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THE SPECIAL COURT FOR SIERRA LEONE

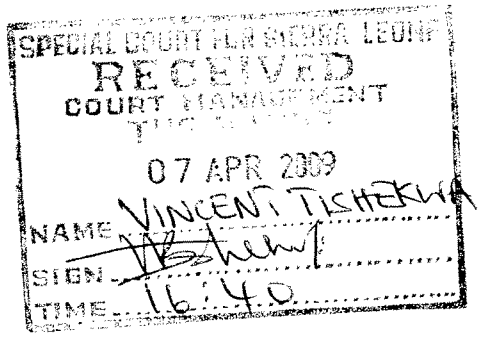
APPEALS CHAMBER

Before: Justice Renate Winter, Presiding
Justice Jon M. Kamanda
Justice George Gelaga King
Justice Emmanuel Ayoola

Registrar: Mr. Herman von Hebel

Date: 7 April 2009

Case No.: SCSL-2003-01-T



THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

PUBLIC

DEFENCE REPLY TO PROSECUTION RESPONSE TO DEFENCE APPEAL AGAINST MAJORITY DECISION ON THE PLEADING OF JOINT CRIMINAL ENTERPRISE IN THE SECOND AMENDED INDICTMENT

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I. INTRODUCTION

1. The Defence files this Reply to the "Prosecution Response to Defence Appeal Against Majority Decision on the Pleading of Joint Criminal Enterprise in the Second Amended Indictment," filed on 3 April 2009.[1]
2. The procedural history leading up to both the Defence Appeal[2] and the Prosecution Response as set out in paragraphs 4 through 6 of the Defence Appeal is incorporated herein as if set out fully below and so, too, are all arguments and averments made in the Defence Appeal.
3. The Defence has considered the Prosecution Response and is left with the unwavering conviction that it only serves to reinforce why the relief sought by the Defence Appeal should be granted.

II. ARGUMENTS

First Ground of Appeal

The Majority of the Trial Chamber erred in fact and law in concluding that the doctrine of joint criminal enterprise was not defectively pleaded in the Second Amended Indictment when the text of that document is considered as a whole and therefore, sufficient details have been provided to place the Accused on notice of the case against him.

4. With respect to the First Ground of Appeal, the Defence avers that constituent errors can make up a single ground of appeal. There is no rigid pleading regime on appeal. Article 20 of the Statute states that the Appeals Chamber shall hear appeals on the following grounds: (a) A procedural error; (b) An error on a question of law invalidating the decision; and (c) An error on a question of fact which has occasioned

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[1] *Prosecutor v. Taylor*, SCSL-03-01-T-772, "Prosecution Response to Defence Appeal Against Majority Decision on the Pleading of Joint Criminal Enterprise in the Second Amended Indictment", 3 April 2009 ("**Prosecution Response**").

[2] *Prosecutor v. Taylor*, SCSL-03-01-T-767, "Defence Notice of Appeal and Submissions regarding the Appealed Decision concerning the Pleading of JCE in the Second Amended Indictment", 26 March 2009 ("**Defence Appeal**").

a miscarriage of justice.[3] The First Ground of Appeal, by reference to subsidiary errors, is an appeal in respect of a combination of errors, both of fact and law. The Practice Direction for certain Appeals before the Special Court[4] requires that a ground of appeal consist only of "clear concise statements of the errors complained of" in the Notice of Appeal. Nothing more is required of an appellant by the Practice Direction regarding the contents or mode of pleading of a ground of appeal, within either a Notice of Appeal or the related Submissions of a party. The Prosecution's arguments in relation to the First Ground of Appeal are, consequently, untenable.

Second Ground of Appeal

The finding by a majority of the Trial Chamber that "'a campaign to terrorize the civilian population of the Republic of Sierra Leone'", as alleged in paragraph 5 (when read in conjunction with paragraph 33) of the Second Amended Indictment was the "common purpose" of the JCE constituted an error both of law and in the application of the law.

