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SCSL-03-01-T
(22660-22695)

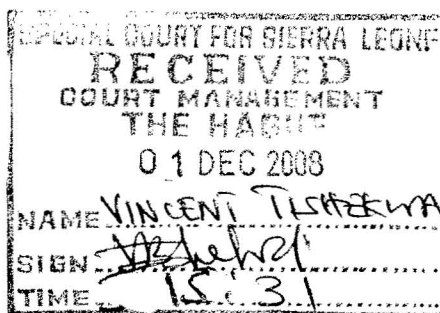
22660

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone

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

Registrar: Mr. Herman von Hebel

Date filed: 1 December 2008



THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PUBLIC

**PROSECUTION MOTION FOR LEAVE TO CALL AN ADDITIONAL WITNESS AND NOTICE
TO ADMIT WITNESS' SOLEMN DECLARATION AND, IN THE ALTERNATIVE, FOR
ADMISSION OF SOLEMN DECLARATION**

Office of the Prosecutor:

Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Ms. Leigh Lawrie

Counsel for the Accused:

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

I. INTRODUCTION

1. The Prosecution files this motion under Rule 73 of the Rules of Procedure and Evidence ("**Rules**").
2. Pursuant to Rules 66(A)(ii) and 73bis(E), the Prosecution seeks the Trial Chamber's leave to add the witness, Tariq Malik, to the Prosecution's witness list and, if leave is granted, an order authorising disclosure of his solemn declaration dated 1 December 2008 provided in **Annex A** ("**Declaration**"). Should the Chamber grant the Prosecution's request, the Prosecution seeks to have the Declaration admitted into evidence pursuant to Rules 89(C) and 92bis.
3. In the alternative, the Prosecution requests that the Trial Chamber admit the Declaration into evidence under Rule 89(C).

II. BACKGROUND

4. The Prosecution's current witness list is the amended witness list ("**Amended Witness List**") filed on 7 February 2008.¹
5. During the course of the current proceedings, both Prosecution and Defence have tendered documents as exhibits which were: (i) seized from the residence of Foday Sankoh on 8 May 2000; (ii) seized by the Sierra Leone Police from a RUF office in Kono District; and (iii) copied from the newspaper archive of the Catholic Justice and Peace Commission ("**JPC**") in Monrovia, Liberia. The Prosecution has also recently filed motions seeking admission of documents taken from the Sankoh collection,² the RUF office,³ the JPC archive⁴ and obtained from searches carried out by the Liberian

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-410, "Prosecution's Amended List", 7 February 2008. On 4 April 2007 the Prosecution filed its first witness list as part of the "Rule 73bis Pre-Trial Conference Materials" (see *Prosecutor v. Taylor*, SCSL-03-01-PT-218, "Public Rule 73bis Pre-Trial Conference Materials", 4 April 2007). Permission to vary this list was granted on 5 February 2008 (see *Prosecutor v. Taylor*, SCSL-03-01-T-408, "Decision on Public with Confidential Annex D, Motion for Leave to Vary the Witness List & to Disclose Statements of Additional Witnesses", 5 February 2008 ("**Decision on Variation of the Witness List**").

² *Prosecutor v. Taylor*, SCSL-03-01-T-659, "Public Prosecution Motion for Admission of Documents Seized from Foday Sankoh's House", 6 November 2008 ("**Sankoh Documents Motion**").

³ *Prosecutor v. Taylor*, SCSL-03-01-T-667, "Public Prosecution Motion for Admission of Documents Seized from RUF Office, Kono", 13 November 2008 ("**RUF Documents Motion**").

⁴ *Prosecutor v. Taylor*, SCSL-03-1-T-678, "Prosecution Motion for Admission of Newspaper Articles obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia", 28 November 2008 and *Prosecutor v. Taylor*, SCSL-03-1-T, "Prosecution Motion for Leave to Add an Article to the Prosecution Motion for Admission of Newspaper Articles obtained from the Catholic Justice and Peace

authorities.⁵

6. Tariq Malik has been employed as Chief of the Evidence Unit (now the Section for Evidence, Archiving and Post-Operational Access or "SEAPA") in the Office of the Prosecutor ("OTP") at the Special Court for Sierra Leone ("SCSL") since 28 April 2003. In that capacity he has overall responsibility for reception and storage of all information deemed to have evidentiary value.
7. In relation to documents seized from Sankoh's residence, the Declaration deals with 14 such documents identified by the internal OTP evidence reference numbers ("ERN"). As identified in the table provided in **Annex B**: (i) 9 documents are exhibits in these proceedings; and (ii) 5 documents are included in the Sankoh Documents Motion.
8. In relation to documents seized from the RUF office, the Declaration deals with 22 such documents identified by ERN number. As identified in the table provided in **Annex C**: (i) 5 documents are exhibits in these proceedings; (ii) one page of another document is an admitted exhibit, admission being sought of the remainder of the document in the RUF Documents Motion; and (iii) 16 documents are included in the RUF Documents Motion.
9. As regards the copies of the newspapers obtained from the JPC archive, the Declaration refers to 9 such documents identified by ERN number. As identified in the table provided in **Annex D**: (i) 2 documents are exhibits in these proceedings; and (ii) 7 documents are included in the JPC Documents Motion.
10. Finally, in respect of the documents obtained as a result of searches carried out by the Liberian authorities, the Declaration refers to 11 such documents identified by ERN number. As identified in the table provided in **Annex E** all 11 documents are included in the Taylor Documents Motion.
11. The Declaration will assist the Trial Chamber in establishing the origin and custody of the documents listed in **Annex B** (the "Sankoh Documents"), in **Annex C** (the "RUF Documents"), in **Annex D** (the "JPC Documents") and **Annex E** (the "Taylor Documents") and in determining their reliability and weight.

Commission Archive in Monrovia, Liberia", 1 December 2008 (together the "**JPC Documents Motion**").

⁵ *Prosecutor v. Taylor*, SCSL-03-1-T-681, "Prosecution Motion for Admission of Liberia Search Documents", 1 December 2008 ("**Taylor Documents Motion**").

III. APPLICABLE LAW

Leave to Add witness, order to disclose Declaration, Notice under Rule 92bis

12. Rule 73bis(E) governs requests to vary the witness list and provides that:

- (E) After the commencement of the Trial, the Prosecutor may, if he considers it to be in the interests of justice, move the Trial Chamber ... to vary his decision as to which witnesses are to be called.

13. In relation to the disclosure of the statements of proposed additional Prosecution witnesses, Rule 66(A)(ii) provides that the Prosecution shall:

- (ii) Continuously disclose to the Defence copies of the statements of all additional prosecution witnesses whom the Prosecutor intends to call to testify, but not later than 60 days before the date for trial, or as otherwise ordered by a Judge of the Trial Chamber either before or after the commencement of the trial, upon good cause being shown by the Prosecution. ...

