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SCSL-03-01-T
(22885-22900)

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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: 08 December 2008

Case No.: SCSL-2003-01-T

SPECIAL COURT FOR SIERRA LEONE	
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THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC

**DEFENCE RESPONSE TO PROSECUTION MOTION FOR ADMISSION
OF NEWSPAPER ARTICLES OBTAINED FROM THE CATHOLIC JUSTICE AND
PEACE COMMISSION ARCHIVE IN MONROVIA, LIBERIA**

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 28 November 2008, the Prosecution filed a *Motion for Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia* (“Motion”) with related Annexes,¹ seeking the admission of articles from a variety of newspaper sources (“the Articles”).
2. The Prosecution subsequently filed a *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* filed on 28 November 2008 (“Second Motion”), seeking admission of an additional article from the same archive.²
3. The Applications were made pursuant to Rule 89(C), or alternatively under Rules 89(C) and 92bis, of the Special Court Rules of Procedure and Evidence (“Rules”).
4. The Defence does not oppose the addition of the article in the Second Motion to the list of six articles in the original Motion. As the legal and factual arguments are the same, this Response includes arguments regarding all seven articles from the Justice and Peace Commission Archive which the Prosecution is seeking admission.
5. The Defence submit that:
 - a. Rule 89(C) cannot be used in isolation to admit the Articles included in the Motions.³
 - b. The Articles may only be admissible under Rule 89(C) in conjunction with Rule 92bis provided that any evidence in the Articles, which goes to the acts and conduct of the accused is inadmissible absent the opportunity for cross-examination.

II. Applicable Legal Principles

6. The Prosecution recently submitted four similar motions which rely on the same legal principles as in the present Motion.⁴ The Defence have filed Responses⁵ to those motions,

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-678, Prosecution Motion for Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia 28 November 2008 (“**Motion**”).

² *Prosecutor v. Taylor*, SCSL-03-01-T-682, 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 filed on 28 November 2008, 1 December 2008.

³ Motion, Annexes A and B; Second Motion, Annexes A and B.

⁴ *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; and *Prosecutor v. Taylor*, SCSL-03-01-T-659, Prosecution Motion for Admission of Documents Seized from Foday

wherein the Defence 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 the Articles.

III. Submissions

7. In a bid to admit all of the documents in this and related motions, the Prosecution overlooks that Rule 89(C) is a discretionary provision. Thus, just because a document is relevant does not mean that the Trial Chamber must admit it. Rather, the Trial Chamber may consider other factors, such as reliability, probative value, authenticity, repetitiveness, prejudice, etc. While these factors are not requirements for admission under Rule 89(C) *per se*, they are nevertheless factors that the Trial Chamber could take into consideration in exercising its discretion.
8. Thus, the Defence makes the following submissions.

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

The Contents of the Articles are irrelevant and are thus inadmissible

9. Rule 89(C) requires the exclusion of irrelevant information. The Defence submit that the Articles at Tab 1 and Tab 2 should be excluded in their entirety on the basis that they are irrelevant to the current proceedings. They concern events outside of the indictment period and are therefore irrelevant to the proceedings and should not be admitted via Rules 89(C) and 92bis.

Sankoh's House, 6 November 2008; *Prosecutor v. Taylor*, SCSL-03-01-T-667, Prosecution Motion for Admission of Documents Seized from RUF Office, Kono District, 13 November 2008.

⁵ *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; *Prosecutor v. Taylor*, SCSL-03-01-T-672, Defence Response to Prosecution Motion for Admission of Documents Seized from Foday Sankoh's House, 17 November 2008; and *Prosecutor v. Taylor*, SCSL-03-01-T-677, Defence Response to Prosecution Motion for Admission of Documents Seized from RUF Office, Kono District, 24 November 2008.

The Articles contain opinion evidence and are thus inadmissible

10. Trial Chamber I has stated that “it is settled law that Rule 92bis allows for alternative proof of facts, not of opinions”.⁶ The Defence submit that all of the articles should be excluded under Rule 92bis because they contain opinion evidence. By their nature, even purportedly factual articles are shaped to a large degree by the journalists’ opinion. Since the sources for many of the articles are unknown or, alternatively, since the Articles are based on stories from international news agencies such as the BBC, the degree to which the journalists’ bias and opinion has shaped the Articles is unknown.
11. If admitted, the sensationalist headlines of each of the Articles should be redacted as they are aimed at capturing a readers’ attention but are of limited relevance to the article itself.