5. The Prosecution's challenge to the Second Ground of Appeal misses the point.[5] The Second Ground of Appeal, plainly stated, is that it is an error of law to read paragraphs 5 and 33 of the Indictment together in a way which links the "common plan" mentioned in paragraph 33 with the "campaign to terrorize the civilians of the Republic of Sierra Leone" mentioned in paragraph 5. Such a link is artificial; it is unjustified textually and thematically. The Prosecution's arguments under this head, by contrast, fail to explain why such a linking of paragraphs 5 and 33 is justifiable.
6. Much of the Prosecution's argument is based on the notion that it is not necessary to incorporate the phrase "joint criminal enterprise" into the text of the indictment as "other phrasings might effectively convey the same concept."[6] However, there is no formula of words in paragraph 5 which might effectively convey the notion of JCE as a mode of criminal liability. Indeed, there is nothing in paragraph 5 which suggests that the "campaign to terrorize the civilian population of the Republic of Sierra Leone" forms any part of a charge of JCE. On the contrary, textually and

[3] Statute, Article 20(1).
[4] *Practice Direction for certain Appeals before the Special Court*, 30 September 2004 ("Practice Direction"), filed under, *inter alia*, SCSL-04-16-PT-111, See, Section II, paragraph 10(c).
[5] Prosecution Response, paras. 16-24.
[6] Prosecution Response, para. 19.

thematically, the "campaign to terrorize" falls under the particulars of "Count 1: Acts of Terrorism" and refers to that alone.

7. The formula alleging JCE, if it is to be found anywhere, is arguably located in paragraph 33. However, and as Justice Lussick has observed, "there is no more reason for reading paragraph 33 together with paragraph 5 than there is for reading paragraph 33 together with any other paragraph of the Indictment."[7] While it remains true that the Appeals Chamber in the AFRC Appeals Judgment decided that an indictment must be read as a whole,[8] in that particular Indictment JCE was pleaded in three consecutive paragraphs,[9] which were, at the very least, thematically linked.[10] It is quite another thing to read together two separate paragraphs at either end of the Indictment, especially when there is nothing in the Indictment to indicate that they should be so read. As Justice Lussick continued, "the Accused should not be required to undergo [this] brain-twisting exercise."[11] Indeed, any such "brain-twisting" exercise would defeat the intentions of the Court's own Statute, which call for pleading "in a language [the Accused] understands."[12] The Defence submits that the Majority of the Trial Chamber failed to recognise this and in so doing committed an error of law -- one which plainly invalidates their decision as the error formed the basis for that decision.

8. The Prosecution argues that the Special Court's pleading regime allows for a lesser degree of detail than the pleading regimes of other tribunals, with respect to the pleading of JCE in the Indictment,[13] a suggestion dismissed by Justice Lussick.[14] As

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[7] *Prosecutor v. Taylor*, SCSL-03-01-T-751, "Decision on Public Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE – Dissenting Opinion of Justice Richard Lussick", 27 February 2009, para. 11 ("**Dissenting Opinion**").
[8] Prosecution Response, para 10, citing *Prosecutor v. Brima et al.*, SCSL-04-16-A-675, "Judgment", Appeals Chamber, 22 February 2008, para 81 ("**AFRC Appeals Judgment**").
[9] *Prosecutor v. Brima et al.*, SCSL-04-16-PT, "Further Amended Consolidated Indictment", 18 February 2005 ("**AFRC Indictment**"), paras. 33-35.
[10] On this point, it is surely noteworthy that the Indictments in other cases before this Court have pleaded JCE in a completely different way. See, e.g., AFRC Indictment, and *Prosecutor v. Sesay et al.*, SCSL-04-15-PT, "Corrected Amended Consolidated Indictment", 2 August 2006.
[11] Dissenting Opinion, para. 15; See, also, *Prosecutor v. Taylor*, SCSL-03-01-T-761, *Corrigendum: Decision on Public Urgent Defence Motion regarding a Fatal Defect in the Prosecution's Second Amended Indictment relating to the Pleading of JCE – Dissenting Opinion of Justice Richard Lussick*, 12 March 2009 (*Corrigendum*).
[12] Statute, Article 17(4)(a).
[13] Prosecution Response, para. 12.
[14] Dissenting Opinion, para. 14.

is apparent from Article 14(1) of the Statute, the Special Court does not have a less stringent pleading regime.[15] Furthermore, Trial Chamber I has rightly opined that the Court is expected to follow general principles of international criminal law.[16] Material facts must be pleaded in the Indictment. The Prosecution's challenge to the Second Ground of Appeal should, accordingly, be rejected.

