

I. INTRODUCTION

1. The Prosecution files this Response to the “Kallon Motion to Exclude Evidence Outside the Scope of the Indictment With Confidential Annex A” filed on 14 March 2008 (“**The Motion**”).¹ The Motion should be dismissed on the basis that it raises objections to the form of the indictment, which cannot be raised at this point according to earlier decisions.² Alternatively, the Motion should be dismissed, as the evidence in issue is relevant and admissible, the Indictment meets the requirements of the Statute and the Rules and any insufficiencies, the existence of which is denied, have been cured.
2. The Trial Chamber has rendered several decisions involving objections to the admissibility of evidence of Prosecution witnesses,³ a number of whom are put in issue by the Motion (for example TF1-141, TF1-360, TF1-361, TF1-371, TF1-362, TF1-367). No argument has been advanced as to why these decisions should be reconsidered, nor has any demonstrable error been demonstrated.
3. The Trial Chamber has interpreted Rule 89 (C), noting that it is drafted differently from the Rules serving a similar purpose at the ICTY and the ICTR. The Trial Chamber has further ruled on the admissibility of evidence based on the principle of orality, emphasizing the flexible approach to admission of evidence developed by the Special Court for Sierra Leone.
4. The Accused did not object at the time the impugned evidence was tendered in court and offers no explanation for not having done so. The Motion relies upon ICTR decisions, but at the ICTR, where an accused fails to object at the time the

¹ *Prosecutor v Sesay et al*, SCSL-04-15-T-1057, “Kallon Motion to Exclude Evidence Outside the Scope of the Indictment With Confidential Annex A,” (“**The Motion**”) 14 March 2008.

² *Prosecutor v Sesay et al*, SCSL-04-15-T-944, “Decision on Gbao Request for Leave to Raise Objections to the Form of the Indictment,” 17 January 2008.

³ *Prosecutor v Sesay et al*, SCSL-04-15-T-314, “Ruling on Oral Application for the Exclusion of Statements of Witness TF1-141 Dated Respectively 9th of October, 2004, 19th and 20th of October, 2004, and 10th of January, 2005”, 3 February 2005; *Prosecutor v Sesay et al*, SCSL-04-15-T-396, “Ruling on Application for the Exclusion of Certain Supplemental Statements of Witness TF1-361 and Witness TF1-122”, 1 June 2005; *Prosecutor v Sesay et al*, SCSL-04-15-T-496, “Decision on the Defence Motion for the Exclusion of Evidence Arising From the Supplemental Statements of Witnesses TF1-113, TF1-108, TF1-330, TF1-041 and TF1-228”, 27 February 2006; *Prosecutor v Sesay et al*, SCSL-04-15-T-495, “Decision on the Defence Motion for the Exclusion of Certain Portions of Supplemental statements of Witness TF1-117”, 27 February 2006.

evidence is tendered, the onus shifts to the accused to demonstrate prejudice.⁴ At no time did the Accused Kallon seek an adjournment to consider evidence nor was the Accused Kallon ever prevented from cross-examining a witness as much as he wanted. The Trial Chamber scrupulously upheld all of his fair trial rights and no prejudice can be demonstrated by the Second Accused.

II. PRELIMINARY OBJECTIONS

(a) Motion Raises Objections to the Form of the Indictment

5. The complaints raised by the Motion: whether the indictment pleads all material facts;⁵ whether the allegations reasonably relate to the indictment;⁶ and whether allegations of physical perpetration by Kallon are pleaded in the indictment,⁷ require the Trial Chamber to decide now whether the Indictment is defective, a procedure which is contrary to earlier Decisions.⁸
6. In its “Decision on Gbao Request for Leave to Raise Objections to the Form of the Indictment,”⁹ the Trial Chamber stated that:

RECALLING the previous Decisions of this Trial Chamber concerning the making of objections to the form of the Indictment, including the Oral Decision on RUF Motions for Acquittal Pursuant to Rule 98 rendered on the 25th of October 2006”;

CONSIDERING that in all the circumstances it would be more appropriate for the Trial Chamber to address any objections to the form of the Indictment at the end of the case rather than during the course of the trial.¹⁰

7. Challenges to the form of the indictment must be brought by way of preliminary motion under Rule 72(B)(ii) **at the pre-trial stage**. Part V of the Rules, which includes Rule 72 is entitled “Pre-Trial Proceedings”. The purpose of Rule 72 is to ensure that any issues relating to sufficiency of the indictment are cleared up

⁴ *Prosecutor v. Bagosora et al.*, ICTR-98-41-AR73, “Decision on Aloys Ntabakuze’s Interlocutory Appeal on Questions of Law Raised by the 29 June 2006 Trial Chamber I ‘Decision on Motion for Exclusion of Evidence’”, 18 September 2006, para.46; see also paras. 42 and 45.

