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SCSL-03-01-7
(21933 - 21935)

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THE SPECIAL COURT FOR SIERRA LEONE

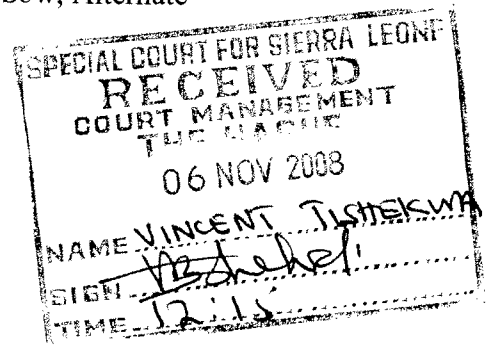
In Trial Chamber II

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

Registrar: Mr. Herman von Hebel

Date: 6 November 2008

Case No.: SCSL-2003-01-T



THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC

DEFENCE RESPONSE TO PROSECUTION MOTION TO ALLOW WITNESS TF1-303 TO
GIVE TESTIMONY BY VIDEO-LINK

Office of the Prosecutor

Ms. Brenda J. Hollis
Ms. Leigh Lawrie

Counsel for Charles G. Taylor

Mr. Courtenay Griffiths Q.C.
Mr. Terry Munyard
Mr. Andrew Cayley
Mr. Morris Anyah

1. The Defence files this Response to the Prosecution's Motion to Allow Witness TF1-303 to give Testimony by Video-Link, which was filed on 28 October 2008 ("the Application").¹
2. The Defence does not oppose the Prosecution's request for this particular witness to testify by video-link.²
3. Regarding the Prosecution's application for the rescission of protective measures applying to the witness, the Defence does not object to the witness testifying openly. The Defence, however, reiterates its position concerning the applicability of the RUF decision of 5 July 2004 ("RUF Decision")³ to witnesses other than those specified in categories A, B and C of the said decision; a matter that is *sub judice*.⁴

Respectfully Submitted,



SIYAS CHERKERA

for Courtenay Griffiths Q.C.

Lead Counsel for Charles G. Taylor

Dated this 6th Day of November 2008

The Hague, The Netherlands.

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-648, "Prosecution Motion to Allow Witness TF1-303 to Give Testimony by Video-Link", 28 October 2008

² TF1-303 is a witness that will testify from Freetown (SCSL) in a non-English language and the two translators are in The Hague (ICC). See para 14 of the *Prosecutor v. Taylor*, SCSL-03-01-T-358, "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, 8 November 2007

³ *Prosecutor v. Sesay et al.*, SCSL-05-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004

⁴ The RUF Decision is the main issue in the ongoing Appeal before this Court, See : *Prosecutor v. Taylor*, SCSL-01-03-651, "Prosecution's Notice of Appeal and Submission Regarding the Decision Concerning Protective Measures for Witness TF1-062", 30 October 2008.

Table of Authorities

Special Court for Sierra Leone

Prosecutor v. Taylor, SCSL-03-01-T-358, “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, 8 November 2007

Prosecutor v. Taylor, SCSL-03-01-T-648, Prosecution Motion to Allow Witness TF1-303 to Give Testimony by Video-Link, 28 October 2008

Prosecutor v. Taylor, SCSL-01-03-651, “Prosecution’s Notice of Appeal and Submission Regarding the Decision Concerning Protective Measures for Witness TF1-062”, 30 October 2008

Prosecutor v. Sesay et al., SCSL-05-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004