14. Rule 89 constitutes the basic rule regulating the admission of evidence. This Rule applies in addition to the more specific provisions contained in Rule 92bis.⁶

15. Rule 92bis of the Rules provides that:

- (A) In addition to the provisions of Rule 92ter, a Chamber may, in lieu of oral testimony, admit as evidence, in whole or in part, information including written statements and transcripts, that do not go to proof of the acts and conduct of the accused.
- (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purpose for which it is submitted and if its reliability is susceptible of confirmation.
- (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.

Alternative request for relief: Admission under Rule 89(C)

16. Rule 89(C) provides that the Chamber “may admit any relevant evidence.” While no Rule specifically governs the admission of documentary evidence at the SCSL, Rule 89(C) has been used to admit such evidence alone⁷ and in combination with Rule 92bis.⁸ However, in previous proceedings Rule 89(C) alone has been used to admit a solemn declaration. The Prosecution notes the *Fofana* Bail Appeals Decision which found that the trial Judge “was correct to admit under Rule 89(C) the declaration of

⁶ *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.4, “Decision on Interlocutory Appeal on the Admissibility of Evidence-In-Chief in the Form of Written Statements”, 30 September 2003, paras 9-10.

⁷ *Prosecutor v. Sesay et al.*, SCSL-04-15-T-620, “Decision on Prosecution Motion to Admit into Evidence a Document Referred to in Cross-Examination”, 2 August 2006, p. 4.

⁸ See, for example, *Prosecutor v. Sesay et al.*, SCSL-04-15-T-618, “Decision on Prosecution Notice Pursuant to Rule 92bis to Admit Information into Evidence”, 2 August 2006, p.5.

the Chief of Investigations, having found it relevant”.⁹ Therefore, pursuant to this Appeals Chamber Decision, the Prosecution notes this alternative basis for admission.

17. The Prosecution relies on and incorporates by reference its submissions made in relation to the applicable law for the admission of documents under Rule 89(C) made in the UN Documents Motion.¹⁰

IV. ARGUMENT

Application for leave to add a witness & to admit Declaration under Rule 92bis

Application under Rules 66(A)(ii) and 73bis(E)

18. The Prosecution seeks leave to add Mr. Malik to the Amended Witness List and to disclose the Declaration.¹¹

19. In considering requests by the Prosecution to add witnesses to its witness list, the SCSL Trial Chambers, consistent with the practice of the ICTR, have generally considered the requirements of “good cause” and “in the interests of justice” together. This practice stems from the fact that requests to add witnesses generally trigger the provisions of Rule 66(A)(ii) in addition to those of Rule 73bis(E). Rule 66(A)(ii) does not stipulate what amounts to “good cause” and Rule 73bis(E) does not stipulate what amounts to “the interests of justice”. However, when interpreting the provisions of Rule 66(A)(ii) together with Rule 73bis(E), this Trial Chamber in these proceedings has noted that consideration should be given to the following criteria: “the materiality of the testimony, the complexity of the case, prejudice to the Defence including elements of surprise, on-going investigations, replacements and corroboration of evidence,’ as well as ‘the sufficiency and time of disclosure of witness information to the Defence,’ and ‘allegations in the indictments; the ability of the Defence to make an effective cross-examination of the proposed testimony, given its novelty or other factors; and the justification offered by the Prosecution for the

⁹ *Prosecutor v. Norman et al.*, SCSL 04-14-T, “Fofana – Appeal against Decision Refusing Bail”, 11 March 2005 (“**Fofana Bail Appeals Decision**”), para. 29.

¹⁰ *Prosecutor v. Taylor*, SCSL-01-03-T-650, “Public Prosecution Motion for Admission of Documents of the United Nations & United Nations Bodies”, 29 October 2008, paras. 5 – 8 (“**UN Documents Motion**”).

¹¹ The Prosecution notes that, notwithstanding the *Fofana* Bail Appeals Decision, Trial Chamber I granted a request for admission of a solemn declaration under Rules 66(A)(ii), 73bis(E) and 92bis (see *Prosecutor v. Sesay et al.*, SCSL-04-15-T-534, “Decision on Prosecution Request for Leave to Call an Additional Witness and Notice to Admit Witness’ Solemn Declaration Pursuant to Rules 73bis(E) and 92bis”, 5 April 2006).

addition of the witness.”¹²

20. The above criteria must be considered in the context of the obligation to balance the Prosecution’s duty under the Statute to present the best available evidence against the right of the Accused to be tried without undue delay and to be given adequate time and facilities to prepare his defence.¹³
21. Accordingly, the above criteria can be distilled into two principal requirements regarding the Prosecution’s request to add a witness: (i) that the testimony of the proposed additional witness is relevant and material to the case; and (ii) that the request does not unfairly prejudice the rights of the Accused. These requirements are satisfied and the witness should be added to the Amended Witness List so as to enable the Declaration to be tendered for admission pursuant to Rule 92*bis*.
22. As noted above, the Sankoh, RUF, JPC and Taylor Documents are documents which have been tendered by both parties and also documents which are the subject of recent filings. Accordingly, on review of the current state of the documentary evidence, the Prosecution considers the application necessary.
23. Linked to the foregoing, the witness would provide important information regarding the provenance of the Sankoh, RUF, JPC and Taylor Documents. The witness would testify as to how the OTP received these Documents and on their subsequent storage and custody. This information regarding the provenance of the documents is important in assessing their authenticity, relevance and materiality. Further, these issues assist in determining the weight to be given to the documents. It is evident, therefore, that this information will assist the Trial Chamber in its analysis of the Sankoh, RUF, JPC and Taylor Documents.
24. Further, the request to add this witness does not unfairly prejudice the rights of the

¹² Decision on Variation of the Witness List, p. 3 citing *Prosecutor v. Brima et al.*, SCSL-04-16-T-365, “Decision on Prosecution request for Leave to Call an Additional Witness (Zainab Hawa Bangura) Pursuant to Rule 73*bis*(E) and on Joint Defence Notice to Inform the Trial Chamber of its Position vis-à-vis the Proposed Expert Witness (Mrs. Bangura) Pursuant to Rule 94*bis*”, 5 August 2005 (“**Brima Decision**”), paras. 21-22; following *Prosecutor v. Norman et al.*, SCSL-04-14-T-167, “Decision on Prosecution request for Leave to Call Additional Witnesses”, 29 July 2004 (“**Norman Decision**”), paras. 16-18; and referring to *Prosecutor v. Bagosora*, ICTR-98-41-T, “Decision on Prosecution Motion for Addition of Witnesses Pursuant to Rule 73*bis*(E), 26 June 2003 (“**Bagosora Decision**”), para. 14, and *Prosecutor v. Nahimana*, ICTR-99-52-I, “Decision on the Prosecutor’s Oral Motion for Leave to Amend the List of Selected Witnesses”, Trial Chamber, 26 June 2001 (“**Nahimana Decision**”), para. 20.