A witness must be available to provide an indicia of reliability for the Articles

12. While the Special Court Rules can be a bit more flexible than those of the other tribunals, the Rules require that documents admitted under Rule 92bis must contain an indicia of reliability. The Defence note Trial Chamber I’s consideration that in the jurisprudence of international tribunals, “newspaper articles generally are not considered a reliable source of evidence and are often excluded for lack of probative value”.⁷
13. The fact that the Articles came from the Catholic Justice and Peace Commission archive in Monrovia does not make the content of the Articles more reliable. The Articles are from a variety of local West African newspapers, which are known more for sensationalism than true investigative journalism. Furthermore, witnesses in this trial have testified that the Rebels manipulated the media and frequently sought to portray one set of facts when in truth the reality was very different.⁸ In a civil war, the media is frequently used as a tool of propaganda by all sides. For this reason alone, the Trial Chamber should challenge whether the articles are a reliable source of information in determining the guilt or innocence of the accused.

⁶ *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-1125, Decision on Sesay Defence Motion and Three Sesay Defence Applications to Admit 23 Witness Statements Under Rule 92bis, 15 May 2008, para. 27 (“**Sesay Defence Decision**”).

⁷ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-04-14-T-447, Decision on Prosecution’s Request to Admit Into Evidence Certain Documents Pursuant to Rules 92bis and 89(C), 15 July 2005 (“**CDF Decision**”), pg. 4.

⁸ *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 23 January 2008, pgs. 2020, Ins. 4 -15, 19 May 2008 pgs 10203:26-28 and 20 May 2008 pgs 10262 Ins 15-16.

14. The Defence submits that if the articles were admitted it would be essential to have available someone who could speak to the contents of the articles to assist the Chamber in assessing their reliability. The Defence would also like to ask the journalists about their source, bias and affiliations, the editing process, etc.
15. The fact that these articles are produced at such a late stage of the proceedings means that witnesses whom have previously testified can not be challenged on the content or accuracy of the articles, thus making the reliability of the contents so weak that there is no point in admitting them.

The Articles contain proof of the acts and conduct of accused thus are not admissible

16. Trial Chamber I has held that the amendments to Rule 92bis have the effect of excluding the admission of “*information* [not just statements] that goes to proof of the acts and conduct of the Accused”.⁹ The term “information” is not limited to documents which formed part of legal proceedings, thus the Articles at issue are considered information. Specifically, the articles at Tabs 1, 2, 4, and 6 and the Annex of the Second Motion all go directly to the acts and conduct of the accused and should therefore be excluded. A majority of the Articles go directly to the acts and conduct of the accused either explicitly by reference to name or by reference to ‘Liberia’ of which he was the then President.

The Articles contain proof of the actions of subordinates and elements going to a critical element in the Prosecution’s case, and thus are not admissible absent cross-examination

17. 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, which go to a “critical element” of the Prosecution’s case and is therefore “proximate” to the accused, without giving the Defence a genuine opportunity for cross-examination of the evidence.¹⁰ A substantial number of newspaper articles go directly to the acts and conduct of persons considered to be direct proximates of the accused. The articles at Tabs 3 and 5 refer to actions of proximates such as Sam Bockarie and Foday Sankoh; the article in Annex B of the Second Motion refers to Johnny Paul Koroma’s actions in heading to Liberia

⁹ Sesay Defence Decision, para. 32.

¹⁰ 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.

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

18. Flexibility in the Special Court Rules should not lead the Trial Chamber to admit evidence whose “probative value is manifestly outweighed by its prejudicial effect”.¹¹
19. This trial is being conducted by professional judges who do not to rely on sensationalized media reports to determine the guilt or innocence of the Accused. Relying in the popular media, which has already drawn conclusions against and convicted Mr. Taylor without sufficient basis, if at all, would bring the proceedings into disrepute. While the question at this stage is one of admissibility and not weight; even then, the mere act of admitting highly prejudicial and half baked newspaper articles would discredit the integrity of the proceedings.
20. The Defence submit that the Prosecution’s approach of simply throwing everything that has got the Accused’s name at him is not tenable. The newspaper articles at issue have no significant weight as they make bald statements without any evidence and are also in many instances opinionated. The cumulative effect of the newspaper articles would thus have a prejudicial effect on the accused. It is manifestly unfair to base legal proceedings on media sources or popular opinion and this should be severely curtailed by the Chamber in order to uphold the integrity of the proceedings.

