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SCSL-04-15-T
(25492-25503)

25492

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

Before: Hon. Justice Bankole Thompson, Presiding
Hon. Justice Benjamin Itoe
Hon. Justice Pierre Boutet

Registrar: Mr. Lovemore G. Munlo SC

Date filed: 13 November 2006

THE PROSECUTOR **Against** **Issa Hassan Sesay**
Morris Kallon
Augustine Gbao

Case No. SCSL-04-15-T

PUBLIC
PROSECUTION RESPONSE TO SESAY DEFENCE REQUEST FOR CLARIFICATION ON RULE 98 DECISION

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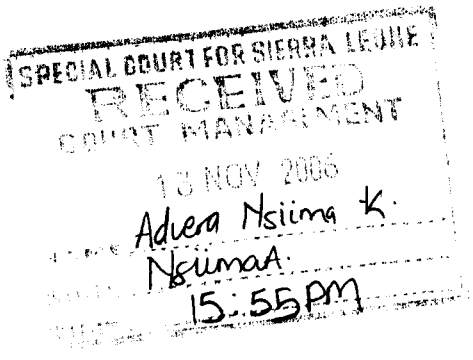

I. INTRODUCTION

1. The Prosecution files this Response to the "Sesay Defence Request for Clarification on Rule 98 Decision" ("**Defence Motion**" or "**Motion**"), filed on behalf of the First Accused on 7 November 2006.
2. For the reasons below, it is submitted that the Motion should be dismissed.

II. SUBMISSIONS

A. REQUESTED CLARIFICATION I

3. The first "clarification" requested in the Motion is whether "paragraphs [of the Indictment] lacking particularisation of specific criminal acts in specific locations should be struck from the Indictment". By way of example, the Motion refers to paragraph 60 of the Indictment, which states that "Between February 1999 and April 1999, members of the AFRC/RUF raped an unknown number of women and girls in various locations in the [Port Loko] District". The Motion argues that this wording avers "[n]o specific events in any specific locations".[1] The Motion argues that paragraphs 58, 67, 68, 73, 74 and 83 of the Indictment contain the same defect,[2] in that they are "unspecific and vague".[3]
4. The Prosecution submits that a request to the Trial Chamber to rule on this question cannot be characterised as a request for "clarification" of the Trial Chamber's Rule 98 decision in this case (the "**Rule 98 Decision**").[4]
5. First, neither the Defence nor the Trial Chamber raised this issue in the Rule 98 proceedings, and there is accordingly nothing that was said in the Rule 98 Decision of any relevance to this question that could be "clarified".
6. Furthermore, the question on which the Motion seeks "clarification" is not one that falls within the scope of Rule 98 proceedings. The Motion is not concerned with the sufficiency of the evidence in respect of the allegations in paragraphs 58, 60, 67, 68, 73, 74 and 83 of the Indictment, but rather, with the way in which these paragraphs of the

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[1] Defence Motion, para. 10.
[2] *Ibid.*
[3] Defence Motion, para. 11.
[4] RUF Transcript, 25 October 2006 ("**Rule 98 Decision**").

Indictment are pleaded. The Motion is in reality a new and independent motion alleging defects in the form of the indictment.

7. A motion alleging defects in the form of the indictment should not be entertained at this stage of the proceedings. In the Rule 98 Decision itself, this Trial Chamber ruled that a submission that clearly goes to the root of the form of the indictment "cannot ... be examined at this stage as to its merits by reason of the provisions of Rule 72(B)(ii) of the Rules of Procedure and Evidence."[5] Trial Chamber II has taken the same view.[6] Trial Chambers of the ICTY and ICTR have similarly held that questions relating to potential defects in the form of the indictment are beyond the scope of Rule 98 *bis* of the Rules of those Tribunals.[7] As stated by a Trial Chamber of the ICTR, "[i]t is wholly unacceptable to raise such matters half-way through the trial".[8]

8. In any event, the question on which the Motion seeks "clarification" has already been considered and decided by the Trial Chamber in this case, in its decision of 13 October 2003 (the "**Form of the Indictment Decision**").[9] This was a decision on a preliminary motion filed by the Defence for the First Accused alleging a variety of defects in the form of the indictment (the "**Preliminary Motion**").[10] The Form of the Indictment Decision

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[5] Rule 98 Decision, p. 8 lines 5-9.

