

SCSL-2004-16-PT
 (747-763)
 SPECIAL COURT FOR SIERRA LEONE
 OFFICE OF THE PROSECUTOR
 FREETOWN - SIERRA LEONE

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

Registrar: Robin Vincent

Date filed: 26 March 2004

THE PROSECUTOR

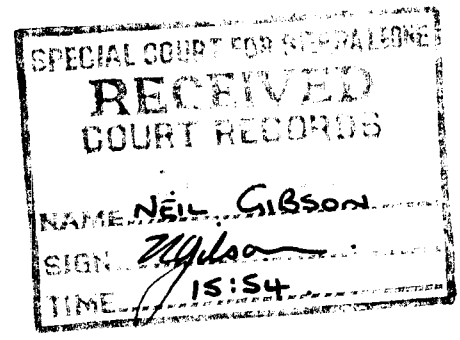
Against

SANTIGIE BORBOR KANU
CASE NO. SCSL - 2004 - 16 - PT

PROSECUTION RESPONSE TO DEFENCE MOTION FOR EXCLUSION OF PROSECUTION WITNESS STATEMENTS AND STAY ON FILING OF PROSECUTION WITNESS STATEMENTS PURSUANT TO RULES 5 AND 66(A)(i) AND DEFENCE ADDITIONAL MOTION

Office of the Prosecutor
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AND DEFENCE ADDITIONAL MOTION**

INTRODUCTION

1. The Prosecution files this response to *Motion For Exclusion of Prosecution Witness Statements and Stay on Filing of Prosecution Witness Statements Pursuant to Rules 5 and 66(A)(i)* (the motion) and *Additional Motion for Exclusion of Prosecution Witness Statements and Stay on Filing of Prosecution Witness Statements Pursuant to Rules 5 and 66(A)(i)* (additional motion) filed by the Defence on behalf of the Accused, Santigie Kanu on 18 March 2003 and 19 March 2003, respectively.
2. In the motion, the Defence argues that the Prosecution has breached its disclosure obligations under Rule 66(A)(i)¹ of the Rules of Procedure and Evidence for the Special Court (the Rules) by continuously disclosing witness statements to the Defence after 23 October 2003². Consequently, the Defence argues, the Prosecution

¹ Rule 66(A)(i) was amended at the 5th Plenary of the Special Court held between the 11th and 14th of March 2004. The amended Rules were made available through the internet on 23 March 2004. The Defence submissions are premised on Rule 66(A)(i) as it existed before the amendment.

² The Prosecution notes that the significance of this date is not indicated in the motion; it is however indicated in

should be precluded from calling witnesses whose statements were disclosed after 23 October 2003.

- 3. In the additional motion, the Defence argues that the Prosecution is in further breach of Rule 66(A)(i) because it disclosed after the expiration of the 30-day period statements taken before the initial appearance of the accused.
- 4. The Prosecution submits that both the Defence motion and the additional motion should be dismissed as they are based on an erroneous interpretation of Rule 66(A)(i) and a misunderstanding of Rule 68.

ARGUMENTS

THE DEFENCE MOTION

- 5. In its previous form which is relied on by the Defence, Rule 66(A)(i) provided as follows:

Subject to the provisions of Rules 53, 69 and 75, the Prosecutor shall:

Within 30 days of the initial appearance of an accused, disclose to the Defence copies of the statements of all witnesses whom the Prosecutor intends to call to testify and all evidence to be presented pursuant to Rule 92 *bis* at trial. Upon good cause being shown, a Judge of the Trial Chamber may order that copies of the statements of additional prosecution witnesses be made available to the defence within a prescribed time.

- 6. The Prosecution submits that the obligation which the Rule imposes on the Prosecution is to disclose within the 30 days of the initial appearance of the accused statements from the pool of evidence gathered at that stage of witnesses whom the Prosecution intends to testify. Principles of international criminal law and the Statute of the Special Court (the Statute) as well as the Rules reflect that the Prosecution has a continuous duty to investigate and to disclose evidence to the Defence. It is the Prosecution’s submission therefore that the Rule does not preclude the Prosecution

the additional motion as being the 30th day following the initial appearance of the accused.

from continuously disclosing evidence to the Defence, even beyond the 30 day period following an initial appearance.