⁵ The Motion, paras 10-12, and 20-29.

⁶ The Motion, paras 13-15.

⁷ The Motion, paras 16-19.

⁸ *Ibid* at note 2.

⁹ *Ibid*.

¹⁰ *Ibid*.

before the trial begins. This Indictment was upheld in a 2003 decision save for a particular defect that was remedied in a subsequent amendment.¹¹

8. The Accused Kallon did not challenge the Indictment at the pre-trial stage,¹² and has not stated why he delayed until now. This Motion coming 18 months after the Prosecution closed its case on 2 August 2006 is not timely.¹³

(b) The Motion Exceeds the 10 Page Limit

9. To the extent that Appendix A of the Motion includes lengthy arguments and submissions, the Motion in effect exceeds the 10 page limit for Motions¹⁴ and violates the Practice Direction.¹⁵

III. ARGUMENT

(a) The indictment is Sufficient

10. The Trial Chamber has made clear that alleged deficiencies in the Indictment cannot be raised at this time. However, in response to the Motion, the Prosecution submits that the Indictment in its current form meets the requirements of the Statute and the Rules as it informs the Accused in sufficient detail of the charges against him and sufficiently states the material facts underpinning the charges in the Indictment.
11. Article 17(4)(a) of the Statute provides that an accused is entitled to be “informed promptly and in detail [...] of the nature of the charge against him or her.” Rule 47(C) states that an “indictment shall contain, and be sufficient if it contains, the name and particulars of the suspect, a statement of each specific offence of which the named suspect is charged and a short description of the particulars of the offence.” The ICJY and ICTR Rules are significantly

¹ *Prosecutor v. Issa Sesay*, SCSL-03-05-PT-080, “Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment,” 13 October 2003, see especially paras. 17 through 24.

¹² Which the Trial Chamber noted in *Prosecutor v. Sesay et al*, SCSL-04-15-T-83, “Kallon – Decision on Motion for Quashing of Consolidated Indictment,” 21 April 2004, para. 20.

¹³ Rule 5 of the Rules of Evidence and Procedure of the Special Court (“**Rules**”), contemplates that objections based on non-compliance with the Rules should be brought at the earliest opportunity, and this Motion clearly was not.

¹⁴ Article 6, C of the Practice Direction on Filing Documents before the Special Court for Sierra Leone.

¹⁵ *Ibid.*

different and the decisions rendered by those Tribunals have little if any application in the context of this Motion.¹⁶

12. It is clear that an indictment can be cured. In the *Ntabakuze* Decision the ICTR Appeals Chamber stated that: "...the Prosecution is obliged to state the material facts underpinning the charges in the indictment, but not the evidence by which material facts are to be proven."¹⁷ It later noted that "...if the indictment is found to be defective because it fails to plead material facts or does not plead them with sufficient specificity, the Trial Chamber *must* consider whether the accused was nevertheless accorded a fair trial."¹⁸ This distinction makes obvious why this Trial Chamber has held that defects in the Indictment cannot be raised at this time. Whether or not an accused had a fair trial cannot be determined two-thirds of the way through the trial. A trial is a whole process, and the determination of whether the Second Accused was accorded a fair trial can only be determined when all of the evidence has been heard.
13. Where the scale of the crimes renders it impracticable to require a high degree of specificity regarding, for example, the identity of the victims, the Prosecution does not need to identify every victim in the indictment in order to meet its obligation of specifying the material facts of the case.¹⁹ Even where personal participation is alleged, the nature or scale of the alleged crimes may render it impracticable to particularise identities of victims or dates of commission.²⁰

(b) There Was No Objection at the Time the Evidence Was Introduced

¹⁶ The Appeals Chamber has noted the limited temporal life of the SCSL, the importance of ensuring that the accused are tried promptly and fairly, the fact that professional judges were hearing the cases, and held that technical rules should not impede a fair and just trial: *Prosecutor v. Norman et al*, SCSL-04-14-T-371, "Fofana – Appeal Against Decision Refusing Bail," 11 March 2005, paras. 26 and 34.

