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SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

Before:

Justice Julia Sebutinde, Presiding Judge

Justice Richard Lussick Justice Teresa Doherty

Justice El Hadji Malick Sow, Alternate Judge

Registrar:

Binta Mansaray

Case No.:

SCSL-03-1-T

Date:

18 March 2010

PROSECUTOR

v.

Charles Ghankay TAYLOR

DECISION ON PUBLIC WITH ANNEXES A AND B DEFENCE MOTION FOR ADMISSION INTO EVIDENCE OF 301 DOCUMENTS AND PHOTOGRAPHS MARKED FOR IDENTIFICATION DURING THE EVIDENCE-IN-CHIEF OF THE ACCUSED AND ON PROSECUTION LIST OF DOCUMENTS MARKED FOR IDENTIFICATION DURING THE TESTIMONY OF CHARLES TAYLOR SOUGHT TO BE ADMITTED INTO EVIDENCE

Office of the Prosecutor:

Brenda J. Hollis Nicholas Koumjian Counsel for the Accused:

Courtenay Griffiths, Q.C.

Terry Munyard Morris Anyah Silas Chekera James Supuwood TRIAL CHAMBER II ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court");

SEISED of the "Public with Annexes A and B Defence Motion for the Admission into Evidence of 301 Documents and Photographs Marked for Identification During the Evidence-in-Chief of the Accused", filed on 19 February 2010 ("Defence Motion");¹

NOTING the "Public with Annex 1 and 2 Prosecution Response to Defence Motion for Admission into Evidence of Documents Marked for Identification During the Testimony of Charles Taylor", filed on 24 February 2010 ("Prosecution Response");²

NOTING ALSO the "Defence Reply to Public with Annexes 1 and 2 Prosecution Response to Defence Motion for Admission of Documents Marked for Identification During the Testimony of Charles Taylor", filed on 26 February 2010 ("Reply to Prosecution Response");³

SEISED ALSO of the "Prosecution List of Documents Marked for Identification During the Testimony of Charles Taylor Sought to be Admitted into Evidence", filed on 19 February 2010 ("Prosecution Motion");⁴

NOTING the "Public with Annex A Defence Response to Prosecution List of Documents Marked for Identification During the Testimony of Charles Taylor sought to be Admitted into Evidence", filed on 24 February 2010 ("Defence Response");⁵

NOTING ALSO the "Prosecution Reply to Defence Response to Prosecution List of Documents Marked for Identification During the Testimony of Charles Taylor Sought to be Admitted into Evidence", filed on 26 February 2010 ("Reply to Defence Response");⁶

COGNISANT of the provisions of Article 17 of the Statute of the Special Court for Sierra Leone ("Statute") and Rules 26bis, 73(A), 85, 89(C) and 90(F) of the Rules of Procedure and Evidence ("Rules");

HEREBY DECIDES AS FOLLOWS, based solely on the written submissions of the parties, pursuant to Rule 73(A) of the Rules:



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¹ SCSL-03-01-T-909.

² SCSL-03-01-T-914.

³ SCSL-03-01-T-917.

⁴ SCSL03-01-T-911.

⁵ SCSL-03-01-T-915.

⁶ SCSL03-01-T-916.

I. **SUBMISSIONS**

Defence Motion

- The Defence submits that Rule 89(C), which provides that any relevant evidence may be admitted, is the general rule governing the admissibility of evidence.⁷ It submits that all of the 301 documents that were used during the examination-in-chief of the Accused, listed in Annex A of the Defence Motion, are relevant and should be admitted.8
- In relation to the documents used by the Prosecution in cross-examination of the Accused, the 2. Defence submits that only those parts of each document actually used in cross-examination can be admitted. The Defence contends that the remainder of those documents cannot be admitted "because the Accused had no opportunity to accept or challenge those passages." However, where the Accused has been re-examined in relation to documents submitted by the Prosecution, the Defence accepts that such documents can be admitted in toto. In Annex B of the Defence Motion is a schedule of all documents submitted by the Prosecution together with the Defence observations on their admissibility.9 Defence objections to the admission of certain Prosecution documents will be considered in the context of the Defence Response. 10

Prosecution Response

The Prosecution submits that, on the question of whether or not a document can be used in conjunction with a witness and tendered through that witness, the Appeals Chamber has held "the Trial Chamber in exercising its unfettered discretion under Rule 89(C) [...] must require the tendering party to lay a foundation of the witness's competence to give evidence in relation to that document". 11 It submits that the Appeals Chamber has "indicated" that this requirement is applicable both at the stage of the presentation of a document and at the stage of admissibility. 12 The Prosecution argues that the fact that a document has been used during the examination of the Accused does not automatically make it admissible if there is not sufficient foundation.¹³

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⁷ Defence Motion, paras 4-5.

⁸ Defence Motion, paras 6, 8.

⁹ Defence Motion, para. 7 and Annex B.

¹⁰ See infra, para. 11.

Prosecution Response, para. 4, citing Prosecutor v. Taylor, SCSL03-01-AR73-721, Decision on Prosecution Notice of Appeal and Submissions Concerning the Decision regarding the Tender of Documents, 6 February 2009, para. 40.

¹² Prosecution Response, para. 5.

¹³ Prosecution Response, para. 6.

- 4. The Prosecution objects to the admission of a certain number of documents, listed in Annex 1 of the Prosecution Response, on the basis that the foundational requirement has not been met.¹⁴ It submits that there is insufficient foundation for the admission of a document through the Accused in circumstances where (i) his connection to the document is that it was part of his Presidential archive and he has simply read it; (ii) his connection to the document is that it was supplied to him by the Prosecution and he has simply read it or (iii) his connection to the document is that it was supplied to him by members of the Defence team including his investigators and he has simply read it.¹⁵ In particular, the Prosecution submits that, given the confusing and inconsistent testimony of the Accused with respect to what constitutes his Presidential archive, his claim that a document belonged to this archive is not always adequate to demonstrate a sufficient foundation for the admissibility of the document.¹⁶ The Prosecution also lists in Annex 1 documents sought to be admitted by the Defence that are already exhibits in this trial.¹⁷
- 5. The Prosecution has listed in Annex 2 of the Prosecution Response documents that it agrees can be admitted into evidence, notwithstanding the absence of a sufficient foundation with respect to some of these documents. Annex 2 also lists certain documents that the Prosecution claims lack relevance, but to which it does not object. The Prosecution also indicates that should it have "through administrative oversight, omitted to mention a Defence document in the attached Annex 1 and Annex 2, this may be taken to mean that there is no objection to their admission".

Reply to Prosecution Response

6. The Defence submits that the issue of proper foundation arises at the stage when the document is sought to be produced through the witness, and objections should be made at that stage, i.e. "the moment of production".²⁰ The Defence claims that the Prosecution failed to do so in respect of all the documents listed in Annex 1 of the Prosecution Response and therefore submits that "the Prosecution's objection, raised at this stage, is totally misplaced", and that the only issue now to be determined is whether the document is relevant.²¹







¹⁴ MFI-7, MFI-11, MFI-13, MFI-26, MFI-98, MFI-149, MFI-163, MFI-198, MFI-221, MFI-222, MFI-227, MFI-236, MFI-243, MFI-245, MFI-248, MFI-249, MFI-252, MFI-257A and B, MFI-258, MFI-275, MFI-277, MFI-278, MFI-279, MFI-281, MFI-282, MFI-283, MFI-284, MFI-293 and MFI-300.

¹⁵ Prosecution Response, para. 7.

¹⁶ Prosecution Response, para. 8.

¹⁷ Prosecution Response, para. 10, referring to MFI-21, MFI-49 and MFI-69.

¹⁸ Prosecution Response, para. 11.

¹⁹ Prosecution Response, para. 13.

²⁰ Reply to Prosecution Response, para. 4.

²¹ Reply to Prosecution Response, para. 5.

Prosecution Motion

- 7. The Prosecution submits that as it was precluded from using any fresh evidence that might be probative of guilt, even for impeachment purposes only, during the cross-examination of the Accused, the "exceptional circumstances" test needed to be established for admission does not apply.²² The Prosecution says that "all the documents or portions of documents now put forward for admission were allowed to be used only to impeach the credibility of the Accused." Therefore, according to the Prosecution, the only test to be applied for admission is one of relevance as provided in Rule 89(C). The documents tendered for admission in this category are relevant to challenge the credibility of the Accused and his evidence as set out in Annex 1 of the Prosecution Motion.²³
- 8. The Prosecution further submits that during re-examination, the Defence presented to the Accused several documents that had been marked for identification during his cross-examination, and in certain instances, used portions of these documents additional to those portions used by the Prosecution in its cross-examination. The Prosecution submits that the portions of the documents used by the Defence, as listed in Annex 1, should be admitted into evidence on the basis of their relevance.²⁴
- 9. Finally, the Prosecution argues that certain documents or portions of documents used by the Defence during the examination-in-chief, as listed in Annex 3, are relevant and should be admitted. If the Defence requests that the same documents or portions of document be admitted, the Prosecution submits that it may be taken to have agreed that these documents or portions of documents are admissible.²⁵ The Prosecution requests that the Defence be ordered to provide copies of the missing pages of MFI-70 and MFI-82.²⁶

Defence Response

10. The Defence submits that it does not object to the admission into evidence of any of the documents used during cross-examination, "where the relevance and hence admissibility of the document is for the sole purpose of challenging the credibility of the Accused and his evidence". ²⁷ However, it submits that despite the Prosecution's assertion that it is not tendering any of the

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²² Prosecution Motion, para. 6, referring to *Prosecutor v. Taylor*, SCSL-03-01-T-865, Decision on Prosecution Motion in Relation to the Applicable Legal Standards Governing the Use and Admission of Documents by the Prosecution During Cross-Examination, 30 November 2009 ("Decision on Documents"), para. 27.

