

1397

SCSL-03-01-ES
(11505-11542)

11505



RESIDUAL SPECIAL COURT FOR SIERRA LEONE

Before: Justice Philip N. Waki, President

Acting Registrar: Ms. Binta Mansaray

Date Filed: 10 July 2014

In the matter of

CHARLES GHANKAY TAYLOR

Case No. SCSL-03-01-ES

**PROSECUTOR'S APPLICATION FOR LEAVE TO FILE "PROSECUTOR'S
(SUBMISSIONS IN) RESPONSE TO PRISONER TAYLOR'S MOTION
FOR TERMINATION OF ENFORCEMENT OF SENTENCE
IN THE UNITED KINGDOM AND FOR TRANSFER TO RWANDA"**

The Prosecutor:
Ms. Brenda J. Hollis

Counsel for Charles Ghankay Taylor:
Mr. Christopher Gosnell
Mr. John Jones

Residual Defence Representative:
Ms. Claire Carlton-Hanciles

RESIDUAL SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT THE HAGUE	
10 JUL 2014	
NAME	Frances Ngaboh-Smart
SIGN	
TIME	13:00 Pm

Preliminary motion for leave

1. The Prosecutor files this motion pursuant to Article 54(B) of the Rules of Procedure and Evidence to seek the leave of the President to file submissions in response to Prisoner Taylor's "Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda"¹ (Motion for Leave). The Prosecutor received Prisoner Taylor's Motion on 16 June 2014. Confidential annexes which support the core arguments raised in the motion were only received on 27 June 2014.
2. The Prosecutor was unable to come to a determinate decision about responding to the motion before receipt of all the material annexed to it and copies of the authorities cited. In this vein, the Prosecutor submits that the time for filing this request for leave to file a response did not begin to run until all materials and authorities had been received. Should the President determine otherwise and view this filing as untimely, the Prosecutor requests the President to allow this out of time Motion for Leave and attached Submissions.
3. Should this application for leave be granted, the Prosecutor has attached hereto her submissions in response to Prisoner Taylor's Motion, to avoid the delay of a further filing.
4. The Prosecutor appreciates that decisions regarding the location for SCSL convicted prisoners to serve their sentence is administrative and falls exclusively within the purview of the President's functions.² The Prosecutor requests that the President exercise his discretion in favour of granting the Prosecutor's request. There is no RSCSL Statutory provision or Rule of Procedure and Evidence prohibiting such submissions, should the President determine the perspective of the Prosecutor on this matter would be of assistance to him. The Prosecutor notes in that regard that this Motion, to the Prosecutor's understanding the second request by the Prisoner that he

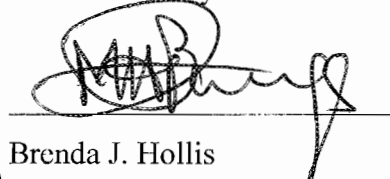
¹ *In the Matter of Charles Ghankay Taylor*, SCSL-03-01-ES, Public with Public and Confidential Annexes, Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda, 24 June 2014 (Motion).

² RSCSL Rules of Procedure and Evidence, R. 103 (B).

serve his imprisonment in Rwanda, is prepared by, filed by and arguably contains the perspectives of two counsel acting *pro bono* on Prisoner Taylor's behalf.

5. Furthermore, the Prosecutor submits that the Prosecutor, as an independent organ of the Court and party to the proceedings against Prisoner Taylor, including the sentencing proceedings, has an interest in the issue raised in Prisoner Taylor's Motion. The Prosecutor suggests that she has an interest in the decision regarding place of enforcement of sentence insofar as said location may reduce or increase the opportunities for Prisoner Taylor to instigate disorder and criminal conduct, undermine the political stability, public safety and the rights and freedom of others in Liberia and the region, as well as reduce or increase his opportunities to undermine his conditions of imprisonment and/or to engineer an escape from confinement.
6. Additionally, the Prosecutor has an interest in this matter as it is a matter of fundamental concern to witnesses and victims in that the location of Prisoner Taylor's imprisonment increases or decreases the threat he can pose to the security and sense of security of witnesses and victims. Coincidentally, it also increases or decreases the threat he can pose to the security and sense of security of former SCSL personnel and high level current and former State officials.
7. For all these reasons the Prosecutor respectfully requests that the President grant this Request for Leave and accept the Prosecutor's submissions regarding disposition of Prisoner Taylor's Motion.

Filed on 10 July 2014



PP. Brenda J. Hollis

The Prosecutor RSCSL



RESIDUAL SPECIAL COURT FOR SIERRA LEONE

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Acting Registrar: Ms. Binta Mansaray

Date Filed: 10 July 2014

In the matter of

CHARLES GHANKAY TAYLOR

Case No. SCSL-03-01-ES

PUBLIC with public and confidential annexes

**PROSECUTOR'S (SUBMISSIONS IN) RESPONSE TO PRISONER TAYLOR'S
MOTION
FOR TERMINATION OF ENFORCEMENT OF SENTENCE
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I. Introduction

1. Prisoner Taylor's Motion should be denied as it is without factual or legal basis. The arguments set forth in the Motion are without merit; nor do the references cited by Prisoner Taylor support his request for relief. There has been no denial of any right of the Prisoner which would occasion the relief requested. In addition, the requested relief gives rise to a serious concern that the requested transfer would increase the possibilities available to Prisoner Taylor to undermine peace, security and public order in Liberia and the West African sub-region, instigate disorder and criminal conduct in that country and the sub-region, threaten the security and sense of security of witnesses who testified against Prisoner Taylor, SCSL court officials and certain former and current high level State officials, undermine the proper conditions of his imprisonment and/or engineer an escape from prison. All these concerns militate against granting that relief. Finally, the Motion should be denied as either a repetition of earlier arguments or a willful piecemeal approach to the issue, without explanation of what new material justifies allowing a second application.

II. The Motion Lacks Factual or Legal Basis.

Visitation

2. The prison authorities have not denied Prisoner Taylor the right to family visits, as was the situation in the cases referenced in Annexes T, U and V and as noted in paragraph 836 of Annex S of the Motion, rather it has been willful failures on the part of those seeking visitation which have resulted in lack of visitation.¹
3. Unlike the situation in the case referred to in Annex S or the language in Annex W of the Motion, the location of Prisoner Taylor's confinement cannot be said to be difficult to travel to, nor can travel there be said to be exhausting and demanding,² nor can it be said that the location makes visitation impossible.³ Rather, in this instance Prisoner Taylor seems to ignore the easy airline connection from Monrovia to London *via* British Airways, and perhaps *via* other airlines as well. In contrast, Prisoner Taylor has not shown travel from Monrovia to Rwanda to be easier than that

¹ See Motion Confidential Annex II; See also, Annex JJ, Registrar's Update (to President Waki) on issues pertaining to SCSL Prisoner Charles Taylor, 24 March 2012.