7. The structure of the Statute and the Rules are framed in such a way that they recognize the Prosecution's continuous duty to investigate and its continuous obligation to disclose. For instance, Article 15 of the Statute gives the Prosecutor investigative powers viz crimes falling within the jurisdiction of the Court. Rule 2 of the Rules defines "investigation" as occurring both before the issuance of an indictment and after, thus up until the completion of trial. Rule 50, and in particular, Rule 50(B), allows for the amendment of an indictment, thus implicitly recognizing, *inter alia*, the Prosecution's acquisition of additional evidence following the issuance of an indictment and the initial appearance of an accused. Rule 73 *bis*(E) makes allowance for the Prosecution, after the commencement of trial, to vary its list of witnesses to be called at trial. This in itself is, *inter alia*, a recognition that additional evidence by way of investigations or other means could come into the possession of the Prosecution which would be useful for trial and thus require disclosure. Indeed, in the general course of criminal trials, investigations do not end with the mere issuance of an indictment, but could continue right up until the completion of the trial. Such investigations are bound to produce a certain amount of evidence, some useful for the Prosecution and some even possibly useful for the Defence.
8. Further evidence of the statutory recognition of the Prosecution's continuous duty to investigate and its continuous obligation to disclose is found in Rule 68 of the Rules. Rule 68 requires the Prosecution to continuously disclose exculpatory evidence to the Defence. It is therefore an oxymoron that the Statute and the Rules would provide for on-going investigations, as argued above, yet preclude the Prosecution from disclosing and using evidence generated from on-going investigations.
9. Support for the Prosecution's continuous duty to investigate and continuous obligation to disclose is also found in the well established principle and practice of international criminal law which sets forth a lower threshold for the sufficiency of evidence required for the confirmation of an indictment than the threshold for the sufficiency of

evidence required for the conviction of an accused person.³ The difference in the threshold requirements suggests that the Prosecution could seek to acquire and could obtain more evidence following the confirmation of an indictment or after the initial appearance of an accused person. Further, as evidence is collected, the decision as to which Prosecution witnesses will be called to testify might be affected, regardless of when the statement of a witness was obtained. For instance, as later evidence sheds further light on events, it may become necessary to select for trial witnesses whose statements had been obtained earlier, before the initial appearance, for example, but at the time had been deemed of little value. The situation of each witness is different and whether or when a statement is disclosed depends on the situation of the witness, respecting of course reasonable time limits for disclosure. Given these realities, Rule 66(A)(i) cannot and does not preclude the Prosecution from continuously disclosing evidence to the Defence after the 30 days following the initial appearance of an accused. The 30-day time limit in Rule 66(A)(i) refers only to the statements in the Prosecution's possession at the time of the issuance of the indictment and consequently, the 30-day period after the initial appearance of an accused.

10. In light of the foregoing, the Defence submission that the Prosecution must disclose the statements of all the witnesses it intends to call at trial within 30 days of the initial appearance of the accused, and after the expiration of the 30 days, it is barred from disclosing statements of witnesses to be called at trial unless it shows good cause, therefore does not make sense.
11. The second limb of the Rule is silent as to which party bears the onus of showing good cause for the disclosure of statements of additional witnesses. An understanding of the second limb of the Rule turns on the meaning of the phrase "statements of additional prosecution witnesses". As the first limb of the Rule deals with trial witnesses, the Prosecution submits that the words "additional prosecution witnesses" as used in the second limb refer to all other Prosecution witnesses who will not be called at trial. The Rule must be interpreted as placing the onus on the Defence to show good cause why the statements of those additional witnesses, i.e. Prosecution

³ See Rule 47 of the Rules, for example.

witnesses not intended to be called at trial, should be disclosed to them.