¹⁷ *Ibid* at note 4, para. 17.

¹⁸ *Ibid*, para. 26.

¹⁹ *Prosecutor v. Kupreskić et al*, Case No. IT-95-16-A, "Judgement," 23 October 2001 (**Kupreskić Appeal Judgement**"), paras 89, 90; *Prosecutor v. Sesay*, SCSL-03-05-PT-74; *Prosecutor v. Issa Sesay*, SCSL-2003-05-PT-080, "Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment," 13 October 2003, para. 20.

²⁰ (*Kupreskić Appeal Judgement*"), paras 89, 90; *Prosecutor v. Issa Sesay*, SCSL-2003-05-PT-080, "Decision and Order on Defence Motion for Defects in the Form of the Indictment," 13 October 2003. *Prosecutor v. Tihomir Blaskić*, Case No. IT-95-14-A, "Appeal Judgement," 29 July 2004 (**Blaskić Appeal Judgement**"), para 213, referring to *Prosecutor v. Tadić*, Case No. IT-94-I-T, "Decision on the Defence Motion on the Form of the Indictment," 14 November 1995, paras 11-13.

14. The Motion argues that in the *Ntabakuze* Decision, the Appeals Chamber overruled the Trial Chamber to the extent that it found that the burden of proof shifts to the Defence if it fails to interpose an objection at the time the evidence is introduced and that an objection or written motion made at any time during the trial can sustain the burden of proof on the Prosecution.²¹ This is not wholly accurate. The Appeals Chamber said:

In summary, objections based on lack of notice should be specific and timely. The Appeals Chamber agrees with the Prosecution that blanket objections that “the entire indictment is defective” are insufficiently specific.

[91] As to timelines, the objection should be raised at the pre-trial stage (for instance in a motion challenging the indictment) or at the time the evidence of a new material fact is introduced. However, *an objection raised later at trial will not automatically lead to a shift in the burden of proof: the Trial Chamber must consider relevant factors, such as whether the Defence provided a reasonable explanation for its failure to raise the objection earlier in the trial.*²² (emphasis added)

15. The Accused did not raise any objection to the evidence until now, thoroughly cross-examined witnesses, did not seek any adjournment, and has not provided any explanation for his failure to raise the objection earlier in the trial. This is a proper case where the burden of proof shifts to the Defence in demonstrating whether the Accused’s ability to defend himself has been materially impaired,²³ and the Defence has not demonstrated any prejudice to the Accused.

(c) Motions for additional Witnesses Provided Notice to the Accused

16. Annex A of the Motion refers to the evidence of TF1-360, TF1-361, TF1-366, TF1-367 and TF1-371 with regard to lack of notice (**Ground 3**). These witnesses were called following Prosecution motions for their addition as witnesses which were granted by the Chamber.²⁴ The motions stated the

²¹ The Motion, para.5.

²² *Prosecutor v. Bagosora et al.*, ICTR-98-41-AR73, Decision on Aloys Ntabakuze’s Interlocutory Appeal on Questions of Law Raised by the 29 June 2006 Trial Chamber I “Decision on Motion for Exclusion of Evidence”, 18 September 2006, para.46; see also paras. 42 and 45.

²³ *Ibid.*, at para.45.

²⁴ TF1-360 and TF1-361 were called following the “Prosecution Request for Leave to Call Additional Witnesses and Disclose an Additional Statement”, SCSL-04-15-T-191, filed on 12 July 2004; and the “Decision on Prosecution Request for Leave to Call Additional Witnesses”, SCSL-04-15-T-221, 29 July

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material facts on which the witnesses would testify and provided notice to the Accused long before the witnesses testified.²⁵

17. In *Ntabakuze*²⁶ the ICTR Trial Chamber considered that the Prosecution motion to add a witness, followed by the Chamber's ruling, was sufficient to clearly inform the Accused that the testimony of the witness would be part of the case against him; and, that the period during which the motion was pending, and between the date of the decision and the witness's appearance, constituted a *de facto* adjournment which gave the defence sufficient time to investigate and challenge the witness's testimony, in accordance with the rights of a fair trial.