¹³ *Brima Decision*, para. 28; *Nahimana Decision*, para. 20; and *Bagosora Decision*, para. 13.

Accused as the information provided by Mr Malik has been provided via disclosure of various declarations and statements¹⁴ and also correspondence with the Defence dated 23 January 2007. Therefore, the evidence to be provided is not 'new' as such, but rather, it is intended to inform the Trial Chamber's assessment of the Sankoh, RUF, JPC and Taylor Documents and its evaluation of that evidence in light of all the other evidence. Since the Prosecution does not intend to call the proposed witness, this application is being made in conjunction with an application to tender the Declaration under Rule 92bis in an effort to facilitate a fair, efficient and expeditious trial.

Notice pursuant to Rules 89(C) and 92bis

25. Subject to the above request being granted, the Prosecution gives notice pursuant to Rules 89(C) and 92bis of its intention to submit the Declaration as evidence in this trial. As required under both Rules 89(C) and 92bis and as noted at paragraph 23 above, the information contained in the Declaration is clearly relevant.
26. As also required under Rule 92bis, the Declaration is susceptible of confirmation. At this stage the Prosecution is not required to prove that the evidence is in fact reliable, only that the reliability of the evidence is susceptible of confirmation.¹⁵ The phrase "susceptible of confirmation" contained in Rule 92bis (B) has been interpreted by the Appeals Chamber in the CDF trial to mean that the "proof of reliability is not a condition of admission: all that is required is that the information should be capable of corroboration in due course."¹⁶

¹⁴ On 19 November 2007, disclosure was made of: a declaration of Mr. Alfred Sesay dated 7 July 2005 (ERN00015356-00015361); a declaration of Mr. Lahun dated 11 July 2005 (00015362-00015364); a statement of Mr. Ansumana dated 20 June 2005 (ERN00015539-00015540); a statement of Mr. Cuffey dated 19 June 2005 (ERN00015537-00015538); a declaration of Ruth Mary Hackler dated 26 March 2007 (ERN 00028754-00028755); a declaration of Philip Ross dated 7 March 2007 (ERN 00028335-00028338); and declarations of Sheriff Fofie Kamara, Captain Sumo dated 28 February 2007 (ERN 00029356-00029357). On 22 September 2006 a statement dated 13 June 2003 (ERN00003110-00003141) for TF1-342 was disclosed in redacted form. Unredacted disclosure is being made today of this statement.

¹⁵ *Prosecutor v. Norman et al*, SCSL-04-14AR73, "Fofana – Decision on Appeal Against 'Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence'", 16 May 2005, para. 27.

¹⁶ *Ibid*, para. 26, which dicta was recently referred to by this Chamber in *Prosecutor v. Taylor*, SCSL-01-03-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, p. 4.

27. This Trial Chamber in the AFRC Trial¹⁷ reiterated that “evidence may be excluded because it is unreliable, but it is not necessary to demonstrate the reliability of the evidence before it is admitted.”¹⁸ The Trial Chamber further considered that “reliability of the evidence is something to be considered by the Trial Chamber at the end of the trial when weighing and evaluating the evidence as a whole, in light of the context and nature of the evidence itself, including the credibility and reliability of the relevant evidence.”¹⁹
28. The Declaration contains sufficient indicia of reliability in that it has been signed by the proposed witness who is currently Chief of SEAPA in the OTP, acknowledging Rule 91 including subpart (D) regarding false written statements.
29. The admission into evidence of the Declaration, which does not pertain directly to the acts and conduct of the Accused, will cause no prejudice to the Defence. Indeed, in view of the fact that some of the Sankoh and RUF Documents were tendered by the Defence into evidence, it may be assumed that the Defence also has an interest in establishing the origin and reliability of these exhibits.

Alternative request: Application for Admission under Rule 89(C)

30. As noted above, at the SCSL, Rule 89(C) alone has been used previously to admit a solemn declaration into evidence where it was found relevant; an approach approved by both trial and appellate jurisprudence.²⁰
31. In this case, Mr. Malik is not currently included on the Amended Witness List, nor does the Prosecution wish to add him thereto as the Prosecution does not wish to call

¹⁷ *Prosecutor v. Brima, Kamara and Kanu*, SCSL-04-16-T (“AFRC Trial”).

¹⁸ *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92bis”, 18 November 2005, page 2 (last para), citing *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Decision on Joint Defence Application for Leave to Appeal from Decision on Defence Motion to Exclude All Evidence from Witness TF1-277”, 2 August 2005, para. 6.

¹⁹ *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92bis”, 18 November 2005, page. 3 (second full paragraph). See also *Prosecutor v. Norman et al.*, SCSL-04-14-T-447, “Decision on Prosecution’s Request to Admit into Evidence Certain Documents Pursuant to Rules 92bis and 89(C)”, 14 July 2005, page 3.

²⁰ In the CDF Trial, the solemn declaration of the Chief of Investigations was admitted into evidence under Rule 89(C) by Judge Itoe (see *Prosecutor v. Fofana*, SCSL-04-14-T, “Fofana Decision on Application for Bail”, 5 August 2004). The admission of the declaration under this Rule was approved by the Appeals Chamber (see *Fofana Bail Appeals Decision*, para. 29).

him as a *viva voce* witness. Instead, the Prosecution seeks admission of the Declaration given by Mr. Malik as, for the reasons given below, it satisfies the requirements of Rule 89(C) and its admission is not prohibited by the qualifications to the Rule. Admission under Rule 89(C) alone conforms with “the flexible approach to the issue of admissibility of evidence” which the SCSL’s jurisprudence advocates.²¹

32. As required under Rule 89(C) and as noted at paragraph 23 above, the Declaration is clearly relevant.
33. The Declaration is a sworn, solemn declaration by the Chief of SEAPA in the OTP. It, therefore, will not impact adversely and unfairly *upon the integrity of the proceedings* nor is it of such a nature that its admission would bring the administration of justice into serious disrepute.
34. This Chamber has noted that it “has a discretion under Rule 89(C) to admit any relevant evidence” and “the inability of the Defence to cross-examine such witnesses is a matter that goes to the weight of the evidence, not its admissibility.”²² This approach follows the SCSL appellate jurisprudence set out in the *Fofana* Bail Appeals Decision.²³
35. It is, therefore, clear that no undue prejudice to the Accused arises from the fact that a solemn declaration is admitted without calling a witness.²⁴

V. CONCLUSION

36. The Prosecution respectfully requests that the Trial Chamber pursuant to Rules 66(A)(ii) and 73bis(E), grant the Prosecution leave to add the witness, Tariq Malik, to the Prosecution’s witness list and, if leave is granted, approve the disclosure of the

²¹ See para. 26 of the *Fofana* Bail Appeals Decision: “Rule 89(C) ensures that the administration of justice will not be brought into disrepute by artificial or technical rules, often devised for jury trial, which prevent judges from having access to information which is relevant. Judges sitting alone can be trusted to give second hand evidence appropriate weight, in the context of the evidence as a whole and according to well-understood forensic standards. The Rule is designed to avoid sterile legal debate over admissibility ...”.