²³ Prosecution Motion, paras 6-8.

²⁴ Prosecution Motion, paras 9-10.

²⁵ Prosecution Motion, paras 11-13.

²⁶ Prosecution Motion, para. 14.

²⁷ Defence Response, para. 3.

documents it used during cross-examination as probative of guilt, but only to challenge the credibility of the Accused, the Prosecution adopts language which suggests that the purpose sought for the admission of certain documents goes beyond the sole purpose of impeachment "but also implicates guilt".28 The Defence submits that the Prosecution should be required to establish the "exceptional circumstances" which justify the admission of these documents, as set out in the Trial Chamber's Decision on Documents.²⁹

The Defence further states that, "save for a request for further and better particulars in relation to certain documents", it does not object to the admission of the remainder of the documents used by the Prosecution during cross-examination.³⁰ The specific requests for further particulars are listed in Annex B to the Defence Motion.

Reply to Defence Response

The Prosecution submits that all documents which it was allowed to use during the crossexamination of the Accused were allowed for impeachment purposes only and that none was found to be probative of guilt. It argues that it seeks admission of the documents for impeachment purposes only, and any interpretation of the language used in Annex 1 suggesting relevance to guilt should be disregarded. The Prosecution submits that the "exceptional circumstances" test therefore does not apply to the documents objected to by the Defence.³¹

II. APPLICABLE LAW

13. Rule 26bis provides:

Rule 26bis: The Chambers

The Trial Chamber and the Appeals Chamber shall ensure that a trial is fair and expeditious and that proceedings before the Special Court are conducted in accordance with the Agreement, the Statute and the Rules, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

Rule 85 which governs presentation of evidence at the trial provides: 14.

²⁸ Defence Response, paras 6-7, referring to MFI-334(C), MFI-334(I) and J, MFI-334(L), MFI-337, MFI-345, MFI-346, MFI-347, MFI-348 and MFI-370.

²⁹ Defence Response, paras 4, 9.

³⁰ Defence Response, para. 5.

³¹ Reply to Defence Response, para. 3.

Rule 85: Presentation of Evidence:

- (A) Each party is entitled to call witnesses and to present evidence. Unless otherwise directed by the Trial Chamber in the interest of justice, evidence at the trial shall be presented in the following sequence:
 - (i) Evidence for the prosecution;
 - (ii) Evidence for the defence;
 - (iii) Prosecution evidence in rebuttal, with leave of the Trial Chamber;
 - (iv) Evidence ordered by the Trial Chamber.
- (B) Examination-in-chief, cross-examination and re-examination shall be allowed in each case. It shall be for the party calling a witness to examine him in chief, but a judge may at any stage put any question to the witness.
- (C) The accused may, if he so desires, appear as a witness in his own defence. If he chooses to do so, he shall give his evidence under oath or affirmation and, as the case may be, thereafter, call his witnesses.
- (D) Evidence may be given directly in court, or via such communication media, including video, closed circuit television, as the Trial Chamber may order.

15. Rule 89 provides:

Rule 89: General Provisions

- (A) The rules of evidence set forth in this Section shall govern the proceedings before the Chambers. The Chambers shall not be bound by national rules of evidence.
- (B) In cases not otherwise provided for in this Section, a Chamber shall apply rules of evidence which will best favour a fair determination of the matter before it and are consonant with the spirit of the Statute and the general principles of law.
- (C) A Chamber may admit any relevant evidence.

16. Rule 90 (F) provides:

Rule 90: Testimony of Witnesses

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- (F) The Trial Chamber shall exercise control over the mode and order of interrogating witnesses and presenting evidence so as to:
 - (i) Make the interrogation and presentation effective for the ascertainment of the truth; and
 - (ii) Avoid the wasting of time.

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17. The general principle that the prosecution must present all of its evidence during its case-in-chief has been repeatedly upheld by the International Criminal Tribunals.³² Indeed this Court in upholding this principle has previously held that:

[e]vidence which goes to a matter that forms a fundamental part of the case which the Prosecution is required to prove in relation to the charges brought in the Indictment should be brought as part of the Prosecution case-in-chief and not in rebuttal. The Prosecution is under a duty to adduce all the evidence critical to proving the guilt of an accused in its case-in-chief, and only if a new issue is raised in the course of the Defence case may the Prosecution lead evidence in rebuttal.³³ [emphasis added]

18. Interpreting the provisions of Rule 85(A)(i) of the ICTR Rules of Procedure and Evidence, which is identical – in all relevant respects – to Rule 85(A) of the SCSL Rules, the ICTR Trial Chamber held as follows:

Rule 85 (A)(i) [...] prescribes that 'the trial shall be presented in the following sequence: (i) Evidence of the prosecution; (ii) Evidence for the defence; (iii) Prosecution evidence in rebuttal; (iv) Defence evidence in rejoinder' This sequence implies that the Defence may reasonably infer that matters on which no evidence was led during the Prosecution case do not form part of that case.³⁴ [emphasis added]

- 19. Moreover, as is apparent from the applicable law cited above, Rule 85(A) provides very clearly that, with the exception of prosecution evidence in rebuttal which may be led with leave of the Trial Chamber the evidence for the prosecution must *precede* the evidence for the defence.
- 20. The Trial Chamber has previously held that fresh evidence impeaching the credit of the Accused may in the Chamber's discretion be admitted on a case by case basis but that documents containing fresh evidence that is probative of guilt will not be admitted into evidence unless the Prosecution can establish "exceptional circumstances". In considering whether such exceptional circumstances have been established, the Trial Chamber will take into consideration (i) when and by which means the Prosecution obtained these documents, (ii) when it disclosed them to the Defence and (iii) why they are being offered only after the conclusion of the Prosecution case.³⁵

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³² The Prosecutor v. Dragoljub Kunarac and Radomir Kovac, Case No. IT-96-23-T and IT-96-23/1-T, Decision on Defence Motions for Rejoinder, 31 October 2000, para. 14; The Prosecutor v. Pavle Strugar, Case No. IT-01-42-T, Decision III on the Admissibility of Certain Documents, 10 September 2004, para. 5; The Prosecutor v. Enver Hadzihasanovic and Amir Kubura, Case No. IT-01-47-T, 1 June 2005, Decision on the Prosecution's Application to Re-Open its Case, para. 42; see also Prosecutor v. Hadzihasanovic and Kubura, Case No. IT-01-47-T, Oral Decision, Transcript of 29 November 2004, p. 12524.

³³ Prosecutor v. Alex Tamba Brima, Kamara, Kanu, Case No.SCSL-04-16-T, Decision on Confidential Motion to Call Evidence in Rebuttal, 14 November 2006, para. 35.

³⁴ The Prosecutor v. Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze, and Anatole Nsengiyumva, Case No. ICTR-98-41-T, Decision on Request for Severance of Three Accused, 27 March 2006, para. 7.

³⁵ Decision on Documents, para. 27 and page 13 (Disposition).

III. DELIBERATIONS

1) Documents not in Dispute:

a) Documents tendered by the Defence:

- 21. The Defence tendered for admission into evidence, a total of 480 documents (including photographs) as listed in Annex A to the Defence Motion, which documents were introduced through the Accused during his examination-in-chief and marked for identification ("Defence documents"). The Prosecution does not object to the admission into evidence of 232 of those documents, as listed in the first part of Annex 2 of the Prosecution Response. Furthermore, the Prosecution does not object to the admission of a further 94 Defence documents listed in the second part of Annex 2, but submits that these documents lack relevance. Furthermore, the Prosecution submits that the documents marked for identification as MFI-81 and MFI-242 are virtually one and the same document³⁹ except that MFI-242 contains a cover sheet, while MFI-81 does not. The Trial Chamber agrees with the Prosecution's observation and holds that only MFI-242 should be admitted in evidence. Furthermore, the Trial Chamber notes that the document listed as MFI-114 is already admitted in evidence as Defence Exhibit D-77 and need not be re-admitted.
- 22. The Trial Chamber finds that all the documents listed in Annex 2 of the Prosecution Response, are relevant, and with the exception of MFI-81 and MFI-114, admits them into evidence pursuant to Rule 89(C). In cases where only portions of a document were marked for identification, only those portions are admitted into evidence as shown in the Annex to this Decision.
- 23. The Trial Chamber notes that there are two Defence documents not listed in either Annex 1 or Annex 2 of the Prosecution Response, namely MFI-51 and MFI-164. The Trial Chamber notes the Prosecution submission however, that "should it have through administrative oversight, omitted to mention a Defence document in the attached Annex 1 and Annex 2, this may be taken to mean that there is no objection to its admission".⁴⁰ The Trial Chamber finds therefore that the Prosecution does not object to the admission into evidence of MFI-51 and MFI-164 and that the documents are



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³⁶ Defence Motion, paras 3-8. See also Defence Response, para. 10 and Annex A. The Trial Chamber notes that although the Defence marked for identification a total of 481 documents during the testimony of Mr. Taylor, the Defence did not include document MFI-180 B amongst those it tendered for admission into evidence.

