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SCSL-03-01-T
(22423 - 22438)

22423



THE SPECIAL COURT FOR SIERRA LEONE

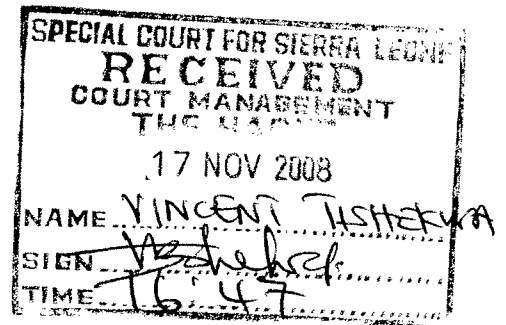
In Trial Chamber II

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

Registrar: Mr. Herman von Hebel

Date: 17 November 2008

Case No.: SCSL-2003-01-T



THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC

**DEFENCE RESPONSE TO PROSECUTION MOTION FOR ADMISSION
OF DOCUMENTS SEIZED FROM FODAY SANKOH'S HOUSE**

Office of the Prosecutor

Ms. Brenda J. Hollis
Ms. Leigh Lawrie

Counsel for Charles G. Taylor

Mr. Courtenay Griffiths Q.C.
Mr. Terry Munyard
Mr. Andrew Cayley
Mr. Morris Anyah

I. Introduction

1. On the 6 November 2008, the Prosecution filed a *Motion for Admission of Documents Seized from Foday Sankoh's House* ("Motion") with related Annexes,¹ seeking the admission of Documents allegedly seized from Foday Sankoh's house ("the Documents"). The application was made pursuant to Rule 89(C), or alternatively under Rules 89(C) and 92bis, of the Special Court Rules of Procedure and Evidence ("Rules").
2. In summary, the Defence opposes the Motion and submits that:
 - a. Rule 89(C) cannot be used in isolation to admit the Documents included in the Motion.²
 - b. The Documents can only be admissible under Rule 89(C) in conjunction with Rule 92bis provided that any evidence that goes to the acts and conduct of the accused is inadmissible absent the opportunity for cross-examination.

II. Applicable Legal Principles

3. The Prosecution recently submitted two similar motions which rely on the same legal principles as in the present Motion.³ The Defence have filed Responses⁴ to those motions, wherein it articulates the correct legal principles to be applied when a party seeks admission of a document without a witness. So as to not repeat the same argument, the Defence respectfully refers the Chamber to paragraphs three through nineteen of the UN Documents Response, substituting any reference to UN Documents with a reference to Documents seized from Foday Sankoh's house. A few additional observations and submissions are below.

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-659 Prosecution Motion for Admission of Documents Seized from Foday Sankoh's House, 6 November 2008 ("**Motion**").

² Motion, Annexes A and B.

³ *Prosecutor v. Taylor*, SCSL-03-01-T-650, Prosecution Motion for Admission of Documents of the United Nations Bodies, 29 October 2008 and *Prosecutor v. Taylor*, SCSL-03-01-T-652, Prosecution Motion for Admission of Extracts of the Report of the Truth and Reconciliation Commission of Sierra Leone, 31 October 2008.

⁴ *Prosecutor v. Taylor*, SCSL-03-01-T-664, Defence Responses to Prosecution Motion for the Admission of Documents of the United Nations and United Nations Bodies, 10 November 2008 ("**UN Documents Response**"), and *Prosecutor v. Taylor*, SCSL-03-01-T-663, Defence Response to Prosecution Motion for Admission of Extracts of the Report of the Truth and Reconciliation Commission of Sierra Leone, 10 November 2008.

III. Submissions

A. *If both Rules 89(C) and 92bis are applied*

Acts and conduct of accused are not admissible

4. The Documents go directly to the acts and conduct of the Accused. The Documents refer to ‘Liberians’⁵ and President Taylor.⁶ The Defence submits that the fact that the Documents were allegedly seized from Foday Sankoh’s house goes to the joint criminal enterprise and superior responsibility modes of liability charged in the Indictment. Thus, it would be highly prejudicial for the Documents to be admitted into evidence without a witness who could speak to their contents and authenticity.