[6] *Prosecutor v. Brima, Kamara, Kanu*, SCSL-04-16-T, "Decision on Joint Defence Request for Leave to Appeal from Decision on Defence Motions for Judgement of Acquittal pursuant to Rule 98", 31 March 2006, para. 323.

[7] *Prosecutor v. Pauline Nyiramasuhuko and Arsène Shalom Ntahobali, Sylvain Nsabimana and Alphonse Nteziryayo, Joseph Kanyabashi, Elie Ndayambaje*, ICTR-97-21-T, ICTR-97-29A-T, ICTR-96-15-T, ICTR-96-8-T, ICTR-98-42-T, "Decision on Defence Motions for Acquittal under Rule 98 bis", Trial Chamber, 16 December 2004, paras 73-74; *Prosecutor v. Semanza*, ICTR-97-20-T, "Decision on the Defence Motion for a Judgment of Acquittal in Respect of Laurent Semanza After Quashing the Counts Contained in the Third Amended Indictment (Article 98Bis of the Rules of Procedure and Evidence) and Decision on the Prosecutor's Urgent Motion for Suspension of Time-Limit for Response to the Defence Motion for a Judgment of Acquittal", Trial Chamber, 27 September 2001 ("Semanza Decision on Rule 98bis7D'D), para. 18; *Prosecutor v. Ntagerura/Bagambiki/Imanishimwe ("Cyangugu")*, ICTR-99-46-T, "Separate and Concurring Decision of Judge Williams on Imanishimwe's Defence Motion for Judgment of Acquittal on Count of Conspiracy to Commit Genocide Pursuant to Rule 98Bis", Trial Chamber, 13 March 2002, para. 6; *Prosecutor v. Kordic & Cerkez*, IT-95-14/2-T, "Decision on Defence Motions for Judgment of Acquittal", Trial Chamber, 6 April 2000, para. 15; *Prosecutor v. Tharcisse Muvunyi*, ICTR-2000-55 A-T, "Decision on Tharcisse Muvunyi's motion for Judgement of Acquittal pursuant to Rule 98 bis", Trial Chamber, 13 October 2005, para. 41.

[8] "Semanza Decision on Rule 98bis7D'D, para. 18.

[9] *Prosecutor v. Sesay*, SCSL-2003-05-PT, "Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment", Trial Chamber, 13 October 2003 (the "**Form of the Indictment Decision**").

[10] *Prosecutor v. Sesay*, SCSL-2003-05-PT-055 , "Preliminary Motion for Defects in the Form of the Indictment (Rule 72(B)ii) of the Rules of Procedure and Evidence", filed on behalf of the Defence for Issa Hassan Sesay on 23 June 2003 (the "**Preliminary Motion**").

rejected all of the challenges except one,[11] which, in accordance with that decision,[12] was remedied by the Prosecution by the filing of a Bill of Particulars.[13]

9. One of the Defence challenges that was specifically rejected in the Form of the Indictment Decision was a complaint that various paragraphs of the Indictment were impermissibly vague in using terms like "*various locations*", or "*various areas...including*".[14] The Trial Chamber said:

> "The main [Defence] submission is that general formulations like '*such as*' or '*various locations*', or '*various areas....including*' do not specify or limit the reading of the counts but expand the Indictment without concretely identifying the precise allegations against the Accused. The pith of the Defence submission is that these phrases are imprecise and non-restrictive. The Chamber's response to this submission is that it is inaccurate to suggest that the phrases 'various loc ations' and '*various areas including*' in the relevant counts are completely devoid of details as to what is being alleged. Whether they are permissible or not depends primarily upon the context. For example, paragraphs 41, 44, 45 and 51 allege that the acts took place in various locations within those districts, a much narrower geographical unit than, for example, '*within the Southern or Eastern Province*' or '*within Sierra Leone*' This is clearly permissible in situations where the alleged criminality was of what seems to be cataclysmic dimensions. ... The Defence protestation, is therefore, untenable."[15]
>
> "After a careful review, *seriatim*, of the paragraphs listed in the Defence Motion, the Chamber's response is that, given the magnitude, scale, frequency and widespread nature of the alleged criminal acts, it is unrealistic to expect the perpetrators of such conduct, as alleged, to leave visible and open clues of the locations and their partners in crime thereby providing incontestable factual bases of the said crimes. The Chamber finds that the submission is without merit".[16]