³⁷ Prosecution Response, paras 3 and 11. The Trial Chamber notes that although the Prosecution listed in Annex 2 of the Prosecution Response 233 Defence documents that it does not object to, that list in fact consists of 232 documents, as document MFI-228 is listed twice.

³⁸ Prosecution Response, para. 11.

³⁹ Prosecution Response, Annex 2, pp. 2, 4.

⁴⁰ Prosecution Response, para. 13.

relevant. The Trial Chamber admits the two documents into evidence pursuant to Rule 89(C) as indicated in the Annex to this Decision.

b) Documents tendered by the Prosecution:

24. The Prosecution tendered for admission into evidence, after the close of its case, a total of 141 new documents (including photographs) as listed in Annex 1 to the Prosecution Motion, which documents were introduced during cross-examination of the Accused and marked for identification ("Prosecution documents").⁴¹ The Prosecution submits that it seeks to tender into evidence the portions of each document used during cross-examination as well as the portion of the same document used by the Defence during re-examination of the Accused.⁴² Copies of the said documents as marked are contained in Annex 2 to the Prosecution Motion.⁴³ The Prosecution further submits that it wishes to tender these documents into evidence "for the sole purpose of impeaching the credibility of the Accused".⁴⁴

25. The Defence submits that generally it "does not object to the admission into evidence of any of the documents used during cross-examination, where the relevance and admissibility of the document is for the sole purpose of challenging the credibility of the Accused". The Defence indicates that it does not object to the admission into evidence of 128 of the Prosecution documents, which documents the Defence submits, do not go beyond the sole purpose of impeachment. The Trial Chamber notes however, that seven of the 124 documents listed in Annex B to the Defence Motion to which the Defence "does not object" namely, MFI-319A, MFI-319B, MFI-319C, MFI-334A, MFI-334G, MFI-336 and MFI-405, have in fact not been tendered for admission into evidence by the Prosecution. The Trial Chamber has accordingly not addressed these documents in this Decision.

26. The Trial Chamber finds that the 121 documents tendered by the Prosecution and not objected to by the Defence are relevant and do not contain material that goes to proof of the guilt of the Accused. The Trial Chamber admits these documents in evidence pursuant to Rule 89(C). In cases where only portions of a document were used by the Prosecution in cross-examination or by the Defence in re-examination of the Accused, only those portions are admitted into evidence as shown in the Annex to this Decision.

⁴⁶ In Annex B to the Defence Motion, the Defence lists 138 documents to which it does not object. However, in the Defence Response to the Prosecution Motion, it indicates that it objects to 10 documents on the basis that the test of "exceptional circumstances" must be met. Defence Response, paras 4, 9.





⁴¹ Prosecution Motion, paras 1-2.

⁴² Prosecution Motion, paras 2-3, 9-10.

⁴³ *Ibid.*, para. 3.

⁴⁴ *Ibid.*, paras 5-8.

⁴⁵ Defence Response, para. 3.

2) Documents in Dispute:

a) Objections based on lack of foundation:

27. The Prosecution submits that insufficient foundation has been laid for the admission of a certain number of Defence documents, listed in Annex 1,⁴⁷ arguing that "the fact that the Trial Chamber allowed a document to be used during the testimony of the Accused does not mean that there is sufficient foundation for its admission".⁴⁸ In support of its argument the Prosecution cites the following Appeals Chamber Decision:

Undoubtedly, the Trial Chamber in exercising its unfettered discretion under Rule 89(C) ("may admit any relevant evidence") as to whether or not the proposed evidence is relevant, cannot properly do so in thin air. When determining the relevance of a document, the Trial Chamber must require the tendering party to lay a foundation of the witness's competence to give evidence in relation to that document.⁴⁹

- 28. The Defence argues that "the issue of proper foundation arises at the stage when the document is sought to be produced through the witness" and not at the stage of tender of the document.⁵⁰
- 29. The Trial Chamber finds no merit in the Prosecution objection and agrees with the Defence that issues relating to "foundation" are properly dealt with before a document is presented to a witness. Once a document has been shown to a witness and the witness has testified in relation thereto, a party cannot thereafter raise issues of "foundation" to oppose its admission into evidence. In this regard, the Trial Chamber disagrees with the Prosecution's interpretation of the Appeal Chamber's Decision cited above as "indicating that the question of a sufficient foundation was significant both at the stage of presenting a document and at the admissibility stage." The Trial Chamber holds that documents MFI-7, MFI-11, MFI-13, MFI-26, MFI-98, MFI-149, MFI-163, MFI-198, MFI-221, MFI-222, MFI-227, MFI-236, MFI-243, MFI-245, MFI-248, MFI-249, MFI-252, MFI-257A, MFI-257B, MFI-258, MFI-275, MFI-277, MFI-278, MFI-279, MFI-281, MFI-282, MFI-283, MFI-284, MFI-293 and MFI-300 are relevant, and are admitted in evidence pursuant to Rule 89(C) as shown in the Annex to this Decision.

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⁴⁷ MFL-7, MFL-11, MFL-13, MFL-26, MFL-98, MFL-149, MFL-163, MFL-198, MFL-221, MFL-222, MFL-227, MFL-236, MFL-243, MFL-245, MFL-248, MFL-249, MFL-257, MFL-257A and B, MFL-258, MFL-275, MFL-277, MFL-278, MFL-279, MFL-281, MFL-282, MFL-283, MFL-284, MFL-283 and MFL-300.

⁴⁸ Prosecution Response, para. 6.

⁴⁹ Prosecutor v. Taylor, SCSL-03-01-AR73-721, Decision on Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents, 6 February 2009, para. 40.

⁵⁰ Reply to Prosecution Response, paras 24.

⁵¹ Prosecution Response, para 5.

b) Objections based on missing pages in certain documents:

30. With respect to the Prosecution request that the Defence provide the missing pages of MFI-70 and MFI-82 before the documents can be admitted in evidence, ⁵² the Trial Chamber recalls that when MFI-70 was marked for identification during Mr. Taylor's examination-in-chief, the Prosecution asked at that time for the production of missing pages 8 and 9, and the Defence indicated that those pages constituted an attachment that was not in its possession. ⁵³ Similarly, at the time that MFI-82 was marked for identification, the Prosecution noted that pages 5 to 9 were missing and asked for their production, but the Defence explained that the missing pages were not in its possession. ⁵⁴ The Trial Chamber accepts that the Defence cannot produce what it does not have in its possession and notes that in any event, the Defence has not sought to include the missing pages as part of the documents tendered for admission. Accordingly the Trial Chamber finds that Defence documents MFI-70 and MFI-82 as tendered are relevant and are admitted into evidence pursuant to Rule 89(C) as shown in the Annex to this Decision.

c) Objections based on lack of proof of "exceptional circumstances":

- 31. The Defence has objected to the admission into evidence of Prosecution documents MFI-334(C), MFI-334(I), MFI-334(L), MFI-337, MFI-345, MFI-346, MFI-347, MFI-348 and MFI-370 on the grounds that they contain material that is probative of guilt. The Defence submits that the Prosecution must prove the existence of "exceptional circumstances" in relation to these documents as required by the Trial Chamber in its Decision on Documents.⁵⁵ The Prosecution submits that none of those documents used by the Prosecution was found to be probative of guilt and that it seeks admission of the documents "for impeachment purposes only".⁵⁶
- 32. The Trial Chamber reiterates its holding that Prosecution fresh evidence impeaching the credit of the Accused may in the Chamber's discretion be admitted on a case by case basis but that documents containing fresh evidence that is probative of guilt will not be admitted into evidence unless the Prosecution can establish "exceptional circumstances".⁵⁷
- 33. The Trial Chamber finds that passages sought to be tendered in Documents MFI-334(C), MFI-334(L) and MFI-337 are not probative of guilt and are relevant. These documents are admitted into

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⁵² Prosecution Motion, para. 14.

⁵³ Transcript, 10 August 2009, pp. 26373-26374.

⁵⁴ Transcript, 11 August 2009, pp. 26499-26500.

⁵⁵ Defence Response, para. 9.

⁵⁶ Reply to Defence Response, para. 3.