12. This interpretation is only logical as it would be senseless to require the Prosecution to show good cause why the Prosecution itself should disclose to the Defence statements of witnesses whom the Prosecution does not intend to call. Further, in light of the Prosecution's on-going investigation duties, it would be cumbersome to the Prosecution and consequently frustrating to the legal process if, for each witness statement taken in the course of investigations, the Prosecution had to go before a Judge each time to show good cause why the statement should be disclosed.
13. At any rate, any doubt as to the meaning of Rule 66(A)(i) has now been clarified by the amendment to the Rule at the fifth plenary meeting of the Judges of the Special Court between 11 and 14 March 2004. In the amended version of the Rules, Rule 66(A)(i) and (ii) require the Prosecution to disclose statements of selected trial witnesses within the 30 day period following the initial appearance and to continue disclosing witness statements thereafter until 60 days before trial.
14. Specifically, the rule now reads:
 - a. Subject to the provisions of Rules 50, 53, 69 and 75, the Prosecutor shall:
 - (i) Within 30 days of the initial appearance of an accused, disclose to the Defence copies of the statements of all witnesses whom the Prosecutor intends to call to testify and all evidence to be presented pursuant to Rule 92 *bis* at trial.
 - (ii) Continuously disclose to the Defence copies of the statements of all additional prosecution witnesses whom the Prosecutor intends to call to testify, but not later than 60 days before the date for trial, or as otherwise ordered by a Judge of the Trial Chamber either before or after the commencement of the trial, upon good cause being shown by the Prosecution. Upon good cause being shown by the Defence, a Judge of the Trial Chamber may order that copies of the statements of additional prosecution witnesses that the Prosecution does not intend to call be made available to the defence within a prescribed time.
15. This amendment came on the heels of much debate on the meaning of Rule 66(A)(i), particularly at the Status Conference for the RUF cases on 2 and 3 March 2004 and the AFRC cases on 8 March 2004. The amendment therefore sheds light on the intended

meaning of Rule 66(A)(i) in its previous form. The Defence Motion to bar Prosecution witnesses should therefore be rejected.

16. In any event, the relief prayed for by the Defence under Rule 5 of the Rules cannot be granted. Rule 5 requires that a complaint of non-compliance with the Rules be brought at the earliest opportunity possible. In paragraph 5 of the Defence Motion, the Defence lists as many as 5 occasions ranging from dates between November 2003 and March 2004 when the Prosecution allegedly breached Rule 66(A)(i). Since the Defence did not bring a motion when the first breach allegedly occurred, the Defence motion is therefore untimely for purposes of Rule 5 and the relief requested by the Defence should be denied.
17. Alternatively, the Prosecution submits that none of the relief sought by the Defence in the motion should be granted. First of all, paragraph 11(i) of the Defence Motion should not be considered. The Prosecution's disclosure to the Defence of evidence, including witness statements, so far has been done *inter partes*. The Prosecution has not filed witness statements in the case file on record with the Court and is unaware of the existence of any such witness statement in such case file.
18. As to the relief sought in paragraph 11(ii) of the Defence Motion, barring the Prosecution from calling witnesses whose statements were disclosed after the 30-day cut-off date is not an appropriate remedy. The Rules do not provide for such a remedy in the case of breach of disclosure obligations. Further, the exclusion of Prosecution witnesses from testifying is too extreme a measure and is not in accord with the principle of proportionality. In *The Prosecutor Against Bagasora*, the ICTR held that although the Prosecutor had not met her disclosure obligations, the Defence was not prejudiced because the trial had been postponed and there remained sufficient time for the Defence to prepare for trial.⁴ In the instant case, there is no prejudice suffered by the Defence as all the statements complained about by the Defence were disclosed at

⁴ *Prosecutor Against Bagasora*, ICTR- 96-7, Decision on the Motion by Defence Counsel for Disclosure, 27 November 1997. *But see Prosecutor Against Bagilishema*, ICTR-95-1A-T (oral decision), barring the Prosecution from calling witnesses whose statements were disclosed within a month of the commencement of trial. Research undertaken to obtain the transcripts of the said decision in *Bagilishema* did not yield any result and at the time of the writing of this motion, the transcripts had not been obtained.

the pre-trial stage of the proceedings, with a trial date not set, leaving ample time for the Defence to prepare for trial.

- 19. Regarding the relief sought in paragraph 11(iii) of the motion, the Prosecution submits that the recent amendment to the Rules renders the issue moot as Rule 66(A)(ii) sets forth a cut-off date (60 days before the commencement of trial) for disclosure of statements of Prosecution witnesses to be called at trial.

THE DEFENCE ADDITIONAL MOTION

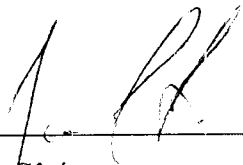
- 20. The Defence submissions in the additional motion are predicated on the same misunderstanding of the Rules as the submissions in the motion. The relief sought by the Defence in the additional motion should equally be rejected.

CONCLUSION

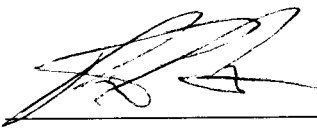
- 21. For the foregoing reasons, the Defence motion and the additional motion should be dismissed.