² Annex S, para 829

³ Annex W, p. 5, para 6 (CMS 11374)

to London. Indeed, the Prosecution suggests that travel from Liberia to Rwanda would be of longer duration and more difficult than travel to the United Kingdom.⁴

4. Nor has Prisoner Taylor shown that the cost of accommodation would be prohibitive in the United Kingdom as opposed to Rwanda.⁵ Indeed, there is no showing that Prisoner Taylor's wife would be staying in commercial accommodation or any other accommodation that requires payment, or, if this is so, that she would be unable to pay. In relation to the significance of cost of accommodation, it is the understanding of the Prosecutor that during his detention in The Netherlands Prisoner Taylor was visited often by many family members who remained in The Hague for extended periods of time, and that the funds for those visits did not come from the SCSL, but from the Prisoner or his supporters or associates.⁶ There is no showing that such arrangements are not possible in the United Kingdom.
5. Prisoner Taylor's argument that imprisonment in the United Kingdom violates the right to family life should also be rejected because, even where, unlike this case, there is detention in a prison at a distance that renders any visit very difficult if not impossible, there is no *per se* actionable interference with family life. Rather, such detention **may in exceptional circumstances** only, constitute interference with family life.⁷
6. And, of course, in considering whether there is actionable interference, two questions must be answered, the first having to do with whether there was interference with family life.⁸ Should such interference be found, which the Prosecutor suggests is not the case here, there must then be a determination of whether the interference was justified, i.e. "in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."⁹ There has been no showing that

⁴ Prosecutor's **Annex II** - Travel itinerary and fare quote, Monrovia – Kigali *via* Kenya Airways; See also, Prosecutor's **Annex III** - Travel itinerary and fare quote, Monrovia – London *via* British Airways

⁵ See Prosecutor's Confidential Annex II (Confidential Annex KK to the Motion)

⁶ The Registry may be able to shed light on this as it is a matter that falls within its remit.

⁷ Annex W, p.5, para 6 (CMS 11374)

⁸ Annex S, B. The Court's Assessment, 1 and 2, pp. 11326 – 11327.

⁹ Annex S to the Motion, para 839

the alleged interference was not justified, especially here where the lack of visitation was occasioned by willful failures on the part of those applying for access, and any increased segregation of the Prisoner was justified as discussed in the Prosecutor's Confidential Annex to these submissions.¹⁰

7. Furthermore, as discussed below, enforcement of sentence in the United Kingdom is more consistent with the above stated legitimate "interests of national security, public safety or economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" than would be enforcement of sentence in Rwanda.
8. Although the case referenced at Annex W to the Motion is distinguishable, it is of some assistance to consider that in that case, the Court found that there was no obligation on the State authorities to ensure that applicants can visit prisoners in prison. The Court also found that the State authorities had enabled applicants to visit the prisoner regularly and to communicate with him in writing and by telephone.¹¹ Here, there is no showing written communications have been prohibited and, as noted above, it is not the United Kingdom authorities who are at fault for the lack of visitation.
9. It is significant to point out the rather disingenuous way Prisoner Taylor has sought to portray the SCSL and the United Kingdom as architects of the alleged violation of his visitation rights. Notwithstanding the clear and unambiguous language in the Registrar's update to the President,¹² intimating steps taken to assist Prisoner Taylor's wife and her apparent lack of interest to avail herself of the chance of renewing her visa application, Prisoner Taylor blatantly disregards these facts and argues vehemently throughout his Motion that there has been a violation precipitated by the court's decision to send him to serve his sentence in the United Kingdom, and the only remedy is his transfer to Rwanda. Rather than acknowledge the refusal to take advantage of available remedies, he remains dogged in his quest for a transfer to Rwanda as the only solution. In regard to this dogged refusal to accept reality when

¹⁰ Prosecutor's Confidential Annex I – Prosecutor's Confidential submissions; See also, Confidential Annex KK to the Motion

¹¹ Annex W to the Motion, p. 6, para 1(CMS 11375)

¹² Annex JJ to the Motion

arguing for the relief he requests, it is helpful to recall the Trial Chamber's characterization of Prisoner Taylor as a "two headed Janus",¹³ a man who says one thing publicly while scheming privately to bring about actions that advance his personal unlawful or inappropriate interests.

Solitary confinement

10. Prisoner Taylor's arguments and references regarding solitary confinement do not support his request for relief. His reliance on the decisions set out in Annexes H and I of the Motion, regarding ICTR decisions on referral of cases to Rwanda, is misplaced. Those decisions center around the concern that referral to Rwanda for trial would or could result in life sentences in isolation, "an exceptional measure which, if applied, must be both necessary and proportionate and incorporate certain minimum safeguards."¹⁴
11. Prisoner Taylor's sentence is not life imprisonment in isolation as he claims. His wide and sweeping allegations that his segregation in the hospital wing will be "indefinite", "for as long as his is detained at HMP Frankland", in effect, the duration of his "natural life" are simply alarmist, intended to buy him undeserved sympathy, against the backdrop of the ICTY's *Radislav Kristic's* incident from which he seeks to draw a comparison. Notably, Prisoner Taylor provides no facts to support these conclusions, and he signally fails or refuses to avert his mind to the more logical common sense possibility that this would be only a temporary measure by HMP Frankland authorities to address his unique circumstance "as a notorious and vilified figure".¹⁵
12. Similarly, the Prisoner places unfounded reliance on Annex O to the Motion, OHCHR CCPR General Comment No 21: Art 10 (Humane Treatment of Persons Deprived of their Liberty). For example, paragraph 10 of that document imposes no prohibitions on solitary confinement. It merely requests that information be provided on how prisoners are treated during detention, including solitary confinement and high security detention, and about the conditions under which contacts are ensured with the outside world including family. In that regard, it does not require personal visits.

¹³ *Prosecutor v Taylor*, SCSL-03-01-T, Sentencing Judgment, 30 May 2012, para 58.

¹⁴ Annex H, paras 9, 11; Annex I paras 7, 13, 15-16; Annex J paras

¹⁵ Motion para. 52

Also, the case referred to in Annex MM of the Motion offers no support. At paragraph 145 of that case, the Court indicates that solitary confinement cannot be imposed on a prisoner indefinitely. Prisoner Taylor has made no showing of imposition of solitary confinement on him, if indeed his conditions can be characterized as solitary confinement at all rather than the imposition of measures that have heightened his security, or that the imposed measures are intended to be indefinite.