⁵⁷ Decision on Documents, para. 27 and page 13 (Disposition).

evidence pursuant to Rule 89(C) as shown in the Annex to this Decision. The Trial Chamber finds however, that the passages sought to be tendered in documents MFI-334(I), MFI-334(J), MFI-345, MFI-346, MFI-347, MFI-348 and MFI-370 are probative of guilt and that the Prosecution has not established "exceptional circumstances" with regard to each of those documents. Accordingly, those documents are not admitted into evidence.

d) Objections based on a request for "further and better particulars":

- 34. The Defence has indicated that it does not object to the admission into evidence of several Prosecution documents, subject to additional information being provided by the Prosecution. With respect to MFI-303A and MFI-303B, consisting of portions of a document entitled "An Act Adopting New Aliens and Nationality Law", the Defence submits that those portions are admissible "subject to proof of when the Act became applicable".⁵⁸ With respect to MFI-304, which is a transcript of a Star Radio Report dated 28 August 2006, and MFI-320B, which is the transcript of a BBC interview by Mary Harper with Charles Taylor, the Defence submits that each of those documents is admissible "subject to proof of who created the transcript".⁵⁹
- 35. The Trial Chamber is of the view that the Defence concerns relate to the weight, rather than the admissibility of those documents. The Trial Chamber therefore finds that Prosecution documents MFI-303A, MFI-303B, MFI-304, and MFI-320B are relevant and do not contain material that goes to proof of the guilt of the Accused. The documents are admitted into evidence pursuant to Rule 89(C) as shown in the Annex to this Decision.

3) Documents that have already been admitted in evidence:

36. The Prosecution submits that three of the documents tendered by the defence for admission into evidence, namely MFI-21, MFI-49 and MFI-69, are already admitted in evidence as Exhibits P-298 (last three pages), D-7 and D-34, respectively.⁶⁰ The Trial Chamber agrees with the Prosecution that it is not necessary to re-admit these documents.

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⁶⁰ Prosecution Response, para. 10 and Annex 1.



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⁵⁸ Defence Motion, Annex B, p. 2.

⁵⁹ Defence Motion, Annex B, p. 2 (MFI-304) and p. 20 (MFI-320B). See also Defence Response, para. 5.

FOR THE ABOVE REASONS

GRANTS the Defence Motion in part;

GRANTS the Prosecution Motion in part and;

ORDERS AS FOLLOWS:

- (i) The documents listed and described in Part I of the Annex to this Decision are admitted into evidence as Defence exhibits and given exhibit numbers as indicated in the fourth column;
- (ii) The documents listed and described in Part II of the Annex to this Decision are admitted into evidence as Prosecution exhibits and given exhibit numbers as indicated in the fourth column.

Done at The Hague, The Netherlands, this 18th day of March 2010.

Justice Richard Lussick

Justice Julia Sebutinde Presiding Judge

Justice Teresa Deherty

[Seal of the Special Court for Sterry Leone



ANNEX

PART I. DEFENCE EXHIBITS

MFI #	Description of Document	Parts admitted	Exhibit #
1 A	Untitled Map of Libya - DCT 208	Entire document	D-115A
1 B	Map – Libyan Arab Jamahiriya	Entire document	D-115B
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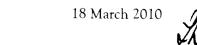
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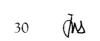




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247 B	Letter to the Ministry of Foreign Affairs, Republic of Guinea, from the Ministry of Foreign Affairs, Monrovia, Liberia, 22 April 1999 – DCT 301 (4 pages)	Entire document	D-356 B
247 C	Note Verbale to the Ministry of Foreign Affairs from the United Nations Office of the Resident Coordinator in Liberia – DCT 301 (4 pages)	Entire document	D-356 C
248	Outgoing code cable to Prendergast/Miyet/Viera de Mello, UN, New York, from Downes-Thomas, RSG, UNOL, Monrovia, The Voinjama Incident, 27 April 1999 – DCT 302 (13 pages)	Entire document	D-357
249	Outgoing code cable to Prendergast/Miyet, United Nations, New York, from Downes Thomas, RSG, UNOL, Monrovia, Possible Incursion from the Sea-ward Side of Liberia and AFL Presence at the Former HQ Compound, 5 May 1999 – DCT 303 (2 pages)	Entire document	D-358
250	Resolution, the First Annual Inter-Parliamentary Conference of Member States of the Mano River Union: The Unity Conference Center, Virginia, Liberia, 26–29 May 1999 – DCT 304 (4 pages)	Entire document	D-359
251	Statement of Appreciation to the Address of the Malian Parliament Delegation, 26–29 May 2009 – DCT 305 (5 pages)	Entire document	D-360
252	Outgoing code cable to Okelo, UNOMSIL, Freetown, from Miyet, United Nations, New York, Liberia: Destruction of Weapons, June 18 1999 and letter to Monie Captan from Kofi Annan, Secretary-General, United Nations, 17 June 1999 - DCT 308 (3 pages)	Entire document	D-361
253	Outgoing code cable to Prendergast/Miyet, United Nations, New York, from Downes-Thomas, RSG, UNOL, Monrovia, Report of the Opposition Parties Delegation, Joint Communiqué issued by Presidents Obasanjo and Taylor, 25 June 1999 – DCT 314 (6 pages)	Entire document	D-362
254	Outgoing code cable to Miyet, United Nations, New York, from Elisabeth Lindenmayer, Abuja, Liberia, 10 July 1999 - DCT 318 (4 pages)	Entire document	D-363
255	Letter to the President of Liberia, from the United Nations Secretary–General, Kofi Annan, 27 July 1999 – DCT 327 (1 page)	Entire document	D-364
256	Letter to the UN Secretary General, Kofi Annan, United Nations HQ, New York, from Monie Captan, Minister of Foreign Affairs, Liberia, 12 July 1999 - DCT 319 (1 page)	Entire document	D-365
257 A	Letter to Michel Camdessus, Managing Director, International Monetary Fund (IMF), Washington, from the United Nations Secretary-General, Kofi Annan, 30 July 1999 - DCT 329 (2 pages)	Entire document	D-366 A
257 B	Letter to James D. Wolfensohn, President, World Bank, Washington, from the United Nations Secretary General, Kofi Annan, 30 July 1999 – DCT 330 (2 pages)	Entire document	D-366 B
258	Outgoing facsimile to Downes-Thomas, SRSG, UNOL, Monrovia, from Fraticelli, United Nations, New York, Small Arms Technical Experts, 2 August 1999 - DCT 331 (4 pages)	Entire document	D-367
259	Notes of a telephone conversation between the Secretary General and the President of Liberia, Charles Ghankay Taylor, 30 September 1999 – DCT 336 (2 pp.)	Entire document	D-368
260	Statement Attributable to the Spokesman of the Secretary-General: Weapons Disposal in Liberia, New York, 18 October 1999 - DCT 338 (2 pages)	Entire document	D-369
261	Map of Liberia (Marked, signed and dated by Charles Ghankay Taylor)	Entire document	D-370
262	Map of Liberia - Alleged infiltration by Black Gaddafa (Marked, signed and dated by Charles Ghankay Taylor)	Entire document	D-371
263	Map of West Africa showing Danane, Ganta and Gbarnga (Marked, signed and dated by Charles Ghankay Taylor)	Entire document	D-372

