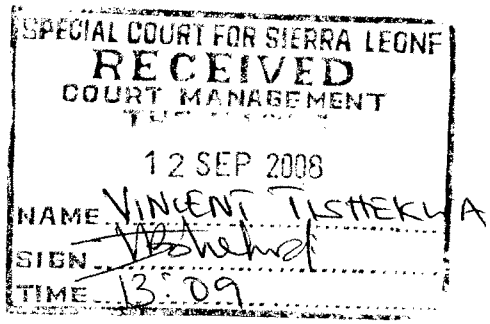
588) SCSL-03-01-T (19786 – 19797) 19786

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

Before: Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Julia Sebutinde
Justice El Hadji Malick Sow, Alternate Judge

Registrar: Mr. Herman von Hebel

Date filed: 12 September 2008




**THE PROSECUTOR** **Against** **Charles Ghankay Taylor**

Case No. SCSL-03-01-T

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**PUBLIC**
**PROSECUTION REPLY TO "DEFENCE OBJECTION TO 'PROSECUTION NOTICE UNDER RULE 92*bis* FOR THE ADMISSION OF EVIDENCE RELATED TO *INTER ALIA* KONO DISTRICT – TF1-218 & TF1-304"**

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Mr. Terry Munyard
Mr. Morris Anyah

## I. INTRODUCTION

1. The Prosecution files this Reply to the "Public with Confidential Annex A Defence Objection to 'Prosecution Notice under Rule 92*bis* for the Admission of Evidence Related to *inter alia* Kono District – TF1-218 & TF1-304'".[1]
2. Rule 92*bis* of the Rules of Procedure and Evidence ("**Rules**") does not preclude the Prosecution from filing a reply to any objections filed by the Defence under Rule 92*bis*(C) and such a reply has been accepted in other proceedings before this Court[2] and in these proceedings.
3. In relation to the issues raised by the Defence in their Objections, the Prosecution replies as set out below.

## II. REPLY

***Rule 92ter***

4. In the Objections,[3] the Defence categorically ignore the clear purpose of Rule 92*ter* and this Chamber's recent ruling on this point. The plain language of the rule makes it clear that it is to be used when the party putting forward the witness' evidence intends to rely on prior testimony and to elicit additional testimony not previously elicited. This is not what the Prosecution proposes with these witnesses. Furthermore, this Chamber has clearly held that notices such as that filed on 3 September 2008[4] are properly made under Rule 92*bis*.[5] Finally, the Defence argument is disingenuous. In an effort to achieve efficiency and fairness, the Prosecution has proposed to the Defence that the evidence of several witnesses be adduced in accordance with Rule 92*ter*. In each instance the Defence has refused to agree to this procedure, even though they would have the opportunity to confront the witness and to cross examine, to a limited extent on prior matters or fully on prior matters,

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[1] *Prosecutor v. Taylor*, SCSL-01-03-T-579, "Public with Confidential Annex A Defence Objection to 'Prosecution Notice under Rule 92*bis* for the Admission of Evidence Related to *inter alia* Kono District – TF1-218 & TF1-304'" 9 September 2008 ("**Objections**").

[2] *Prosecutor v. Norman et al.*, SCSL-04-14-T-444, "Prosecution's Reply to Joint Defence Objections to Consequential Request to Admit into Evidence Certain Documents Pursuant to Rule 92*bis* and 89(C)", 4 July 2005 which was noted without objection in SCSL-04-14-T-447, "Decision on Prosecution's Request to Admit into Evidence Certain Documents Pursuant to Rule 92*bis* and 89(C)", 14 July 2005.

[3] Objections, paras. 7 & 8.

[4] *Prosecutor v. Taylor*, SCSL-01-03-T-574, "Public with Confidential Annexes A & B Prosecution Notice under Rule 92*bis* for the Admission of Evidence Related to *inter alia* Kono District – TF1-218 & TF1-304'", 3 September 2008 ("**Notice**").

[5] *Prosecutor v. Taylor*, SCSL-01-03-T-556, "Decision on Prosecution Notice under Rule 92*bis* for the Admission of Evidence Related to *Inter Alia* Kenema District And on Prosecution Notice under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 into Evidence", 15 July 2008 ("***Taylor* Rule 92*bis* Decision**"), p. 5.

as well as the opportunity to conduct a full cross examination on additional evidence. For these reasons, the Defence's submissions regarding Rule 92*ter* should be dismissed.