10. More generally, the Form of the Indictment Decision held that:

> "... where the allegations relate to ordinary or conventional crimes within the setting of domestic or national criminality, the degree of specificity required for pleading the indictment may be much greater than it would be where the allegations relate to unconventional and extraordinary crimes, for example, mass killings, mass rapes and wanton and widespread destruction ... within the setting of international criminality".[17]

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[11] See Form of the Indictment Decision, paras 31-33 and disposition.
[12] Form of the Indictment Decision, para. 33 and disposition.
[13] *Prosecutor v. Sesay*, SCSL-03-05-084 ,"Bill of Particulars", filed by the Prosecution on 3 November 2003 ("**Bill of Particulars**").
[14] Preliminary Motion, paras 15-16; Form of the Indictment Decision, para. 23.
[15] Form of the Indictment Decision, para. 23.
[16] Form of the Indictment Decision, para. 24.
[17] Form of the Indictment Decision, para 9.

> "Given the brutal nature of the specific crimes alleged, the alleged massive and widespread nature of the criminality involved, and the peculiar circumstances in which they allegedly took place, the date range specified in the Indictment ["at all times relevant to this Indictment"] is not too broad or inconsistent with the latitude of prosecutorial discretion allowed the Prosecution in such matters".[18]

11. The Form of the Indictment Decision therefore quite clearly held that in the context of this particular Indictment, the timeframes and geographic areas were stated with sufficient particularity.

12. The reasoning in the Defence Motion is, with respect, difficult to understand. On one reading, it seems to suggest that the Form of the Indictment Decision required the Prosecution to file a Bill of Particulars particularising specific locations for each of the paragraphs in the Indictment that referred only to "various [unspecified] locations" within a particular district. That was certainly not the effect of the Form of the Indictment Decision. The only Defence objection that was sustained in the Form of the Indictment Decision was the objection to the use of the words "*but not limited to those events*".[19] The Trial Chamber accepted that the crimes alleged in the Indictment were adequately pleaded, and did not require the Prosecution to give any further particulars of those crimes. The Bill of Particulars was required only to specify any crimes ***in addition*** to those already contained in the Indictment that the Prosecution intended to allege against the Accused. Thus, for instance, in relation to sexual violence, the original indictment against the Accused only contained allegations of such crimes being committed in Kono District, Bombali District, Kailahun District and Freetown.[20] In its Bill of Particulars, the Prosecution added allegations of crimes of sexual violence in Koinadugu District and Port Loko District, and expanded the allegations in Kono District and Bombali District.[21] In the Bill of Particulars, mirroring the approach of the indictment, these crimes were alleged to have been committed in "various locations in the Port Loko district" (with no specific locations identified),[22] "in locations in Koinadugu District, ***such as*** Kabala, Koinadugu, Heremakono and Fadugu",[23] "at various locations throughout the Kono

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[18] Form of the Indictment Decision, para. 22.
[19] Form of the Indictment Decision, paras 31-33.
[20] *Prosecutor v. Sesay*, SCSL-03-05-001 , "Indictment", 7 March 2003 ("**Original Indictment**"), paras 38-42.
[21] Bill of Particulars, paras 6, 7, 8 and 10.
[22] Bill of Particulars, para. 10.
[23] Bill of Particulars, para. 7 (emphasis added).

District, ***including*** [a number of specified locations]",[24] and "in locations in Bombali District, ***including*** Mandaha and Rosos".[25] The relevant wording of these paragraphs of the Bill of Particulars has now been incorporated into the present Corrected Amended Consolidated Indictment (the "**Consolidated Indictment**").[26] This form of wording is entirely consistent with the Form of the Indictment Decision, and the Defence has previously never suggested otherwise.

13. The Prosecution submits that it is immaterial that the Original Indictment has now been superseded by the Consolidated Indictment, since the wording of the Consolidated Indictment is relevantly identical to that in the Original Indictment and the Bill of Particulars. The Form of the Indictment Decision is of continuing applicability.

14. If formulations like "*such as*" or "*various locations*", or "*various areas...including*" are permissible in the context of this particular indictment, it necessarily follows that if the Prosecution produces evidence establishing beyond a reasonable doubt the commission of crimes as alleged by paragraphs using those formulations, the Accused can be convicted of those crimes.[27] It would be absurd to suggest (as the Defence Motion might be understood as suggesting) that although the wording of the challenged paragraphs of the Indictment is not defective, the Accused nonetheless cannot be convicted of the crimes alleged in those paragraphs because of the way that those paragraphs are worded.