Freetown, 26 March 2004.

For the Prosecutor,



Luc Côté



Robert Petit

PROSECUTION BOOK OF AUTHORITY

Prosecutor Against Brima, Kamara and Kanu, SCSL-2004-16-PT

PROSECUTION INDEX OF AUTHORITY

Prosecutor Against Bagasora, ICTR- 96-7, Decision on the Motion by Defence Counsel for Disclosure, 27 November 1997.

Prosecutor Against Brima, Kamara and Kanu, SCSL-2004-16-PT

PROSECUTION AUTHORITY

Prosecutor Against Bagasora, ICTR- 96-7, Decision on the Motion by Defence Counsel for Disclosure, 27 November 1997.



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CHAMBER II

OR:ENG.

Before:

Judge William Sekule: Presiding Judge
Judge Yakov Ostrovsky
Judge T.H. Khan

Registry: Prisca Nyambe

Decision of: 27 November 1997

**THE PROSECUTOR
VERSUS
THEONESTE BAGOSORA**

Case No. ICTR-96-7-T

**DECISION ON THE MOTION BY THE DEFENCE
COUNSEL FOR DISCLOSURE**

The Office of the Prosecutor:

Mr. James Stewart
Mr. Luc Côté

Counsel For the Defence

Mr. Raphaël Constant

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal"),

SITTING as Trial Chamber II (the "Tribunal"), composed of Judge William H. Sekule, Presiding Judge, Judge Yakov Ostrovsky, and Judge Tafazzal H. Khan;

CONSIDERING the order of 17 May 1996 for provisional detention and transfer of the accused for a period of 30 days, issued by Judge Lennart Aspegren addressed to the Republic of Cameroon, pursuant to rule 40*bis* (B) of the Rules of Procedure and Evidence (the "Rules");

CONSIDERING the order for continued detention of the accused, which was issued by Judge Lennart Aspegren on 18 June 1996, pursuant to rule 40*bis* (D) of the Rules addressed to the Republic of

Cameroon, extending the detention of the accused for a further period of 30 days as of 17 June to 16 July 1996 inclusive;

CONSIDERING the final provisional order for extending the detention of the accused, which was issued by Judge Laïty Kama on 15 July 1996, pursuant to rule 40*bis* (D) addressed to the Republic of Cameroon, for a further maximum period of 30 days beginning 15 July 1996 up to and including 14 August 1996;

CONSIDERING the indictment against the accused, which was confirmed by Judge Lennart Aspegren on 10 August 1996 pursuant to rule 47 (D) of the Rules, on the basis that there was sufficient evidence to provide reasonable grounds for indicting him for Genocide, Crimes Against Humanity, violations of common Article 3 to the 1949 Geneva Conventions, and of the 1977 Additional Protocol II thereto, as alleged in the indictment;

CONSIDERING ALSO that the accused was transferred to the Tribunal's Detention Unit on 23 January 1997 from the Republic of Cameroon;

FURTHER CONSIDERING that at his initial appearance pursuant to rule 62 of the Rules, on 7 March 1997, the accused pleaded not guilty to all counts of the indictment;

HAVING RECEIVED a Defence Motion filed on 22 October 1997, based on rule 66 (B) of the Rules for requesting the disclosure of evidence;

HAVING RECEIVED from the Prosecution, on 24 October 1997, a reply to the abovementioned Defence Motion;

HAVING ALSO RECEIVED a rejoinder from the Defence Counsel on 31 October in support of his motion for disclosure of evidence;

HAVING PERUSED the Defence Motion, reply of the Prosecution to the motion and rejoinder of the Defence Counsel;

HAVING HEARD the parties on 31 October 1997;

ARGUMENTS BY THE PARTIES

(A) Though the Defence Counsel generally referred to rule 66 when alleging irregularities in the disclosure of evidence by the Prosecution, he primarily based his motion on rule 66 (B) of the Rules;

(B) The Defence Counsel in support of his motion made the following specific submissions:

(i) that the Tribunal should acknowledge that the Prosecution has violated the rights of the accused as enshrined in Article 20 (4) (a) of the Statute of the Tribunal (the "Statute") and rule 66 of the Rules (adopted on 5 July 1996 and as amended on 6 June 1997), and it should direct the Prosecution to disclose specific evidence as mentioned in his motion;

(ii) that the accused has been in detention for more than one year without having been informed of any evidence against him, and thereby has not been able to prepare his defence;