***Admissibility under Rule 92bis***

5. The Defence objections to portions of the prior testimony sought to be introduced into evidence are without merit.[6] Contrary to the jurisprudence and their own initial statement of the law, the Defence assertions continually characterize evidence of the acts of others, in particular subordinates, as evidence of the acts and conduct of the accused.[7] The Defence response simply repeats the same arguments[8] previously rejected by this Court.[9]

*"Linkage" information / information which goes to proof of the acts and conduct of the Accused*

6. As stated in the Notice, the testimony of TF1-218 and TF1-304 does not contain evidence which goes to proof of the acts and conduct of the Accused. The link between the "Acts and Conduct of the Accused" "tick box" in the Defence Annex and the corresponding testimony does not withstand scrutiny. None of the ten portions identified in the Annex as being "Acts and Conduct of the Accused" are actually evidence of the acts and conduct of the Accused as defined by the jurisprudence. At no point is any reference made to the Accused either by name or by reference to his position. Instead, they relate to the acts and conduct of others including Savage, Staff Alhaji, Colonel Twetwe and Sesay. There is, therefore, no merit to the Defence's claim that the Annex "lists those portions of the relevant transcripts which contain information going to proof of the acts and conduct of the accused"[10] and no legal basis on which these portions should be excluded from admission under Rule 92*bis*. The Defence's submissions on this point are wrong and create confusion. Evidence concerning the acts and conduct of subordinates and individuals other

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[6] Objections, para. 21(b).
[7] At para. 13, the Objections acknowledge that "there remains a distinction between (a) acts and conduct of those others who commit the crimes for which the indictment alleges that the accused is individually responsible, and (b) the acts and conduct of the accused as charged in the indictment which establish his responsibility for the acts and conduct of those others. The first is admissible under Rule 92*bis*, the latter is not." See also Objections, para. 11.
[8] See *Prosecutor v. Taylor*, SCSL-03-01-T-449, "Public with Confidential Annex A Defence Objection to Prosecution Notice under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 into Evidence", 31 March 2008, paras. 9 to 17 and *Prosecutor v. Taylor*, SCSL-01-03-T-456, "Public with Confidential Annex Defence Objection to Prosecution Notice under Rule 92*bis* for the Admission of Evidence related to *inter alia* Kenema District", 4 April 2008, paras. 11 to 19.
[9] The submissions made by the Defence in the above listed objections that certain evidence should not be admitted under Rule 92*bis* were not accepted in the *Taylor* Rule 92*bis* Decision.
[10] Objections, para. 11.

than the Accused *may* be considered by a Chamber to be evidence which goes to a critical element of the Prosecution's case but it is not evidence which goes to the acts and conduct of the Accused.

7. The Defence erroneously argues that the testimonies of TF1-218 and TF1-304 contain evidence which is sufficiently proximate to the Accused to warrant cross-examination and that the evidence should be excluded if such cross-examination is not ordered.[11] First, the evidence is not sufficiently proximate to the Accused. Save for the references to Sankoh and Sesay, the subordinates referred to are not high ranking rebel commanders taking direct orders from the Accused.[12] Further, the references to Sankoh do not implicate Sankoh in crimes but, rather, relate to his position as Chairman of the Strategic Mineral Resources for the Sierra Leone Government, a position which is a matter of public knowledge and not in dispute. Indeed, the witness' testimony is that he did not know that Sankoh was the Chairman. Second, assuming *arguendo*, the testimonies do contain evidence which might be considered proximate to the Accused, cross-examination or exclusion are not the only options. Indeed, Rule 92*bis* does not expressly allow cross-examination and it has been described as a "back-up arrangement".[13] Instead, a more detailed consideration and assessment of the evidence is required - such as whether it has been sufficiently tested[14] and whether the opposing party has made a showing of good cause as to why further cross-examination is required in the interests of justice.[15]

8. The Defence's submission that admission of the evidence without further cross-examination is an improper attempt to introduce into evidence the acts and conduct of alleged subordinates of the Accused is confused and, indeed, cites to evidence not contained in either witnesses' testimony.[16] On this basis it should be dismissed.