(d) The Allegations Relate to the Indictment

18. Annex A of the Motion (**Ground 1**) argues that evidence relating to crimes in locations or in Districts not stated in the indictment, conduct which is not criminal under the Statute, crimes outside the timeframe of the indictment, and allegations where the timeframe was allegedly not given by witnesses, should be excluded. These arguments should be rejected. The Trial Chamber has on many occasions admitted evidence under Rule 89 (C) and also based on the principle of orality, with the view to having all of the evidence evaluated in terms of weight, at the end of the case.
19. Where the conduct is not criminal according to the Statute, the context of the evidence makes it relevant, as demonstrating command, authority, indicative of a joint criminal enterprise, or several other contextual matters, and the evidence

2004. TF1-366 and TF1-367 were called following the "Prosecution Request to Call Additional Witnesses and Disclose Additional Witness Statements, Pursuant to Rules 66(A)(ii) and 73bis(E)", SCSL-04-15-T-283, filed on 23 November 2004; and the "Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose additional Witness Statements", SCSL-04-15-T-320, 11 February 2005. TF1-371 was called following the "Confidential, With Ex Parte Under Seal Annex Prosecution Request for Leave to Call Additional Witness and For Order For Protective Measures Pursuant to Rules 69 and 73bis(E)", SCSL-04-15-T-513, filed on 10 March 2006; and the "Decision on the Prosecution Request for Leave to Call Additional Witness TF1-371 and for Order for Protective Measures", SCSL-04-15-T-537, 6 April 2006; see also, "Written Reasons for the Decision on Prosecution Request for Leave to Call Additional Witness TF1-371 and for Orders for Protective Measures", SCSL-04-15-T-579, 15 June 2006.

²⁵ The Decision to add TF1-360 and TF1-361 was issued on 29 July 2004 and TF1-360 testified from 19/07/05-26/07/05 while TF1-361 testified from 11/07/05-19/07/05; The Decision to add TF1-366 and TF1-367 was issued on 11 February 2005 and TF1-366 testified from 07.11.05-18.11.05, while TF1-367 testified from 21.06.06- 26.06.06; The Decision to add TF1-371 was issued on 6 April 2006 and he testified from 20.07.06 -24.07.06 & 28.07.06 –02.08.06

²⁶ *Prosecutor v. Bagosora et al.*, ICTR-98-41, "Decision on Ntabakuze Motion for Exclusion of Evidence", 29 June 2006, paras. 10 and 44.

of the conduct makes it relevant. Trials before international tribunals are on a much larger scale and scope than trials before a domestic court, and encompass conflicts that endured for years during which crimes were committed against many individuals; there is the added difficulty that judges may be unfamiliar with the particular national setting in which crimes occurred and need to be informed about the background; also, in order to make a rational assessment of evidence directly relating to a charge, it may often be necessary to receive evidence describing, perhaps in some detail, the context and circumstances in which the offences are said to have been committed. The net of relevance must therefore be cast wider than in an ordinary criminal trial, in order to incorporate background facts essential to a fair adjudication of the case.²⁷

20. Regarding crimes in Districts charged but whose location is not specifically named, the Prosecution relies on the phrase, “**locations including**”, to cover such locations or alternatively, relies on the evidence as evidence of consistent pattern of conduct, and widespread or systematic attacks against a civilian population. However, this Defence complaint is clearly an allegation of defect in the Indictment and must be dismissed as it cannot be brought at this time.
21. Rule 93(A) of the Rules provides that “Evidence of a consistent pattern of conduct relevant to serious violations of international humanitarian law under the statute may be admissible in the interests of justice.” Thus, evidence of crimes outside the scope of the indictment are admissible in establishing a consistent pattern of conduct.²⁸
22. The AFRC Judgement noted that the Prosecution had led a considerable amount of evidence with respect to crimes which occurred in locations not charged in the indictment and held that such evidence may support proof of the existence of a widespread or systematic attack on a civilian population.²⁹
23. Annex A of the Motion (**Ground 4**) argues that the evidence should be excluded on the ground that it is not relevant to any charge in the indictment and

²⁷ Richard May and Marieke Wierda (2002), *International Criminal Evidence*, Transnational Publishers, Inc., Ardsley, New York, 2002, pg 102-103, paras 4.23 – 4.24.

²⁸ Richard May and Marieke Wierda (2002), *International Criminal Evidence*, Transnational Publishers, Inc., Ardsley, New York, 2002, pg 106, paras 4.32.