Third Ground of Appeal

The Majority of the Trial Chamber abused its discretion and committed an error of law in finding no defect in the pleading of JCE in the Indictment, inasmuch as it considered only some of a number of factors which speak to the question of whether or not JCE has been sufficiently pleaded, invariably resolved those that it did consider in favour of upholding the Indictment, and thereby impermissibly shifted the burden or onus regarding the sufficiency of the pleading of JCE in the Indictment from the Prosecution to the Accused.

9. In responding to the Defence's Third Ground for Appeal, the Prosecution maintains that the Indictment makes it clear that the "campaign of terror" was the agreed *means* constituting a criminal design, plan, or purpose of the JCE (emphasis added).[17] However, and in advancing such an opinion, the Prosecution differs from the Appealed Decision which nowhere identifies the campaign of terror as the *means* (emphasis added). The Prosecution's assertion that the means alone "constitutes" a common design, plan or purpose improperly conflates the means and the common purpose, particularly in light of the AFRC Appeals Judgment which held that "[t]he objective *and* the means to achieve the objective constitute the common design or plan."[18] The Appeals Chamber's use of the conjunctive "and" unambiguously

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[15] Statute, Article 14(1): "the Rules of Procedure and Evidence of the ICTR apply mutatis mutandis to the conduct of legal proceedings before the Special Court".

[16] *Prosecutor v. Brima et al.*, SCSL-2004-16-PT, "Decision and Order on Defence Preliminary Motion on Defects in the Form of the Indictment", 1 April 2004, para. 23 ("**AFRC Motion**"). Further to that, the Trial Chamber pointed out that the Court was set up with the object of developing a coherent body of international law in concert with the ICTY and ICTR and other international tribunals. AFRC Motion, para. 22, with reference to fn. 20, citing "Report of the Secretary-General on the establishment of a Special Court for Sierra Leone", S/2000/915, 4 October 2000, paras. 40-46. Hence also the requirement that "judges of the Appeals Chamber shall be guided by the decisions of the Appeals Chamber of the ICTY and ICTR" in Article 20(3). In this respect, it seems both perverse and self-defeating for one tribunal to act in conflict with the others.

[17] Prosecution Response, para. 27.

[18] AFRC Appeals Judgment, para. 76 [emphasis added].

indicates that both the means and the objective together form the common design or purpose. In evaluating whether the Prosecution properly pleaded JCE, the AFRC Appeals Judgment separately identified both "[t]he ultimate objective alleged in paragraph 33 of the Indictment" and "the actions contemplated as a means to achieve that objective . . ."[19] The Majority's error in failing to identify and analyze the means as well as the objective of JCE as alleged in the Indictment is one more factor that invalidates its decision that the Prosecution properly pleaded JCE.

10. Not only does the Prosecution Response differ from the Appealed Decision in its identification of the "campaign of terror" as the *means* (emphasis added) contemplated to achieve the common purpose, but it thereby agrees with the Dissenting Opinion, which says that "[t]he campaign 'to terrorize the civilian population of the Republic of Sierra Leone' would more likely be the means of achieving a common purpose rather than an end in itself."[20] The unavoidable conclusion that the Prosecution disagrees with the Majority's articulation of the common purpose of the JCE is further indication of the fact that the Indictment neither specifically nor unambiguously pleads joint criminal.

11. To buttress the Indictment, the Prosecution relies heavily on secondary accusatory instruments, in particular the Amended Case Summary.[21] The Prosecution argues these secondary accusatory instruments put the Defence on notice of the particulars of JCE liability, thereby curing any defect in the Indictment.[22] However, a Case Summary cannot substitute for the sufficient pleading of material facts – such as the overarching means and objective of any alleged JCE – in the Indictment. The Majority and Dissent both agree that "any material fact that appears only in a case summary cannot substitute for the pleading of that material fact in the Indictment . . ."[23] Justice Lussick points out that it is therefore "not possible for the Prosecution to

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[19] AFRC Appeals Judgment, para. 82-84.
[20] Dissenting Opinion, para. 12. Justice Lussick predicted the Prosecution Response: "not even the Prosecution would agree with the Majority theory of a common purpose." Dissenting Opinion, para. 13.
[21] Prosecution Response, paras. 9, 14, 22, 34-39, 44, 50, 51.
[22] Prosecution Response, paras. 9, 22, 49-51.
[23] *Prosecutor v. Taylor*, SCSL-03-01-T-752, "Decision on Urgent Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE", 27 February 2009, para. 61 ("**Appealed Decision**"); Dissenting Opinion, paras. 2, 8. On this point, the Prosecution claims that "Justice Lussick disagreed with the Majority that ... the specific objective of the JCE detailed in the Amended Case Summary was a material fact which should have been pleaded in the Indictment" (Prosecution Response,

cure a defective indictment by amending a case summary."[24] Rather, the proper course of conduct for curing a defective indictment is to amend the indictment pursuant to Rule 50(A).