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264 A	Photograph - DP 154	Entire document	D-373 A
264 B	Photograph - DP 155	Entire document	D-373 B
264 C	Photograph - DP 156	Entire document	D-373 C
264 D	Photograph - DP 157	Entire document	D-373 D
264 E	Photograph - DP 158	Entire document	D-373 E
264 F	Photograph - DP 159	Entire document	D-373 F
264 G	Photograph - DP 160	Entire document	D-373 G
264 H	Photograph - DP 161	Entire document	D-373 H
264 I	Photograph - DP 162	Entire document	D-373 I
264 J	Photograph - DP 163	Entire document	D-373 I
264 K	Photograph - DP 164	Entire document	D-373 K
264 L	Photograph - DP 165	Entire document	D-373 L
264 M	Photograph - DP 166	Entire document	D-373 L
264 N	Photograph - DP 167	Entire document	D-373 M D-373 N
264 O	Photograph - DP 168	Entire document	D-373 N
264 P	Photograph - DP 169	Entire document	D-373 P
264 Q	Photograph - DP 170	Entire document	
264 R	Photograph - DP 171	Entire document	D-373 Q
264.5	Hand drawn map of White Flower- drawn by Counsel Courtney Griffiths	Entire document	D-373 R
264 S	on the instructions of Charles Ghankay Taylor	Entire document	D-373 S
264 T	Photograph - DP 173	Entire document	D-373 T
264 U	Photograph - DP 174	Entire document	D-373 U
264 V	Photograph - DP 175	Entire document	D-373 V
264 W	Photograph - DP 176	Entire document	D-373 W
264 X	Photograph - DP 177	Entire document	D-373 X
264 Y	Photograph - DP 178	Entire document	D-373 Y
264 Z	Photograph - DP 179	Entire document	D-373 Z
264 AA	Photograph - DP 180	Entire document	D-373AA
264 BB	Photograph - DP 181	Entire document	D-373AB
264CC	Photograph - DP 182	Entire document	D-373AC
264 DD	Photograph - DP 183	Entire document	D-373AD
264 EE	Photograph - DP 184	Entire document	D-373AE
264 FF	Photograph – DP 185	Entire document	D-373AF
264GG	Photograph - DP 186	Entire document	D373AG
264HH	Photograph – DP 187	Entire document	D373AH
264 II	Photograph – DP 188	Entire document	D-373AI
264 JJ	Photograph - DP 189	Entire document	D-373AJ
265	DVD clip of White Flower, Monrovia, Liberia	Entire clip	D-374
266 A	Photograph - DP 191	Entire document	D-375 A
266 B	Photograph – DP 192	Entire document	D-375 B
266 C	Photograph – DP 193	Entire document	D-375 C
266 D	Photograph - DP 194	Entire document	D-375 D
266 E	Photograph – DP 195	Entire document	D-375 E
266 F	Photograph - DP 196	Entire document	D-375 F
267 A	Photograph – DP 197	Entire document	D-376 A
267 B	Photograph - DP 198	Entire document	D-376 B
267 C	Photograph - DP 199	Entire document	D-376 C
267 D	Photograph - DP 200	Entire document	D-376 D
267 E	Photograph - DP 201	Entire document	D-376 E
268	Photograph - DP 202	Entire document	D-377
269	Photograph - DP 203	Entire document	D-378
270 A	Photograph - DP 204	Entire document	D-379 A
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270 B	Photograph - DP 205	Entire document	D-379 B
270 C	Photograph - DP 206	Entire document	D-379 C
270 D	Photograph - DP 207	Entire document	D-379 D
270 E	Photograph - DP 208	Entire document	D-379 E
271	Programme for Induction into Office of Moses Zeh Blah, President–Designate of the Republic of Liberia, Office of the Chief of Protocol, Ministry of Foreign Affairs, Monrovia, Liberia, 11 August 2003 – DCT 42B (12 pages)	Entire document	D-380
272	Letter of resignation to the Liberian Legislature (in session), the Capitol Building, Monrovia, Liberia, from Dahkpannah Dr. Charles Ghankay Taylor, 6 August 2003 (2 pages)	Entire document	D-381
273 A	DVD clip of Induction into Office of Moses Blah, 11 August 2003 - DCT 42A	Entire clip	D-382 A
273 B	Note of the DVD contents of the Induction into Office of Moses Blah, 11 August 2003 – DCT 42A (16 pages)	Entire document	D-382 B
274	Statement by Charles Ghankay Taylor, Leader of the National Patriotic Front of Liberia, 1 January 1990 – DCT 210 (1 page)	Entire document	D-383
275	Notes of the telephone interview with Stephen Ellis, Association for Constitutional Democracy in Liberia, 15 February 1990 - DCT 22 (3 pages)	Entire document	D-384
276	Official Journal of the Economic Community of West African States (ECOWAS), Volume 22, Special Edition, 1997– DCT 184 (194 pages)	Entire document	D-385
277	Report of the Sierra Leone Arms Investigation, Sir Thomas Legg, Sir Robin Ibbs KBE, ordered by the House of Commons to be printed, 27 July 1998 (168 pages)	Entire document	D-386
278	Wall Street Journal Article, UN is Diamond Cartel's Best Friend, Edward Epstein, 3 August 2000 – DCT 104 (1 p.)	Entire document	D-387
279	Letter to the Leader from Michel (Documents purportedly found at the residence of Foday Sankoh- May 2000) - ERN 00010121- 00010124 - DCT 259 (4 pages)	Entire document	D-388
280	Washington Post Article, Liberia Reportedly Arming Guerrillas, Douglas Farah, 18 June 2000 - DCT 344 (3 pages)	Entire document	D-389
281	Letter to the President of Liberia, Dahkpannah Dr. Charles Ghankay Taylor, from President of Sierra Leone, Alhaji Tejan Kabbah, 19 June 2000 - DCT 165 (1 page)	Entire document	D-390
282	BBC News Article, Liberia's Diamond Links, 18 July 2000 - DCT 248 (4 pages)	Entire document	D-391
283	The Role of Conflict Diamonds and the Failed States in the Terrorist Financial Structure, Douglas Farah, Washington Post Investigative Reporter, Watson Institute, Brown University, 24 October 2003 – DCT 266 (7 pages)	Entire document	D-392
284	Belgian Investigation made at the request of former Prosecutor of the Special Court for Sierra Leone, David Crane, November 2002 – ERN 00102148– 00102191 – DCT 268 (44 pages)	Entire document	D-393
285	BBC News Article: Liberia 'Struggling to Defeat' Rebels, 4 February 2002 – DCT 354 (3 pages)	Entire document	D-394
286	BBC News Article: Liberia Declares a State of Emergency, 8 February 2002 – DCT 355 (3 pages)	Entire document	D-395
287	New York Times Article: Liberian Troops Fight Rebels, 11 February 2002 – DCT 356 (3 pages)	Entire document	D-396
288	Press Release: Ministry of Information, Monrovia, Liberia, 7 January 2003 – DCT 365 (3 pages)	Entire document	D-397
289	Memorandum to Mr John Dobrin, U.S. Department of State, from Jucontee Tom Woweiyu, National Patriotic Front, The Current Situation in	Entire document	D-398



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	Liberia, 22 January 1990 - DCT 53 (2 pages)		
290 A	CONFIDENTIAL: Photograph - DP 190A	Entire document	D-399 A
290 B	CONFIDENTIAL: Photograph - DP 190B	Entire document	D-399 B
290 C	CONFIDENTIAL: ORIGINAL Photograph - DP 190A	Entire document	D-399 C
291	Unclassified Release in full, 19 May 2000 – ERN 0005828 to 0005842 – DCT 267 (15 pages)	Entire document	D-400
292	Letter to the President of Liberia, Dahkpannah Dr. Charles Ghankay Taylor, from Jenkins Dunbar, Minister of Lands, Mines and Energy, 1 March 2001 – DCT 62 (9 pages)	Entire document	D-401
293 A	Bijlage 003 – DCT 347 (7 pages)	Entire document	D-402 A
293 B	Bijlage 004 (11 pages)	Entire document	D-402 B
294	Final Communiqué on the visit of H.E Laurent Gbagbo, President of the Republic of Cote d'Ivoire and H.E Dahkpannah Dr. Charles Ghankay Taylor, President of the Republic of Liberia to PYA-Togo, April 26 2003 – DCT 25 (1 page)	Entire document	D-403
295	Hearing before the Subcommittee on Africa, Global Human Rights and International Operations of the Committee on International Relations House of Representatives, One Hundred Ninth Congress, Second session, Impact of Liberia's Election on West Africa, 8 February 2006 – DCT 5 (112 pages)	Entire document	D-404
296	Letter to the President of the United States of America, George W Bush, from the President of Liberia, Dahkpannah Dr. Charles Ghankay Charles Taylor, 16 June 2003 – DCT 255 (1 page)	Entire document	D405
297	Letter to Mr. Charles Taylor, from the Minister of Foreign Affairs of Nigeria, 11 August 2003 – DCT 119 (4 pp.)	Entire document	D-406
298	Los Angeles Times Article, Until His Arrest, Exiled Taylor Posed Problems For Liberia, 26 January 2007 - DCT 56 (1 page)	Entire document	D-407
299	New African Article, Charles Taylor: Why me?, 16 Page Special, May 2006 – DCT 80 (15 pages)	Entire document	D-408
300	Letter to Mr Edward K Goba, Deputy Minister for Administration & Public Safety, Ministry of Justice, Liberia, from the Prosecutor of the Special Court for Sierra Leone, David Crane, 1 March 2004 – DCT 372 (4 pages)	Entire document	D-409
301	Security Council SC/8755, Security Council Approves Trial Transfer of Former Liberian President Charles Taylor to The Netherlands, Resolution 1688 (2006), 16 June 2006 - DCT 106 (4 pages)	Entire document	D-410





^{*}Admitted confidentially.

PART II: PROSECUTION EXHIBITS

MFI #	Description of Document	Parts admitted**	Exhibit #
302A	Excerpts from: Long Story Bit by Bit, Liberia Retold, Tim Hetherington	Cover and publication page	P-399 A
302B	Excerpts from: John T. Richardson, Former Head of the National Security Agency and Taylor Confidante, excerpt from Long Story Bit by Bit, Liberia Retold, Tim Hetherington	Pages 106 to 107 - identifying	P-399 B
303A	An Act Adopting a New Aliens and Nationality Law , Liberian Codes Revised, Vol. II – ERN 00102782 - 00102872	Entire Act	P-400 A
303B	Excerpts from: An Act Adopting a New Aliens and Nationality Law, ERN 00102856 - 00102861	Section 21.1 (2), Section 21.1 (4), Section 21.2, Section 21.3 (1), Section 21.3 (3), Section 21.6	P400 B
304	Star Radio, Former President Taylor Loses Title, 28 August 2006	Title, article in its entirety	P-401
305	Excerpts from: Liberian Bank for Development and Investment, Monrovia, Liberia, New account application, Charles G. Taylor, C/A No. 32851-01, 8 December 1999	Title, name, address, initial deposit, signature, date	P-402
306A	Liberian Bank for Development and Investment, Monrovia, Liberia, LBDI checking account signature card, Charles G. Taylor, Account number 00-201-32851-01, Authorized Signature – Kaddieyatu Darrah, 8 December 1999	Entire document	P403 A
306B	Excerpts from: Liberian Bank for Development and Investment, LBDI checking account signature cards, Account No. 00-201-32851-01, 8 and 15 December 1999	(Top) "HE Charles Taylor", "Kaddieyatu Darrah", signature, date, (Bottom) account title, account number, name, signature	P-403 B
307	Excerpts from: Liberian Bank for Development and Investment, Monrovia, Liberia, Debit ticket, 20656, 18 July 2000	Title, date, name and account number, REF number, handwritten amount of debit, debit amount in figures	P-404
308	Excerpts from: Liberian Bank for Development and Investment, Bank Statement 01 July 2000 through 31 July 2000, Charles G. Taylor personal checking accounts, 00-201-32851, Monrovia, Liberia	Title, name, account number, dates, line 18: deposit amount	P405

^{**} References in this column reflect the marked parts on the documents referred to by the Prosecution in Annex 2 of the Prosecution Motion.