13. Nor does Prisoner Taylor draw support from Annex P to his Motion. This UN General Assembly Resolution affirmed the Basic Principles for the Treatment of Prisoners which it annexed to its Resolution. Paragraph 7 of those Basic Principles is helpful to disposition of the issue herein. That paragraph sets out no absolute prohibition on solitary confinement but rather indicates that efforts should be undertaken and encouraged which address abolition of solitary confinement **as a punishment** or restriction of its use. Prisoner Taylor has made no showing that he has been placed in solitary confinement as a punishment or that it has been used in a non-restrictive way, if indeed, as noted above, the conditions imposed for his safety can be said to be solitary confinement.

Transfer of prisoners

14. The argument that Prisoner Taylor is the first and only person sent by an international court to serve their sentence, against their will, outside their continent of origin should be given little merit. First and fundamentally, as recalled in the case referenced in Annex W to the Motion,¹⁶ detained persons are not guaranteed the right to choose their place of detention, even with the inevitable consequences of detention being separation and distance from family. Second, the Prosecutor suggests that the language “outside their continent of origin” was selected with care, as it is the understanding of the Prosecution that SCSL prisoners sent to serve their imprisonment in Rwanda vehemently opposed that transfer and thereafter raised many of the same arguments that Prisoner Taylor raises herein.¹⁷

¹⁶ Annex w, p.5, para. 6 (CMS 11374)

¹⁷ *The Prosecutor v Sesay, Kallon and Gbao*, SCSL-04-15-ES-1328, PUBLIC, Urgent Application to the President of the court under Rule 19(C) for Judicial Review of the Decision of the Acting Registrar in Relation to the Enforcement of Sentence and to temporarily stay the transfer of detainees to a designated enforcement state, 30 October 2009; See also, Prosecutor’s **Annex IV** - Exclusive Newspaper, Sierra Leone, Monday 24 October 2011, “Issa Sesay, Others In Danger”, annexed to “Registrar’s Portfolio and Submissions in respect of Moinina Fofana’s Application for Conditional Early Release”, 5 June 2014, in **ANNEX SEVEN, Part III**.; See

15. The Annexes to the Motion which deal with immigration issues, with expulsion, are of no assistance to this adjudged Prisoner.¹⁸ The immigration cases are distinguishable on their facts and different balancing is required for immigration cases than for cases involving transfer of adjudged prisoners. The case referenced in Annex Y does not support Prisoner Taylor's application; it deals with extradition, not with transfer of an adjudged prisoner.
16. Prisoner Taylor's reliance on Annexes CC, DD, EE¹⁹ to the Motion does not support the relief he requests, as these Annexes focus on the transfer of an adjudged prisoner to the country of which he is a citizen or the country with which he has close social and family ties. It is interesting to note that at page 12, Annex CC, the Handbook states that States Parties to the Inter-American Convention may - **not must** - consider family, social or other ties the sentenced person may have in the sentencing State and the receiving State. In addition, the concerns raised in Annex CC that the "consequences to the family of imprisonment are likely to be exacerbated by imprisonment of a family member abroad"²⁰ are not resolved by transfer to Rwanda, as it is not the home country of Prisoner Taylor's family. Prisoner Taylor has not made any showing that he is a citizen of Rwanda nor has there been any showing of close social or family ties with Rwanda. One must wonder if transfer to Rwanda would not simply be a stepping stone for Prisoner Taylor, who once there, would then raise with the Court the argument that in keeping with the above cited references he must now be transferred to his home country of Liberia. The Prosecutor suggests that any disavowals by Prisoner Taylor must be considered with the characterization of a "two headed Janus" in mind.

also, Prosecutor's **Annex V** - Exclusive Newspaper, Sierra Leone, Friday 28 October 2011, "Special Court Denies Allegations, But ..." annexed to "Registrar's Portfolio and Submissions in respect of Moinina Fofana's Application for Conditional Early Release", 5 June 2014, in **ANNEX SEVEN, Part III**.

¹⁸ Annexes W, X, Z, AA

¹⁹ Annex EE, the Ruggiu case, is interesting in that after he was transferred to Italy, a country of which he was a citizen, Italy released him early in violation of the Statute of the ICTR. See, Prosecutor's **Annex VI** - Hirondelle News Agency, International Reporting, 28.05.09; Visit: <http://www.hirondellenews.com/ictr-rwanda/408-collaboration-with-states/collaboration-with-states-other-countries/23235-en-en-280509-ictritaly-genocide-convict-journalist-ruggiu-set-free-in-violation-of-ictr-statute1228612286> (Last visited 8 July 2014 at 16.40 hrs CET); Prosecutor's **Annex VII** - *Radio Télévision Libre des Mille Collines*, Victified journalist released early in violation of ICTR Statute 29 May 2009, Hague Justice Portal News. Visit: <http://www.haguejusticeportal.net/index.php?id=10688> (Last visited 8 July 2014, 16.55 hrs CET)

²⁰ Annex CC, page 12

IV. Concerns relating to peace, security, stability and good order militate against the transfer of Prisoner Taylor to Rwanda

17. The Prosecutor suggests that the opportunities the requested transfer would give Prisoner Taylor to sew discord, interfere with and undermine peace, security and stability and good order in Liberia and the West African sub-region militate against granting the requested relief. It is important to consider the pressure that can be brought to bear on Rwandan prison officials – and perhaps other Rwandan officials – to violate or very laxly enforce conditions of imprisonment were Prisoner Taylor, a former African Head of State, to be transferred to Rwanda. It is of great concern that such pressure could result in inappropriately lenient conditions of imprisonment, which in turn would increase the Prisoner's opportunities for inappropriate, uncontrolled and unmonitored access to outside supporters, agitators and resources. The Prosecutor suggests that such lax conditions of imprisonment and unrestricted and unmonitored access to the outside world would have significant implications on peace, security and stability in Liberia and the sub-region which give rise to the same concerns that led to the transfer of the Taylor case from Sierra Leone to Europe.²¹

V. Concerns relating to the security and sense of security of witnesses, Court personnel and former and current high level State officials

18. The Prosecutor submits that another important factor which militates against granting the relief requested is the impact of this transfer on the security and sense of security of witnesses who testified against Prisoner Taylor, Court officials and current or former high level African leaders. The witnesses whom the Prosecutor contacted, strongly opposed the requested transfer and pointed out their concerns that Prisoner Taylor's presence in Rwanda will threaten not only their personal security but will undermine peace and security in Liberia and the sub-region. In particular, the witnesses state that Prisoner Taylor remains very well connected and resourced to be able to go after witnesses who testified against him, compromise standards in prison

²¹ Prosecutor's **Annex VIII** - UN Security Council S/RES/1688 (2006), 16 June 2006, The Situation in Sierra Leone. This UN Resolution cleared the way for Taylor to be tried in The Hague, finding that his presence in the sub-region was "an impediment to stability and a threat to the peace".

to his suit his liking, or even mastermind a jail breakout.²² It is clear that granting the requested relief would greatly heighten the witnesses' security concerns and sense of insecurity, which would likely lead to increased requests for extraordinary protection measures.²³

19. Similarly, it is not unreasonable to believe that Prisoner Taylor holds certain SCSL officials and current and former high level State officials uniquely responsible for his transfer to the Court, conviction, sentence and presence in prison in the United Kingdom. For the same reasons discussed above, transfer to Rwanda would increase the Prisoner's possibilities to act on these beliefs and thus increase the risk to these individuals and undermine their sense of security.