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. Additionally, the Defence notes that as Rule 89(C) is a discretionary provision, the Trial Chamber can take into account other factors that it deems useful to its deliberations.
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*.¹² This summary is based on a full detailed analysis, which can be found in Annex A of this Response.

¹¹ CDF Decision, pg. 3.

¹² *Prosecutor v. Kordic and Cerkez*, Appeals Judgment, No. IT-95-14/2-A, 17 December 2004, para. 190.

23. The Defence makes the following response to the Prosecution's assertion that the exclusionary conditions set out in the *Kordic and Cerkez* test are irrelevant to the considerations regarding the admission of documents in the Special Court.¹³ In fact, prongs of the exclusionary test have been applied in the subsequent ICTY case of *Prosecutor v. Milutinovic*,¹⁴ thus demonstrating the case's impact on later jurisprudence. In that case, the Prosecution attempted to admit a wealth of documents through Rule 89(C) well before the close of the Prosecution case. In its deliberations, the Trial Chamber considered, among other things, the documents' cumulative nature¹⁵ and deemed them inadmissible. Thus, the test is applicable to the current proceedings.
24. The first limb of the *Kordic and Cerkez* test excludes documents that have been admitted in these or other proceedings. In this instance, the Articles at Tabs 1, 3, 5 and 6 and Annex B of the Second Motion were submitted for the Chamber's consideration over a year and a half ago in a *Motion for Admission of Material Pursuant to Rules 92bis and Rule 89(C)*.¹⁶ Admission at that time was denied. However, the Articles have clearly been available to the Prosecution for the duration of its case and yet they have saved them until the end and attempted to tender them along with numerous documents contained in similar filings right at the end of the case. The Articles should have been admitted through witnesses as the case went along.
25. The next part of the test excludes material that is not sufficiently significant to warrant admission at so late a stage of the proceedings. Here, Tabs 1 and 2 are outside the time period of the Indictment and are thus of little significance. Additionally, the bulk of the contents relate to crime-base evidence.
26. The fourth limb of the test excludes material that is cumulative and does not add to the voluminous material already in evidence. All of the submitted documents contain material

¹³ *Prosecutor v. Taylor*, SCSL-03-01-T-670, Prosecution Reply to Defence Response to Prosecution Motion for Admission of Documents of the United Nations and United Nations Bodies, 17 November 2008, para. 7; *Prosecutor v. Taylor*, SCSL-03-01-T-667, Prosecution Reply to Defence Response to Prosecution Motion for Admission of extracts of the Report of the Truth and Reconciliation Commission of Sierra Leone, 17 November 2008, para. 17.

¹⁴ *Prosecutor v. Milutinovic et al*, No. IT-05-87-T, 'Decision on Prosecution Motion to Admit Exhibits', 15 February 2007, para 23: "The Prosecution has failed to show that the numerous maps offered in its Motion will further assist the Chamber in its deliberations. In fact, the volume of maps offered will serve only to flood the Chamber with repetitive information. For these reasons and pursuant to the discretion afforded under Rule 89(C), the Chamber finds that these maps are cumulative with insufficient probative value, and are thus inadmissible".

¹⁵ Paras. 23 and 24 (refusing to admit maps that would only serve to flood the Chamber with repetitive information).

¹⁶ *Prosecutor v Taylor*, SCSL-03-01-PT-241, Prosecution Motion for Admission of Material Pursuant to Rules 92bis and 89C, 17 May 2007.

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that is cumulative and repeats oral and written material already in evidence. In a recent Reply, the Prosecution has insinuated that the Defence's "painstaking" approach to identifying instances in which the Prosecution has already led evidence on a certain point is a waste of time, and that all of these materials for which they seek admission are necessary for corroboration of prior Prosecution testimony.¹⁷ However, Trial Chamber I has stressed that:

"While recognising that corroboration may enhance the probative value of a piece of evidence when evaluating the credibility of all witnesses who have testified to particular facts...this cardinal and well established principal should not provide a platform or a justification for parties to adduce evidence that is unnecessarily long or repetitive even if it were conceded that these repeated facts ... were relevant".¹⁸

27. The fifth limb of the test excludes material based on anonymous sources or hearsay statements that are incapable of being tested by cross-examination. The Articles at Tabs 1, 3, 5 and 6 and Annex B of the Second Motion all refer to anonymous or identified reports from which they derive their information.
28. Finally, several other issues of concern are highlighted in regard to each document, for example, illegibility, the original not being available and an incomplete version of the document being provided.