(iii) that although the Prosecution has communicated to the accused a document entitled "Supporting

Material", this in itself does not constitute a complete disclosure within the ambit of rule 66 (B) of the Rules, and the Defence Counsel, therefore requests that the full disclosure be made of all the materials in the custody or control of the Prosecution;

(iv) that the Prosecution failed to respond to his 3 letters, dated 12, 21 and 25 August 1997 respectively, requesting full disclosure;

(v) that the filing of a motion by the Prosecution under rule 69 of the Rules for protective measures for witnesses does not relieve the Prosecution of its obligations under rule 66 (A) of the Rules, and consequently the Prosecutor should disclose redacted witness statements; and

(vi) that the date of trial was fixed for 24 October 1997; therefore it was incumbent on the Prosecution to make full disclosure of evidence not later than 60 days before said date, as provided under Rule 66 (A) (ii) of the Rules.

(C) The Prosecution in response contended that it has disclosed some evidentiary material to the Defence Counsel on 5 July 1996 and another version thereof on 6 June 1997; therefore it has fulfilled its obligations under rule 66 (A) of the Rules (adopted on 5 July 1996 and as amended on 6 June 1997) and there has been no violation of Article 20 (4) (a) of the Statute;

(D) Furthermore, the Prosecution raised the following specific contentions:

(i) that the right guaranteed under Article 20 (4) (a) of the Statute constitutes a continuing process whereby the accused will continue to receive any new evidence, the Prosecution intends to use against him;

(ii) that the documents which are in the archives of the Ministry of Defence of the Republic of Rwanda are not in her possession or control, though she has been given access to some material, hence the allegation of the Defence is not tenable;

(iii) that the specific documents requested for by the Defence Counsel in paragraphs 1, 2 and 4 up to 12 as mentioned in his motion are witness statements, and the disclosure of the said documents could be made after the Tribunal's decision on the Prosecution motion for protective measures for witnesses;

(iv) that documents or records requested for by the Defence Counsel in paragraph 3 of his motion are not under the custody of or control of the Prosecution;

(v) that it is the intention of the Prosecution to complete disclosure, in accordance with rules 66 (B) through to rule 70, either in redacted or non-redacted form depending upon the decision by the Tribunal on the Prosecution motion for protective measures for witnesses; and

(vi) That the scheduled date of 24 October 1997 was in fact a tactical date so far as the trial was concerned, and dependent on the availability of the courtrooms; therefore the date was intended only for the consideration of the Prosecution motion for protective measures for witnesses, and as indicated in the Registrar's notice of 19 September 1997, not for the trial as argued by the Defence Counsel.

DELIBERATIONS

That pursuant to rule 69 (A) of the Rules, the Prosecution may apply to the Trial Chamber for an order of non-disclosure of the identity of a victim or a witness, who may be in danger or at risk, until such

person is brought under the protection of the Tribunal. Similarly, rule 75 (A) of the Rules provides that a Judge or a Chamber may, *proprio motu* or at the request of either party, or of the victim or witness concerned, or of the Victims and Witnesses Unit (the "WVU") order appropriate measures for the privacy and protection of victims and witnesses.

However, in both rule 69 and rule 75 (A), it is stipulated that the measures applied should not prejudice the right of the accused to a fair trial. Therefore, the Prosecution has an obligation to comply with the time limits prescribed in rule 66 (A) (i) and (ii) of the Rules.

With respect to the contention of the Prosecution whereby the scheduled date for the start of the trial was merely a tactical date dependant on several practical factors. It is noted that the first official indication that the trial may not commence on this date came with the Registrar's notice of 18 September 1997 scheduling the hearing of the Prosecution Motion on protective measures for its witnesses. However, in view of rule 66 (A) (ii), the disclosure of copies of the statements of all witnesses the Prosecution intends to call to testify before the Tribunal, should have taken place by 24 August 1997. Therefore, on 18 September 1997, the deadline for the disclosure had already expired, as such the contention of the Prosecution with regard to the 18 September 1997 notice is untenable. However, the Trial Chamber notes that part of the supporting material was communicated to the Defence Counsel on two occasions, 5 July 1996 and 6 June 1997.

The Tribunal, therefore opines that had the Trial commenced on 24 October 1997 as originally planned, the right of the accused to a fair trial in accordance with Article 20 of the Statute would have been prejudiced. The Tribunal is at all times mindful of the full respect of the rights of the accused. Thereupon, the Tribunal will unequivocally ensure that the Defence Counsel has sufficient time to prepare the defence of the accused as laid down in Article 20 (4) (b) of the Statute. However, in respecting the rights of the accused under Article 20 (4) (b) of the Statute, the Tribunal must take due notice of the rights of the accused to be tried without undue delay in accordance with Article 20 (4) (c) of the Statute. In this case, however, as the trial has already been postponed, no material prejudice has been caused to the rights of the accused under Article 20 of the Statute, despite the incomplete disclosure of evidence by the Prosecution.

Further, with the respect to rule 66 (B) of the Rules, the Tribunal is of the opinion that the Defence Counsel must fulfill two fundamental requirements in order to succeed in his claim for disclosure of evidentiary material, which has relevant to the accused. First, the defence must demonstrate *prima facie* materiality of the evidence in question, and secondly that the said evidence is in the custody or control of the Prosecution. Moreover, it is also implied therein that the Defence Counsel must make specific identification of any requested documentation, thus enabling the the Trial Chamber to take action. In this regard, the Defence Counsel, however, has only made a broad request for documents without specifying any categories thereof from the archives of the Ministry of Defence of the Republic of Rwanda. The Prosecution, however, has denied the possession of these documents.

The Trial Chamber also takes note of the assurance given by the Prosecution that if and when they will have access to the documents from the archives, and if it intends to use them against the accused, the defence Counsel will be supplied the copies thereof. The Trial Chamber takes note of the lack of response by the Prosecution to the 3 letters written by the Defence Counsel asking for disclosure of evidence, and expects more cooperative attitude of the Prosecution towards the defence.

(E) FOR ALL THE ABOVE REASONS,

THE TRIAL CHAMBER FINDS: -

(i) That the non-disclosure of the witnesses statements by the Prosecution to the Defence Counsel is violative of rule 66 (A) (i) of the Rules. The mere fact of filing a motion by the Prosecution for protective measures for her witnesses does not in any way relieve it of the obligations for disclosure to the defence under rules 66 (A) (i) of the Rules. The Prosecution should note that the pendency of a motion under rule 53 of the Rules for protective measures does not exonerate the Prosecution of its other obligations imposed by the Rules:

(ii) That if the Prosecution apprehends any potential risk to any of her witnesses in fulfilling her obligations of disclosure under rule 66 (A) of the Rules, she should promptly approach the Trial Chamber for an appropriate order;

(iii) That complete non-disclosure by the Prosecution to the Defence Counsel 60 days before the scheduled date 24 October 1997 is in violation of rule 66 (A) (ii) of the Rules;

(iv) That the Defence has been unable to demonstrate a *prima facie* materiality of the evidence requested for, and also failed to show that such evidence is under the control or custody of the Prosecution, as required under rule 66 (B) of the Rules;

(v) That despite the failure of the Prosecution to strictly comply with the provisions of rule 66 of the Rules in furnishing the witnesses' statements to the defence, this Trial Chamber is clearly of the view that the defence will not be prejudiced in any way in as much as the trial of the case has been postponed and the defence will consequently have sufficient time to prepare for the trial; and

(vi) That in the instant case the Prosecution has been non- cooperative with the Defence Counsel as it did not reply to any of the 3 letters written to her by the Defence Counsel seeking disclosure and underscores the need of such cooperation in future.

THE TRIAL CHAMBER

(1) **DIRECTS** the Prosecution to fulfill its obligations under rules 66 (A) (ii), by disclosing the witnesses statements to the Defence Counsel within two weeks from the signing of this decision, if need be, in redacted form;

(2) **ALSO DIRECTS** the Prosecution to disclose any other evidence to the Defence Counsel promptly, if it obtains the custody or control over any evidence, which she intends to use against the accused;

(3) **FURTHER DIRECTS** the Prosecution to comply with the requirements of complete disclosure in accordance with rules 66 to 70 without undue delay;

(4) **DEPLORES** that the Prosecution did not respond to any of the requests of the Defence Counsel for disclosure of evidence; and

(5) **EXHORTS** the Prosecution to be more cooperative with the Defence Counsel in general, and with respect to disclosure in particular;

Arusha, 27 November 1997

Judge William H. Sekule: Presiding Judge

Judge Yakov Ostrovsky: Judge

Judge T.H. Khan: Judge

(Seal of the Tribunal)