VI. The Motion should be dismissed as unduly repetitive or as a piecemeal approach to the issue raised therein.

20. It is the understanding of the Prosecutor that before the President of the SCSL determined Prisoner Taylor would serve his imprisonment in the United Kingdom, the Prisoner was allowed to make submissions regarding his preference for place of confinement as well as his opposition to serving his imprisonment in the United Kingdom. It is also the understanding of the Prosecutor that Prisoner Taylor was allowed the assistance of counsel in preparing those submissions.
21. There is no justification in this Motion for allowing the Prisoner to raise this issue once again, nor is there any indication of what substantial new information is set out in this Motion which was not available before. The Prosecutor suggests that such a showing is necessary for what is in effect a request for review of a matter already decided after consideration of submissions of the Prisoner.²⁴ To allow such

²² The Prosecutor caused a sampling of ten witnesses in the Taylor Trial in Sierra Leone and Liberia to be interviewed *via* telephone about their views regarding Prisoner Taylor's application for Transfer. They are: TF1-045, TF1-360, TF1-375, TF1-388, TF1-567, TF1-516, TF1-568, TF1-579, TF1-274, and TF1-338.

²³ The witnesses all requested to be moved to safer locations outside Africa for their protection, should Prisoner Taylor be brought to Rwanda.

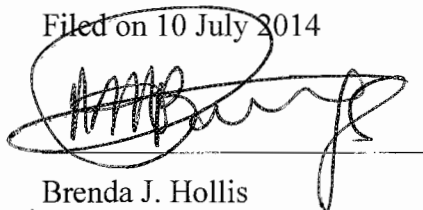
²⁴ *Prosecutor v. Taylor*, SCL-03-01-PT-226, Decision on Defence Motion requesting Reconsideration of "Joint Decision on Defence Motions on Adequate Facilities and Adequate time for the Preparation of Mr. Taylor's Defence", dated 23 January 2007, 25 April 2007, p.3; *Prosecutor v. Norman et al.*, SCSL-04-14-T-319, Decision on Prosecution Appeal Against the Trial Chamber's Decision of 2 August 2004 Refusing Leave to File an Interlocutory Appeal, 17 January 2005, para. 40; *Prosecutor v. Delic et al, IT-96-21-Abis*, Judgement on Sentence Appeal, 8 April 2003 ("Delic Judgement"), para. 49;

submissions without such a showing would create the danger of endless repetitive submissions, a practice that is viewed with disfavor in most if not all judicial systems.

VI. Conclusion

22. The Prosecutor suggests, that in light of all the above, the Motion should be denied and that any future Motions on the same subject be summarily denied unless Prisoner Taylor makes a sufficient showing of why review is justified and what new, substantial information is presented which was not available at the time of the prior submissions.

Filed on 10 July 2014

A handwritten signature in black ink, appearing to read "Brenda J. Hollis", written over a horizontal line.

Brenda J. Hollis

PP The Prosecutor RSCSL

List of Authorities

RSCSL

RSCSL Rules of Procedure and Evidence, R. 103 (B).

In the Matter of Charles Ghankay Taylor, SCSL-03-01-ES, Public with Public and Confidential Annexes, Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda, 24 June 2014.

SCSL

Prosecutor v Taylor, SCSL-03-01-T, Sentencing Judgment, 30 May 2012, para 58.

The Prosecutor v Sesay, Kallon and Gbao, SCSL-04-15-ES-1328, PUBLIC, Urgent Application to the President of the court under Rule 19(C) for Judicial Review of the Decision of the Acting Registrar in Relation of the Enforcement of Sentence and to temporarily stay the transfer of detainees to a designated enforcement state, 30 October 2009

Prosecutor v. Taylor, SCL-03-01-PT-226, Decision on Defence Motion requesting Reconsideration of "Joint Decision on Defence Motions on Adequate Facilities and Adequate time for the Preparation of Mr. Taylor's Defence", dated 23 January 2007, 25 April 2007, p.3;

Prosecutor v. Norman et al., SCSL-04-14-T-319, Decision on Prosecution Appeal Against the Trial Chamber's Decision of 2 August 2004 Refusing Leave to File an Interlocutory Appeal, 17 January 2005, para. 40;

ICTY

Prosecutor v. Delic et al, IT-96-21-Abis, Judgement on Sentence Appeal, 8 April 2003 ("Delic Judgement"), para. 49;

UN Documents

Prosecutor's **Annex VIII** (Public) - UN Security Council S/RES/1688 (2006), 16 June 2006, The Situation in Sierra Leone.

Other Documents

Prosecutor's **Annex I** (Confidential) – Prosecutor's confidential submissions in response to material filed under Confidential **Annex KK**, and Annex JJ.

Prosecutor's **Annex II** (Public) - Travel itinerary and fare quote, Monrovia – Kigali, *via* Kenya Airways

Prosecutor's **Annex III** (Public) - Travel itinerary and fare quote, Monrovia – London, *via* British Airways

Prosecutor's **Annex IV** (Public) - Exclusive Newspaper, Sierra Leone, Monday 24 October 2011, "Issa Sesay, Others In Danger", annexed to "Registrar's Portfolio and Submissions in respect of Moinina Fofana's Application for Conditional Early Release", 5 June 2014, in ANNEX SEVEN, Part III.

Prosecutor's **Annex V** (Public) - Exclusive Newspaper, Sierra Leone, Friday 28 October 2011, "Special Court Denies Allegations, But ..." annexed to "Registrar's Portfolio and Submissions in respect of Moinina Fofana's Application for Conditional Early Release", 5 June 2014, in ANNEX SEVEN, Part III.