Actions of subordinates and elements going to a critical element in the Prosecution’s case are not admissible absent cross-examination

5. The Prosecution cannot use Rules 89(C) and 92bis to seek to admit evidence that is material to the command responsibility or joint criminal enterprise allegations in the Indictment, or which go to a “critical element” of the Prosecution’s case and is therefore “proximate” to the accused, without giving the Defence an opportunity for cross-examination of the evidence.⁷
6. The Documents are purportedly from the house of Foday Sankoh, who is implicated as an alleged co-perpetrator with the Accused. Many of the Documents also refer to other alleged subordinates of the Accused such as Sam Bockarie,⁸ JP Koroma,⁹ and Dennis Mingo (Super-Man).¹⁰ In the *Kenema Decision*, the Court held that where documentary evidence is close to subordinates of the Accused, “it would not be fair to the accused to permit the evidence to be given in written form”.¹¹

⁵ Motion, Annex B, Tab 2 page 21986 and 22014.

⁶ Motion, Annex B, Tab 2 page 21992.

⁷ UN Documents Response, para. 19, *Prosecutor v. Sesay et al*, SCSL-04-15-T-1049, Decision on Defence Application for the Admission of the Witness Statement of DIS-129 Under Rule 92bis, or in the Alternative, Under Rule 92ter, 12 March 2008, pgs. 1 and 3.

⁸ Motion, Annex B, Tab 2 page 22005 and 22008.

⁹ Motion, Annex B, Tab 2 page 22016 and 22016.

¹⁰ Motion, Annex B, Tab 2 page 21991, 21989 and 21992.

¹¹ *Prosecutor v Taylor*, SCSL-03-01-556, Decision On Prosecution Notice Under Rule 92 Bis For The Admission Of Evidence Related To *Inter Alia* Kenema District And On Prosecution Notice Under Rule 92bis For The Admission Of The Prior Testimony of TF1-036 into Evidence, 15 July 2008, pg. 4. (“Kenema Decision”)

7. Additionally, the very nature of the Documents (Radio Logs, RUF Personnel Lists and Official Letters), which refer to radio communications¹² and satellite phones,¹³ and the fact that they were allegedly seized from Foday Sankoh's house, relate to critical and proximate elements of the case against the accused. Thus, a witness who is knowledgeable about the contents of the Documents should be provided for cross-examination.¹⁴

A witness must be available to explain the contents and relevance of the Documents

8. The Defence submits that if the Documents were admitted it would be essential to have available someone who could speak to the contents and relevance of the Documents. Many of the Documents, especially the Radio Logs, are not decipherable on their own and are thus of questionable relevance to the proceedings.
9. For instance, the Defence are left perplexed by the numerous codes and codenames referred to in the Radio Log. As a pre-condition to admission, the Prosecution should have produced as witness to decipher and explain the Documents. Further, the Defence would request that someone should be made available who can attest to the signatures on the Documents. The Defence submit that a handwriting expert may be necessary to test the signatures purported to be that of Foday Sankoh.
10. The Defence would need to cross-examine a witness who can speak to the Radio Logs on areas such as:
- What is the translation from the code that is used?¹⁵ Specifically, who and what do the code names stand for (Lion, Smile, etc)?
 - Why are some people referred to by their code name in the content of the logs but others such as Charles Taylor and Sam Bockarie are not?
 - Why are some of the dates and times altered or corrected?¹⁶
 - Why was this Radio Log in Foday Sankoh's house?
 - How did these Documents come into existence and why?

¹² Motion, Annex B, Tab 2 is Radio Log Book #2 covering communications for the period 28/4/1999 – 11/09/1999.

¹³ Motion, Annex B, Tab 2 page 21982.