²² See *Prosecutor v. Taylor*, SCSL-03-01-T-543, “Decision on Defence Application to Exclude the Evidence of Proposed Prosecution Expert Witness Corinne Dufka, or in the alternative, to Limit its Scope And on Urgent Prosecution Request for Decision”, 19 June 2008, para. 25, in relation to Defence objections regarding the admission of witness testimonies collected by Ms Dufka.

²³ *Fofana* Bail Appeals Decision, para. 29: “The appellant’s objections ... are not objections to admissibility – they go to weight.”

²⁴ See Judge Richard May and Marieke Wierda, *International Criminal Evidence* (Transnational Publishers, Inc., New York: 2002), para. 7.97 which notes that the “procedure [of producing documents without calling a witness] has the advantage of expediting the trial without being detrimental to fairness.”

Declaration in conformity with Rule 66(A)(ii) notwithstanding its advance disclosure in this filing. Should the Chamber grant the Prosecution's request, the Prosecution gives notice under Rule 92*bis* of its intention to seek admission of the Declaration into evidence.

37. In the alternative, the Prosecution respectfully requests that the Trial Chamber admit the Declaration into evidence under Rule 89(C).

Filed in The Hague,

1 December 2008

For the Prosecution,



Brenda J. Hollis
Principal Trial Attorney

Index of Authorities

SCSL Cases

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Prosecutor v. Taylor, SCSL-03-01-PT-218, “Public Rule 73 *bis* Pre-Trial Conference Materials”, 4 April 2007

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Prosecutor v. Taylor, SCSL-03-01-T-543, “Decision on Defence Application to Exclude the Evidence of Proposed Prosecution Expert Witness Corinne Dufka, or in the alternative, to Limit its Scope And on Urgent Prosecution Request for Decision”, 19 June 2008

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Prosecutor v. Taylor, SCSL-03-1-T, “Prosecution Motion for Leave to Add an Article to the Prosecution Motion for Admission of Newspaper Articles obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia”, 1 December 2008

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Prosecutor v. Sesay et al., SCSL-04-15-T-534, “Decision on Prosecution Request for Leave to Call an Additional Witness and Notice to Admit Witness’ Solemn Declaration Pursuant to Rules 73bis(E) and 92bis”, 5 April 2006

Prosecutor v. Sesay et al., SCSL-04-15-T-618, “Decision on Prosecution Notice Pursuant to Rule 92bis to Admit Information into Evidence”, 2 August 2006

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Prosecutor v. Brima et al., SCSL-04-16-T-365, “Decision on Prosecution request for Leave to Call an Additional Witness (Zainab Hawa Bangura) Pursuant to Rule 73bis(E) and on Joint Defence Notice to Inform the Trial Chamber of its Position vis-à-vis the Proposed Expert Witness (Mrs. Bangura) Pursuant to Rule 94bis”, 5 August 2005

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Academic Text

International Criminal Evidence (Transnational Publishers, Inc., New York: 2002), Judge Richard May and Marieke Wierda

(Copy of Chapter 7 provided in previous filing - see Prosecutor v. Taylor, SCSL-03-01-T-510, “Public Prosecution Motion for Admission of Document Pursuant to Rule 89(C)”, 19 May 2008)

22673

ANNEX A

SOLEMN DECLARATION OF TARIQ MALIK

22674

SPECIAL COURT FOR SIERRA LEONE

THE PROSECUTOR

Against

00048407

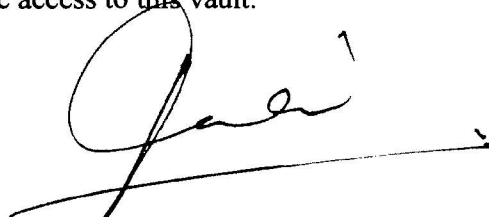
CHARLES GHANKAY TAYLOR

CASE NO. SCSL-2003-01

SOLEMN DECLARATION OF TARIQ MALIK

I, Tariq Malik, do solemnly and sincerely declare to the best of my knowledge and belief as follows:

1. I have been employed as Chief of the Evidence Unit (now Section for Evidence, Archiving and Post-Operational Access -- SEAPA) in the Office of the Prosecutor (OTP) at the Special Court for Sierra Leone (SCSL) since 28 April 2003.
2. Upon my arrival at the SCSL in 2003, I established procedures for the submission and storage of evidence that would maintain the integrity of the evidence given to the Evidence Unit for safekeeping. All information or materials received by the OTP are examined by investigators and or lawyers to ascertain if they have evidentiary value. If it is determined that the information or materials constitute potential evidence, they are submitted to the Evidence Unit where they are made part of the Evidence holdings.
3. The procedures set up by me require that each piece of evidence submitted to the Evidence Unit be accompanied by a form called the "Evidence Indexing Database form" (EID form). The EID form requires the person bringing the evidence to the Evidence Unit to provide, if known, details about the evidence such as the source of the evidence, the date it was received or seized, etc. The evidence is stamped with its unique Evidence Register Number(s) (ERN) and the details from the EID form are entered into an evidence database. Whenever possible an electronic copy of the evidence is also entered into the evidence database. The evidence is then stored in a vault in the Evidence Unit in Freetown. Only I and the Evidence Custodians who work for me in Freetown have access to this vault.



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4. When the proceedings for the Charles Taylor trial were moved to The Hague, it became necessary to train two members of the OTP in the Hague Sub-Office as Evidence Custodians in order to process any evidence collected in The Hague as well as to maintain the integrity of any evidence transferred from the Evidence Unit in Freetown to The Hague for possible submission to the Court as exhibits. Maja Dimitrova and Ruth Mary Hackler of the OTP were personally trained by me as Evidence Custodians, and I traveled to the Netherlands to oversee the implementation of safeguards and procedures that would uphold SEAPA standards in The Hague.
5. During my employment with the SCSL, the Evidence Unit has been given, among others, four sets of documents which, for the purposes of this declaration, I shall refer to the "Sankoh House" documents, the "RUF Office" documents, the "Liberia Search" documents, and the "Justice and Peace Commission" documents.

