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SCSL-04-15-T  
(26771-26781)

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**SPECIAL COURT FOR SIERRA LEONE**  
OFFICE OF THE PROSECUTOR  
FREETOWN – SIERRA LEONE

**TRIAL CHAMBER I**

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

Registrar: Mr. Lovemore G. Munlo SC

Date filed: 15 March 2007

**THE PROSECUTOR**

**Against**

**Issa Hassan Sesay**  
**Morris Kallon**  
**Augustine Gbao**

Case No. SCSL-04-15-T

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**PUBLIC**

**PROSECUTION RESPONSE TO SESAY DEFENCE APPLICATION FOR LEAVE TO APPEAL**  
**2<sup>ND</sup> MARCH 2007 DECISION**

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## I. INTRODUCTION

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1. The Prosecution files this Response to the “Sesay Public Application for Leave to Appeal 2<sup>nd</sup> March 2007 Decision” (“**Leave Motion**”),<sup>1</sup> filed on behalf of the first Accused on 5 March 2007, in which the Defence for Sesay (“**Defence**”) seeks leave under Rule 73(B) of the Rules of Procedure and Evidence (“**Rules**”) to appeal against the Trial Chamber’s “Decision on Defence Request for Clarification on Rule 98 Decision” of 2 March 2007 (“**Impugned Decision**”).<sup>2</sup>
2. In the Impugned Decision, the Trial Chamber dismissed for want of jurisdiction a Defence motion of 7 November 2006 (the “**Clarification Motion**”)<sup>3</sup> in which the Defence sought four alleged “clarifications” of the Trial Chamber’s Rule 98 Decision in this case.<sup>4</sup>
3. For the reasons below, the Leave Motion should be dismissed.

## II. SUBMISSIONS

### A. THE CRITERIA FOR THE APPLICATION OF RULE 73(B)

4. The restrictive nature of Rule 73(B)<sup>5</sup> has been repeatedly emphasized in the decisions of the Special Court.<sup>6</sup> The applicant must show exceptional circumstances and irreparable prejudice, and the “two limbs of the test are clearly conjunctive, not disjunctive; in other words they must be both satisfied”<sup>7</sup> if an application for leave to appeal is to be granted.

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<sup>1</sup> *Prosecutor v. Sesay et al.*, SCSL-04-15-T-723, “Application for Leave to Appeal 2<sup>nd</sup> March 2007 Decision,” 5 March 2007.

<sup>2</sup> *Prosecutor v. Sesay et al.*, SCSL-04-15-T-718, “Decision on Defence Request for Clarification on Rule 98 Decision,” 2 March 2007.

<sup>3</sup> *Prosecutor v. Sesay et al.*, SCSL-04-15-T-661, “Sesay Defence Request For Clarification On Rule 98 Decision,” 7 November 2006.

<sup>4</sup> *Prosecutor v. Sesay et al.*, SCSL-04-15-T, Trial Transcript, 25<sup>th</sup> October 2006, (**Rule 98 Decision**).

<sup>5</sup> Rule 73(B) states: “Decisions rendered on such motions are without interlocutory appeal. However, in exceptional circumstances and to avoid irreparable prejudice to a party, the Trial Chamber may give leave to appeal. Such appeal should be sought within 3 days of the decision and shall not operate as a stay of proceedings unless the Trial Chamber so orders.”

<sup>6</sup> *Prosecutor v. Norman et al.*, SCSL-04-14-T-669, “Decision on Application by First Accused for leave to Appeal against the Decision on their Motion for Extension of Time to Submit Documents pursuant to Rule 92bis,” 18 July 2006.

<sup>7</sup> *Ibid.* See also *Prosecutor v. Sesay et al.*, SCSL-04-15-T-357, “Decision On Defence Applications For Leave To Appeal Ruling Of the 3<sup>rd</sup> February 2005 On The Exclusion Of Statements Of Witness TF1-141,”

5. In deciding an application under Rule 73(B), the Trial Chamber must balance its discretion to grant leave with the interests of expeditiousness:

At this point in time, as the trials are progressing, the Chamber must be very sensitive, and rightly so, to any proceedings or processes that will indeed encumber and unduly protract the ongoing trials. For this reason, it is a judicial imperative for us to ensure that the proceedings before the court are conducted expeditiously and to continue to apply the enunciated criteria with the same degree of stringency as in previous applications for leave to appeal so as not to defeat or frustrate the rationale that underlies the amendment of Rule 73(B).<sup>8</sup>