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[11] Objections, paras. 13 – 15.
[12] The subordinates identified by the Defence in the Annex are "rebels", Savage, Staff Alhaji, Colonel Twetwe, Officer Med, CO Gebo, Major Saw, Colonel Lion, Colonel Gassimu.
[13] As described by Judge Shahabuddeen at para. 6 of his Separate Opinion Appended to the Appeals Chamber Decision in *Prosecutor v. Milosović*, IT-02-54-AR73.5, "Admissibility of Evidence-In-Chief in the Form of Written Statements", 31 October 2003.
[14] For example, by the cross-examination of witnesses giving similar evidence in these proceedings or by the cross-examination of the witnesses at issue in other proceedings.
[15] See *Prosecutor v. Sesay et al.*, SCSL-04-15-T-1125, "Decision on Sesay Defence Motion and Three Defence Applications to Admit 23 Witness Statements under Rule 92*bis*", 15 May 2008, para. 40 on this issue.
[16] Objections, para. 15. Footnote 18 referenced in para. 15 refers incorrectly to evidence concerning Mosquito and Tongo fields. Neither TF1-218 nor TF1-304 gives such evidence.

*Relevant evidence*

9. The Defence erroneously argue that certain portions of the evidence in the witness' prior transcripts and related exhibit do not satisfy the relevancy requirement of Rule 89(C).[17]

10. First, in relation to two portions identified as "Irrelevant", the Defence misstate the significance of this evidence.[18] The Defence's assertion that TF1-304's testimony of events taking place in Tombodu in 1999 is outside the indictment period for counts 1, 4, 5, 6, 7, 8, and 11 and so should not be admitted fails to appreciate that this evidence is significant to Count 10. The killings, rapes, physical violence and looting are evidence of the environment in which civilians were living and being forced to work for the rebels. In relation to the second portion of allegedly "Irrelevant" evidence, the fact that the rebels forced civilians to carry looted materials is clearly relevant to Count 10. The fact that the materials were pillaged is important to the narrative integrity and to the facts as they occurred - the rebels forced the civilians to carry looted material. Additionally, both portions are relevant under Rule 93 as evidence of a consistent pattern of conduct and for the reasons set out in paragraph 11 below.

11. The Defence argument regarding relevancy also ignores the fact that as part of its burden of proof, the Prosecution must lead evidence concerning the chapeau requirements or contextual elements of the crimes charged in the Second Amended Indictment for the entire Indictment period (i.e. 30 November 1996 until 18 January 2002). For example, in relation to crimes against humanity, the Prosecution must lead evidence that: (i) there was an attack; (ii) the attack was widespread or systematic; (iii) the attack was directed against any civilian population; (iv) the acts of the perpetrator were part of the attack; and (v) the perpetrator had knowledge that his acts constitute part of a widespread or systematic attack directed against a civilian population. In relation to violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II, the Prosecution must prove the nexus between the charged crimes and the armed conflict. Further, notwithstanding the fact that the evidence does not relate to the acts and conduct of the Accused himself, it is relevant to many of the elements which the Prosecution must prove in relation to the various forms of liability with which he is charged. While this evidence is relevant, it cannot be said to be critical or pivotal to the proof of such modes of liability. Therefore, the evidence identified

[17] Objections, para. 19.
[18] Annex to Objections, p. 1 – TF1-304, 13 January 2005, p. 2, ln 8-9 and TF1-304, 13 January 2005, p. 16, ln 8-18.

by the Defence in their Annex as being "irrelevant" is, in actual fact, extremely relevant to the contextual elements of the crimes charged and the various forms of liability and should not be excluded.

12. While not argued in the main part of the Objections, the Defence identify in the Annex that a portion of TF1-304's evidence is irrelevant as it relates to "who was acting town chief in 1996, 1997 and pre 1998".[19] During proceedings, the relevancy of this evidence was explored by the Presiding Judge and Defence Counsel. Defence Counsel, while challenged, was permitted to question the witness on this area. It is an integral piece of the evidence and, therefore, should not be excluded. However, if, notwithstanding the foregoing, the Trial Chamber finds the evidence not relevant, then of course the Prosecution has no objection to its being redacted or disregarded.

13. The Defence also identify in the Annex that RUF Trial Exhibit 14 is "irrelevant"[20] on the basis that "[t]he Prosecution has not indicated which part of the Exhibit is relevant to the testimony of the witness."[21] As the exhibit is tendered during the testimony of TF1-304[22] and referred to during the testimony of this witness,[23] it is clear that it is an integral part of the witness' testimony and so is relevant on that basis. Indeed, it was Defence Counsel who tendered the exhibit. As the exhibit might be viewed as evidence undermining the credibility of the witness, the Prosecution included it less there be a claim that it was trying to remove exculpatory material. Therefore, if the Trial Chamber finds the exhibit not relevant, then, of course, the Prosecution has no objection to its being redacted or disregarded.