Sankoh House Documents


6. Over the years, the OTP at the SCSL has employed a number of Sierra Leonean investigators who have served in the Sierra Leone Police (SLP) before joining the OTP. These include Mr. Alfred Sesay and Mr. Thomas Lahun among many others.
7. Through discussions with Mr. Lahun and Mr. Sesay, as well as by reading statements made by these two and others, I have come to know that in May 2000 Mr. Lahun was employed as one of the Directors in the Criminal Investigations Department (CID) in the SLP and in that capacity acted as a superior of Mr. Alfred Sesay who worked as a Non-Commissioned Officer/Investigator in the same department.
8. I have also learned that several members of the CID, including officers Samuel Sanni Sesay and Albert Conteh, were tasked by senior officers at CID, including Mr. Lahun, to carry out a search of Foday Sankoh's house in May 2000 and advised to secure whatever documents they could find there and bring them back to the CID office.
9. Mr. Thomas Lahun and others at CID then received from Mr. Samuel Sanni Sesay the documents that he and his team had seized at Foday Sankoh's house. Mr. Lahun, in his capacity as his superior, instructed Mr. Alfred Sesay to take custody of the documents. From that point on, Mr. Alfred Sesay kept the documents in his custody at CID headquarters in a cupboard to which he possessed the only key.
10. In August 2002 Mr. Lahun joined the OTP as an Investigator while Mr. Alfred Sesay remained at the CID for the time being.



11. Shortly after joining the OTP in 2002, Mr. Lahun went to the CID office and obtained from Mr. Alfred Sesay some of the documents seized from Foday Sankoh's house. Mr. Lahun brought these documents to the Special Court and handed them over to the members of the OTP.
12. The same year, 2002, Ms. Corinne Dufka then working as an Investigator with the OTP, also met Mr. Alfred Sesay at the CID office and obtained from him some of the documents seized from Foday Sankoh's house and provided them to the OTP staff.
13. The custody of these documents obtained from CID by Mr. Lahun and Ms. Dufka was retained by the members of the OTP until 2004 when they entered this material into the Evidence Unit.
14. In 2003, Mr. Alfred Sesay also joined the OTP as an Investigator.
15. In 2005, Mr. Alfred Sesay was shown a set of documents by Mr. Chris Santora, an attorney with the OTP, in my presence and, among others, he identified documents with the following ERNs as documents turned over to him by Mr. Lahun and stored in his custody at CID headquarters:
 - i. 00007736-00007737
 - ii. 00007769-00007770
 - iii. 00007671-00007674
 - iv. 00007802-00007807
 - v. 00008636-00008726
 - vi. 00008727-00008903
 - vii. 00009485-00009485
 - viii. 00009489-00009491
 - ix. 00009658-00009671
 - x. 00009672-00009681
 - xi. 00009746-00009764
 - xii. 00009772-00009775
 - xiii. 00012940-00012942
 - xiv. 00012914-00012927

RUF Office Documents

16. Through discussions with my office colleagues and information provided by SLP officers to the OTP, I have come to know that in 2001 SLP seized a number of documents from the "Mines Office of the Revolutionary United Front (RUF)" at Koakoyima in Kono. The search party included Mr. Aiah Bamba Ansumana, then posted as the "Special Branch Officer" at Tankoro Police Station in Kono.



17. According to Mr. Ansumana, he collected the documents seized as a result of the search, put them in a rice bag, and stored them in his office. During the time they were stored in his custody, Mr. Ansumana examined the documents and found that they mostly related to RUF diamond mining activities.
18. In or around December 2001, one G.K. Cuffey, then working as "Source Manager" in the Special Branch of the SLP in Freetown, visited Kono together with the National Head of the Special Branch, Mr. M.K. Jalloh. Following instructions from his boss Mr. Jalloh, Mr. Cuffey received the rice bag containing the RUF documents from Mr. Ansumana and brought the documents to Freetown where he stored them in his office. He did not untie the bag and did not examine its contents during the time the bag was in his possession.
19. In 2003 or 2004 Mr. Cuffey was posted out of Freetown and therefore left his post as Source Manager in the Special Branch. At the time of leaving charge of his post, Mr. Cuffey transferred custody of the bag to the next Source Manager, Mr. Ibrahim Zidyankay Bangura.
20. Around February 2005, one Philip King, who at the time was working as Police Advisor to the SLP as part of the Commonwealth Advisory team, became aware of the existence of these RUF documents and informed the Chief of Security at SCSL, Mr. Joseph Poraj-Wilczynski, about them.
21. Mr. Poraj-Wilczynski asked Mr. King that the documents be brought to the SCSL for assessment.
22. With permission from the Head of the Special Branch, Mr. Jalloh, Mr. Bangura together with Mr. King brought the documents to the SCSL and handed them over to Mr. Poraj-Wilczynski who passed them on to Mr. Gilbert Morissette, then Deputy Chief of Investigations at the OTP.
23. After the documents first came into the possession of the OTP in 2005, a number of reviews were carried out over the next two years by the members of the OTP and selected documents entered into the Evidence Unit as and when deemed necessary.
24. In June 2005, a few months after the documents were received, an investigator from the OTP, Mr. Jusu Yarmah spoke to a number of people outside the OTP involved in handling these documents in order to establish the provenance of the seized material and ascertain the chain of custody of the documents.
25. In this regard, Mr. Yarmah took very brief statements from Mr. Ansumana, Mr. Cuffey, Mr. Bangura and Mr. Poraj-Wilczynski.



26. While Mr. Ansumana and Mr. Cuffey are unequivocally clear that the records were seized from an RUF office in Kono, some confusion has resulted from Mr. Bangura's statement that the Police obtained these records as a result of searches conducted at RUF offices in Kono *and* Makeni. Mr. Bangura attributes this information to what he believes Mr. Cuffey told him regarding the source of the documents. However, in his statement Mr. Cuffey himself makes no reference to Makeni whatsoever and states clearly that Mr. Ansumana collected the documents as a result of the search of an RUF office in Kono.
27. In his brief statement, Mr. Poraj-Wilczynski states that the documents "originated" from RUF Headquarters in Makeni. However, Mr. Poraj-Wilczynski appears to be referring to where some of the documents were created or issued and therefore his statement is not inconsistent with the direct evidence provided by Mr. Ansumana and Mr. Cuffey that the materials were seized in Kono.
28. Following a review and selection of the materials by the OTP in 2005, some documents were retained by the OTP and entered into the Evidence Unit while the remaining documents were returned to the SLP.
29. In 2006, the Office of the Prosecutor once again obtained these records from the Sierra Leone Police and further reviews of the collection were carried out resulting in additional material being selected and submitted to the Evidence Unit.
30. On the basis of the information provided to me, I believe that the following documents, among others, selected by the OTP and submitted to the Evidence Unit, were part of the set of documents seized by Mr. Ansumana at the Mines Office of the RUF at Kono:
- i. 00025491-00025491
 - ii. 00015513-00015516
 - iii. 00026072-00026073
 - iv. 00025572-00025597
 - v. 00025520-00025521
 - vi. 00025503-00025507
 - vii. 00025494-00025495
 - viii. 00015487-00015491
 - ix. 00025669-00025669
 - x. 00025545-00025547
 - xi. 00025524-00025524
 - xii. 00025653-00025654
 - xiii. 00015509-00015512
 - xiv. 00026048-00026071
 - xv. 00026007-00026008