6. This Trial Chamber also held that: “As a general rule, interlocutory decisions are not appealable and consistent with a clear and unambiguous legislative intent, this rule involves a high threshold that must be met before this Chamber can exercise its discretion to grant leave to appeal.”<sup>9</sup>

#### **B. THE “EXCEPTIONAL CIRCUMSTANCES” REQUIREMENT**

7. In the Impugned Decision, the Trial Chamber dismissed the Clarification Motion “for want of jurisdiction”, having found that it is not vested with a “clarification jurisdiction” or an appellate jurisdiction in respect of its own previous decisions. The Leave Motion argues that the Trial Chamber “is empowered with jurisdiction to review its own decisions”,<sup>10</sup> and that the Trial Chamber has previously exercised

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28 April 2005, para 17 and *Prosecutor v. Sesay et al.*, SCSL-04-15-T-362, “Decision on Application by Second Accused for Leave for Interlocutory Appeal Against the Majority Decision of The Trial Chamber of 9<sup>th</sup> December 2004 on the Motion on Issues of Urgent Concern to the Accused Morris Kallon,” 2 May 2005, para 17.

<sup>8</sup> *Prosecutor v. Norman et al.*, SCSL-04-14-T-170, “Majority Decision on the Prosecution’s Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution’s Request for Leave to Amend the Indictment Against Norman, Fofana and Kondewa,” 2 August 2004, para. 25. See also *Prosecutor v. Sesay et al.*, SCSL-04-15-T-357, “Decision On Defence Applications For Leave To Appeal Ruling Of the 3<sup>rd</sup> February 2005 On The Exclusion Of Statements Of Witness TF1-141,” 28 April 2005, para. 14 and *Prosecutor v. Sesay et al.*, SCSL-04-15-T-362, “Decision on Application by Second Accused for Leave for Interlocutory Appeal Against the Majority Decision of The Trial Chamber of 9<sup>th</sup> December 2004 on the Motion on Issues of Urgent Concern to the Accused Morris Kallon,” 2 May 2005, para 17 (v).

<sup>9</sup> *Prosecutor v. Sesay et al.*, SCSL-2004-15-PT-014, “Decision on Prosecution’s Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution Motions for Joinder,” 13 February 2004, para. 10.

<sup>10</sup> Leave Motion, para. 9.

this power in respect of a Rule 98 decision in the *Norman* case.<sup>11</sup> The Leave Motion argues that “The demonstrable difference in treatment between the CDF accused and the RUF accused”, arising from the fact that the Trial Chamber was willing to “clarify” a Rule 98 decision in the former case while denying that it has jurisdiction to do so in the present case, constitutes an exceptional circumstance for the purposes of Rule 73(B).<sup>12</sup>

- 8. The Prosecution submits, first, that the fact that a party seeking to bring an interlocutory appeal alleges an error of law in the impugned decision does not of itself constitute an exceptional circumstance for the purposes of Rule 73(B).<sup>13</sup>
- 9. As to the alleged error of law in the Impugned Decision, the Prosecution submits as follows. A Trial Chamber has the power to **clarify** interlocutory decisions or orders.<sup>14</sup> A decision clarifying an earlier decision clarifies what was actually decided in the original decision, and will not go beyond the scope of the original decision being clarified.<sup>15</sup> The relief sought by the Defence far exceeds an application to clarify.

<sup>11</sup> Leave Motion, paras. 6-8, citing *Prosecutor v. Norman et al.*, SCSL-04-14-T-550, “Decision on Joint Motion of the First and Second Accused to Clarify the Decision on Motions for Judgement of Acquittal Pursuant to Rule 98,” Trial Chamber, 3 February 2006.

<sup>12</sup> Leave Motion, para. 11.

<sup>13</sup> “[T]he probability of an erroneous ruling by the Chamber does not, of itself, constitute ‘exceptional circumstances’ for the purpose of a Rule 73(B) application”: see *Prosecutor v. Norman et al.*, SCSL-04-14-T-669, “Decision on Application by First Accused for Leave to Appeal against the Decision on their Motion for Extension of Time to Submit Documents pursuant to Rule 92bis,” 18 July 2006. *Prosecutor v. Norman et al.*, SCSL-04-14-T-643, “Decision on Motions by the First and Second Accused for Leave to Appeal The Chamber’s Decision on Their Motions for the Issuance of a Subpoena to the President of the Republic of Sierra Leone,” 28 June 2006, para 11; *Prosecutor v. Sesay et al.*, SCSL-04-15-T-401, “Decision on Application for Leave to Appeal The Ruling (2nd May 2005) On Sesay-Motion Seeking Disclosure Of The Relationship Between Governmental Agencies of The United States of America And The Office of The Prosecutor,” 15 June 2005, para 20; *Prosecutor v. Sesay et al.*, SCSL-04-15-T-362, “Decision on Application by the Second Accused for Leave for Interlocutory Appeal Against the Majority Decision of The Trial Chamber of 9th December 2004 on Issue of Urgent Concern to the Accused Morris Kallon,” 2 May 2005, para. 20; *Prosecutor v. Sesay et al.*, SCSL-04-15-T-357, “Decision on Defence Applications For Leave To Appeal Ruling Of The 3rd February 2005 On The Exclusion Of Statements Of Witness TF1-141,” 28th April 2005, para. 29.