²⁹ *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Judgement,” 20 June 2007 (the AFRC Judgement), para 37.

is prejudicial to the Accused. The reasons cited include, alleged failure by the Prosecution to elicit evidence of timeframe, identities of physical perpetrators of crimes and identities of victims, and sometimes location. The evidence did establish timeframes, locations and identities of victims or physical perpetrators of the crimes to the extent that it could. However, failure to establish certain facts with precision is no basis for the exclusion of a witness's evidence; if the Defence assertion is true little weight would be given to such evidence, but there is no principled reason nor a legal basis for ruling it inadmissible.

24. Further, a conclusion as to whether the evidence relating to a particular allegation has established timeframes, locations, and identities of victims and physical perpetrators of crimes, should not be reached on the basis of the evidence of one witness alone, or a number of selected witnesses, but rather on the basis of an evaluation of the evidence of all the witnesses who testified to the particular allegation and the entirety of the evidence.
25. With regard to identities of victims, it is important to note that some of the witnesses were insiders who participated in attacks on towns and villages and would not have known the identities of their individual victims. The civilian witnesses also did not necessarily know the identities of individual victims as the crimes were not necessarily committed on people they knew; it is however clear from the evidence that the victims would be civilians and the perpetrators would be AFRC/RUF forces to which the insider witnesses belonged.

(e) Indictment Alleges Personal Involvement of Kallon in Crimes

26. Annex A of the Motion (**Ground 2**) argues that evidence should be excluded on the ground that the evidence purports to establish the physical and personal perpetration of criminal conduct against Kallon which has not been specifically pleaded in the indictment.
27. The indictment (paragraph 38 citing Article 6.1 liability, committing, repeated in all counts, read together with paragraphs 41 and 44) clearly charges Kallon with **committing**, involving all crimes charged in the indictment. The Indictment (paras. 35-37) further alleges that the crimes in the indictment were within a Joint Criminal Enterprise and charges the Accused on that basis.

Additionally, Kallon had sufficient notice through the Pre-Trial Brief, Supplemental Pre-Trial Brief, Opening Statement, witness statements and additional information disclosed.

(f) The Accused has had Notice of Material Facts

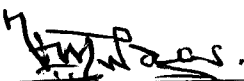
28. Annex A of the Motion (**Ground 3**) argues that evidence should be excluded on the ground that the Accused has not been put on notice of the material facts underpinning the allegations, the identity of physical perpetrators of the crimes, identity of the victims, locations, level of Kallon's involvement, vague timeframes pleaded and that some locations are not pleaded in the indictment.
29. The Accused Kallon has been put on notice of the material facts underpinning the allegations, through the indictment, Pre-Trial Brief, Supplemental Pre-Trial Brief, Opening Statement, witness statements and additional information disclosed. In addition, Kallon never sought an adjournment and had the opportunity to extensively cross-examine Prosecution witnesses on all matters.

IV. CONCLUSION

30. The Motion raises objections to the form of the indictment, which cannot be raised at this point, and should be dismissed on this basis. Alternatively, the Motion should be dismissed as the evidence is relevant and admissible, the Indictment is sufficient, and the Accused has had notice of all material facts underpinning the indictment.

Done in Freetown, 31 March 2008

For the Prosecution,



Vincent Wagona

Index of Authorities

A. Motions, Orders, Decisions and Judgments of the Special Court

1. *Prosecutor v. Sesay*, Court Management Memorandum, SCSL-03-05-PT-74, 17 September 2003.
2. *Prosecutor v. Issa Sesay*, SCSL-03-05-PT-080, "Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment," 13 October 2003.
3. *Prosecutor v. Sesay et al*, SCSL-04-15-T-83, "Kallon – Decision on Motion for Quashing of Consolidated Indictment," 21 April 2004.
4. *Prosecutor v. Sesay et al*, SCSL-04-15-T-191, "Prosecution Request for Leave to Call Additional Witnesses and Disclose an Additional Statement", 12 July 2004.
5. *Prosecutor v. Sesay et al*, SCSL-04-15-T-221 "Decision on Prosecution Request for Leave to Call Additional Witnesses", 29 July 2004.
6. *Prosecutor v. Sesay et al*, SCSL-04-15-T-283, "Prosecution Request to Call Additional Witnesses and Disclose Additional Witness Statements, Pursuant to Rules 66(A)(ii) and 73bis(E)", 23 November 2004.
7. *Prosecutor v. Sesay et al*, SCSL-04-15-T-314, "Ruling on Oral Application for the Exclusion of Statements of Witness TF1-141 Dated Respectively 9th of October, 2004, 19th and 20th of October, 2004, and 10th of January, 2005", 3 February 2005
8. *Prosecutor v. Sesay et al*, SCSL-04-15-T-320, "Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose additional Witness Statements", 11 February 2005.
9. *Prosecutor v. Norman et al*, SCSL-04-14-T-371, "Fofana – Appeal Against Decision Refusing Bail," 11 March 2005.
10. *Prosecutor v. Sesay et al*, SCSL-04-15-T-396, "Ruling on Application for the Exclusion of Certain Supplemental Statements of Witness TF1-361 and Witness TF1-122", 1 June 2005.
11. *Prosecutor v. Sesay et al*, SCSL-04-15-T-496, "Decision on the Defence Motion for the Exclusion of Evidence Arising From the Supplemental Statements of Witnesses TF1-113, TF1-108, TF1-330, TF1-041 and TF1-228", 27 February 2006.
12. *Prosecutor v. Sesay et al*, SCSL-04-15-T-495, "Decision on the Defence Motion for the Exclusion of Certain Portions of Supplemental Statements of Witness TF1-117", 27 February 2006.