¹⁴ *Prosecutor v. Taylor*, SCSL-03-01-T-556, Decision on Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92bis for the Admission on the Prior Testimony of TF1-036 into Evidence, 15 July 2008.

¹⁵ For example Motion, Annex B, Tab 2 page 21992 is unintelligible without knowledge of the code.

¹⁶ For example Motion, Annex B, Tab 2 page 21983, 21982, 21989.

- Why is the log not signed at page 22035?
11. The Defence would also seek to cross-examine a witness who could speak to the Letter from Jackson Ray Swarray, Black Guard to the Leader of RUF S/L on areas such as:
- Why does the document have printed at the top "Oct. 15 1999"? Is this related to a fax machine?
 - If so, why was the document faxed after it was first sent and before it was seized?
 - Who was the document faxed to and why?
 - Why was this document at Foday Sankoh's house?
 - Who signed this document?
12. The fact that these Documents are produced at such a late stage at the proceedings means that witnesses who have previously testified can no longer be challenged on the content or accuracy of the Documents.¹⁷

The Prosecution have not shown a clear chain of custody

13. The Prosecution allege that all of the Documents annexed to this Motion were found in Foday Sankoh's house. Thus, as a pre-condition to admission on this basis, the Prosecution should have provided a clear chain of custody record showing how these specific Documents were taken from Foday Sankoh's house and how they found their way into the hands of the Prosecution. Absent such a clear showing, the admission of these Documents would bring the administration of justice into disrepute contrary to Rule 95.
14. In its Motion, the Prosecution state that they can make available the Chief of the Evidence Unit who can testify as to how they obtained the Documents. However, the Defence query why, at a minimum, the Chief of the Evidence Unit did not simply make an affidavit for the Prosecution to attach to the Motion. What the Prosecution now seeks to do is to have the Documents admitted first and then explain how they were obtained later, which is not tenable. If a witness were to be called, they would have to testify as part of the process of determining whether the Documents must be admitted so that the Defence and the Trial

¹⁷ For example, the Prosecution has had plenty of opportunities to introduce the Radio Log through the 'radio operator' witnesses, such as TF1-584. In fact, the Prosecution initially indicated their intention to seek admission of this same Radio Log through her testimony in *Prosecutor v. Taylor*, SCSL-03-01-T-526, Public with Confidential Annex B Prosecution Witness List for Week 16-20 June 2008, 2 June 2008, Confidential Annex B. Unlike what is stated in the Radio Log, TF1-584 testified that the RUF did not report areas they had successfully captured or materials they had successfully secured. See *Prosecutor v. Taylor*, SCSL-03-01-T, Transcript, page 12080 line 13-26. The Defence should have had the opportunity to cross-examine this witness on this inconsistency.

Chamber could have a full and complete understanding of the origin of the Documents. The testimony cannot be after the fact.

15. In the RUF Trial, the Prosecution attempted to call Mr. Alfred Sesay, one of its employees, to explain the chain of custody. However, Mr. Sesay was unable to testify about how the Documents were taken from Sankoh's house.¹⁸ Mr. Sesay could only explain that the Documents had been brought to him and someone told him that the Documents came from Foday Sankoh's house [emphasis added].¹⁹ The admission of such Documents as Documents coming from Foday Sankoh's house, given the prejudice that would attach, based on such flimsy evidence, would bring the administration of justice into disrepute.
16. Additionally, the Defence expresses serious concern over the careless manner in which the Documents were kept by Mr. Sesay. Firstly Mr. Sesay testified that the Documents were not checked by him or recorded when they were handed to him,²⁰ that the Documents were not entered into the exhibit log which is against standard protocol;²¹ that he had no knowledge about whether these were all of the Documents from Sankoh's premises;²² that the Documents were taken on three occasions and copied by interested parties but the witness made no record of these visits and in one example failed to identify the people.²³
17. Therefore the Defence submit that as a pre-condition to admission, the Prosecution must produce a witness to testify as to the chain of custody, which could show that the Documents are in fact from Foday Sankoh's house. Absent this, the admission of the Documents would undermine the integrity of the proceedings.