*Evidence susceptible of corroboration*

14. The Defence argument that the portion of TF1-218's transcript which refers to a person who is no longer alive should be excluded as they cannot be corroborated or confirmed is

[19] The portion of evidence which the Defence object to is identified as being in TF1-304's Trial Transcript of 14 January 2005, pp. 22 - 23.
[20] The Defence have ticked the "Acts and Conduct of Accused" tick-box rather than the "Irrelevant" tick-box. It is assumed this is a typographical error.
[21] Annex to Objections, p. 3.
[22] It is apparent from reading the testimony of TF1-304 that the document is first referred to at page 38 of the RUF Trial Transcript dated 17 January 2005 and then admitted into evidence on page 45.
[23] See information in footnote above. In the face of such information, the Defence's difficulty in the current proceedings is unclear.

without merit.[24] First, the Defence misstate the evidence. There is no evidence that the person is now dead. Second, even if the evidence did state that the person is now dead, the Defence misinforms itself as to the meaning of the term susceptible of confirmation. As noted by the Appeals Chamber in the CDF trial:

> "Rule 92*bis* permits facts that are not beyond dispute to be presented to the court in a written or visual form that will require evaluation in due course. [...]. The weight and reliability of such 'information' admitted via Rule 92*bis* will have to be assessed in light of all the evidence in the case."[25]

This Trial Chamber has also considered the issue and found that "reliability of the evidence is something to be considered by the Trial Chamber at the end of the trial when weighing and evaluating the evidence as a whole, in light of the context and nature of the evidence itself, including the credibility and reliability of the relevant evidence."[26] In relation to hearsay, the Defence's argument ignores the well established principle that the SCSL's Rules are broad and there is no exclusion of hearsay evidence. Indeed, Rule 92*bis* itself deals with hearsay evidence.[27]

*Opinion or Conclusion Evidence*

15. In the Annex, albeit not argued in the main body of the Objections, the Defence identify one portion of evidence as being "Opinion or Conclusion" evidence.[28] The Defence position would, therefore, appear to be that this portion should be excluded on this basis. This objection is without foundation as TF1-304 does not give opinion or conclusion evidence. Instead, TF1-304 gives evidence based on his own experience of what was occurring in his community regarding leadership. The witness' evidence is inextricably linked to the fact that he states he was selected as the leader of the young men.[29] Therefore, the Defence have erroneously identified this portion of evidence as "Opinion or Conclusion" evidence.

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[24] Annex to Objections, page 1 – TF1-218, 1 February 2005, pp. 89 – 90; p. 91, ln 8-9.
[25] *Prosecutor v. Norman et al.*, SCSL-04-14-AR73-398, "Fofana – Decision on Appeal Against 'Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence", 16 May 2005, para. 27.
[26] *Prosecutor v. Brima et al.*, SCSL-04-16-T, "Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92*bis*", 18 November 2005, page 3.
[27] As noted by Judge Shahabuddeen at para. 6 of his Separate Opinion Appended to the Appeals Chamber Decision in *Prosecutor v. Milosović*, IT-02-54-AR73.5, "Admissibility of Evidence-In-Chief in the Form of Written Statements", 31 October 2003.
[28] Annex to Objections, page 2 – TF1-304, 14 January 2005, p. 10; 15-16.
[29] *Prosecutor v. Sesay et al.*, SCSL-04-15-T, Trial Transcript, 14 January 2005, p. 16, lines 10 -12.

16. Furthermore, not all opinion evidence given by a fact witness is inadmissible. Where the opinion is rationally based on a witness' perception, (i.e. the witness perceived with his senses the matters on which his opinion is based and there is a rational connection between the opinion and his perceptions), such evidence is admissible. Should this evidence be deemed opinion evidence it is nonetheless admissible as it is based on first hand knowledge and is one a normal person would form on the basis of observed facts; it is not such that can only be based on scientific, technical or other specialized knowledge.
17. There is, therefore, no legal basis on which the portion of evidence identified as being opinion evidence should be excluded from admission under Rule 92*bis*.