13. *Prosecutor v Sesay et al*, SCSL-04-15-T-513, “Confidential, With Ex Parte Under Seal Annex Prosecution Request for Leave to Call Additional Witness and For Order For Protective Measures Pursuant to Rules 69 and 73bis(E)”, 10 March 2006.

14. *Prosecutor v Sesay et al*, SCSL-04-15-T-537, “Decision on the Prosecution Request for Leave to Call Additional Witness TF1-371 and for Order for Protective Measures”, 6 April 2006.

15. *Prosecutor v Sesay et al*, SCSL-04-15-T-579, “Written Reasons for the Decision on Prosecution Request for Leave to Call Additional Witness TF1-371 and for Orders for Protective Measures”, 15 June 2006.

16. *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Judgement,” 20 June 2007.

17. *Prosecutor v Sesay et al*, SCSL-04-15-T-944, “Decision on Gbao Request for Leave to Raise Objections to the Form of the Indictment,” 17 January 2008.

18. *Prosecutor v Sesay et al*, SCSL-04-15-T-1057, “Kallon Motion to Exclude Evidence Outside the Scope of the Indictment With Confidential Annex A,” 14 March 2008.

B. Authorities from the International Criminal Tribunal for Rwanda

1. *Prosecutor v. Bagosora et al.*, ICTR-98-41-AR73 “Decision on Aloys Ntabakuze’s Interlocutory Appeal on Questions of Law Raised by the 29 June 2006 Trial Chamber I ‘Decision on Motion for Exclusion of Evidence’ ”, 18 September 2006.
<http://69.94.11.53/ENGLISH/cases/Bagosora/decisions/180906.htm>

2. *Prosecutor v. Bagosora et al.*, ICTR-98-41, “Decision on Ntabakuze Motion for Exclusion of Evidence”, 29 June 2006.
<http://69.94.11.53/ENGLISH/cases/Bagosora/decisions/290606.htm>

C. Authorities from the International Criminal Tribunal for the Former Yugoslavia

1. *Prosecutor v. Kupreskić et al*, Case No. IT-95-16-A, “Judgement,” 23 October 2001 (Kupreskic Appeal Judgement”).
<http://www.un.org/icty/kupreskic/appeal/judgement/index.htm>

2. *Prosecutor v. Tihomir Blaskic*, Case No. IT-95-14-A, “Appeal Judgement,” 29 July 2004 (“Blaskic Appeal Judgement”).
<http://www.un.org/icty/blaskic/appeal/judgement/index.htm>

D. Statutes, Rules and Practice Directions.

1. Rules 5, 47(C), Rule 72(B)(ii), 93 (C) , 89 (C) and 98 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone as amended on 19 November 2007.
2. Article 17 (4) (a) of the Statute of the Special Court for Sierra Leone.
3. Article 6 (C) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone as amended 10 June 2005.

Other Authorities

1. Richard May and Marieke Wierda (2002), International Criminal Evidence, Transnational Publishers, Inc., Ardsley, New York, 2002.



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Court Management Section -- Court Records

CONFIDENTIAL DOCUMENT CERTIFICATE

This certificate replaces the following confidential document which has been filed in the *Confidential* Case File.

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Document Title: **Prosecution Response With Confidential Annex A To Kallon Motion To Exclude Evidence Outside The Scope Of The Indictment With Confidential Annex A**

Name of Officer:

Thomas George

Signed: