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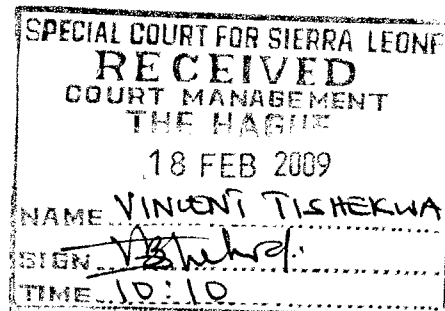
**SPECIAL COURT FOR SIERRA LEONE**  
OFFICE OF THE PROSECUTOR  
Freetown – Sierra Leone

**TRIAL CHAMBER II**

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

Registrar: Mr. Herman von Hebel

Date filed: 18 February 2009



**THE PROSECUTOR**

**Against**

**Charles Ghankay Taylor**

Case No. SCSL-03-01-T

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**PUBLIC**

**REPLY TO RESPONSE TO PROSECUTION MOTION FOR ADMISSION OF DOCUMENT  
PURSUANT TO RULES 89(C) AND 92bis**

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Office of the Prosecutor:  
Ms. Brenda J. Hollis  
Ms. Ula Nathai-Lutchman

Counsel for the Accused:  
Mr. Courtenay Griffiths Q.C.  
Mr. Andrew Cayley  
Mr. Terry Munyard  
Mr. Morris Anyah

## I. INTRODUCTION

1. The Prosecution files this reply to the “Public Defence Response to Prosecution Motion for Admission of Documents Pursuant to Rules 89(C) and 92bis”.<sup>1</sup>

## II. SUBMISSIONS

2. The Response is without merit and should be dismissed. To place form over substance as the Response suggests should be done would force the Trial Chamber to disregard the Defence argument at paragraph 3 because the Defence do not cite or incorrectly cite the paragraph in the Appeals Chamber decision from which the quoted language is taken. The Defence either do not cite the paragraph at all or incorrectly cite the quoted language as coming from paragraph 33 of the Decision, when in fact the quoted language is taken from paragraph 30 of the Decision.<sup>2</sup> However, there is a substantive basis for dismissing the argument in paragraph 3 which asserts that both rules are complementary but internally inconsistent. First, the Appeals Chamber does not find that the Rules are internally inconsistent. Second, both rules consistently require the offered evidence to be relevant. By contrast, the Response is devoid of any substantive argument precluding admission of the document.
3. The Motion addresses all the requirements of Rule 92bis. As noted above, Rule 92bis and Rule 89(C) have one common requirement, that the evidence be relevant, which relevance was addressed in the Motion. However, considering the two rules in conjunction, the additional requirements of Rule 92bis were also discussed in the Motion, i.e., that the evidence is susceptible of confirmation in due course, and that the evidence does not go to acts and conduct of the Accused.

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<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-731, “Defence Response to Prosecution Motion for Admission of Document Pursuant to Rules 89(C) and 92bis”, 17 February 2009 (“**Response**”).

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-721, “Decision on “Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents””, 6 February 2009, para. 30 (“**Decision**”).

4. To the extent the mention of Rule 89(C) is extraneous or irrelevant to the issue of the admissibility of the document in question, such mention can simply be ignored by the Trial Chamber. The discussion of Rule 92*bis* requirements remains.

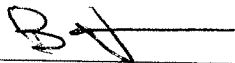
### III. CONCLUSION

5. The Defence Response should be dismissed. As discussed in the Motion, the document in question meets the requirements of Rule 92*bis* and should be admitted into evidence.

Filed in The Hague,

18 February 2009,

For the Prosecution,



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Brenda J. Hollis  
Principal Trial Attorney

**LIST OF AUTHORITIES****SCSL Cases****Prosecutor v. Taylor – Case No. SCSL-03-01**

1. *Prosecutor v. Taylor, SCSL-03-01-T-731*, “Defence Response to Prosecution Motion for Admission of Document Pursuant to Rules 89(C) and 92bis”, 17 February 2009
2. *Prosecutor v. Taylor, SCSL-03-01-T-721*, “Decision on “Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents””, 6 February 2009