***In the alternative, if all evidence admitted under 92bis, request to cross-examine***

18. All the arguments relied on by the Defence in the Objections regarding the issue of cross-examination are flawed.[30]
19. In asserting that the Prosecution's position that cross-examination be limited is ill-conceived, the Defence rely on this Chamber's dismissal of similar arguments on the basis that "the Accused would be prejudiced if judicial economy were allowed to take precedence over his fair trial rights."[31] However, reliance by the Defence on this argument has been qualified on a previous occasion by the Presiding Judge, Justice Doherty noting that her remark was "extemporary".[32] The Defence attempt to rely once again on this remark should, therefore, be considered alongside this qualification. Furthermore, fairness and expediency are not contrary principles. Indeed Rule 26*bis* mandates that a Trial Chamber shall ensure that a trial is fair and expeditious. Restricting cross-examination to matters that have not previously been subjected to cross-examination achieves both these goals. Allowing the repetition of the same questions previously asked and answered simply because different voices are asking the questions achieves neither.
20. Further, as stated above, there is no basis to the Defence claim that "the information sought to be tendered goes to the acts and conduct of the accused …, [such] that cross-examination must be allowed."[33]
21. Finally and as stated above, the evidence is not so proximate as to require cross-

[30] Objections, paras. 16 – 18.
[31] Objections, para. 16.
[32] *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 12 March 2008, p. 5842, line 21 to p. 5843, line 3.
[33] Objections, para. 17.

examination. But even if portions of evidence are considered proximate, then, as also stated above, this does not automatically require that the evidence be made subject to cross-examination.

22. Notwithstanding the foregoing, should the Chamber order cross-examination, then such cross-examination should be limited to relevant areas of inquiry not previously examined. Such limits are justified as the witness' cross-examination in the prior proceedings was full, rigorous and effective and carried out by defence counsel for an accused with a similar interest to the Accused in the present proceedings.[34] Further, limits on cross-examination, particularly in relation to witnesses' whose testimony in chief is admitted under Rule 92*bis*, are not contrary to the fair trial rights of the Accused but, rather in balance with these rights, have ensured the promotion of one of the central purposes of the rule which is an expeditious trial.[35]

***Witness Availability for Cross-Examination***

23. The Prosecution is cognisant of the logistical arrangements and advance planning which must be undertaken for witnesses to travel from Sierra Leone to the Hague. The Prosecution, therefore, advises that, should the Chamber order that these witnesses be made available for cross-examination, then the Prosecution shall endeavour that they be available

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[34] The nexus between the RUF case and the Taylor case was recently argued by the Defence in their motion seeking access to closed session defence witness testimony from the RUF trial and limited disclosure of RUF defence witness names and related potentially exculpatory material in *Prosecutor v. Taylor*, SCSL-03-01-T-377, "Public Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Defence Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material", 14 December 2007.

[35] See *Prosecution v. Milošević*, IT-02-54-T, "Decision on Confidential Prosecution Motion for Admission of a Transcript and Statement Pursuant to Rules 92bis(D) and 89(F) for Witness B-1805", 12 January 2004, p. 3 order 2 where cross-examination by the accused and the *Amici Curiae* was limited to two hours in total; and *Prosecutor v. Delic*, IT-04-83-T, "Decision Adopting Guidelines on the Admission and Presentation of Evidence and Conduct of Counsel in Court", 24 July 2007, Annex, para. 17 which states *inter alia* that cross-examination might be limited to "matters which the Trial Chamber has decided to allow the witness to be called for cross-examination". In *Delić*, the approach taken by the Trial Chamber in *Prosecutor v. Milan Martić*, IT-95-11-T, "Decision on Prosecution's Motion for the Admission of Written Evidence Pursuant to Rule 92*bis* of the Rules", 16 January 2006 was referred to with approval. In *Martić*, the Chamber ordered that the areas of cross-examination be limited as follows: "Witness MM-06, appear for cross-examination on matters going to the existence of a joint criminal enterprise in which the Accused allegedly participated, to the alleged goal of the joint criminal enterprise, and to the effective control the Accused allegedly had over units committing crimes; that Witness MM-07 appear for cross-examination on matters concerning the Arkan's Tigers, the alleged effective control of the Accused over units committing crimes, and a "policy" in "the area of responsibility in the Kordun area" "to get as many Croats as possible out of the territory"; that Witness MM08 appear for cross-examination on matters concerning the existence of a joint criminal enterprise in which the Accused allegedly participated, to the relationship of the Accused with other members of this alleged joint criminal enterprise, and to the "Red Berets"; that Witness MM-037 and Witness MM-044 appear for cross-examination on matters concerning "Martic's Police" (see para. 37).

from the beginning of October 2008.