309	Excerpts from: The Association for the Legal Defence of Charles Taylor - How to help, 24 April 2008	Title, Citibank information, Ecobank information, account number, references to bank names	P-406
310	Excerpts from: Citigroup, Paralegal Specialist, Vilda Iris Vera, U.S. Attorney's Office, Southern District of New York, Response to Commissioner's Subpoena, 18 March 2004, Request from the Special Court for Sierra Leone, from J. Forter Imbert	Citigroup information, date, excerpts from letters, Francis Dennis as President of LBDI, date of document, excerpt from letter	P-407
311	Excerpts from: Account Activity Report, Account name – LBDI – Liberian Bank for Development, Account 3600-6105, Rule off from 07/01/00 to 07/31/00, page 44	Report date, account number, statement dates from letters, trans date, "For further credit to" account number, "Natura Holdings PTE LTD", deposit amount, page number	P-408
312	Excerpts from: Account Activity Report, Account name – LBDI – Liberian Bank for Development, Account 3600-6105, Rule off from 03/01/00 to 03/31/00, page 106	Transaction date, "further credit to Charles G. Taylor", account number, ordering party, deposit amount	P-409
313	Excerpts from: Liberian Bank for Development and Investment Bank statement 01 August 2000 through 11 September 2000, Charles G. Taylor Personal checking accounts, 00-201-32851-01, Monrovia, Liberia	Title, name, account number, statement date, first two entries under "Account Summaries"	P-410
314	Excerpts from: Liberian Bank for Development -5599, Account Inquiry, from accounts 02210/232851/01 on February 28, 2004, and from 002215/159234/01 to account 002216/159234/01 on 9 April 2008	Identifying information, and parts as marked in Annex 2	P411
315A	Excerpts from: Republic of Liberia, Truth and Reconciliation Commission Final Report, Volume II: Consolidated Final Report	Page 115 - One sentence beginning "The political contest spilled"	P412 A
315B	Excerpts from: Republic of Liberia, Truth and Reconciliation Commission Final Report, Volume II: Consolidated Final Report	Identifying information (cover page)	P-412 B
316	Excerpts from: Profile of Charles M. Taylor, Court records in <i>United States of America v.</i> Charles M. Taylor, Magistrates docket, No. 84-1251R, United States District Court for the District of Massachusetts, and attorney files, 27 July 1990	Pages 1, 3, 4, 5, 10	P-413
317	Excerpts from: Liberian Truth and Reconciliation Commission Diaspora Project – Appendix D, Key events in Liberian History from 1979-2003	Title, Title to Appendix D, date of coup (November 12, 1985)	P-414
318	Excerpts from: Liberia-2, excerpts from a BBC interview with the NPFL leader Charles	Title, part under caption 'Taylor	P415



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326	Excerpts from: Peace Agreement between the government of Sierra Leone and the Revolutionary United Front of Sierra Leone, Lomé Accord, 7 July 1999	article III, title and paras. 1 to 4, page 3, article IV, title, paras. 1 and 2, article V, paras. 1 to 4, page 6, article IX, title, para. 1, para. 2 ("the	P-422
		Page 1: title, subtitle, first paragraph from "Having met inEyadema", page 2,	
325	Excerpts from: IRIN news article, Liberia: More than 100 Killed in Monrovia Fighting, Humanitarian News and Analysis, A Project of the UN Office for the Coordination of Humanitarian Affairs, Monrovia, 22 July 2003	Title, first para. first 5 lines and"On Monday, angrysought refuge."	P-421
324	Excerpts from: State Department noon briefing, American government engaging the world, 21 July 2003	As marked by the Prosecution in Annex 2	P-420
323	Excerpts from: News Article, The Inquirer, Vol.1 No.19, My Husband Must Head Government, Monrovia, Liberia, 19 March 1991,	Title, volume, date, caption "My husband must head government" and text on page 3, Article "I'm here to stay – says Tipoteh" on CMS page 00102715, Article "Sound thinking" on page 3	P-419
322	Excerpts from: BBC Monitoring Report, 14 March 1991, Regional Peace-Keeping and International Enforcement: The Liberian Crisis, M. Weller, 1994	Title ("Report: Liberian Rebel Leaders Visit West African Countries"), and first three lines of para. below title ("NPFL leader 'President Taylor'").	P-418
321	Excerpts from: BBC Monitoring Report, 23 October 1990, Regional Peace-Keeping and International Enforcement: The Liberian Crisis, M. Weller, 1994	Title ("Report: Taylor sets up Interim National Assembly"), and para. below title ("According to AFP Prince Johnson's factions").	P-417
320B	Excerpts from: Unofficial transcript - BBC Clip - Mary Harper interview of Charles Taylor	Transcript, page 2 ("Some of the conflictssome time ago.")	P-416 B
320A	Excerpts from: BBC Clip - Mary Harper interview of Charles Taylor	Portions of clip as identified in MFI-320B	P-416 A
	Taylor in Gbarnga, West Africa, 75 th anniversary, No. 3892, 20-26 April 1992	Explains': "Why did NPFL invadeand the RUFS"	



		Leonepresent Agreement"), para. 3 ("the Government of	
		Sierra Leone shallthe present Agreement.) and ("legislative and	
		otherfull legality.")	
327	Excerpts from: An Act to Grant Immunity from Both Civil and Criminal Proceedings against all Persons Within the Jurisdiction of the Republic of Liberia from Acts or Crimes Committed during the Civil War from December 1989 to August 2003, Ministry of Foreign Affairs, Monrovia, Liberia, 8 August 2003	Title, date, Section 1: "That fromRepublic of Liberia" and Section 2	P-423
328	Excerpts from: News Article, Star Radio Obtains Controversial Immunity Act, 15 July 2009	Title, date, last three paras: ("The former majority leaderthen headed by President Charles Taylor.")	P-424
329	Excerpts from: United Nations Security Council, Fourteenth Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia, S/1995/1042, 18 December 1995	Title, date, page 2, paras 6 and 7, page 3, paras 10, 13 and 14, page 8, Annex	P-425
330	Liberia's Civil War: Nigeria, ECOMOG and Regional Security in West Africa, Adekeye Adebajo, 2002 – cover page, publication page, pages ix, viii and xiv, 91 & 187	Cover page: title, subtitle, author, publication page: para. 1 from "Published inLynne Rienner Publishers, Inc.", para. 3, foreword by David M. Malone, para. 2 ("Dr. Adekeye AdebajoGuinea-Bissau.") and ("is rare indeed several governments."), page viii, title, para. 4 page xiv, para. 1, page 91, para. 2 ("The United Liberation Movement of Liberiathe plunder of Charles Taylor"), page 187, para. 3, ("On 2 March 1996Johnson's Monrovia home for weapons.")	P-426
331	Excerpts from: News article, West Africa, Conflict and Famine Africa, War and Want, Liberia, Charles Taylor Given 15 days Ultimatum to Surrender or Risk Being Attacked, Recourse to Arms?, 24-30 June 1991,	Cover page, title of article, page 1035, paras 1 to 3 ("A new resistance groupplunder of Charles Taylor")	P-427



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332	Excerpts from: Description page from the atlas of maps introduced by the Defence – Generalized Geologic Section between Monrovia and Buchanan	Title and sub-title, Section 1.1.2, beginning paras 2 to 3, sentences 1 to 3 ("For over 15 yearsonly occasional follow up"), para. 3 of "Diamonds" Section: ("Numerous CretaceousE-W in strike.")	P-428
333	Excerpts from: Liberian Truth and Reconciliation Report, Volume 2	Title, volume no., page 125, 6 lines ("A Mandingo factionon May 29, 1991.")	P-429
334B	Excerpts from: News article, Sierra Leone Web - Sierra Leone News Archive, December 1998 (page 1 of 8)	Title of news source, date, source, para. 2, lines 1 to 2 ("ECOMOG sent 300 troopstroops"), paras 2-3, lines 10 to 24 ("Bockarie said Kabbah returned to Freetown.")	P430 A
334C	Excerpts from: News article, Sierra Leone Web – Sierra Leone News Archive, 19 November 1998 (page 1 of 1)	Title of news source, date, source, para. 1 ("The Revolutionary United Front will destroy defeated man can do so.")	P-430 B
334D	Excerpts from: News article, Sierra Leone Web – Sierra Leone News Archive, December 1998 (pages 5 & 6 of 8)	Title of news source, date, source, page 5, 25 December, page 6: second complete para: ("RUF commander confirmation of his claims.")	P430 C
334E	Excerpts from: News article, Sierra Leone Web – Sierra Leone News Archive, December 1998 (pages 3 & 4 of 8)	Page 3, title of news source, source and date at the top left, source, para5, date "'27 December", page 4, para. 1 ("RUF Commander SamAssociated Press.")	P430 D
334F	Excerpts from: News article, Sierra Leone Web - Sierra Leone News Archive, December 1998 (page 2 of 8)	Title of news source, date, source, page 2, 28 December, page 2, second para from bottom ("RUF commanderit was	P430 E