<sup>14</sup> *Prosecutor v. Blagovević and Jokić*, IT-02-60-T, “Decision on Prosecution’s Motion for Clarification of Oral Decision Regarding Admissibility of Accused’s Statement,” Appeals Chamber, 18 September 2003; *Prosecutor v. Blaskic*, IT-95-14-A, “Decision on Prosecution’s Preliminary Response and Motion for Clarification Regarding Decision on Joint Motion of Hadzihasanovic, Alagic and Kubura of 24 January 2003,” Appeals Chamber, 23 May 2003.

<sup>15</sup> *Prosecutor v. Blaskic*, IT-95-14-A, “Decision on Prosecution’s Motion for Clarification of the Appeals Chamber’s Decision Dated 4 December 2002 on Pasko Ljubicic’s Motion for Access to Confidential Material, Transcripts and Exhibits in the Blaskic Case,” Appeals Chamber, 8 March 2004, at para. 37.

- 10. The Trial Chamber also may **vary** interlocutory decision or orders,<sup>16</sup> however, it will normally exercise this power only where there are new facts or circumstances that have arisen since the original decision was given that warrant the variation, and a Trial Chamber will not exercise that power simply to allow a party to relitigate a decision or order with which the party is dissatisfied. A Trial Chamber also has the power in general to **reconsider** such interlocutory orders or decisions. Again, a Trial Chamber will normally not exercise that power merely to enable a party that is dissatisfied with a decision to relitigate the matter, but may exercise the power “if the existence of a clear error of reasoning has been demonstrated or if reconsideration is necessary in order to prevent an injustice”.<sup>17</sup>
- 11. On the other hand, a Trial Chamber does not have the power to **review** its own interlocutory orders or decisions.<sup>18</sup> Review proceedings must be brought before the Appeals Chamber pursuant to Article 21 of the Statute and Rule 120 of the Rules.
- 12. In “clarifying” a Rule 98 decision, the Trial Chamber is only capable of clarifying or explaining the precise consequences of the original Rule 98 decision. The Trial Chamber’s clarification of its Rule 98 decision cannot have the effect of substantively adding to, or of modifying or varying, the Rule 98 decision. The *Norman* case referred to in the Leave Motion is consistent with these submissions. In that decision, the Trial Chamber merely explained a specific consequence of one of the findings that it had made in its Rule 98 decision in that case.<sup>19</sup>
- 13. In the present case, the position is different. In the Clarification Motion, the Defence sought “clarification” of certain matters that it said the Rule 98 decision

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<sup>16</sup> *Prosecutor v. Brima et al.*, SCSL-04-16-T-583, “Decision on Confidential Motion to Vary Protective Measures,” Trial Chamber, 15 November 2006.

<sup>17</sup> *Prosecutor v. Nikolić*, IT-02-60/1-A, “Decision on Appellant’s Urgent Motion for Reconsideration of Decision on Second Defence Motion to Enlarge Time for Filing of Replies Dated 1 April 2005,” Appeals Chamber, 6 April 2005.

<sup>18</sup> Under Article 21 of the Statute and Rules 120-121 of the Rules, an application for **review** must be made to the Appeals Chamber, not the Trial Chamber, and such an application must demonstrate the existence of a “new fact” that was not known at the time of the proceedings before the Trial Chamber.

<sup>19</sup> In the *Norman* case, the Defence put in issue in the Rule 98 proceedings whether there was evidence of crimes in certain areas. The Trial Chamber found that no evidence was led for any of the locations named in paragraph 25(g) of the Indictment. What was left unclear was whether anything remained of paragraph 25(g) to which the Defence had to answer. The Trial Chamber clarified this by advising the parties that paragraph 25(g) of the “Indictment is no longer operative...”