IV. Conclusion

29. In conclusion, the Defence submits as follows:

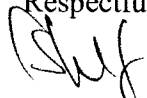
- a) The proper gateway for admitting the Articles is Rules 89(C) and 92*bis*. Under these rules the Articles should be excluded for the reasons articulated above;
- b) If the Chamber is minded to consider the Articles solely under Rule 89(C) then the Articles should still be excluded under the Chamber's inherent jurisdiction. Further, it should be excluded because it fails the *Kordic and Cerkez* test.

¹⁷ *Prosecutor v. Taylor*, SCSL-03-01-T-680, Prosecution Reply to Defence Response to Prosecution Motion for Admission of Documents Seized from RUF Office, Kono District, 1 December 2008, para. 12.

¹⁸ Sesay Defence Decision, para. 45, but see paras. 44-49.

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Respectfully Submitted,



SILAS CHIKERA

for **Courtenay Griffiths Q.C.**

Lead Counsel for Charles G. Taylor

Dated this 8th Day of December 2008

The Hague, The Netherlands

Table of Authorities

Prosecutor v Taylor, SCSL-03-01-PT-241, Prosecution Motion for Admission of Material Pursuant to Rules 92bis and 89C, 17 May 2007

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-659, Prosecution Motion for Admission of Documents Seized from Foday Sankoh's House, 6 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. 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

Prosecutor v. Taylor, SCSL-03-01-T-667, Prosecution Reply to Defence Response to Prosecution Motion for Admission of extracts of the Report of the Truth and Reconciliation Commission of Sierra Leone, 17 November 2008

Prosecutor v. Taylor, SCSL-03-01-T-670, Prosecution Reply to Defence Response to Prosecution Motion for Admission of Documents of the United Nations and United Nations Bodies, 17 November 2008

Prosecutor v. Taylor, SCSL-03-01-T-672, Defence Response to Prosecution Motion for Admission of Documents Seized from Foday Sankoh's House, 17 November 2008

Prosecutor v. Taylor, SCSL-03-01-T-677, Defence Response to Prosecution Motion for Admission of Documents Seized from RUF Office, Kono District, 24 November 2008

Prosecutor v. Taylor, SCSL-03-01-T-678, Prosecution Motion for Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia 28 November 2008

Prosecutor v. Taylor, SCSL-03-01-T-680, Prosecution Reply to Defence Response to Prosecution Motion for Admission of Documents Seized from RUF Office, Kono District, 1 December 2008,

Prosecutor v. Taylor, SCSL-03-01-T-682, 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 filed on 28 November 2008, 1 December 2008

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Other Special Court Trials

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

Prosecutor v. Sesay, Kallon, Gbao, SCSL-04-15-T-1125, Decision on Sesay Defence Motion and Three Sesay Defence Applications to Admit 23 Witness Statements Under Rule 92*bis*, 15 May 2008

Prosecutor v. Norman, Fofana, Kondewa, SCSL-04-14-T-447, Decision on Prosecution's Request to Admit Into Evidence Certain Documents Pursuant to Rules 92*bis* and 89(C), 15 July 2005

ICTY

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

Prosecutor v. Milutinovic et al, No. IT-05-87-T.

ICTR

Prosecutor v. Bagosora et al, ICTR-98-41-T, Decision on Admission of Tab 19 of Binder Produced in Connection With Appearance of Witness Maxwell Nkole, 13 September 2004.