## III. CONCLUSION

24. The Defence Objections are without merit.

25. The application by the Prosecution was properly made under Rule 92*bis*.

26. The Defence have not established any legal basis on which any of the evidence submitted for admission under Rule 92*bis* should be excluded as the evidence is relevant, does not go to the proof of the acts and conduct of the Accused (giving such phrase its plain and ordinary meaning as is required by the jurisprudence), its reliability is susceptible of confirmation and it does not relate to opinion evidence, or in the alternative, the opinions were properly elicited from this fact witness.

27. Accordingly, the Prosecution requests that the prior testimony as submitted by the Prosecution and related exhibit of TF1-218 and TF1-304 be admitted into evidence under Rule 92*bis* as requested by the Prosecution in its Notice.

Filed in The Hague,
12 September 2008
For the Prosecution,

pp. Brenda J. Hollis
Principal Trial Attorney

## LIST OF AUTHORITIES

### SCSL Cases

***Prosecutor v. Taylor*, Case No. SCSL-03-01-T**

*Prosecutor v. Taylor*, SCSL-03-01-T-377, "Public Defence Motion Pursuant to Rule 75(G) to Modify Sesay Defence Protective Measures Decision of 30 November 2006 for Access to Closed Session Defence Witness Testimony and Limited Disclosure of Defence Witness Names and Related Exculpatory Material", 14 December 2007

*Prosecutor v. Taylor*, SCSL-01-03-T, Trial Transcript, 12 March 2008

*Prosecutor v. Taylor*, SCSL-01-03-T-449, "Public with Confidential Annex A Defence Objection to Prosecution Notice under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 into Evidence", 31 March 2008

*Prosecutor v. Taylor*, SCSL-01-03-T-456, "Public with Confidential Annex Defence Objection to Prosecution Notice under Rule 92*bis* for the Admission of Evidence related to *inter alia* Kenema District", 4 April 2008

*Prosecutor v. Taylor*, SCSL-03-01-T-458, "Confidential Prosecution Reply to "Defence Objection to Prosecution Notice under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 into Evidence", 7 April 2008

*Prosecutor v. Taylor*, SCSL-01-03-T-467, "Confidential Prosecution Reply to 'Defence Objection to Prosecution Notice under Rule 92*bis* for the Admission of Evidence related to *inter alia* Kenema District'", 14 April 2008

*Prosecutor v. Taylor*, SCSL-01-03-T-556, "Decision on Prosecution Notice under Rule 92*bis* for the Admission of Evidence Related to *Inter Alia* Kenema District And on Prosecution Notice under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 into Evidence", 15 July 2008

*Prosecutor v. Taylor*, SCSL-01-03-T-574, "Public with Confidential Annexes A & B Prosecution Notice under Rule 92*bis* for the Admission of Evidence Related to *inter alia* Kono District – TF1-218 & TF1-304'", 3 September 2008

*Prosecutor v. Taylor*, SCSL-01-03-T-579, "Public with Confidential Annex A Defence Objection to 'Prosecution Notice under Rule 92*bis* for the Admission of Evidence Related to *inter alia* Kono District – TF1-218 & TF1-304'", 9 September 2008

***Prosecutor v. Norman et al.*, SCSL-04-14-T**

*Prosecutor v Norman et al,* SCSL-04-14AR73, "Fofana – Decision on Appeal Against 'Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence'", 16 May 2005

*Prosecutor v. Norman et al.*, SCSL-04-14-T-444, "Prosecution's Reply to Joint Defence Objections to Consequential Request to Admit into Evidence Certain Documents Pursuant to Rule 92*bis* and 89(C)", 4 July 2005

*Prosecutor v. Norman et al.*, SCSL-04-14-T-447, "Decision on Prosecution's Request to Admit into Evidence Certain Documents Pursuant to Rule 92*bis* and 89(C)", 14 July 2005

***Prosecutor v Sesay et al*, SCSL-04-15-T**

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

***Prosecutor v. Brima et al.*, SCSL-04-16-T**

*Prosecutor v. Brima et al.*, SCSL-04-16-T, Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92*bis*, 18 November 2005

**ICTY Cases**

*Prosecutor v. Milosović*, IT-02-54-AR73.5, "Separate Opinion of Judge Shahabuddeen Appended to the Appeals Chamber Decision in Admissibility of Evidence-In-Chief in the Form of Written Statements", 31 October 2003
http://www.un.org/icty/milosevic/appeal/decision-e/031031so.htm

*Prosecution v. Milošević*, IT-02-54-T, "Decision on Confidential Prosecution Motion for Admission of a Transcript and Statement Pursuant to Rules 92bis(D) and 89(F) for Witness B-1805", 12 January 2004
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