15. The Motion establishes no justification for reopening and reconsidering the Form of the Indictment Decision, other than to suggest that the Form of the Indictment Decision is somehow inconsistent with a subsequent decision of this Trial Chamber in the case of *Prosecution v. Norman et al.* (the "**CDF case**"). The Prosecution submits that there is no inconsistency. The subsequent decision in question (the "**CDF Clarification Decision**")[28] concerned a paragraph in the indictment in the CDF case that alleged unlawful killings in four specified locations only, and did not allege such killings in any

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[24] Bill of Particulars, para. 6 (emphasis added).
[25] Bill of Particulars, para. 8 (emphasis added).
[26] Consolidated Indictment, paras 55, 56, 57, 59 and 60.
[27] See the Form of the Indictment Decision, para. 23, in which the Trial Chamber said, in relation to this Defence challenge, that "In the ultimate analysis, having regard to the cardinal principle of the criminal law that the Prosecution must prove the case against an accused beyond reasonable doubt, the onus is on the Prosecution to adduce evidence at the trial to support the charges, however formulated."
[28] *Prosecutor v. Norman et al.*, SCSL-04-14-550, "Decision on Joint Motion of the First and Second Accused to Clarify the Decision on Motions for Judgment of Acquittal pursuant to Rule 98", 3 February 2006 (the "**CDF Clarification Decision**").

other place. In its Rule 98 Decision in the CDF case,[29] the Trial Chamber held that in relation to that paragraph of the indictment, there was no evidence capable of supporting a conviction in respect any of those four specific locations. In the CDF Clarification Decision, the Trial Chamber held that the Prosecution was estopped from expanding the particulars in that paragraph of the indictment to include any other unspecified location,[30] and that this paragraph of the Indictment was accordingly no longer operative. It cannot tenably be inferred from the CDF Clarification Decision that there is a rule of general application to the effect that where an indictment alleges crimes to have been committed in various unspecified locations within a district, it would amount to an "expansion" of the charges for the Prosecution to present evidence of such crimes committed in that district.[31]

16. In respect of all of the paragraphs of the Consolidated Indictment mentioned in the Motion in relation to this request for "clarification" (paragraphs 58, 60, 67, 68, 73, 74 and 83 of the Indictment),[32] the Trial Chamber was satisfied that there exist evidence capable of supporting a conviction on the respective counts.[33] There is no basis for striking these paragraphs from the Consolidated Indictment.

B. REQUESTED CLARIFICATION II

17. The second "clarification" requested in the Motion is "what is the probative value, if any, of the evidence of events relating to locations not specifically pleaded in the Indictment?"[34] In substance, this request for "clarification" amounts to a complaint about the same paragraphs of the Consolidated Indictment on the same grounds as the first requested "clarification". This part of the Motion additionally argues that it would be a denial of the fair trial rights of the Accused to take into account evidence of crimes committed in locations that have not been specifically particularised in the Indictment.

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[29] *Prosecutor v. Norman et al.*, SCSL-04-14-T, "Decision on Motions for Judgment of Acquittal Pursuant to Rule 98", 21 October 2005 (the "**CDF Rule 98 Decision**").
[30] CDF Clarification Decision, para. 9.
[31] See Defence Motion, paras 9 and 11, which apparently seek to suggest this.
[32] Defence Motion, para. 10.
[33] For para. 58 of the Consolidated Indictment, see Rule 98 Decision, p. 25 lines 7-16; for para. 60, see p. 25 lines 26-29; for para. 67, see p. 28 lines 24-29; for para. 68, see p. 30 lines 4-25; for para. 73, see p. 32 lines 28-29; for para. 74, see p. 33 lines 3-8; for para. 83, see p. 40 lines 22-27.
[34] Defence Motion, title immediately before para. 13.

However, the Form of the Indictment Decision has already determined that the use in the Indictment of formulations like "*such as*" or "*various locations*", or "*various areas...including*" "do not unfairly prejudice the Accused or burden the preparation of his defence".[35] This part of the Motion advances no justification for a reconsideration of the Form of the Indictment Decision at this stage of the proceedings.

C. REQUESTED CLARIFICATION III

18. The third "clarification" requested in the Motion is entitled "Is evidence of crimes in locations near to, or in the surrounding areas of, locations specified in the Indictment, probative of specific allegations of crimes in the specified locations?"[36] The Prosecution submits that this question is stated in terms so abstract as to be incapable of an answer. As a matter of general principle, it can be said that evidence of one event might in certain circumstances be probative of whether or not a completely different event ever occurred. However, this can only be determined in the context of a specific case.