Illegible Documents are not admissible

18. The Defence would like to draw the Chambers attention to the poor quality of the Documents in Annex B of the Motion. The Documents should not be admitted into evidence on the basis

¹⁸ *Prosecutor v. Sesay et al*, SCSL-04-15-T, Trial Transcript, 29 June 2006, page 72 line 14 – 19.

¹⁹ *Prosecutor v. Sesay et al*, SCSL-04-15-T, Trial Transcript, 29 June 2006, page 49 line 27 to page 50 line 7.

²⁰ *Prosecutor v. Sesay et al*, SCSL-04-15-T, Trial Transcript, 29 June 2006, page 51 line 25 – 28 and page 51 line 29 – page 52 line 2.

²¹ *Ibid* page 72 line 2 – 13.

²² *Prosecutor v. Sesay et al*, SCSL-04-15-T, Trial Transcript, 29 June 2006, page 51 line 4 - 7 page 72 line 14 – 19

²³ *Prosecutor v. Sesay et al*, SCSL-04-15-T, Trial Transcript, 29 June 2006, page 53 line 4 – page 55 line 4; page 55 line 21 – page 59 line 18; page 59 line 19 – page 62 line 3.

that the Documents are of poor quality and many parts are unintelligible.²⁴ The Defence would submit that it is very likely that pages are missing or are in the incorrect sequence.²⁵

The probative value of the evidence is outweighed by its prejudicial effect

19. Based on the above submissions, namely, that there is no proper chain of custody to clearly show that the Documents actually came from Foday Sankoh's house; that the Prosecution is not calling a witness to explain or give relevance to the contents of the Documents; and that some of the Documents are illegible, the Chamber should exclude these Documents under its inherent jurisdiction on the basis that their probative value is outweighed by its prejudicial effect. The second ground for excluding these Documents for their prejudice to the Accused is that as mentioned above, witnesses who could have testified and possibly brought some clarity to the content of the Documents have already taken the stand in this trial. Therefore these Documents can longer be tested in cross-examination. Furthermore, the Defence submits that it is in itself prejudice to the Accused that the Prosecution have had these Documents in its possession for such a long time and have had the chance to introduce them through various witnesses, but are only trying to admit them now at such a late stage in the trial and without an opportunity for the Defence to challenge the evidence in court.
20. For the above reasons the Documents should be excluded because their probative value is outweighed by their prejudicial effect.

B. If only Rule 89(C) is applied

21. All Documents must be relevant, must not violate Rule 95, and their probative value must outweigh their potential prejudice.

²⁴ The Chamber expressed its disapproval of submission of Documents that were partly or entirely illegible in *Prosecutor v. Taylor*, SCSL-03-01-T-369, Decision on Prosecution's Motion for Admission of Material Pursuant to Rules 89(C) and 92bis, 7 December 2007, p.3.

²⁵ See for instance page 22012 of Annex B, tab 2, where the log refers to a previous message which is not detailed in the log. There are two possible explanations for this either the message was not written down or alternatively the page was lost containing the message, without a witness to cross-examine as to the content of the Documents this would be impossible to ascertain. Further there is a blank page between page 21990 and 21991 and possible editing on page 22018 because there is a large white space within the content. Furthermore page 21987 has a copy of a paperclip, the Defence would wish to be afforded information as to what this paperclip contained if anything. The letter at pages 22048 – 22050 are further illegible and almost impossible to read. The signature further is impossible to identify.