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xvi. 00025534-00025535
xvii. 00025482-00025482
xviii. 00025608-00025648
xix. 00025700-00025701
xx. 00015502-00015505
xxi. 00025708-00025712
xxii. 00025706-00025707

Liberian Search Documents

31. On 01 March 2004, the Prosecutor wrote to Mr. Edward K. Goba, then Liberia's Deputy Minister for Administration and Public Safety, Ministry of Justice, requesting him to conduct lawful searches at a number of locations including Charles Taylor's former residence (known as "White Flower") located in Congo Town, Monrovia and at his former offices at the Executive Mansion also known as the "Presidential Palace".
32. On 05 March 2004, the Government of Liberia by and through the Ministry of Justice, applied to Joseph Fayiah, Magistrate, Monrovia City Court, for a search warrant to be issued and served at the White Flower residence in Congo Town and selected offices of the Executive Mansion.
33. On the same day, 05 March 2004, Joseph Fayiah issued a search warrant addressed "To Captain Fofie Kamara, Magistrate Police Or To His Deputy" authorizing the specified searches.
34. Pursuant to the search warrant, Liberian authorities conducted searches at the two locations on 05 March 2004 and seized a number of documents and other items.
35. These seized materials have remained ever since in the custody of the Liberian authorities and stored at the Temple of Justice in Monrovia. Over the years, the OTP has made efforts for the seized materials to be transferred to the permanent custody of the OTP, but this request has not been granted so far.
36. The OTP has not received an official inventory of materials seized as a result of the searches conducted by the Liberian authorities on 05 March 2004.
37. On 28 February 2007, Ruth Mary Hackler, then working for the OTP as a Contractor, and OTP investigators, Philip Ross, Christopher Morris, Magnus Lamin and Joseph Saffa, reviewed some of the seized materials stored at the Temple of Justice. As part of that review, conducted in the presence of Captain Sumo of the Liberian National Police, they took digital photographs and or made photocopies of selected materials.



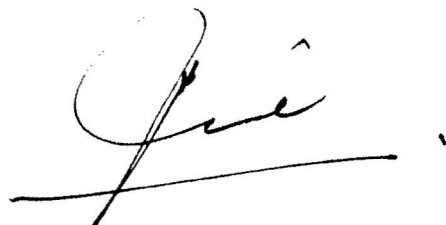
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38. The materials thus obtained through camera photography and photocopying were reviewed by the OTP and portions deemed relevant submitted to the Evidence Unit.
39. On 28 February 2007, Captain Fofie Kamara, Sheriff, Temple of Justice, Monrovia, to whom the search warrant of 05 March 2004 was addressed, signed a declaration explaining how exhibits seized at White Flower on 05 March 2004 had been stored at the Temple of Justice and that no one other than SCSL personnel had been given access to them since the time of their seizure.
40. On the same date, Captain Kamara and Captain Sumo also signed another "Declaration of Custody" stating how Captain Sumo was present on 28 February 2007 during the review and photocopying of seized materials by the OTP personnel to ensure that no documents were altered or compromised in any way.
41. The following ERNs refer to photographs taken or photocopies made by Ruth Mary Hackler and OTP investigators on 28 February 2007 of materials seized on 05 March 2004 and stored at Temple of Justice:
- i. 00028837-00028837
 - ii. 00028795-00028796
 - iii. 00028870-00028871
 - iv. Pages 00029301-00029302 (*part of the 00029298-00029303 range*)
 - v. Page 00029303 (*part of the 00029298-00029303 range*)
 - vi. Page 00029215 (*part of the 00029215-00029219 range*)
 - vii. Page 00029106 (*part of the 00029105-00029107 range*)
 - viii. Pages 00029068, 00029069, 00029070, 00029071, 00029074, 00029076, 00029082, 00029083, 00029084, 00029085, 00029086, 0002987, 00029089 (*part of 00029059-00029098 range*)
 - ix. 00028775-00028777
 - x. 00028786-00028789
 - xi. 00028939-00028939

Justice and Peace Commission Documents

42. I have been informed that the Justice and Peace Commission (JPC) is a non-governmental organization which, among other things, maintains a collection of newspapers at its offices at the "Catholic Archdiocesan Secretariat" in Monrovia, Liberia.
43. I further understand that in September 2005, OTP personnel visited the JPC newspaper collection in Monrovia and took photographs of selected



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newspapers. The following ERN refers to a photograph taken of a newspaper in the JPC collection in September 2005 and subsequently submitted to the Evidence Unit:

- i. 00028277-00028278 (*part of 00028210-00028282 range*)
44. In March 2007, Ruth Mary Hackler, then working for the OTP as a contractor, together with OTP Investigator Magnus Lamin, visited the JPC's newspaper collection and took digital photographs of selected newspapers. Subsequently, after further review, some of these photographs were printed and entered into the Evidence Unit.
45. The following ERNs refer to the images of newspapers examined by Ruth Mary Hackler and Magnus Lamin in March 2007 at the JPC premises and subsequently entered into the Evidence Unit:
- i. Pages 00031374-00031375 (*part of the 00031366-00031430 range*)
 - ii. Pages 00031378-00031379 (*part of the 00031366-00031430 range*)
 - iii. Pages 00031382-00031383 (*part of the 00031366-00031430 range*)
 - iv. Pages 00031391-00031392 (*part of the 00031366-00031430 range*)
 - v. Pages 00031404-00031405 (*part of the 00031366-00031430 range*)
 - vi. Pages 00031429-00031430 (*part of the 00031366-00031430 range*)
 - vii. 00101964-00101964
 - viii. 00101965-00101967
46. The "Sankoh House" documents listed in paragraph 15, the "RUF Office" documents noted in paragraph 30, the "Liberia Search" documents mentioned in paragraph 41 and the "Justice and Peace Commission" documents enumerated in paragraphs 43 and 45 have been transferred, or will be transferred in the near future, to Evidence Custodians Maja Dimitrova and Ruth Mary Hackler in The Hague for possible submission to Trial Chamber II as exhibits.
47. I make this solemn declaration by virtue of the Rules of Procedure and Evidence of the Special Court of Sierra Leone, including Rule 91, conscientiously believing that the statements contained herein are true in every particular.





