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SCSL-2004-14-T
(9705-9707)

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

Before: Judge Benjamin Mutanga Itoe, Presiding Judge
Judge Bankole Thompson
Judge Pierre Boutet

Registrar: Mr. Robin Vincent

Date filed: 15 October 2004

THE PROSECUTOR

Against

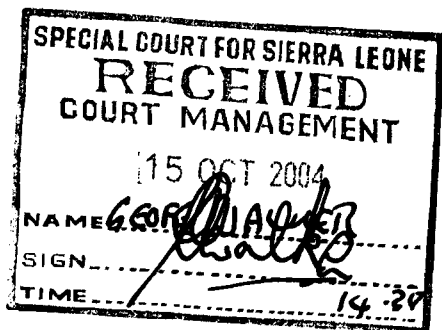
**SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA**

Case No. SCSL – 2004 – 14 – T

**PROSECUTION SUBMISSION REGARDING “RULING ON DISCLOSURE OF
WITNESS STATEMENTS” DATED 1 OCTOBER 2004**

Office of the Prosecutor:
Luc Côté
James C. Johnson

Court Appointed Counsel for Sam Hinga
Norman
Bu-Buakei Jabbi
John Wesley Hall
Quincy Whitaker



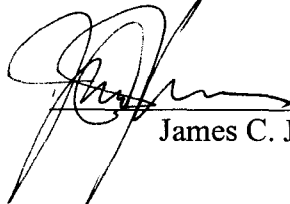
Court Appointed Counsel for Moinina Fofana
Michiel Pestman
Arrow J. Bockarie
Victor Koppe

Court Appointed Counsel for Allieu Kondewa
Charles Margai
Yada Williams

1. This submission is in reference to the “RULING ON DISCLOSURE OF WITNESS STATEMENTS” dated 1 October 2004 (“Ruling”), wherein the Trial Chamber ordered the Prosecution to provide copies of all handwritten interview notes taken for or from Witness TF2-162.
2. Two interviews were conducted of Witness TF2-162. The first interview was conducted by Christopher Santora. The second was done by Charles Caruso, a former Trial Attorney with the Office of the Prosecutor (OTP). Attached is a declaration made by Christopher Santora concerning the handwritten notes referred to in the Ruling. In accordance with the OTP’s policy on interview notes, no such notes now exist with respect to this witness. As for the second interview conducted by Charles Caruso, a thorough search of the OTP files revealed no hand written notes.
3. In the normal course of preparing the case, each witness was spoken to by Prosecution counsel on several occasions. If, during the course of these meetings, Witness TF2-162 had raised additional relevant material, an additional statement containing that material would have been disclosed to the Defence.

Freetown, 15 October 2004.

For the Prosecution,



James C. Johnson

I, Christopher Santora, make the following declaration:

1. I am employed as an assistant trial attorney with the Office of the Prosecutor (OTP).
2. On 3 December 2003, I interviewed Witness TF2-162 in Koribundo, Bo District.
3. To the best of my recollection, I initially recorded the witness's statement by taking handwritten notes as I was speaking with the witness.
4. In accordance with OTP policy, I transferred all information of any evidentiary value from my notes of to a typewritten statement at the first opportunity. In this case the typewritten statement was titled "Interview Report".
5. I do not recall there being any information provided by this witness and recorded by me that was not transferred to the "Interview Report".
6. If my handwritten notes did contain any other information that was not of evidentiary value either inculpatory or exculpatory, such as investigative leads or my impressions about the witness, I would have, in accordance with OTP policy, transferred that information to a typewritten Internal Memorandum.
7. No such Internal Memorandum exists with respect to witness TF2-162. This confirms my belief that I transferred all information from my handwritten notes to the typed "Interview Report" is accurate.
8. I believe that in accordance with OTP policy, I destroyed my handwritten notes of the interview after transferring all information from those notes to the "Interview Report". Whereas, I do not have a specific memory of destroying my handwritten notes relating to witness TF2-162, it was my practice to follow the OTP policy with regards to such matters.
9. I have searched my files and records relating to my work with the OTP. I did not find any handwritten notes pertaining to this witness. This has confirmed my belief that I destroyed the handwritten notes.

Made at Freetown

This 14th Day of October 2004



Christopher Santora