Prosecutor's **Annex VI** (Public) – Hirondele News Agency, International Reporting, 28.05.09. Visit: <http://www.hirondellenews.com/ictr-rwanda/408-collaboration-with-states/collaboration-with-states-other-countries/23235-en-en-280509-ictritaly-genocide-convict-journalist-ruggiu-set-free-in-violation-of-ictr-statute1228612286> (Last visited 8 July 2014 at 16.40 hrs CET).

Prosecutor's **Annex VII** (Public) – *Radio Télévision Libre des Milles Collines*. Convicted journalist released early in violation of ICTR Statute 29 May 2009, Hague Justice Portal News. Visit: <http://www.haguejusticeportal.net/index.php?id=10688> (Last visited 8 July 2014, 16.55 hrs CET)

Public annexes to Charles Taylor's Motion cited in Prosecutor's Response

Annex JJ

Annex S, para 829

Annex W, p. 5, para 6; p. 6, para 1

Annex S, B. The Court's Assessment, 1 and 2, pp. 11326-11327

Annex S, para. 839

Annexes W, X, Z and AA

Annex EE

Annex CC

Confidential annexes to Charles Taylor's Motion cited in Prosecutor's Response

Confidential Annex II

Annex KK



SPECIAL COURT FOR SIERRA LEONE
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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-2003-01-T**
Document Index Number: **1397**
Document Date: **10 July 2014**
Filing Date: **10 July 2014**
Document Type: **CONFIDENTIAL ANNEX A**

Number of Pages: **3** Page Numbers from **11520-11522**

- Application**
- Decision
- Indictment
- Application
- Other
- Correspondence

Document Title:

**PROSECUTOR'S APPLICATION FOR LEAVE TO FILE "PROSECUTOR'S
(SUBMISSIONS IN) RESPONSE TO PRISONER TAYLOR'S MOTION
FOR TERMINATION OF ENFORCEMENT OF SENTENCE
IN THE UNITED KINGDOM AND FOR TRANSFER TO RWANDA"**

Name of Officer:.
Francess Ngaboh-Smart

Signed: 

Public Annex II

To

Prosecutor's Submissions In Response to Prisoner Taylor's Motion for
Termination of Enforcement of Sentence in the United Kingdom
and for Transfer to Rwanda



Steps: Search Flights Review Travellers Purchase Reservation

Review your flight details

Legend: e = e-ticket option, EUR = Euro

Monrovia to Kigali

Flight 1 **Wednesday, July 16, 2014**
Departure: 18:00 Monrovia, Liberia - Roberts International
Arrival: 05:35 +1 day(s) Nairobi, Kenya - Jomo Kenyatta International, terminal 1C Note: includes 1 stop(s)
Airline: Kenya Airways KQ509 e **Aircraft:** Boeing 737-800
Fare type: ECONOMY
Baggage: 30 kilogram(s) per traveller

Change of plane required. Time between flights : 3:00.

Flight 2 **Thursday, July 17, 2014**
Departure: 08:35 Nairobi, Kenya - Jomo Kenyatta International, terminal 1C
Arrival: 09:00 Kigali, Rwanda - International
Airline: Kenya Airways KQ448 e **Aircraft:** Embraer 190
Fare type: ECONOMY
Baggage: 30 kilogram(s) per traveller

Kigali to Monrovia

Flight 1 **Wednesday, July 30, 2014**
Departure: 02:55 Kigali, Rwanda - International
Arrival: 05:25 Nairobi, Kenya - Jomo Kenyatta International, terminal 1C
Airline: Kenya Airways KQ466 e **Aircraft:** Embraer 170
Fare type: ECONOMY
Baggage: 30 kilogram(s) per traveller

Change of plane required. Time between flights : 4:05

Flight 2 **Wednesday, July 30, 2014**
Departure: 09:30 Nairobi, Kenya - Jomo Kenyatta International, terminal 1C
Arrival: 15:10 Monrovia, Liberia - Roberts International
 Note: includes 1 stop(s)
Airline: Kenya Airways KQ508 e **Aircraft:** Boeing 737-800
Fare type: ECONOMY
Baggage: 30 kilogram(s) per traveller

Legend: e = e-ticket option, EUR = Euro

Price

travellers flights taxes & other charges booking fee

11525

1 adult(s) x (665.00 + 274.06 + 10.00) = 949.06 EUR

total for all travellers 949.06 EUR

purchase conditions [Mini Rules](#)

convert displayed currency

Fare Notes

ECONOMY:

Fare Family: ECONOMY
Cabin: Economy.
Booking Codes: T, Q, L, E.
Eligibility: These fares apply within capacity limitation determined by the operating Carrier.
Flight Application: Flight applicable on KQ only and partner carrier with valid SPA.
Advance Reservation: Reservation required for all carriers.
Advance Ticketing: Immediately.
Name Change: Not Permitted.
Reservation Change: Permitted at a fee, see mini rules link for more details.
Rerouting: Not Permitted.
No Show: No show fee is applicable
Cancellation/Refund: Permitted at a fee, some booking codes not permitted, see mini rules link for more details.
Totally unused ticket: Permitted at a fee, some booking codes not permitted, see mini rules above for more details.
Partially used ticket: None refundable.
Infant Discount: 10% of adult applicable fare.
Child discount 25% of adult applicable fare.
Flying Blue Miles: 50% of mileage accrual .
Mileage Upgrade: Not Permitted.
KQ Contacts: internet.sales@kenya-airways.com.

Flight notes

- This fare is bilaterally agreed between KENYA AIRWAYS and the selected airline(s).
- To ensure that you get this fare, the reservation should be made now.
- Specific rules and restrictions may apply to this fare.
- Taxes are included except where local airport taxes are collected at check-in time.

Public Annex III

To

Prosecutor's Submissions In Response to Prisoner Taylor's Motion for
Termination of Enforcement of Sentence in the United Kingdom
and for Transfer to Rwanda



Buy travel

- 1 Dates and flights
- 2 Price
- 3 Passengers
- 4 Payment
- 5 Confirmation

Price

Check your flight details

✈ Roberts International (Monrovia) - Heathrow (London) - Tuesday 15 July 2014

Price

Departs 07:00 15 Jul **Carrier** British Airways
Arrives 16:30 15 Jul **Cabin** World Traveller
Flight BA0136

\$1,565.30 1 passenger

[Email price quote](#)

[Baggage allowance](#)

[Currency calculator](#)

✈ Heathrow (London) - Roberts International (Monrovia) - Wednesday 30 July 2014

Departs 12:30 30 Jul **Carrier** British Airways
Arrives 20:30 30 Jul **Cabin** World Traveller
Flight BA0137

[Change flights](#)

Passenger	Fare	Taxes, fees and carrier charges per person	Total price**
1 Adult	\$883.00	\$682.30	\$1,565.30