12. Further, the Prosecution's multiple accusatory instruments together have not provided timely, clear, and consistent information detailing the factual basis underpinning any alleged JCE charges against the Defendant. The Prosecution Response maintains that the Prosecution has consistently alleged the Accused's participation in a common plan to utilize a campaign of terror in order to pillage the diamond wealth of Sierra Leone and forcibly control the population and territory of Sierra Leone.[25] Yet, as the Dissenting Opinion indicates,[26] and as is plain from the accusatory instruments themselves, this is far from the case. Neither the original 2003 Indictment nor the 2006 Case Summary mention terrorizing the civilian population as either an overriding objective or primary means of the alleged JCE.[27] Instead, both list a common plan to "gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas."[28] The Prosecution first mentioned a "campaign of terror" in direct association with JCE liability in its April 2007 Pre-Trial Brief and again on 4 June 2007 in its Opening Statement.[29] In the interim, on 29 May 2007, the Prosecution submitted the Second Amended Indictment, removing mention of the goal of political power or control. Finally, the August 2007

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para. 23, citing Dissenting Opinion, para. 8). This is untrue. The Majority never made any claim that the specific objective of the JCE need not be pleaded in the Indictment. Indeed, one particular reading of the Appealed Decision is that the Majority concluded that "the campaign to terrorize the civilian population of the Republic of Sierra Leone" was the specific objective of the JCE. The Prosecution itself cites the authority of *Prosecutor v. Brdjanin and Talic*, IT-97-25, "Decisions on Form of Further Amended Indictment and Prosecution Application to Amend", 26 June 2001, para. 37, in which the "Trial Chamber noted that 'the only *purpose* which the prosecution must prove to have been *common* to the participants in the joint criminal enterprise relates to the crime which fell within the agreed *object* of that enterprise' [emphasis added]" (Prosecution Response, fn. 35). The use of the word "object" suggests that the objective of the JCE is indeed a material fact.

[24] Dissenting Opinion, para. 8.

[25] Prosecution Response, para. 33.

[26] Dissenting Opinion, paras. 16, 23.

[27] *Prosecutor v. Taylor*, SCSL-03-01-I, "Indictment", 7 March 2003 ("**Original Indictment**"). *Prosecutor v. Taylor*, SCSL-03-01-PT-75, "Case Summary accompanying Amended Indictment", 16 March 2006.

[28] Original Indictment, paras. 23, 23-25. *Prosecutor v. Taylor*, SCSL-03-01-PT-75, "Case Summary accompanying Amended Indictment", 16 March 2006, paras. 42-44.

[29] *Prosecutor v. Taylor*, SCSL-03-01-PT-218, "Public Rule 73*bis* Pre-Trial Conference Materials", 4 April 2007 ("*Pre-Trial Brief*"), para. 7. *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 4 June 2007 ("**Opening Statement**"), p. 273:20-22.

Amended Case Summary further shifted the language with regards to the "common purpose" of JCE, including for the first time that the common plan was "to *pillage* the resources of Sierra Leone, in particular the diamonds, and to forcibly control the population of Sierra Leone [emphasis added]."[30] In addition, the same Amended Case Summary for the first time alleged that Charles Taylor and Foday Sankoh, in the late 1980s, "made common cause to assist each other in taking power in their respective countries."[31]

13. Even within the Prosecution Response, the Prosecution supports the Majority Decision that the JCE was properly pleaded while it simultaneously undermines that Decision by articulating a common purpose at odds with it. The Prosecution refuses to discard any of its conflicting versions of common purpose, despite the Majority's specific holding that the common purpose was to terrorize the civilian population.