19. The only specific case referred to in the Motion concerns the finding in the Rule 98 Decision that there is evidence capable of supporting a conviction on Counts 10 and 11 in Koinadugu District (paragraph 64 of the Indictment). In this respect, the Trial Chamber said:

> "Koinadugu District: Kabala, where, for example, TF1-272 testified about amputee patients coming from Kabala and elsewhere in the district. TF1-117 testified that he and others, under the command of SAJ Musa, amputated the hands of civilians in Kabala."[37]

20. The Motion argues that TF1-272 and TF1-117 testified about these crimes being committed, not in Kabala (which is specifically mentioned in paragraph 64 of the Indictment), but rather in One Mile (which is not so mentioned). The Motion questions whether evidence of crimes committed in the latter could support allegations that crimes were committed in the former.

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[35] Form of the Indictment Decision, para. 23.
[36] Defence Motion, title immediately before para. 17.
[37] RUF Transcript, 25 October 2006 ("**Rule 98 Decision**"), p. 28, lines 2-5.

21. In fact, the evidence of TF1-117 refers to One Mile as ***part*** of Kabala.[38] In the circumstances, this is not a situation in which evidence of crimes in one location is being considered as probative of crimes committed in another location. As to witness TF1- 272, her testimony indicates that some of the victims she treated within the time period of April-June 1998 came from *Kabala*.[39]
22. In any event, in this particular instance, it is not material whether One Mile is or is not a part of Kabala. Paragraph 64 of the Indictment alleges that the crimes were committed "in various locations in the [Koinadugu] District, ***including*** Kabala and Konkoba (or Kontoba)".[40] Even if One Mile were considered to be a place separate to Kabala, crimes committed in One Mile would fall within the allegation in this paragraph of the Indictment.

D. REQUESTED CLARIFICATION IV

23. The fourth "clarification" is entitled "what is the meaning of the terms 'about the month' and 'between about (a date) and (a date)' as pleaded in the Indictment?"[41] The Prosecution again submits that this question is stated in terms too abstract to be capable of a general answer.
24. The only specific matter referred to in this part of the Motion concerns the finding in the Rule 98 Decision that there is evidence capable of supporting a conviction on Count 13 in Port Loko District (paragraph 76 of the Indictment). The Motion argues that the testimony of TF1-255, which was cited by the Trial Chamber in the Rule 98 Decision, relates to events between 29 May and early June 1999, and that this should be regarded as outside the timeframe stated in paragraph 76 of the Indictment.

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[38] Witness TF1-117 testified that he had seen Gullit in "Kabala, at One Mile" (Transcript, 3 July 2006, p. 61, line 8). The same Witness TF1-117 also testified that while he was in Kabala, he stayed at One Mile (Transcript, 29 June 2006, p. 111, lines 14-15), and added that "One Mile is when you are entering Kabala. That is the first place you will get to when you are entering Kabala town" (*ibid.*, lines 18-19). This witness referred to the time he spent at One Mile as his time in "Kabala" (*ibid.*, p. 114, lines 9-10; Transcript, 30 June 2006, p. 5, lines 9-10), and described how at the end of that time he "left Kabala" (*ibid.*, p. 6, line 13).

[39] TF1-272 testified that from April to mid-May 1998, within a period of six weeks, patients came mainly from the following areas in the following order; Sewafe/Koidu, Yifin, Alikalia, Kabala, Fadugu then north of Makeni (RUF Transcript, 5 June 2005, p. 55, lines 15-17, 24-28 and p. 57, lines 1-2).

[40] Emphasis added.

[41] Defence Motion, title immediately before para. 21.

25. Contrary to what the Motion suggests, paragraph 76 of the Indictment does not allege that the crimes to which it relates occurred "About the month of February 1999". Rather, it states that about the month of February 1999, the AFRC/RUF fled from Freetown to various locations in the Port Loko District. From the wording of the paragraph, it is clear that the allegation is that it was after this event had occurred that the relevant crimes were committed. This paragraph does not itself specify the timeframe of the crimes in question, other than indicating that they occurred after the AFRC/RUF fled from Freetown. The relevant timeframe is provided in paragraph 69, namely "all times relevant to this Indictment". In other words, the alleged timeframe for paragraph 76 is the time from the AFRC/RUF flight from Freetown until the end of the period relevant to the Indictment. In the Form of the Indictment Decision, the Trial Chamber has already held that the formulation "at all times relevant to this Indictment" (which is for instance the timeframe specified in paragraph 74) is not an impermissibly vague timeframe.[42]

III. CONCLUSION

26. For these reasons the Prosecution submits that the Motion should be dismissed.

Filed in Freetown,
13 November 2006

For the Prosecution,

Christopher Staker
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[42] Form of the Indictment Decision, paras 21-22.

