation required during closed sessions of the proceedings requires the use of encryption devices.

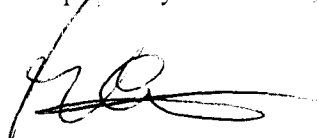
III. CONCLUSION

14. The findings of the study by the Office of the Registrar and the Department of Information Technology are that (i) remote witness testimony by VTC is possible, and (ii) remote witness translation by VTC is not possible because the Department of Information Technology has been unable to find a safe method to encrypt the translations in the event that proceedings take place during closed sessions. In other words, VTC is only possible under the following two scenarios:

- (1) The witness testifies from Freetown (SCSL) in English. (No translation is required.)
- (2) The witness testifies from Freetown (SCSL) in a non-English language and the two translators are located in The Hague (ICC).

Respectfully submitted,

Done on this 8 of November 2007 at Freetown.



Herman von Hebel,
Registrar

LIST OF AUTHORITIES

1. *Prosecution v. Taylor*, “Decision on Prosecution Motion to Allow Witnesses to Give Testimony by Video-Link,” SCSL-01-217, 30 March 2007.
2. *Prosecutor v. Taylor*, “Registrar’s Submission Pursuant to Rule 33(B) Relating to Issues Pertaining to the Prosecution Motion to Allow Witnesses to Give Testimony by Video-Link Filed on 9 February 2007,” SCSL-01-191, 22 February 2007.
3. *Prosecutor v. Taylor*, “Scheduling Order for Status Conference on 13 November 2007,” SCSL-01-350, 31 October 2007.
4. *Prosecutor v. Taylor*, “Order Scheduling Judicial Recess,” SCSL-01-349, 17 October 2007.
5. Rules 33(B), 75, 78, 79, and 85(D) of the Rules of Procedure and Evidence.