14. This inconsistent articulation of "common purpose" in the secondary accusatory instruments indicates that the Accused has not been placed on legally adequate notice of the nature of the charges against him.[32] In addition, these inconsistencies provide further evidence of the Prosecution's generally vague approach to JCE that extends to the Second Amended Indictment. The Majority's failure to consider the inconsistencies in the secondary accusatory instruments further invalidates its decision.

Fourth Ground of Appeal

The Majority of the Trial Chamber committed an error of law by relying on an irrelevant and erroneous legal principle when it opined that "taken together... [paragraphs 5, 9, 14, 22, 23, 28, 33 and 34 of the Second Amended Indictment] fulfil the requirements for pleading JCE and serve to put the Defence on notice that the Prosecution intended to charge the Accused with having participated in a Joint

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[30] Amended Case Summary, para. 42.
[31] Amended Case Summary, para. 1.
[32] The Prosecution claims that the Defence has "identified" *the* one common purpose pleaded by the Prosecution in this case [emphasis added]: Prosecution Response, fn. 37, citing *Prosecutor v. Taylor*, SCSL-03-01-T-446, "Consequential Submission in Support of Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE", 31 March 2008, para. 11 ("**Consequential Submission**"). This is untrue. The Consequential Submission (paragraph 11) attempts to identify one *possible* common purpose put forward by the Prosecution, which is, incidentally, not the one the Majority decided was pleaded in the Indictment.

Criminal Enterprise", inasmuch as a finding of sufficient notice of an "intention to charge" is not the same thing as discerning whether or not clear notice of all material elements of a JCE has been given in an Indictment.

15. The Fourth Ground of Appeal is far from limited to an issue of semantics. The Defence Appeal cites the use of the phrase "intended to plead" by the Trial Chamber as indicative of an erroneous analytical approach.[33] The Trial Chamber also uses a similar phrase in paragraph 64 of the Appealed Decision.[34] This repeated articulation reveals the mistaken approach used by the Trial Chamber in its analysis, which should have been focused not on the intentions of the Prosecution, but on whether legally sufficient notice has been given to the Accused. This flawed approach, in the Defence's respectful submission, invalidates its decision, and the Prosecutions submissions to the contrary are misplaced.

Fifth Ground of Appeal

The Majority of the Trial Chamber erred in law by concluding that allegations involving "superior criminal responsibility" in paragraph 34 of the Indictment served to fulfil, in part, the requirement that the nature of the Accused's participation in any alleged JCE be clearly pleaded and identified in an Indictment.

16. As a matter of pleading, JCE, which is well-established as a mode of liability under Article 6(1), cannot be conflated with the pleading of Article 6(3). If that were permissible, there would be no need to specifically plead the elements of JCE in the Indictment; rather, the Prosecution could always rely on what has been pleaded under Article 6(3) to satisfy its JCE pleading obligations. The Prosecution confuses the elements required to plead with the elements required to prove a mode of liability.[35] The *Krajisnik* case cited by the Prosecution goes to the proof of modes of liability and not to the manner in which they are pleaded. Accordingly, the Defence submits that its Fifth Ground of Appeal should be sustained as invalidating the Appealed Decision.

III. SUBMISSIONS ON REQUESTED RELIEF

[33] Defence Appeal, Fourth Ground of Appeal, citing Appealed Decision, para. 70.
[34] Appealed Decision, para. 64.
[35] Prosecution Response, para. 44.

17. The Prosecution argues that the Defence in no small way contributed to the delay in resolving the issue of JCE liability.[36] This argument holds no weight given the Trial Chamber's unanimous decision that due to the complexity of the case and the amount of documents and information provided by the Prosecution to the Accused and the Defence, the late filing of the *Public Urgent Defence Motion regarding a Fatal Defect in the Prosecution's Second Amended Indictment relating to the Pleading of JCE*[37] was not unreasonable.[38] Moreover, whatever understandable delay resulted from a change in Defence teams is negligible compared to the extraordinary fourteen-month delay between the filing of the original motion and the Trial Chamber's Decision on the motion. Significantly, the original motion was filed before the first witness was called and sworn to give evidence at the trial on 7 January 2008.
18. An amendment to the indictment would at this late stage fail to remedy prejudice to the Accused. The right of an Accused to examine witnesses against him is fundamental, guaranteed by Article 17(4)(e), and goes hand-in-hand with the right of the accused "to be informed promptly and in detail" of the nature of the charges against him, as guaranteed in Article 17(4)(a). Considering the majority of the Trial Chamber's determination that JCE as a mode of liability applies to all eleven counts of the Indictment,[39] and that at this stage the Prosecution has rested its case, the Accused's only opportunity to examine Prosecution witnesses with regard to the case against him has been irreparably compromised.