		'too late now'.")	
	Excerpts from:	Title of news source,	
		date, source, page 1,	
334H	News article, Sierra Leone Web - Sierra Leone News Archive, 26 January	26 January, para. 3 ("RUF	D 420 F
33121	1999 (pages 1 & 2)	I .	P-430 F
	1777 (pages 1 & 2)	commandercan you trap a rebel in the	
		bush.")	
		Title of news source,	
		date, source, page 1,	
22412	Excerpts from:	para. 2 ("Saturday	
334K	News article, Sierra Leone Web - Sierra Leone News, 14 March 1998 (page	that the poor	P-430 G
	1 of 1)	receptionincludes	
		Guinea.")	
		Title of news source,	
		date, source, page 1,	
	Excerpts from:	10 July, para. 2	
334L	News article, Sierra Leone Web - Sierra Leone News Archive, 10 July 2000	("African leaders	P-430 H
	(page 1 of 2)	openeddiamonds	
		originating in Sierra	
		Leone.")	
	Excerpts from:	Title, date, source,	
335	News article, IPS - Inter Press Service/Global Information Network,	page 2, paras 6 to 7	P-431
333	Politics - Sierra Leone: No Lawyer Willing to Defend Rebel Leader (Lexis	("Even as	
	Nexis), 7 September 1998	Sankohmonitored	
		here." Title, title of the	
		article, picture and	
		caption, date at	P-432
	Excerpts from:	bottom of page	
337	News article, New African magazine, No. 369, Nigerians Execute Sierra	referred to, last para.	
	Leone Coupists, December 1998	("But news of	
		Sankoh's deathThe	
		bloody war	
		continues.")	
		Title, volume, issue,	
		date, page 2, para. 3,	
	Excerpts from:	sentence 1 ("Taylor	
338	Africa Confidential, Vol. 40. No. 2, West Africa according to Mr. Taylor, 22 January 1999	recently boasted to	P-433
	22 january 1999	journalists that	1733
		Liberia has the most	
		effective guerrilla	
		fighters in Africa.") Clip from track 2	
339 A	Excerpts from:	BBC Focus on Africa	P-434 A
	BBC Focus on Africa Clip - Kwabena Mensah, 30 December 1998	30/12/1998	エコンすれ
		Title, date, track,	
		time, name of	
339 B		reporter, content	
	Unofficial Transcript - BBC Focus on Africa clip, Kwabena Mensah, 30 December 1998	under time: 35:31	D 424 5
		("The United Nations	P-434 B
		has	
		condemnedinterven	
		tion force.")	



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340	Excerpts from: News article, Independent Observer, Volume 1, No. 31, Sierra Leoneans condemn Taylor's coming say"We don't want Charles Taylor Here Tomorrow", 9 March 1998		P-435
341	Excerpts from: News article, IPS- Interpress Service/Global Information Network, Africa-Politics: Liberia Blamed in Sierra Leone Conflict (Lexis Nexis), 18 January 1999	Copyright, source, date, headline, author, paras 2 to 9	P-436
342	Excerpts from: Government of Sierra Leone, Political Settlement of the Crisis in Sierra Leone, 14 January 1999	Title, date, heading, paras 3 to 4 ("However, the government ofdestruction of Sierra Leone.")	P-437
343	Excerpts from: United Nations Security Council, Letter dated 19 January 1999 from the Charge d'Affaires A.I. of the Permanent Mission of Sierra Leone to the United Nations addressed to the Secretary General, S/1999/73, 25 January 1999	Date and UN Doc. number, title, contents of letter ("upon instruction Security Council"), signature, page 2, annex, para. 1 ("Current security developments ameliorate the situation."), page 2, para. 2, sentence 1 ("Regrettably, it wouldon my part"), pages 2 to 3, annex, paras 4 to 9: ("My government is gratified ECOWAS countries.")	P-438
344	Excerpts from: Government of Sierra Leone, Statement on UN Sanctions against Liberia, 24 February 2001	Heading, title, date, pages 1 to 2, paras 1 to 3 ("It is now almost a monthto address the problems.") and paras 5 to 9: ("Conscious of the needshould be delayed."), page 2, paras 11 to 12 ("The Sierra Leone government consideration for Liberia."), page 2, para. 13: ("As the current	P-439





		chairmanimposed on Liberia.")	
349	Excerpts from: United Nations Security Council, Report of the Security Council Mission to Sierra Leone. S/2000/992, 16 October 2000 - ERN 00102110 - 00102122	ERN 00102110- 00102117, title, UN Doc. number, date, Introduction, page 2, paras 4 to 6: ("The mission left New YorkFelix Downes- Thomas."), page 3, para. 33: ("From the outsetto defeat	P-440
350	Excerpts from: Embassy of Nigeria, Statement on the Situation in Sierra Leone, Monrovia, Liberia, 19 January 1999	them militarily.") Name of newspaper, date, place, caption, title, para. 3: ("It is regrettablemaim our sons and daughters.")	P441
351	Excerpts from: BBC News, World: Africa, Commonwealth Supports Ceasefire, 8 January 1999	Title, source, date, page 1, para. under picture) ("The Secretary-Generalsupport the ceasefire."), page 2, third full paragraph on page ("Mr. Anyaokusupporting the rebels.")	P-442
352	News article, The New York Times, Ex Leader Stole \$100 million from Liberia, Records Show, 18 September 2003	Source, title, heading, page 4, paras 5 to 9: ("Though in exile, Mr. TaylorHe's missing it.")	P-443
353	Excerpts from: News article, The Inquirer, Vol. 8, No. 66, Human Rights Commission's Existence Questioned, CLLR, Korpor addresses JPC Workshop, 28 April 1999	Issue, volume, date, magazine, name, article title, page 1, para. 1 and continued on page 6: "has queried the existence appropriate action in the premises.", second page cont'd from front page: "the National Human Rights Commission has not been made to function effectively."	P-444
354	Excerpts from: Amnesty International Report 2000 – Liberia, 1 June 2000	Title, source, publication date, page 2, background, second full para. ("The National Human Rights	P-445



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		investigations.")	
		Title, date, author,	
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355	News article, The New York Times, Liberia Slayings Began Brutal Trend in	bottom of the page:	P-446
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		government")	
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ı		author, paras 1 to 2	
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356	Excerpts from:	LiberianThursday	D 447
330	AllAfrica.com news article, Liberia: Attorney Rates Liberian Judiciary as	night"), page 1 of 1,	P-447
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358	The Carter Center, Liberia Elections: Carter Center Plays Key Roles in	("Following the	P-449
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359	The Carter Center, Letter to the President of the Republic of Liberia, H.E.	Entire document	P-450
	Charles G. Taylor, Executive Mansion Monrovia, from Mr. Jimmy Carter	Zinc document	1.150
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360	Excerpts from:	"against Ivorian	
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361	Excerpts from:	rebels."), source, title	D 452
201	LACCIPIS HOIII:	Title, date, issue	P-452





International Crisis Group, Africa Report No. 62, Tackling Liberia, The Eye of the Regional Storm, Freetown/Brussels, 23 April 2003

number, source, page 15, Section A title, page 15, second para. under Section A ("The Taylor-Guei link... including key"), page 15, beginning of right hand column ("commanders such as...gave during Liberia's war"), page 15, right-hand column, first full para. ("Cote d'Ivoire"), page 15, right hand column, first full para. ("and the relationship...in December 1999"), page 15, right hand column, second full para., page 16, left hand column, lines 1 to 15 ("on the ground...Guei fired on the demonstrators"), page 16, left-hand column, second and third full paras ("Additional training...through mid-2001. A", page 16, right hand column, lines 1 to 9 ("We knew that Guei...based in Cote d'Ivoire"), page 16, right hand column, second full para. ("Guei's murder on the morning of the attempted coup"), page 16, right hand column, second full para. ("Following his death...Taylor's frontline."), page 17, left hand column ("Commander, Roland Duo...Liberian and Sierra Leonean"), page 17, right hand



