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SCSL-03-01-ES
(12205-12207)

12205



RESIDUAL SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER

Before: Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Emmanuel Roberts

Registrar: Ms. Binta Mansaray

Date: 27 January 2015

Case No.: SCSL-03-01-ES

In the matter of
CHARLES GHANKAY TAYLOR

PUBLIC

**DIRECTION TO REGISTRAR PURSUANT TO RULE 33 ARISING FROM
MR. TAYLOR'S MOTION TO COMPEL THE REGISTRAR TO FILE A PUBLIC
REDACTED VERSION OF ITS RULE 33 SUBMISSIONS**

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Mohamed A. Bangura

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

RESIDUAL SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT THE HAGUE	
27 JAN 2015	
NAME	Francesca Ngubuh-Smet
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TIME	16:43

The Trial Chamber of the Residual Special Court for Sierra Leone (“Residual Special Court”) composed of Justice Teresa Doherty, Presiding Judge, Justice Richard Lussick and Justice Emmanuel Roberts;

SEIZED of Charles Ghankay Taylor’s Confidential “Motion to Compel the Registrar to File a Public Redacted Version of Its Rule 33 Submissions”, filed on 26 January 2015 (“Motion”),¹ wherein Taylor requests an order compelling the Registrar to: (i) file a public redacted version of her Rule 33 Submission of 12 November 2014; and (ii) justify with specificity the justification for any redacted portion of those submissions that is not made public,² on the grounds that submissions before a tribunal: (a) should be public unless there are exceptional reasons for keeping them confidential;³ and (b) to the extent that they offer opinions that are important to the public at large, and relevant to other accused persons at the international level;⁴

RECALLING the President’s Public “Order Convening Trial Chamber”, of 21 July 2014, wherein the Trial Chamber was appointed to hear and determine all matters arising from Taylor’s Public with Public and Confidential Annexes “Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda”,⁵

RECALLING the Trial Chamber’s Confidential “Direction to Registrar Pursuant to Rule 33 Arising from Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda, and Direction to Re-Classify Annex JJ to the Motion as Confidential”, of 20 August 2014,⁶

NOTING Confidential “Submission of the Registrar Pursuant to Rule 33 Arising from Motion for Termination of Enforcement of Sentence in the United Kingdom and for Transfer to Rwanda”, filed on 12 November 2014 (“Confidential Registrar’s Rule 33 Submissions of 12 November 2014”);⁷

COGNISANT of Rule 33(B) of the Residual Special Court Rules of Procedure and Evidence (“Rules”) which provides that “(t)he Registrar, in execution of his or her functions, may make oral or written representations to Chambers on any issue arising in the context of a specific case which

¹ SCSL-03-01-ES-1418.

² Motion, para. 7.

³ Motion, para. 2.

⁴ Motion, para. 6.

⁵ SCSL-03-01-ES-1403.

⁶ SCSL-03-01-ES-1404.

⁷ SCSL-03-01-ES-1409.

affects or may affect the discharge of such functions, including that of implementing judicial decisions, with notice to the parties where necessary”.

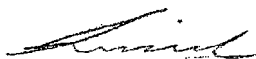
COGNISANT of Rule 78 of the Rules which provides that “[a]ll proceedings before the President, Designated Judge or a Trial Chamber, other than deliberations of the Chamber, shall be held in public, unless otherwise provided”;

COGNISANT FURTHER of Article 4(B) of the Practice Direction on Filing of Documents Before the Residual Special Court for Sierra Leone which provides that “[w]here a Party, State, organization or person seeks to file all or part of a document on a confidential basis, the party shall mark the document as “CONFIDENTIAL” or “STRICTLY CONFIDENTIAL” and indicate on the relevant form the reasons for the confidentiality. The Judge of Chamber (sic) shall thereafter review the document and determine whether confidentiality is necessary. In determining whether to mark a document “CONFIDENTIAL” or “STRICTLY CONFIDENTIAL”, the Party, State, Organization or person shall be guided by the classification definitions in the ‘RSCSL Records and information sensitivity, classification, declassification, handling and access policy’. Documents that are not filed confidentially may be used in press releases and be posted on the official website of the Residual Special Court”;

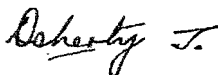
DIRECTS the Registrar, pursuant to Rule 33 of the Rules, to file on or before 5 February 2015 a Response to the Motion indicating the reasons for the confidentiality of Confidential Registrar’s Rule 33 Submissions of 12 November 2014;

FURTHER DIRECTS that the Motion be re-classified as “Public”.


Done at The Hague, The Netherlands, this 27th day of January 2015.



Justice Richard Lussick



Justice Teresa Doherty
Presiding Judge



Justice Emmanuel Roberts