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Annex A

Annex: Objection to Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia

Doc.	Title/Date	Objection	Explanation
1	"Taylor's Aide-de-Camp, Others Surrender", The Inquirer, 20 March 1995	<input checked="" type="checkbox"/> Already Produced/admitted <input checked="" type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> • Submitted Annex A, p.19, Motion 241¹ • Outside period of indictment – 20 March 1995 • NPFL command structure 1995 <ul style="list-style-type: none"> ◦ Exhibit P-54, 'NPFL Command Structure Circa 1990-1991 as Indicated by TF1-371 – 00100162' ◦ Prosecutor v Taylor, Transcript, p.10169:8 – 10176:8 (TF1-561) (system of law and order in NPFL controlled territory) ◦ Prosecutor v Taylor, Transcript, p.2223:16 – 2225:13, (TF1-371) ◦ Prosecutor v Taylor, Transcript, p.818:19 – 819:1 (TF1-015) • RUF supply link from Gbarnga 1995 <ul style="list-style-type: none"> ◦ Exhibit P-25, 'Map – RUF Main Supply Routes' ◦ Prosecutor v Taylor, Transcript, p.13261:7-13263:19 (TF1-388) (trucks carrying arms and ammunition coming from Gbarnga – pre-indictment) ◦ Prosecutor v Taylor, Transcript, p.15107:10-15108:25 (TF1-367) (trucks carrying arms and ammunition coming from Gbarnga – pre-indictment) • The article is based on a statement made to 'journalists' these sources are not identified • Original not available for inspection • The article is incomplete – it states at the end "cont'd on page 10" but nor further text is provided
2	"Taylor's Generals Drop Arms – Claim Ritualistic Killings, Deception List includes 16 Generals, 14 Special Forces Commandos, 30 November to 5 December 1995	<input type="checkbox"/> Already Produced/admitted <input checked="" type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative <input type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Other	<ul style="list-style-type: none"> • Outside period of indictment – 20 March 1995 • NPFL command structure 1995 (note Jackson Karway) <ul style="list-style-type: none"> ◦ Exhibit P-54, 'NPFL Command Structure Circa 1990-1991 as Indicated by TF1-371 – 00100162' ◦ Prosecutor v Taylor, Transcript, p.10169:8 – 10176:8 (TF1-561) (system of law and order in NPFL controlled territory) • Original not available for inspection

¹ *Prosecutor v Taylor*, SCSL-03-01-PT-241, 'Prosecution Motion for Admission of Material Pursuant to Rules 92bis and 89C', 17 May 2007.

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Annex: Objection to Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia

Doc.	Title/Date	Objection	Explanation
3	"Thousands Trapped in Freetown... Foday Sankoh Flown to Guinea; Rebels still burning buildings", The Inquirer, 13 January 1999	<input checked="" type="checkbox"/> Already Produced/admitted <input type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> • The article is partly illegible with the first words of each line cut off by the photocopy • Submitted Annex A, p.18 Motion 241 (see Note 1) • Burning in Freetown January 1999 <ul style="list-style-type: none"> ◦ Prosecutor v Taylor, Transcript, p.12612:27-12613:5 (TF1-375) ◦ Prosecutor v Taylor, Transcript, p.8274:26-8275:22 (TF1-334) ◦ Prosecutor v Taylor, Transcript, p.12457:5-12458:10 (TF1-506) • Alleged knowledge of the accused/reasonable foreseeability (of the above crimes) <ul style="list-style-type: none"> ◦ Exhibit P-111, BBC News Article, World Africa Battle for Sierra Leone, January 6 1999 ◦ Prosecutor v Taylor, Transcript, p.6934:6-6934:13 (TF1-516) ◦ Prosecutor v Taylor, Transcript, p.4560:17-4561:15 (TF1-275)
4	"Embassy of Nigeria – Statement on the Situation in Sierra Leone", The News, 19 January 1999	<input checked="" type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Other <input type="checkbox"/> Already Produced/admitted <input type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> • Anonymous hearsay sources are used e.g. "according to reports" and repeated reference to "the report" • Original not available for inspection • Parts of the article are illegible • Rebel incursion into Freetown January 1999 <ul style="list-style-type: none"> ◦ Exhibit P-205A p.29-59 Transcript, SCSL, Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara & Santige Borbor Kanu 9 & 10 March 2005, ◦ Exhibit P-206 P.7-20 Transcript, SCSL, Prosecutor v Issa Sesay, Morris Kallon & Augustine Gbao, 28 November 2005 ◦ Exhibit P-207 p.38-59, Transcript, SCSL, Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara & Santige Borbor Kanu, 6 April 2005 • Alleged Liberian support to rebels in January 1999

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**Annex: Objection to Admission of Newspaper Articles Obtained from the
Catholic Justice and Peace Commission Archive in Monrovia, Liberia**