Index of Authorities

1. *Prosecutor v Sesay, Kallon and Gbao*, SCSL-04-15-T-661, "Sesay Defence Request for Clarification on Rule 98 Decision", 7 November 2006.

2. *Prosecutor v. Brima, Kamara, Kanu*, SCSL-04-16-T, "Decision on Joint Defence Request for Leave to Appeal from Decision on Defence Motions for Judgement of Acquittal pursuant to Rule 98", 31 March 2006.

3. *Prosecutor v. Pauline Nyiramasuhuko and Arsène Shalom Ntahobali, Sylvain Nsabimana and Alphonse Nteziryayo, Joseph Kanyabashi, Elie Ndayambaje*, ICTR-97-21-T, ICTR-97-29A-T, ICTR-96-15-T, ICTR-96-8-T, ICTR-98-42-T, "Decision on Defence Motions for Acquittal under Rule 98 bis", 16 December 2004.
http://69.94.11.53/ENGLISH/cases/Nyira/decisions/161204%20index.htm

4. *Prosecutor v. Semanza*, ICTR-97-20-T, "Decision on the Defence Motion for a Judgment of Acquittal in Respect of Laurent Semanza After Quashing the Counts Contained in the Third Amended Indictment (Article 98Bis of the Rules of Procedure and Evidence) and Decision on the Prosecutor's Urgent Motion for Suspension of Time-Limit for Response to the Defence Motion for a Judgment of Acquittal", 27 September 2001.
http://69.94.11.53/ENGLISH/cases/Semanza/decisions/270901.htm

5. *Prosecutor v. Ntagerura/Bagambiki/Imanishimwe* ("Cyangugu"), ICTR-99-46-T, "Separate and Concurring Decision of Judge Williams on Imanishimwe's Defence Motion for Judgment of Acquittal on Count of Conspiracy to Commit Genocide Pursuant to Rule 98Bis", 13 March 2002.
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6. *Prosecutor v. Kordic & Cerkez*, IT-95-14/2-T, "Decision on Defence Motions for Judgment of Acquittal", 6 April 2000.
http://www.un.org/icty/kordic/trialc/decision-e/00406DC512861.htm

7. *Prosecutor v. Tharcisse Muvunyi*, ICTR-2000-55 A-T, "Decision on Tharcisse Muvunyi's motion for Judgement of Acquittal pursuant to Rule 98 bis", 13 October 2005.
http://69.94.11.53/ENGLISH/cases/Muvunyi/decisions/131005.htm

8. *Prosecutor v. Sesay*, SCSL-2003-05-PT, "Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment", Trial Chamber, 13 October 2003.

9. *Prosecutor v. Sesay*, SCSL-2003-05-PT-055, "Preliminary Motion for Defects in the Form of the Indictment (Rule 72(B)ii) of the Rules of Procedure and Evidence", 23 June 2003.

10. *Prosecutor v. Sesay*, SCSL-03-05-084, "Bill of Particulars", 3 November 2003.

11. *Prosecutor v. Sesay*, SCSL-03-05-001, "Indictment", 7 March 2003.

12. *Prosecutor v Sesay, Kallon and Gbao*, SCSL-04-15-T-619, "Corrected Amended Consolidated Indictment", 2 August 2006.

13. *Prosecutor v. Norman et al.*, SCSL-04-14-550, "Decision on Joint Motion of the First and Second Accused to Clarify the Decision on Motions for Judgment of Acquittal pursuant to Rule 98", 3 February 2006.

14. *Prosecutor v. Norman et al.*, SCSL-04-14-T, "Decision on Motions for Judgment of Acquittal Pursuant to Rule 98", 21 October 2005.

15. RUF Transcript, 25 October 2006, "Rule 98 Decision".

16. RUF Transcript, 3 July 2006.

17. RUF Transcript, 29 June 2006.

18. RUF Transcript, 30 June 2006.

19. RUF Transcript, 5 June 2005.