22. This section summarises the application of the relevant test for admitting new Documents under Rule 89(C) as approved by the ICTY Appeals Chamber in *Prosecutor v. Kordic and Cerkez*.²⁶ This summary is based on a full detailed analysis, which can be found in Annex A of this Response.
23. The first limb of the test excludes Documents that have been admitted in these or other proceedings. The Prosecution has sought the admission of Document 1 through a Rule 92bis application in relation to TF1-036. The Chamber has admitted this into evidence, provided TF1-036 is made available for cross-examination.²⁷ The Chamber has also accepted the Prosecution's Notice of a change of status of TF1-036 to give testimony *viva voce*.²⁸ Therefore, it appears the Prosecution is seeking to enter this document without its accompanying witness being made available for cross-examination on the contents of the document. Further, Documents 1, 2 and 4 have been produced in other proceedings in this tribunal. Therefore, all three would have been available to the Prosecution when it presented its case and should have been tendered accordingly.
24. The next part of the test excludes material that is not sufficiently significant to warrant admission at so late a stage of the proceedings. This may include crime-based evidence, which does not go to the acts and conduct of the accused. Such evidence includes references such as that in Document 2, which mentions the release of women and children.
25. The fourth limb of the test excludes material that is cumulative and does not add to the voluminous material already in evidence. All the Documents repeat evidence that has already been covered in detail by several witnesses and, in some instances, has also been covered extensively by written evidence. Generally speaking, this includes the reorganising of the RUF/AFRC command structure (Document 1), the defence of Kono and Tongo Fields (Document 2), the reporting system in the RUF and the RUF/AFRC junta (Document 2, 3

²⁶ *Prosecutor v. Kordic and Cerkez*, Appeals Judgment, No. IT-95-14/2-A, 17 December 2004, para. 190.

²⁷ The document is included in Annex B (where it is labeled as Exhibit 39) of *Prosecutor v. Taylor*, SCSL-03-01-T-438, Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 into Evidence, 14 March 2008. It is admitted into evidence with the condition TF1-036 is made available for cross-examination in *Prosecutor v. Taylor*, SCSL-03-01-T-556, Decision on Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 into Evidence, 15 July 2008.

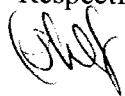
²⁸ The Prosecution's Notice of changing TF1-036's status to *viva voce* was accepted in *Prosecutor v. Taylor*, SCSL-03-01-T-576, Decision on Public Prosecution Notice of Change in Witness Status or in the Alternative Motion for Leave to Change Witness Status, 5 September 2008.

- and 4), resistance in the RUF to disarmament (Document 4), recruitment and training of child soldiers, and the organisation of training in the RUF (Document 5).
26. Finally, the fifth limb of the test excludes material based on anonymous sources or hearsay statements that are incapable of being tested by cross-examination. In this case, Document 2 is based entirely on radio messages from sources that cannot be identified and includes indecipherable signatures below each message.
27. In summary, for the above stated reasons, Documents 1, 2, 3, 4 and 5, in their entirety, cannot be admitted under the test promulgated in *Kordic and Cerkez*.

IV. Conclusion

28. In conclusion, the Defence submits as follows:
- a) The proper gateway for admitting the Documents is Rules 89(C) and 92bis. Under these conjunctive rules, the Documents should be excluded because they go to the acts and conduct of the accused or his allegedly subordinates, and/or because their probative value is outweighed by their prejudicial effect;
 - b) If the Chamber is minded to consider the Documents solely under Rule 89(C) then the Documents should still be excluded under the Chamber's inherent jurisdiction. Further, the Documents should be excluded because they fail the *Kordic and Cerkez* test.

Respectfully Submitted,



SIVAS CERKEZ

 **Courtenay Griffiths Q.C.**

Lead Counsel for Charles G. Taylor

Dated this 17th Day of November 2008

The Hague, The Netherlands

Table of Authorities

Prosecutor v. Taylor

Prosecutor v. Taylor, SCSL-03-01-T-369, Decision on Prosecution's Motion for Admission of Material Pursuant to Rules 89(C) and 92bis, 7 December 2007

Prosecutor v. Taylor, SCSL-03-01-T-438, Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 into Evidence, 14 March 2008

Prosecutor v. Taylor, SCSL-03-01-T-526, Public with Confidential Annex B Prosecution Witness List for Week 16-20 June 2008, 2 June 2008, Confidential Annex B

