



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 18 FEBRUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Julia Sebutinde
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Ms Julia Baly
Mr Christopher Santora
Ms Kirsten Keith

**For the accused Charles Ghankay
Taylor:**

Mr Terry Munyard
Mr Morris Anyah

**For the Office of the Principal
Defender:**

Mr Silas Chekera

1 Monday, 18 February 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:20 5 PRESIDING JUDGE: Good morning. I note some changes of
6 appearance at the Prosecution bar. Good morning.

7 MS BALY: For the Prosecution this morning Brenda J Hollis,
8 Christopher Santora, Kirsten Keith and myself Julia Baly.

9 PRESIDING JUDGE: Thank you, Ms Baly. I note, Mr Munyard,
09:30:57 10 the composition of your team remains as on Friday.

11 MR MUNYARD: Madam President, it does. As we're starting a
12 new week I'll introduce us nonetheless, myself Terry Munyard and
13 Morris Anyah.

14 PRESIDING JUDGE: Thank you, Mr Munyard. I note there's no
09:31:11 15 witness in the Court.

16 MS BALY: Your Honour, the witness to be called today has
17 been granted the protective measure that he may testify in closed
18 session and that measure was granted twice previously, firstly by
19 Trial Chamber I on 15 June 2005 and by your Honours on 13
09:31:35 20 September 2005.

21 PRESIDING JUDGE: Ms Baly, could you refresh our memory.
22 The protective measure of closed session granted by Trial Chamber
23 I on 15 June, was that a written decision or an oral decision
24 that referred to that day only?

09:31:56 25 MS BALY: Your Honour, that was to my mind an oral
26 decision. I'm sorry, I'm corrected by Ms Keith. It was in fact
27 a written decision.

28 PRESIDING JUDGE: It was sort of open, for want of a better
29 word; it wasn't restricted to one session only.

1 MS BALY: No, it wasn't, your Honour. He testified across
2 several days.

3 PRESIDING JUDGE: In the circumstances it would appear that
4 order is binding on this Court and we will therefore go into
09:32:43 5 closed session. Madam Court Attendant, if you could implement
6 that, please.

7 For purposes of public record in accordance with the rules
8 I state that this is a closed session because of the provisions
9 of Trial Chamber I which I understand was for the security of the
09:33:04 10 witness.

11 MR MUNYARD: Madam President, I'm not sure if that's
12 actually correct. I think I can say while we're still in open
13 session that the issue with this witness is that his former
14 employer sought these protective measures in order - well, I
09:33:28 15 think in terms of general principle for any of their employees,
16 present or ex-employees. The real issue at the heart of the
17 protective measures in this case it seems to us is the protection
18 of sources of information that were made available to this
19 witness rather than anything inherently to do with him or his
09:33:52 20 position.

21 It may be that this Trial Chamber will want to at the very
22 least review the basis on which the protective measures were
23 imposed. If there's any doubt about why they're being imposed
24 then obviously it's only right that this Trial Chamber should
09:34:13 25 satisfy themselves as to the correct reason why they were imposed
26 before we go into closed session, in our submission.

27 MS BALY: Your Honours, that is indeed - the position is
28 that this witness was granted protective measures not for his
29 personal security but because his employer waived his privilege

1 or his immunity not to testify on condition that he testify in
2 closed session, in closed session only. It was pursuant to those
3 conditions that both Trial Chambers granted the protective
4 measures.

09:36:15 5 PRESIDING JUDGE: In the light of Mr Munyard's indication
6 that there was other reasons we have heard Ms Baly and in
7 accordance with Rule 79 we make public that the reasons for the
8 order are protecting the privacy and security and non-disclosure
9 of identity of a victim or witness and the protecting of the
09:36:46 10 interests of justice.

11 MS MUZIGO-MORRISON: Your Honour, the Registry seeks to
12 clarify the nature of closed session. We received information
13 that the logo should be streamed, but what happens? Do we have
14 closed curtains, do we record the face of the witness or do we
09:37:17 15 adopt the ICC protocol of closed session? Thank you.

16 PRESIDING JUDGE: We will direct that the logo of the
17 Special Court be streamed, that the ICC protocol in relation to
18 closed sessions be implemented and that there not be any record
19 of the face of the witness.

09:38:06 20 [At this point in the proceedings, a portion of
21 the transcript, pages 4003 to 4146, was
22 extracted and sealed under separate cover, as
23 the proceeding was heard in closed session.]

16:29:14 25 [Whereupon the hearing adjourned at 4.30 p.m.
26 to be reconvened on Tuesday, 19 February 2008
27 at 9.30 a.m.]

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