** The inclusive total of your ticket includes government taxes and fees and carrier charges. More details

Save money on your booking

Promotion code or eVoucher

Promotion code

eVoucher number 125-82

Submit

Last name on eVoucher

Submit

About your flights

> MAXIMUM STAY REQUIREMENTS show

> MINIMUM STAY REQUIREMENTS show

> CHARGES FOR CHANGES AND CANCELLATIONS show

[Click here to open up a new window with printable fare rules](#)

[Click here to open up a new window with additional fare rules](#)

Your baggage allowance

Checked baggage allowance



Adults and children: 2 bags at 23kg (51lbs) per bag

- There are restrictions on what you may pack and on the dimensions of your bags.
- You may be charged for extra or overweight bags

Baggage essentials

Restrictions on what you can pack

Baggage allowances and charges

Hand baggage allowance



1 piece of hand baggage per passenger

- You must be able to lift your bag unaided into the overhead locker
- Maximum size 56cm x 45cm x 25cm (22 x 17.5 x 9.85 inches)

Plus 1 briefcase, laptop or handbag

- Your briefcase, laptop or handbag must be placed under the seat in front of you.
- Maximum size 45cm x 36cm x 20cm (18in x 14in x 8in)

Donate

Climate action

Join us in acting on climate change by supporting local renewable energy projects in the UK.

Our climate action plan also includes introducing fuel-efficient aircraft, developing low-carbon fuels and calling for tough new international laws on aviation CO₂.

[More information](#)

Pure - The Clean Planet Trust, registered UK charity number 1112249

Donate to One Destination

- No thanks
- \$5
- \$10
- \$20
- Other amount \$

[Add donation](#)

Changing Lives: One Child at a Time

Flying Start is our global charity partnership with Comic Relief UK. Together we aim to transform the lives of children living unimaginably tough lives in the UK and some of the world's poorest countries. Just \$8 could pay for a vaccine that will protect a child against deadly diseases.

[About Flying Start](#)

Donate and help children when you fly

- No thanks
- \$3
- \$8
- \$17
- Other amount \$

[Add donation](#)

Review price and important information

<u>Cost for flights</u>	\$1,565.30
<u>What's included</u>	
Total price (1 passenger)	\$1,565.30

- This fare is quoted in US Dollars (USD, \$).
- Fares are not guaranteed until you receive a booking reference.
- Service fees for changes made to your booking on ba.com are as follows:
 Booking cancellation:
 For fully flexible tickets there is no charge. For semi-flexible tickets or restricted tickets, where only the tax is due for refund there is no charge.
 Changes to the date/time:
 For fully flexible tickets there is no charge. For semi-flexible tickets there is no charge.
- Administration charges for changes made to your booking by telephone are as follows:
 Booking cancellation:
 For fully flexible tickets there is no charge. For semi-flexible tickets or restricted tickets, where only the tax is due for refund there is no charge.
 Changes to the date/time:
 For fully flexible tickets there is no charge. For semi-flexible tickets there is no charge.
- Any fees for optional services that have not already been purchased such as seat reservations for booking may change between now and when you travel. The exceptions to this are fees for hand baggage and the first and second checked bags.
- Service fees (for example if you pay off-line) will not be refunded to you if you cancel your ticket.

11529

- Details of checked baggage allowances on British Airways flights
- [Link back to fare conditions above.](#)
- Passenger baggage must not contain any articles or substances that may present a danger during transport, including those shown below. Some exceptions apply



Acids



Poisons



Flammable liquids



Explosives



Matches / Lighters



Bleach



Incapacitating sprays



Ignitable gas devices



Compressed gas

[Download our guide to dangerous goods \(PDF 28 KB, English only\)](#)

I agree to be bound by the terms and conditions above, the fare conditions and the general conditions of carriage applicable to my flight(s).

I agree that I have read and understood the forbidden articles and substances list above

I agree that the personal data, which has been provided to British Airways in connection with this booking, may be passed to government authorities for border control and aviation security purposes.

* I agree to the statements above

[Search again](#)

[Return to flight list](#)

[Continue](#)

Currency calculator

- Select a date or flight to convert the relevant fare.
- Your booking will be quoted and charged in US Dollars (USD).

Convert **US Dollars (USD)**
To

Result **1565.30 USD = 1143.64 EUR approximately.**
1 USD = 0.730620 EUR based on today's exchange rate.

If your card is not billed in US Dollars (USD), your card issuer may use a different exchange rate to the rate displayed above.

Close

Public Annex IV

To

Prosecutor's Submissions In Response to Prisoner Taylor's Motion for
Termination of Enforcement of Sentence in the United Kingdom
and for Transfer to Rwanda

Exclusive

Friday, 28 October 2011

Special Court Denies Allegations, But...

In a statement issued by the Special Court for Sierra Leone (SCSL), yesterday, the court denied allegations heaped on it regarding the ill-treatment meted out to eight Sierra Leonean war crime prisoners serving jail terms at the Mpanga Correctional Service, in Kigali, Rwanda.

It could be recalled that this press has been reporting concerns raised by these prisoners who are believed to be languishing in a foreign prison. The reported human rights abuses faced by the poor prisoners abound and are therefore calling on the intervention of the Government of Sierra Leone, Human Rights organizations and relevant stakeholders or better still, a transfer to their homeland.

"Mpanga Prison Authority acts within the boundaries of international minimum standards for the treatment of prisoners, Rwanda law and respects the rights of prisoners to be kept in a safe, secure and humane environment. The prison au-

thority ensure the prisoners are rehabilitated and they have access to all basic rights accorded a prisoner," excerpt of the statement from the SCSL reads.

However, the SCSL statement runs contrary to what the poor prisoners are alleging to be facing at the hands of the Mpanga prison authority.

The food provided for the prisoners, according to the SCSL statement, is a West Africa food and that the prisoners decide what should be the menu. According to the prisoners however, the food is not only unpalatable but not the West African delicacy they are used to.

To make matters even worse, the communication line of the Prisoners have recently been cut off by the prison authority. This, to them is another violation of their rights.

The Exclusive is closely following up the matter.

[See SCSL statement on page 3](#)

Public Annex V

To

Prosecutor's Submissions In Response to Prisoner Taylor's Motion for
Termination of Enforcement of Sentence in the United Kingdom
and for Transfer to Rwanda

Exclusive

Monday, 24 October 2011

Issa Sesay, Others In Danger

The plight of Sierra Leoneans running jail terms in the Mpanga prisons in Rwanda is becoming a cause for concern and nothing seems to be done to address their concerns.