Prosecutor v. Taylor, SCSL-03-01-T-556, Decision on Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to Inter Alia Kenema District and on Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 into Evidence, 15 July 2008

Prosecutor v. Taylor, SCSL-03-01-T-576, Decision on Public Prosecution Notice of Change in Witness Status or in the Alternative Motion for Leave to Change Witness Status, 5 September 2008

Prosecutor v. Taylor, SCSL-03-01-T-650, Prosecution Motion for Admission of Documents of the United Nations Bodies, 29 October 2008

Prosecutor v. Taylor, SCSL-03-01-T-652, Prosecution Motion for Admission of Extracts of the Report of the Truth and Reconciliation Commission of Sierra Leone, 31 October 2008

Prosecutor v. Taylor, SCSL-03-01-T-664, Defence Reponse to Prosecution Motion for the Admission of Documents of the United Nations and United Nations Bodies, 10 November 2008

Prosecutor v. Taylor, SCSL-03-01-T-663, Defence Response to Prosecution Motion for Admission of Extracts of the Report of the Truth and Reconciliation Commission of Sierra Leone, 10 November 2008

Prosecutor v. Sesay

Prosecutor v. Sesay et al, SCSL-04-15-T-1049, Decision on Defence Application for the Admission of the Witness Statement of DIS-129 Under Rule 92bis, or in the Alternative, Under Rule 92ter, 12 March 2008

Prosecutor v. Sesay et al, SCSL-04-15-T, Trial Transcript, 29 June 2006

ICTY

Prosecutor v. Kordic and Cerzek, Case No. IT-95-14/2-A, Judgment, 17 December 2004
<http://www.un.org/icty/kordic/appeal/judgement/cer-aj041217e.pdf>

22433

ANNEX A

Annex A: Objection to Admission of Documents Seized from Foday Sankoh's House through Rule 89(C)

22434

Doc.	Title/Date	Objection	Explanation
1	Letter/Memorandum to His Excellency Major JP Koroma, from the Military High Command and War Council, People's Army of Sierra Leone (signed for Colonel Sam Bockarie), entitled, "Proposal for the tentative integration of the People's Army into the National Army and the Political Circle"	<input checked="" type="checkbox"/> Already Produced/admitted <input type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> RUF Exhibit 39 (admitted through TFI-036); Prosecution has already been granted permission to admit this Exhibit providing it makes TFI-036 available for cross-examination. The Prosecution's request to change TFI-036's status to <i>viva voce</i> has also been granted. Evidence regarding the appointment of Bockarie, Sesay and Mongor to senior positions (including the appointment of Bockarie as Chief of Defence Staff) and the appointment of RUF members to government ministries can be found in Exhibits P-60 and P-62 Evidence regarding the integration of the RUF and AFRC command structures can be found in Exhibits P-59, P-60, and P-62 Evidence regarding the restructuring of the People's Army to include Bockarie as Chief of Defence Staff and, in particular, the alleged involvement of Accused can be found in <i>Prosecutor v. Taylor</i>, Transcript, p.5740:5 – 5741:27, 11 March 2008.
2	Radio Log Book #2 covering communications for the period of 28/04/1999 – 11/09/1999	<input type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Already Produced <input checked="" type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> RUF Exhibit 32 (admitted through TFI-361) Crime-based – abduction of civilians from Freetown (ERN 0008697) Evidence regarding the command structure of AFRC/RUF can be found in Exhibits P-59, P-60 and P-62, and <i>Prosecutor v. Taylor</i>, Transcript, p.5740:5 – 5741:27, 11 March 2008 (Transcript alleges involvement of Accused in command structure). Evidence regarding the defence of Kono: <ul style="list-style-type: none"> <i>Prosecutor v. Taylor</i>, Transcript, p. 5744:21-5746:1, 11 March 2008 <i>Prosecutor v. Taylor</i>, Transcript, p. 3135:21-28, 5 February 2008 <i>Prosecutor v. Taylor</i>, Transcript, p. 8011:9-28, 18 April 2008 (including radio communications) <i>Prosecutor v. Taylor</i>, Transcript, p. 7950:2-24, 17 April 2008 Evidence regarding the defence of Kono and Tongo Fields as important to AFRC: <i>Prosecutor v. Taylor</i>, Transcript, p. 4498:11-22,