365	Excerpts from: United Nations Security Council, S/2003/937, letter dated 28 October 2003 from the Chairman of the Security Council Committee established pursuant to Resolution 1343 (2001) concerning Liberia, addressed to the President of Security Council, 28 October 2003	paragraph ("22 to 25 October 2000only 34 percent"), page 57, first full para. from top Title, page 16, para. 42 (ending with "support from Charles Taylor"), page 19, paras 61 to 63 (ending with "equipment, to Taylor."), page 19, para. 65 (ending with "the provision of"), page 20, first line ("approximately 72,000 bags of "free" rice deliveries to	P-456
364	Excerpts from: International Crisis Group, Africa Report No. 72, Cote d'Ivoire: "The War is Not Yet Over", Freetown/Brussels, 28 November 2003	Title, date, source, issue number, page 18, right hand column ("IV. The Wild, Wild West Compaore gradually"), page 19, left hand column ("developed divergent interests not the least by"), page 19, right hand column, lines 1 to 7 ("number of Liberiansmovement, MODEL"), page 55, first full paragraph from top, page 55, last	P-455
363	Excerpts from: Liberian Truth and Reconciliation Commission Final Report	Cover page, title, source page 186, second full para. from bottom.	P-454
362	Excerpts from: News article, Frontline World, Liberia - No More War, A Political Survivor: Interview with Daniel Chea, May 2005	William Sumo") Page 1, date, source, interview title, paras 1-3 of interview, page 2, page 3, page 4, everything except last para.	P-453
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366	Excerpts from: Asia Trading Post Online, Russian Helicopter Sales	20, paras 66 to 68, page 20, para. 69 (ending with "better-funded operators"), page 20, para. 70 (ending with "reveals a deep inequity") Source, title, segment title, second page, first para., lines 1 to 6: ("the standard580 km"), lines 9 to 10:	
367	Excerpts from: Article, Web page, Sinodefence.com, MI-17/ 171 Hip Multi-role helicopter, 7 September 2009	("Internal cargo800 kg") Title, page 2 of 3, second full para. (ending with "externally under sling")	P-458
368	Excerpts from: Amnesty International, Document – Sierra Leone: First Indictments before the Special Court for Sierra Leone, 2 April 2003	Source, page 1 of 3, title & para. 1 up to bullet point 2 (ending with "leading RUF member"), page 1 of 3, para. 1, Bullet points 5 to 7 ("Morris KallonCivil Defence Forces (CDF)"), page 1 of 3, 3 rd full paragraph from bottom	P-459
369	Excerpts from: News article, BBC News, Surprise at Sierra Leone Arrests, 11 March 2003	Title, paras 1 to 2, page 2 of 3, eighth full paragraph and heading ("Extradition Requestshand them over"), page 2 of 3, eleventh through thirteenth full paras from top ("Sam Bockariein Ivory Coast")	P-460
371A	Excerpts from: ECOMOG: A Sub-Regional Experience in Conflict Resolution, Management and Peacekeeping in Liberia Lieutenant Colonel Festus B. Aboagye, Political Progress and Setback, 1990-92, ERN 00043097	Page 101, ERN 00043097, third full para. before last sentence from "Obviously taking" to " 8,000 to 1,500", title	P461 A
371B	Excerpts from: ECOMOG: A Sub-Regional Experience in Conflict Resolution Management and Peacekeeping in Liberia Lieutenant Colonel Festus B. Aboagye, Political Progress and Setback, 1990-92, ERN 00043101	Page 105, second full para. and heading ("Operation Octopusnaval and	P461 B

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371C	Excerpts from: ECOMOG: A Sub-Regional Experience in Conflict Resolution Management and Peacekeeping in Liberia Lieutenant Colonel Festus B. Aboagye, Political Progress and Setback, 1990-92, ERN 0004326118- 00043119	Page 124, heading above the third full para. ("The 6 April, 1996 Mayhem in Monrovia"), page 125, lines 8 to 9 ("Additionally vandalized"), title	P-461 C
371D	Excerpts from: ECOMOG: A Sub-Regional Experience in Conflict Resolution Management and Peacekeeping in Liberia Lieutenant Colonel Festus B. Aboagye, Political Progress and Setback, 1990-92, ERN 00043261	Title, page 270, second full para starting from "Besides soliciting", and entire third full para.	P461 D
372A	Excerpts from: Liberia's Civil War, Nigeria, ECOMOG and Regional Security in West Africa, Adekeye Adebajo, The Death of Yamoussoukro, 2002	Page 103, first full para, first sentence ("The firstApril 1992"), page 103, second full para, first 3 words ("After the conference"), page 103, second full para., third sentence ("At a week-longto 1,500"), title, author	P-462 A
372B	Excerpts from: Liberia's Civil War, Nigeria, ECOMOG and Regional Security in West Africa, Adekeye Adebajo, The Death of Yamoussoukro, 2002	Page 105, third full para. ("Followingiron ore"), title, author	P-462 B
372C	Excerpts from: Liberia's Civil War, Nigeria, ECOMOG and Regional Security in West Africa, Adekeye Adebajo, The Tortuous Road to Akosombo, 2002	Page 137, last para., title, author	P-462 C
372D	Excerpts from: Liberia's Civil War Nigeria, ECOMOG and Regional Security in West Africa, Adekeye Adebajo, Waging War to Keep Peace, 2002	Page 138, first full para. (ending with "and heavy weapons"), title, author	P462 D
372E	Excerpts from: Liberia's Civil War, Nigeria, ECOMOG and Regional Security in West Africa, Adekeye Adebajo, A Warlord's Bazaar, 2002	Page 233, last 3 lines ("Taylor successfully forcefully that"), page 234, first four words ("ECOMOG restructure Liberia's army"), page 239, FN7, title, author	P-462 E
373A	Excerpts from: Liberian Truth and Reconciliation Commission, Final Report, Vol. II: Consolidated Final Report	Page 175, fifth full paragraph, title, source	P-463 A
373B	Excerpts from: Liberian Truth and Reconciliation Commission, Final Report, Vol. II: Consolidated Final Report	Page 129, second full paragraph ("Factional fightingin Monrovia went"), page 130, lines 1 to 6	P-463 B





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374	United Nations Security Council Resolution 866 (1993), S/RES/866, 22	seventh para. from	P-464
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		months"), page 2,	
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375	United Nations Security Council, S/26422, Report of the Secretary-General	(ending with "of	P-465
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377	United Nations Security Council, S/1994/1006, Sixth Progress Report of	paras 14 ending with	D 4 4 7
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378	United Nations Security Council, S/1995/781, Twelfth Progress Report of	Monrovia"), page 4,	D 440
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379	Excerpts from: United Nations Security Council, S/1995/881, Thirteenth Progress Report of the Secretary General on the United Nations Observer Mission in Liberia, 23 October 1995	Date, title, page 6, Section V and V(A) Headings, page 6, para. 5 ("In order2,000 all ranks"), page 6, para. 7, first Sentence (ending with "will be needed"), page 8, Section VI Heading, para. 5 (ending with "additional 4,371 troops"), page 8, para. 7 (ending with "support it needs"), page 18, Annex II	P-469
380	Excerpts from: United Nations Security Council, S/1996/232, Sixteenth Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia, 1 April 1996	Date, title, page 5, para. 24 ("At presentUnited States of America"), paras 25 and 26, page 11, annex	P-470
381	Excerpts from: United Nations Security Council, S/1996/362, Seventeenth Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia, 21 May 1996	Date, title, paras 2 to 3, page 2, first sentence (ending with "in those areas"), page 5, para. 19 (heading and "Prior to the outbreak in Monrovia to"), page 5, para. 20, heading (heading and "ECOMOGpersonn el and property"), page 5, para. 21 ("While ECOMOGable to deter"), page 6, para 21 lines 1 to 7 ("while ECOMOGfrom the factions"), page 6, para. 22 ("Outside MonroviaTienne and Sinjie"), page 7, paras 28 to 29, page 10, paras 45 to 46, page 11, para. 49 ("in the presentto these	P-471

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205	United Nations Security Council, S/1997/478, Twenty Third Progress	("During the	_
385	Report of the Secretary-General on the United Nations Observer Mission in	periodelections in	P-475
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386	Everynte from	Africa, Tuesday, 19	
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387	and Refugee Board of Canada -, Liberia: Information on the new	Immigration and	P-477
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389	News article, Lexis Nexis, IPS - Inter press service/Global information	Information	P-479
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398	Excerpts from: Report of the Joint Review Mission on the United Nations Post-Conflict Peace-Building Support Offices, Department of Political Affairs/United Nations Development Programme, 20 July 2001	Entire cover page, page 2, top of page through the end of the first paragraph, pages 14 to 15, para. 3 ("In the interestpereceptions of partiality"), paras 4-5 ("This has resultedCamp Johnson incident")	P488
399	Excerpts from: Department of Justice, Washington DC 20530, Exhibit A, TO Registration Statement pursuant to the Foreign Agents Registration Act of 1938, as amended, for the six month period ending 30 April 1992	Page 1, everything until "His Excellency Charles Taylor, President", page 2: date and signature, supplemental statement for six months ending April 30, 2002, identifying information, including title of document, date, and name of registrant, financial information for the reporting period, including a \$500,000 consulting fee for the Republic of Liberia	P 489
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404	Excerpts from: News article, The Perspective: Rights Advocate Calls for Disbanding of ATU; Goes into Hiding, 11 September 2001	Page 1: title, source, date, first para. Until "dissolve it", page 1: fourth para. until "Liberian army".	P-494
406	Excerpts from: United Nations Security Council, S/2002/1115, Letter dated 24 October 2002 from the Chairman of the Security Council Committee established pursuant to Resolution 1343 (2001) concerning Liberia addressed to the President of the Security Council, Annex – Letter dated 7 October 2002 from the Panel of Experts on Liberia to the Chairman of the Committee established pursuant to Resolution 1343 (2001) concerning Liberia	Cover page showing identifying information, second page (Annex) showing members of the Panel of Experts who prepared the report, page 41, para. 191, page 41, para. 192 except for last sentence	P-495
407	Excerpts from: Forest Concession Review - Phase III, Report of the Concession Review Committee, 31 May 2005	Acknowledgements page: Identifying information, incl. title& date, page 11, third para. (beginning with "The Committee found"), page 27, second and third bullet points, page 34, portion of fourth para. (ending with "and social development.")	P-496