Respectfully submitted,

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 7th day of April 2009,
The Hague, The Netherlands

[36] Prosecution Response, para. 46.
[37] *Prosecutor v. Taylor*, SCSL-03-01-T, "Public Urgent Defence Motion regarding a Fatal Defect in the Prosecution's Second Amended Indictment relating to the Pleading of JCE", 14 December 2007.
[38] Appealed Decision, paras. 53-56; Dissenting Opinion para. 1.
[39] See Defence Notice of Appeal, fn. 78 (citing Appealed Decision, paras. 71, 72).

LIST OF AUTHORITIES

SCSL

Organic Documents

Statute of the Special Court for Sierra Leone, annexed to the *Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone*, 16 January 2002 ("Statute").

Rules of Procedure and Evidence of the Special Court for Sierra Leone, as amended on 27 May 2008 ("Rules").

SCSL Cases

Prosecutor v. Taylor, SCSL-03-01-T

1. *Prosecutor v. Taylor*, SCSL-03-01-I-001, "Indictment", 7 March 2003
2. *Prosecutor v. Taylor*, SCSL-03-01-PT-75, "Amended Indictment and Case Summary accompanying Amended Indictment", 16 March 2006
3. *Prosecutor v. Taylor*, SCSL-03-01-PT-218, "Public Rule 73*bis* Pre-Trial Conference Materials", 4 April 2007
4. *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 4 June 2007
5. *Prosecutor v. Taylor*, SCSL-03-01-T-327, "Public Prosecution Notification of Filing of Amended Case Summary", 3 August 2007
6. *Prosecutor v. Taylor*, SCSL-03-01-T, "Public Urgent Defence Motion regarding a Fatal Defect in the Prosecution's Second Amended Indictment relating to the Pleading of JCE", 14 December 2007
7. *Prosecutor v. Taylor*, SCSL-03-01-T-446, "Consequential Submission in Support of Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE", 31 March 2008
8. *Prosecutor v. Taylor*, SCSL-03-01-T-752, "Decision on Urgent Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE", 27 February 2009
9. *Prosecutor v. Taylor*, SCSL-03-01-T-751, "Decision on Public Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment

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10. *Prosecutor v. Taylor*, SCSL-03-01-T-767, "Defence Notice of Appeal and Submissions regarding the Appealed Decision concerning the Pleading of JCE in the Second Amended Indictment", 26 March 2009
11. *Prosecutor v. Taylor*, SCSL-03-01-T-772, "Prosecution Response to Defence Appeal Against Appealed Decision on the Pleading of Joint Criminal Enterprise in the Second Amended Indictment", 3 April 2009

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

1. *Prosecutor v. Brima et al.*, SCSL-2004-16-PT, "Decision and Order on Defence Preliminary Motion on Defects in the Form of the Indictment", 1 April 2004
2. *Prosecutor v. Brima et al.*, SCSL-04-16-PT, "Further Amended Consolidated Indictment", 18 February 2005
3. *Prosecutor v. Brima et al.*, SCSL-04-16-A-675, "Judgment", Appeals Chamber, 22 February 2008

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

1. *Prosecutor v. Sesay et al.*, SCSL-04-15-PT, "Corrected Amended Consolidated Indictment", 2 August 2006

SCSL Practice Direction

1. *Practice Direction for certain Appeals before the Special Court*, 30 September 2004 ("Practice Direction"), filed under, *inter alia*, SCSL-04-16-PT-111, See, Section II, paragraph 10(c).

ICTY

1. *Prosecutor v. Brdjanin and Talic*, IT-97-25, "Decisions on Form of Further Amended Indictment and Prosecution Application to Amend", 26 June 2001

http://www.icty.org/x/cases/brdanin/tdec/en/10626FI215879.htm

2. *Prosecutor v. Krajisnik*, IT-00-39-T, "Judgment", Trial Chamber, 27 September 2006 http://www.icty.org/x/cases/krajisnik/tjug/en/kra-jud060927e.pdf