Annex A: Objection to Admission of Documents Seized from Foday Sankoh's House through Rule 89(C)

22435

Doc.	Title/Date	Objection	Explanation
			<p>21 February 2008</p> <ul style="list-style-type: none"> Evidence regarding the reporting system in the RUF: <ul style="list-style-type: none"> <i>Prosecutor v. Taylor</i>, Transcript, p.5238:20 to p.5240:12, 4 March 2008; p.5305:26 – 5307:9 and p.5374:3 to p.5384:13, 5 March 2008; and, p.5393:13-19, 6 March 2008 <i>Prosecutor v. Taylor</i>, Transcript, p.4268:17 to p.4270:8 and p.4277:7 to p.4278:10, 19 February 2008 <i>Prosecutor v. Taylor</i>, Transcript, p.12076:28-12081:18, 25 June 2008 <i>Prosecutor v. Taylor</i>, Transcript, p.4365:17-21, 20 February 2008 (using radio communications) Exhibit P-96 Monitoring Book, Signal Unit, Out of Bounds to RUF, Codebook for the RUF Radio Network Evidence regarding the reporting system in AFRC/RUF: <ul style="list-style-type: none"> <i>Prosecutor v. Taylor</i>, Transcript, p.2307:8-29 28 January 2008 (includes coordinating intelligence reports for many agencies and report to the Chief of Defence Staff), p.2310:15-2312:24 (reports presented at AFRC Supreme Council) <i>Prosecutor v. Taylor</i>, Transcript, p.8026:20-8027:13, 18 April 2008 (radio communications between RUF and AFRC) <i>Prosecutor v. Taylor</i>, Transcript, p.5320:21 to p.5326:29 5 March 2008 <i>Prosecutor v. Taylor</i>, Transcript, p.1317:2-1318:6, 15 January 2008
		<input checked="" type="checkbox"/> Anonymous/hearsay	<ul style="list-style-type: none"> The entire document is based on alleged messages from sources who cannot be easily identified e.g. Log (21958), Black Jah (21959), the Lion (21959-21973), Smile (21974, 21976), Concord (21979-21981), Time Bomb (21982), The Guineans (21985), Hero (21986-21988)
3	Letter to Leader RUF S/L from Jackson Ray Swaray, Blackguard Commander RUF S/L entitled "Suggestion and Advice"	<input type="checkbox"/> Already Produced <input type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> Evidence regarding the reporting system in the RUF: <ul style="list-style-type: none"> <i>Prosecutor v. Taylor</i>, Transcript, p.5238:20 to p.5240:12, 4 March 2008; p.5305:26 – 5307:9 and p.5374:3 to p.5384:13, 5 March 2008; and, p.5393:13-19, 6 March 2008

Annex A: Objection to Admission of Documents Seized from Foday Sankoh's House through Rule 89(C)