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01/12/2008

Tariq Malik

Chief, Section for Evidence, Archiving and Post-Operational Access
Office of the Prosecutor, Special Court for Sierra Leone

Note: Pursuant to Rule 91 of the *Rules of Procedure and Evidence of the Special Court for Sierra Leone*, a person making a false statement in a written statement which the person knows, or has reason to know, may be used in evidence in proceedings before the Special Court, is liable to a maximum penalty of 2 million Leones or a term of imprisonment of 2 years, or both.

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ANNEX B

TABLE OF SANKOH DOCUMENTS

ANNEX B

Sankoh Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in Sankoh Documents Motion?	Document already an exhibit?
1.	00007671-00007674	Supplement to the Sierra Leone Gazette No. 34, 28 May 1997, Public Notice No. 3 of 1997, Proclamation Administration of Sierra Leone (Armed Forces Revolutionary Council Proclamation, 1997)	No	Yes, P-100
2.	00007736-00007737	Letter to the Leader of the Revolution from The Black Guard (signed by Mr. Jackson Swarray) on "Information received from Lt. Col. George Steven"	Yes (Doc. 4 in Annex B of Sankoh Documents Motion)	No
3.	00007769-00007770	Letter/Memorandum to His Excellency Major J. P. 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"	Yes (Doc. 1 in Annex B of Sankoh Documents Motion)	No
4.	00007802-00007807	Nominal Rolls of RUF/SL Personnel	Yes (Doc. 5 in Annex B of Sankoh Documents Motion)	No
5.	00008636-00008726	Radio Log Book #2 covering communications for the period of 28/04/1999 - 11/09/99	Yes (Doc. 2 in Annex B of Sankoh Documents Motion)	No

ANNEX B

Sankoh Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in Sankoh Documents Motion?	Document already an exhibit?
6.	00008727-00008903	Radio Log Book Three	No	Yes, D-3 (entire document), P-49 (Radio message 00008738, 28 October 1999, Radio Log Book Three) & P-50 (Radio message 00008764, 19 December 1999, Radio Log Book Three)
7.	00009485-00009485	Letter from the Black Guard Commander to the Leader, RUF, 2 September 1998	No	Yes, P-84
8.	00009489-00009491	Letter to Leader RUF S/L from Jackson Ray Swaray, Blackguard Commander RUF S/L entitled "Suggestion and Advice"	Yes (Doc. 3 in Annex B of Sankoh Documents Motion)	No
9.	00009772-00009775	AFRC Secret Minutes of an Emergency Council Meeting of the AFRC held at State House on Monday 11 August 1997	No	Yes, P-61
10.	00012940-00012942	Letter from Johnny Paul Koroma to Charles Taylor asking for help in the Defence of the Country against ECOMOG, 3 October 1997	No	Yes, D-4
11.	00009658-00009671	RUF Defence Headquarters, Salute Report to the Leader of the Revolution from Major Sam Bockarie	No	Yes, D-9
12.	00009672-00009681	RUF People's Arm (sic) – Situation Report to Foday Sankoh from the Black Guard Commander	No	Yes, P-67

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ANNEX B

Sankoh Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in Sankoh Documents Motion?	Document already an exhibit?
13.	00009746-00009764	Minutes of Family Reunion aimed at reconciling Chairman Foday Saybana Sankoh and Chairman Johnny Paul Koroma held at the Office of the Deputy Minister of Labour, Social Security and Industrial Relations – New England on 7 April, 2000	No	Yes, P-134B
14.	00012914-00012927	Record Book	No	Yes, D-54

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ANNEX C

TABLE OF RUF DOCUMENTS

ANNEX C

RUF Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in RUF Documents Motion?	Document already an exhibit?
1.	00025491-00025491	Letter to Charles G. Taylor signed by Issa H. Sesay.	Yes (Doc. 13 in Annex B of RUF Documents Motion)	No
2.	00015513-00015516	Revolutionary United Front of Sierra Leone RUFSL, The Office of the Headquarter Commander, 2 nd Int Brigade Headquarters – Bombali District, Makeni, Note on Forum of 12 February 1999	Yes (Doc. 6 in Annex B of RUF Documents Motion)	No
3.	00026072-00026073	Report to 2 nd Brigade Adjutant from the 2 nd Brigade G-4 Commander	Yes (Doc. 5 in Annex B of RUF Documents Motion)	No
4.	00025572-00025597	UNICEF Exercise Booklet Listing Names of Soldiers and Armed Serial Numbers as well as Captives along the Guinea and Sierra Leone Border	No	Yes, P-51
5.	00025520-00025521	Sierra Leone People's Army, Memo from General David L. Bropleh, Senior Military Adviser SLPA- CG (Staff), 13 March 1999	No	Yes, D-29
6.	00025503-00025507	Restricted RUF/SL Comprehensive Report from Major Sam Bockarie to Brigadier Issa Sesay on the take over of Koidu, January 26, 1999	No	Yes, P-93
7.	00025494-00025495	Memo to the BFC, from the Overall Intelligent Officer Commander and Black Guard Adjutant, Revolutionary United Front of Sierra Leone – RUFSL 2 nd Inf Brigade Headquarters – Bombali District Revolution Intelligence Office, 21/1/1999	No	Yes, P-149

ANNEX C

RUF Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in RUF Documents Motion?	Document already an exhibit?
8.	00015487-00015491	RUF Defence Headquarters, Forum with the External Delegates led by the RUF Defence Staff, 2 nd December 1998	No	Yes, P-63
9.	00025669-00025669	Letter from the War Office to the G-5 Unit, North-East Branch Kono, Subject: Promotion / Officers	Yes, (Doc. 1 in Annex B of RUF Documents Motion)	No
10.	00025545-00025547	Report from the Office of the G-4 Unit at 2 nd Brigade Headquarters, Bombali District, to the Office of the 2 nd Brigade Adjutant	Yes, (Doc. 8 in Annex B of RUF Documents Motion)	No
11.	00025524-00025524	Int. Report to Gen. Issa H. Sesay from RUFP/SL Defence Headquarters in Makeni	Yes, (Doc. 16 in Annex B of RUF Documents Motion)	No
12.	00025653-00025654	Clearance and Official Travelling Pass	Yes, (Doc. 15 in Annex B of RUF Documents Motion)	No
13.	00015509-00015512	Minutes of Forum Held with RUF/SL Administrative Board at Water Works Compound	Yes, (Doc. 2 in Annex B of RUF Documents Motion)	No
14.	00026048-00026071	Notebook	Yes, (Doc. 14 in Annex B of RUF Documents Motion)	No
15.	00026007-00026008	Report from the AG. Paramount Chief – Pa Alimamy N'Soila Koroma, Bombali Seboria Chiefdom	Yes, (Doc. 7 in Annex B of RUF Documents Motion)	No