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Doc.	Title/Date	Objection	Explanation
5	“As fighting rages on in Sierra Leone: Cease-fire fails Catholic Bishop, Nuns, others taken hostage”, The News, 20 January 1999	<input checked="" type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> Already Produced/admitted <input type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> ○ Prosecutor v Taylor, Transcript, p.5310:20-5311:5 (TF1-336) ○ Prosecutor v Taylor, Transcript, p.2011:10-2013:17 (TF1-371) ○ Prosecutor v Taylor, Transcript, p.6937:26-6939:28 (TF1-516) <ul style="list-style-type: none"> ● Original not available for inspection ● Parts of the statement are illegible ● Submitted Annex A, p.27 Motion 241 (see Note 1) <ul style="list-style-type: none"> ● Rebel attacks around Freetown <ul style="list-style-type: none"> ○ Exhibit P-77, Human Rights in Sierra Leone 1998-2000 by TF-150, ERN 00015182 – 00015188 ○ Prosecutor v Taylor, Transcript, p.1451:27-1452:7, Stephen Ellis ○ Prosecutor v Taylor, Transcript, p.8297:14-8297:29, (TF1-334) ● Destruction and killing in eastern Freetown (number of dead) <ul style="list-style-type: none"> ○ Exhibit P-205A p.29-59 Transcript, SCSL, Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara & Santige Borbor Kanu 9 & 10 March 2005, ○ Exhibit P-206 P.7-20 Transcript, SCSL, Prosecutor v Issa Sesay, Morris Kallon & Augustine Gbao, 28 November 2005 ○ Exhibit P-207 p.38-59, Transcript, SCSL, Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara & Santige Borbor Kanu, 6 April 2005
6	“3AFL Soldiers Captured in Sa. Leone”, The News,	<input checked="" type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> Already Produced/admitted <input type="checkbox"/> Not sufficiently significant	<ul style="list-style-type: none"> ● The article does not give the sources of its information concerning the burning of eastern Freetown – “The Eastern end is said to have been largely destroyed” ● Original not available for inspection ● The article is incomplete (it states at the end “cont’d on Page 6”) ● Parts of the article have been redacted ● Submitted Annex A, p.17 Motion 241

Annex: Objection to Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia

Doc.	Title/Date	Objection	Explanation
	10 September 1999	<input checked="" type="checkbox"/> Cumulative <input type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Other	<ul style="list-style-type: none"> • Liberian armed forces in Sierra Leone helping AFRC and RUF fight ECOMOG <ul style="list-style-type: none"> ◦ Prosecutor v Taylor, Transcript, p.8371:10-8372:16, (TF1-334) ◦ Prosecutor v Taylor, Transcript, p.11444:20-11445:5, (TF1-539)
Annex, Second Motion	"In S/Leone: 52 Burned Alive – As Junta Goes on Rampage", Daily Times, 20 February 1998	<input type="checkbox"/> Anonymous/hearsay <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> Already Produced/admitted <input type="checkbox"/> Not sufficiently significant <input checked="" type="checkbox"/> Cumulative	<ul style="list-style-type: none"> • The article is based on a BBC report whose author is unidentified • Original not available for inspection • Submitted Annex A, p.17 Motion 241 • Aftermath of ECOMOG intervention in Liberia – indiscriminate killing and destruction in interior of country <ul style="list-style-type: none"> ◦ Exhibit P-78 Sierra Leone - 1998 - A Year of Atrocities against civilians, Amnesty International Report, (p.11-12) ◦ Exhibit P-80, UN Security Council 1st Progress Report of Secretary General of the UN Observer Mission in Sierra Leone, 12 August 1998, paras 33-38 ◦ Prosecutor v Taylor, Transcript, p.17067:7-17067:28 (TF1-065) • Johnny Paul Koroma spotted in Kailahun heading for Liberia <ul style="list-style-type: none"> ◦ Prosecutor v Taylor, Transcript, p.10532:17 (TF1-597) ◦ Prosecutor v Taylor, Transcript, p.12154:13 (TF1-584) • Anonymous hearsay sources are used e.g. "Latest reports have it that", "are reported to have burned", "the situation in Bo... is said to be" and "latest reports had it that he was spotted"
		<input checked="" type="checkbox"/> Anonymous/hearsay <input type="checkbox"/> Other	

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