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SPECIAL COURT FOR SIERRA LEONE

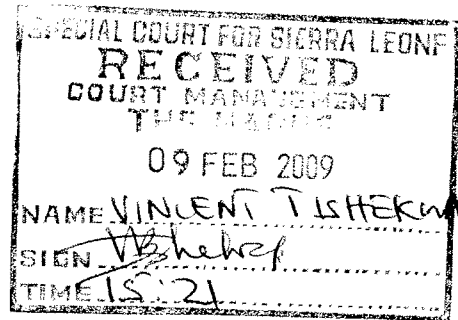
TRIAL CHAMBER II

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

Registrar: Herman von Hebel

Case No.: SCSL03-1-T

Date: 9 February 2009



PROSECUTOR

v.

Charles Ghankay TAYLOR

DECISION ON APPLICATION FOR LEAVE TO FILE AN AMICUS BRIEF ON CONFIDENTIAL
SOURCE ISSUES RAISED DURING THE CROSS-EXAMINATION OF WITNESS TF1-355

Office of the Prosecutor:

Brenda J. Hollis
Nicholas Koumjian
Christopher Santora

Defence Counsel for Charles G. Taylor:

Courtenay Griffiths, Q.C.
Terry Munday
Andrew Cayley
Morris Anyah

TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”);

SEISED of the “Application for Leave to File an Amicus Brief on Confidential Source Issues Raised During the Cross-Examination of Witness TF1-355”, filed on 3 February 2009 by Solicitor Fiona Campbell of Finers Stephens Innocent LLP on behalf of the Applicants “ARTICLE 19”, “Privacy International” and “Media Legal Defence Initiative”¹ (“Application”) whereby the Application is submitted on the Applicants’ own initiative on the grounds that “the Defence Motion seeking an order compelling Witness TF1-355 [...] to disclose the identities of the persons who facilitated his trip to Sierra Leone in 1997 raises important issues of legal principle regarding freedom of expression and the protection of a journalist’s sources”;²

NOTING that Rule 74 of the Rules of Procedure and Evidence provides:

A Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to any State, organization or person to make submissions on any issue specified by the Chamber;

NOTING the submissions of the Parties on the jurisprudence applicable to the issues raised in the Defence Motion;³

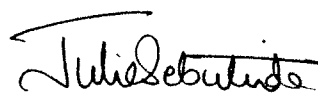
CONSIDERING that in the interests of an expeditious trial it is neither necessary nor desirable for the Trial Chamber to hear from the Applicants in order to properly determine the Defence Motion;

HEREBY REFUSES LEAVE to file an amicus brief.

Done at The Hague, The Netherlands, this 9th day of February, 2009.


Justice Teresa Doherty




Justice Julia Sebutinde

¹ SCSL03-01-T-718 (“Application”).

² Application, para. 9; The Defence Motion referred to is SCSL03-1-T-714, “Defence Motion for the Disclosure of the Identity of a Confidential ‘Source’ Raised During Cross-Examination of TF1-355”, filed on 23 January 2009 (“Defence Motion”).

³ See Defence Motion; *see also* SCSL03-1-T-719, “Prosecution Response to Defence Motion for Disclosure of the Identity of a Confidential Source Raised During Cross-Examination of TF1-355”, filed on 5 February 2009.