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ANNEX C

RUF Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in RUF Documents Motion?	Document already an exhibit?
16.	00025534-00025535	Information from the Public Relations Office to All Brigade, Battalion, Front Line Commanders and Combatants	Yes, (Doc. 10 in Annex B of RUF Documents Motion)	No
17.	00025482-00025482	Information on Charges Against Lt.- Col. Gaylay Forwarded to the Joint Security for Investigation from Over/All Security Commander SLPA, Lt. Col Gbao to General Bropleh	Yes, (Doc. 9 in Annex B of RUF Documents Motion)	No
18.	00025608-00025648	Black Guard Admin Book	Yes, (Doc. 17 in Annex B of RUF Documents Motion) save 00025639	Yes, 00025639 is P-83
19.	00025700-00025701	Materials Issued to the 2 nd Brigade Commander on the 13 th December, 1998.	Yes, (Doc. 4 in Annex B of RUF Documents Motion)	No
20.	00015502-00015505	Visitation of the Leader Cpl. Foday Saybana Sankoh, Representatives of the International Communities and ECOMOG Securities	Yes, (Doc. 11 in Annex B of RUF Documents Motion)	No
21.	00025708-00025712	Statement of Col. John Petters taken at the office of the Board of Investigation – 2 nd Brigade Headquarters, Kono district	Yes, (Doc. 12 in Annex B of RUF Documents Motion)	No
22.	00025706-00025707	Report of Materials Issued out from the 2 nd Brigade G-4 Commander to the 2 nd Brigade Commander	Yes, (Doc. 3 in Annex B of RUF Documents Motion)	No

ANNEX D

TABLE OF JPC DOCUMENTS

ANNEX D

JPC Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in JPC Documents Motion?	Document already an exhibit?
1.	00028277-00028278	"In S/Leone: 52 Burned Alive – As Junta Goes on Rampage", Daily Times, 20 February 1998	Yes, (Doc. 1 in Annex B of supplement to JPC Documents Motion)	No
2.	00031374-00031375	"NPFL burns 200 alive", Monrovia Daily News, 3 March 1994	No	Yes, P-126
3.	00031378-00031379	"3 Civilians Killed, other wounded in ambush", The Inquirer, 24 January 1994	No	Yes, P-127
4.	00031404-00031405	"Taylor's Aide-de-Camp, Others Surrender", The Inquirer, 20 March 1995	Yes, (Doc. 1 in Annex B of JPC Documents Motion)	No
5.	00101965-00101967	"Taylor's Generals Drop Arms – Claim Ritualistic Killings, Deception List includes 16 Generals, 14 Special Forces Commandos", 30 November to 5 December 1995	Yes, (Doc. 2 in Annex B of JPC Documents Motion)	No
6.	00031391-00031392	"Thousands Trapped in Freetown ... Foday Sankoh Flown to Guinea; Rebels still burning buildings", The Inquirer, 13 January 1999	Yes, (Doc. 3 in Annex B of JPC Documents Motion)	No
7.	00101964	"Embassy of Nigeria - Statement on the Situation in Sierra Leone", The News, 19 January 1999	Yes, (Doc. 4 in Annex B of JPC Documents Motion)	No
8.	00031429-00031430	"As fighting rages on in Sierra Leone: Cease-fire fails, Catholic Bishop, Nuns, others taken hostage", The News, 20 January 1999	Yes, (Doc. 5 in Annex B of JPC Documents Motion)	No
9.	00031382-00031383	"3 AFL Soldiers Captured in Sa. Leone", The News, 10 September 1999	Yes, (Doc. 6 in Annex B of JPC Documents Motion)	No

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ANNEX E

TABLE OF TAYLOR DOCUMENTS

ANNEX E

Taylor Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in Taylor Documents Motion?	Document already an exhibit?
1.	00028837	Blank Stationery entitled "Combined Junta and R.U.F. Forces of the Republic of Sierra - Leone" Randall Street, Zone 2, P.O. Box 5261	Yes (Doc. 1 in Annex B of Taylor Documents Motion)	No
2.	00028795-00028796	Picture ID card of Jean Michel Sore	Yes (Doc. 2 in Annex B of Taylor Documents Motion)	No
3.	00028870-00028871	Situation Report & Recommendation from Lt. Gen. Samuel G. Varney, Sr. Military Advisor, Armed Forces of the NPFL to Charles G. Taylor, Chairman & C-I-C NPFL, 30 September 1994	Yes (Doc. 3 in Annex B of Taylor Documents Motion)	No
4.	00029301-00029302	Republic of Liberia, Ministry of Foreign Affairs, Officials of Government accompanying their Excellencies The President of the Republic of Liberia and Mrs. Taylor on their Official Visit to the Republic of France, September 28 thru (sic) October 1, 1998, 14 August 1998	Yes (Doc. 4 in Annex B of Taylor Documents Motion)	No
5.	00029303	Memo to U-50 from U-52, 12 April 1999	Yes (Doc. 5 in Annex B of Taylor Documents Motion)	No
6.	00029215	Deployment Report to Charles G. Taylor Jr., ATU Commander, from The Office of the S-3 ATU Base, 6 May 1999	Yes (Doc. 6 in Annex B of Taylor Documents Motion)	No
7.	00029106	Entry from "Pen-Tab Steno Notebook", 8 February 2000	Yes (Doc. 7 in Annex B of Taylor Documents Motion)	No

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ANNEX E

Taylor Documents referred to in Declaration of Tariq Malik

	ERN range in Declaration	Title/Description	Document included in Taylor Documents Motion?	Document already an exhibit?
8.	00029068, 00029069, 00029070, 00029071, 00029074, 00029076, 00029082, 00029083, 00029084, 00029085, 00029086, 0002987, 00029089	Selected entries from Gregg Ruled Green Tint Steno Book with "U-176 - Col. Beer, Chief for Highway Patrol" written on the front cover	Yes (Doc. 8 in Annex B of Taylor Documents Motion)	No
9.	00028775-00028777	Letter from Ahmad Tejan Kabbah to Charles Taylor dated 29 Jan. 2001 with cover letter	Yes (Doc. 9 in Annex B of Taylor Documents Motion)	No
10.	00028786	2 Letters from Jonathan C. Taylor, Minister of State for Presidential Affairs and Chairman of the Cabinet to The Minister of Finance, 26 February & 2 March 2001	Yes (Doc. 10 in Annex B of Taylor Documents Motion)	No
11.	00028939	Handwritten document regarding immunity	Yes (Doc. 11 in Annex B of Taylor Documents Motion)	No

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