Latest reports reaching this press indicate that in spite of the heavily armed Rwanda prison, guards manning the place in the presence of the Special Court representative, looted all their personal belongings and in the process, physically assaulted them. According to them the incident occurred at 06:30am Rwanda

time on Thursday 20th October, 2011.

Narrating their ordeal to this press, CDF's Augustine Gbao explained that he was sleeping inside his cell room when the Rwanda guards armed to the teeth surprising entered the cell and started searching everywhere. Gbao said while they were on the search, the security officers packed his personal belonging, some of which he brought from Freetown. "They took my flask, shoes, slippers, food and uniform," he lamented, adding, "Even

our coats have been seized and Mpanga yard prison is a very cold environment." According to Augustine Gbao, who is serving a 25-year sentence, this was the first time they are searched in such a manner by the Rwandan guards. The former CDF strongman accused the Special Court for Sierra Leone, Binta Mansaray, of their latest plight and described the action as retaliation to their letter of complaint which was published globally.

"When we asked the Rwanda security officers who ordered to search them they responded that it is an order from Binta Mansaray in Freetown," he said.

Ibrahim Bazy Kamara aka Gullit complained of being slapped twice by the Rwanda Officers in front of Sierra Leonean SLSC officers and no action was taken. "even the Sierra Leoneans don't talk to us," said he.

Bazy who is serving 45 years sentence and staying in cell No 1, Special Wing, Mpanga prison continued, "Our face was turned to the cell walls while we were asked to sit on the ground. We thought it was a normal search but everything was taken from us, even my underwear." Bazy sadly said, adding that the action has now left them in a destitute state. "We don't know what will happen next to us," he continued. The aggrieved Sierra Leonean prisoners are now calling on their compatriots back home to help them agitate for their transfer to the Pademba Road Maximum security prison or better still, a neighboring country.

Former RUF leader, Issa Sesay, who was sentenced 52 years imprisonment, also disclosed that the recent human right abuse against them is a reaction to their complaints. According to Issa, items they

took from them were put in a nice bag and carted away. "Nothing prohibited was found with us after the searching exercise. This place is very cold, even our lawyer, Melrone Nicol Wilson can attest to that because he had visited us before," Issa noted.

In tears, Santiago Borbor Kanu aka 565 said, "They are killing us. Well armed guards entered our cell and took away everything. We are naked without clothes to wear. Please, forgive us and remove us out of this place."

Morris Kallon who is a hypertensive patient called on President Koroma to have pardon on them and seek their transfer. "Tears are running down my cheeks as I am speaking to you," he said adding, "Please, beg Sierra Leoneans to forgive us and consider us as brothers and prodigal sons. The recent search was different even our water was taken from us," Kallon also requested for their transfer.

Musa Kondowa former CDF fighter who finds it difficult to understand English said in krio, "We go beg for make dem transfer we na Salone wusai wa belong." (We begging for our transfer to Sierra Leone where we truly belong).

Former CDF Director, Momina Fofanah, said Sierra Leoneans should forget about the past and move forward with the reconciliation process. "We are the prisoners of this peace everyone is enjoying. Forgive us in the name of peace and call for our transfers," pleaded the former CDF Director.

The eight prisoners are accusing the SLSC of their unfortunate sufferings. The prisoners further accused Binta Mansaray of stopping popular Freetown Disk Jockey DJ Base, from airing their complaints until the search is over.

Public Annex VI

To

Prosecutor's Submissions In Response to Prisoner Taylor's Motion for
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and for Transfer to Rwanda

**Hirondelle News Agency, International Justice Reporting,
28.05.09**

ICTR/Italy – Genocide – Convict Journalist Ruggiu Set Free in Violation of ICTR Statute

Arusha, 28 May, 2009 (FH)-The Rwanda genocide-convict Italian-Belgian journalist, Georges Ruggiu, has got an early release in violation of the International Criminal Tribunal for Rwanda (ICTR) Statute, reports Hirondelle Agency.

Ruggiu, who was serving final one year of his 12-years sentence in Italy, was supposed to be released on 20 July, this year.

However, the release comes in violation of the Article 27 of the UN Court's Statute, which clearly stipulates that only the ICTR President can decide on an early release to any convict, no matter where the sentence was being served.

"According to information gathered informally by the Tribunal from local judicial authorities in Italy, Mr Ruggiu was released on 21 April 2009," the ICTR Spokesman, Roland Amoussouga, told Hirondelle Agency Thursday.

He underscored that ICTR to date has not received any response to the two official communications sent to the Italian Minister for Justice as required under the provision of an agreement between Italy and the United Nations on the enforcement of the ICTR sentences.

"These two communications requested that Italy promptly notifies the Tribunal of any early release to which Ruggiu might be eligible under the Italian law so as to enable the ICTR President to make a final decision on this matter," added Amoussouga.

Ruggiu was transferred from Arusha to Italy in February, last year. He was the only foreigner charged before ICTR with genocide and crimes against humanity.

Ruggiu was a journalist at the hate- radio RTLM during the 1994 killings, worst in modern history. He admitted to have broadcast hate-speech and reports which accelerated the rate of April-July, 1994 slaughter.

The journalist overturned his initial not guilty plea of October, 1997 to guilty plea in May 2000 and a month later, he was handed down a 12 year jail.

He was arrested on an ICTR indictment in 1997 in Mombasa, Kenya.

Ruggiu is the fourth genocide convict to have been released.

Next month, another genocide-convict, Samuel Imanishimwe, former Lieutenant in FAR Army during the 1994 genocide, will complete his 12 year sentence. He is serving his sentence in Mali.

The ICTR, which was set up by the UN Security Council in November 1994 to try key suspects of the genocide, has so far convicted 38 persons, including six acquittals.

SC/GF

© Hirondelle News Agency

Radio Télévision Libre des Milles Collines

Public Annex VII

To

Prosecutor's Submissions In Response to Prisoner Taylor's Motion for
Termination of Enforcement of Sentence in the United Kingdom
and for Transfer to Rwanda

Radio Télévision Libre des Mille Collines

Convicted journalist released early in violation of ICTR Statute 29 May 2009

An Italian-Belgian journalist convicted for his acts during the 1994 genocide has been granted early release from his 12-year sentence by an Italian court.

On 21 April 2009, the Italian-Belgian journalist, Georges Ruggiu, was granted early release by an Italian court in violation of the Statute of the International Criminal Tribunal for Rwanda (ICTR), it was reported on 29 May 2009. According to Article 27 of the Statute, only the President of the ICTR may decide on the early release of those convicted by the UN *ad hoc* Tribunal, no matter where the sentence is being served.