22436

Doc.	Title/Date	Objection	Explanation
			<ul style="list-style-type: none"> • <i>Prosecutor v. Taylor</i>, Transcript, p.4268:17 to p.4270:8 and p.4277:7 to p.4278:10, 19 February 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.12076:28-12081:18, 25 June 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.4365:17-21, 20 February 2008 (using radio communications) • Exhibit P-96 • Evidence regarding the reporting system in AFRC/RUF: <ul style="list-style-type: none"> • <i>Prosecutor v. Taylor</i>, Transcript, p.2307:8-29 28 January 2008 (includes coordinating intelligence reports for many agencies and report to the Chief of Defence Staff), p.2310:15-2312:24 (reports presented at AFRC Supreme Council) • <i>Prosecutor v. Taylor</i>, Transcript, p.8026:20-8027:13, 18 April 2008 (radio communications between RUF and AFRC) • <i>Prosecutor v. Taylor</i>, Transcript, p.5320:21 to p.5326:29 5 March 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.1317:2-1318:6, 15 January 2008
4	Letter to the Leader of the Revolution from Black Guard (signed by Mr Jackson Swaray) on "Information received from Lt Col. George Steven"	<input type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Already Produced <input type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> • RUF Exhibit 276 (admitted DIS-281) • Evidence regarding the reporting system in the RUF: <ul style="list-style-type: none"> • <i>Prosecutor v. Taylor</i>, Transcript, p.5238:20 to p.5240:12, 4 March 2008; p.5305:26 – 5307:9 and p.5374:3 to p.5384:13, 5 March 2008; and, p.5393:13-19, 6 March 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.4268:17 to p.4270:8 and p.4277:7 to p.4278:10, 19 February 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.12076:28-12081:18, 25 June 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.4365:17-21, 20 February 2008 (using radio communications) • Exhibit P-96 • Evidence regarding the reporting system in AFRC/RUF: <ul style="list-style-type: none"> • <i>Prosecutor v. Taylor</i>, Transcript, p.2307:8-29 28 January

Annex A: Objection to Admission of Documents Seized from Foday Sankoh's House through Rule 89(C)

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Doc.	Title/Date	Objection	Explanation
			<p>2008 (includes coordinating intelligence reports for many agencies and report to the Chief of Defence Staff), p.2310:15-2312:24 (reports presented at AFRC Supreme Council)</p> <ul style="list-style-type: none"> • <i>Prosecutor v. Taylor</i>, Transcript, p.8026:20-8027:13, 18 April 2008 (radio communications between RUF and AFRC) • <i>Prosecutor v. Taylor</i>, Transcript, p.5320:21 to p.5326:29 5 March 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.1317:2-1318:6, 15 January 2008 <p>• Evidence regarding the RUF resistance to disarmament:</p> <ul style="list-style-type: none"> • <i>Prosecutor v. Taylor</i>, Transcript, p.5374:3-22; p.5380:23-p.5381:11; p.5384:13, 5 April 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.1595:4 to 21, 18 January 2008 • <i>Prosecutor v. Taylor</i>, Transcript, p.2048:26-2050:19, 23 January 2008 • <i>Prosecutor v. Taylor</i>, Transcript, 2449:2-2449:15, 29 January 2008
5	Nominal Rolls of RUF/SL Personnel	<input type="checkbox"/> Anonymous/hearsay <input type="checkbox"/> Already Produced <input checked="" type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> • Crime-base: chapeau requirements and recruitment of child soldiers • Evidence regarding the Recruitment and training of child soldiers – Exhibit P-43 Expert Report of Jessica Alexander, Children Associated with Fighting Forces in the Conflict in Sierra Leone, 4 May 2007, <i>passim</i> • Evidence regarding the plurality of persons in RUF – P-56 RUF Command Structure Circa February-October 1996, <i>passim</i> • Plurality of persons in RUF: <ul style="list-style-type: none"> • Exhibit P-56 <i>passim</i> • Exhibit P-59 <i>passim</i> • Exhibit P-60 <i>passim</i> • Exhibit P-62 <i>passim</i> • Exhibit P-51 UNICEF Exercise Booklet Listing Names of Soldiers and Armed Serial Numbers as well as Captives

Annex A: Objection to Admission of Documents Seized from Foday Sankoh's House through Rule 89(C)

Doc.	Title/Date	Objection	Explanation
		<input type="checkbox"/> Anonymus/hearsay	Along the Guinea and Sierra Leone Border <i>passim</i> • Evidence regarding the RUF training – Exhibit P-88 RUF/SL Handwritten Nominal Roll for Instructors and Staff for the RUF Training Camp, 23 September 1998

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