Ruggiu was serving the last year of a 12-year sentence handed down by the Tribunal on 1 June 2000 after he pleaded guilty to two counts of direct and public incitement to commit genocide and persecution as a crime against humanity. In February 2008, he was transferred to Italy to serve the remainder of his sentence and was due to be released on 20 July 2009.

Ruggiu remains the only non-Rwandan to be convicted by the ICTR for involvement in the genocide and becomes the fourth person convicted by the Tribunal to be released after serving a sentence.

Radio Télévision Libre des Mille Collines

Public Annex VIII

To

Prosecutor's Submissions In Response to Prisoner Taylor's Motion for
Termination of Enforcement of Sentence in the United Kingdom
and for Transfer to Rwanda

**Security Council**Distr.: General
16 June 2006

Resolution 1688 (2006)**Adopted by the Security Council at its 5467th meeting, on
16 June 2006***The Security Council,*

Recalling its previous resolutions and the statements of its President concerning Liberia, Sierra Leone, and West Africa, in particular its resolutions 1470 (2003) of 28 March 2003, 1508 (2003) of 19 September 2003, 1537 (2004) of 30 March 2004 and 1638 (2005) of 11 November 2005,

Recalling that the Special Court for Sierra Leone ("the Special Court") was established by Agreement between the United Nations and the Government of Sierra Leone on 16 January 2002 ("the Agreement") pursuant to its resolution 1315 (2000) of 14 August 2000,

Recalling article 10 of the Agreement pursuant to which the Special Court may meet away from its seat if it considers it necessary for the efficient exercise of its functions, and recalling also Rule 4 of the Rules of Procedure and Evidence of the Special Court pursuant to which the President of the Special Court may authorize a Chamber or a Judge to exercise their functions away from the seat of the Special Court,

Recalling the Council's determination to end impunity, establish the rule of law and promote respect for human rights and to restore and maintain international peace and security, in accordance with international law and the purposes and principles of the Charter,

Expressing its appreciation to Liberian President Johnson-Sirleaf for her courageous decision to request the transfer of former President Taylor in order that he may be tried at the Special Court,

Expressing its appreciation to President Obasanjo of Nigeria on his decision to facilitate the transfer of former President Taylor, and noting the role Nigeria has played in securing and promoting peace in Liberia and the wider subregion, including President Obasanjo's decision in 2003 to facilitate the removal of former President Taylor from Liberia which allowed the Comprehensive Peace Agreement to take effect, and recognizing the contribution made by the Economic Community of West African States (ECOWAS) in this regard,



Recognizing that the proceedings in the Special Court in the case against former President Taylor will contribute to achieving truth and reconciliation in Liberia and the wider subregion,

Expressing that it remains committed to assisting the Governments of Liberia and Sierra Leone in their efforts to a more stable, prosperous and just society,

Reiterating its appreciation for the essential work of the Special Court and its vital contribution to the establishment of the rule of law in Sierra Leone and the subregion,

Welcoming the transfer of former President Taylor to the Special Court on 29 March 2006, and noting that at present the trial of former President Taylor cannot be conducted within the subregion due to the security implications if he is held in Freetown at the Special Court,

Noting that it is not feasible for the trial of former President Taylor to be hosted at the premises of the International Criminal Tribunal for Rwanda due to its full engagement on the completion strategy, and that no other international criminal tribunals exist for the trial of former President Taylor in Africa,

Taking note of the exchange of letters between the President of the Special Court and the Minister of Foreign Affairs of the Kingdom of the Netherlands dated 29 March 2006 ("the exchange of letters dated 29 March 2006"),

Taking note also of the Memorandum of Understanding between the Special Court and the International Criminal Court dated 13 April 2006 ("the Memorandum dated 13 April 2006"),

Noting that former President Taylor has been brought before the Special Court at its seat in Freetown and determining that the continued presence of former President Taylor in the subregion is an impediment to stability and a threat to the peace of Liberia and of Sierra Leone and to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Takes note* of the intention of the President of the Special Court to authorize a Trial Chamber to exercise its functions away from the seat of the Special Court, and his request to the Government of the Netherlands to host the trial, including any appeal;

2. *Welcomes* the willingness of the Government of the Netherlands, as expressed in the exchange of letters dated 29 March 2006, to host the Special Court for the detention and trial of former President Taylor, including any appeal;

3. *Takes note* of the willingness of the International Criminal Court, as requested by the Special Court and as expressed in the Memorandum dated 13 April 2006 to allow the use of its premises for the detention and trial of former President Taylor by the Special Court, including any appeal;

4. *Requests* all States to cooperate to this end, in particular to ensure the appearance of former President Taylor in the Netherlands for purposes of his trial by the Special Court, and encourages all States as well to ensure that any evidence or witnesses are, upon the request of the Special Court, promptly made available to the Special Court for this purpose;

5. *Requests* the Secretary-General to assist, as a matter of priority, in the conclusion of all necessary legal and practical arrangements, including for the transfer of former President Taylor to the Special Court in the Netherlands and for the provision of the necessary facilities for the conduct of the trial, in consultation with the Special Court, as well as the Government of the Netherlands;

6. *Requests* the Special Court, with the assistance of the Secretary-General and relevant States, to make the trial proceedings accessible to the people of the subregion, including through video link;

7. *Decides* that the Special Court shall retain exclusive jurisdiction over former President Taylor during his transfer to and presence in the Netherlands in respect of matters within the Statute of the Special Court, and that the Netherlands shall not exercise its jurisdiction over former President Taylor except by express agreement with the Special Court;

8. *Decides further* that the Government of the Netherlands shall facilitate the implementation of the decision of the Special Court to conduct the trial of former President Taylor in the Netherlands, in particular by:

(a) Allowing the detention and the trial in the Netherlands of former President Taylor by the Special Court;

(b) Facilitating the transport upon the request of the Special Court of former President Taylor within the Netherlands outside the areas under the authority of the Special Court;

(c) Enabling the appearance of witnesses, experts and other persons required to be at the Special Court under the same conditions and according to the same procedures as applicable to the International Criminal Tribunal for the former Yugoslavia;

9. *Decides* that the measures imposed by subparagraph 4 (a) of resolution 1521 (2003) of 22 December 2003 shall not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court, as well as any travel related to the execution of the judgment, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial is required;

10. *Recalls* that the costs to be incurred as a result of the trial of former President Taylor in the Netherlands are expenses of the Special Court in the sense of article 6 of the Agreement and that no additional costs can be incurred by any other party without their prior consent;

11. *Recalls* the Secretary-General's letter of 5 April 2006 and reiterates its appeal to States to contribute generously to the Special Court and notes with appreciation the States which have done so in the past;

12. *Decides* to remain seized of the matter.