“did not explicitly address”,<sup>20</sup> or “ought to have provided”,<sup>21</sup> or had “declined to address”.<sup>22</sup> One of the requested “clarifications” was in reality a request to the Trial Chamber to expand its reasoning in the Rule 98 Decision to explain how it had arrived at a particular conclusion.<sup>23</sup> A further requested “clarification” did not seek clarification of the Rule 98 Decision itself, but rather, clarification of certain expressions used in the Indictment.<sup>24</sup>

14. In its Response to the Clarification Motion,<sup>25</sup> the Prosecution submitted that the Clarification Motion was not a genuine motion for clarification of the Rule 98 Decision, since it sought “clarification” of matters that had not been dealt with in the Rule 98 Decision,<sup>26</sup> or dealt with matters that do not fall within the scope of Rule 98 proceedings,<sup>27</sup> or matters that had already been previously decided by the Trial Chamber.<sup>28</sup> The Prosecution also submitted that certain of the requests for “clarifications” were requests for rulings on abstract questions,<sup>29</sup> and these were therefore not requests for clarifications of the precise consequences of specific findings by the Trial Chamber in the Rule 98 Decision.

15. The requested “clarifications”, if given, would have amounted to *additions to*, or *modification of*, the Rule 98 Decision, rather than a mere clarification or explanation of matters that were contained within the original Rule 98 Decision. Indeed, the Prosecution notes in this respect that the Leave Motion now no longer invokes solely the power of the Trial Chamber to clarify a Rule 98 Decision, but

<sup>20</sup> Clarification Motion, para. 1.

<sup>21</sup> Clarification Motion, para. 13.

<sup>22</sup> Clarification Motion, para. 15.

<sup>23</sup> Clarification Motion, para. 19.

<sup>24</sup> Clarification Motion, para. 21.

<sup>25</sup> *Prosecutor v. Sesay et al.*, SCSL-04-15-T-664, “Public Prosecution Response to Sesay Defence Request for Clarification on Rule 98 Decision” (**Prosecution Response to Clarification Motion**), 13 November 2006.

<sup>26</sup> Prosecution Response to Clarification Decision, paras. 4-5, relating to the first of the four “clarifications” sought by the Defence. This reasoning also was applicable to the other “clarifications” sought by the Defence.

<sup>27</sup> Prosecution Response to Clarification Decision, paras. 6-7, relating to the first of the four “clarifications” sought by the Defence. This reasoning also was applicable to the other “clarifications” sought by the Defence.

<sup>28</sup> Prosecution Response to Clarification Decision, paras. 8-15, relating to the first of the four “clarifications” sought by the Defence. This reasoning also was applicable to the other “clarifications” sought by the Defence.

<sup>29</sup> Prosecution Response to Clarification Decision, paras. 18 and 23.

26777

argues that the Trial Chamber has the power to “review” a Rule 98 Decision.<sup>30</sup> However, pursuant to Rule 120 a “review” must be brought before the Appeals Chamber.

16. The Prosecution submits that the Impugned Decision is consistent with these submissions. Where the Impugned Decision states that “the exceptional review jurisdiction conferred upon the Court with respect to its decisions is certainly not designed to be utilized as a ‘clarification mechanism or device’”, the Prosecution submits that what may in fact be intended is that “the exceptional *clarification* jurisdiction conferred upon the Court with respect to its decisions is certainly not designed to be utilized as a ‘*review* mechanism or device’”. In any event, the Prosecution submits that the brief reasoning given by the Trial Chamber in the Impugned Decision must be understood in the light of the submissions of the parties and the issues that were before the Trial Chamber in the proceedings relating to the Impugned Decision. Understood in this light, the Prosecution submits that the actual purport of the Impugned Decision was that the “clarifications” requested by the Defence were not mere *clarifications* of what the Trial Chamber had actually decided in the Rule 98 Decision, but related to matters of substance going beyond the correction of “clerical errors”, and that therefore the “alleged clarifications ... relate essentially to, or constitute, matters that could have formed the bases of grounds of appeal”. It is on this basis, it is submitted, that the Trial Chamber considered that it lacked jurisdiction with respect to the Clarification Motion.

17. Therefore, it is submitted that the Impugned Decision contained no error of law. In any event, the Prosecution submits that there has been no difference in treatment between the Defence in this case and the Defence in the *Norman* case. In the *Norman* case, the Trial Chamber gave a clarification of the practical consequences of one of its specific findings in its Rule 98 Decision. In contrast, in the present case, the Defence was seeking rulings on matters that had not been dealt with in the Rule 98 Decision, or which went beyond the scope of Rule 98 proceedings. The two cases are therefore distinguishable, and there has been no difference in treatment. The alleged difference in treatment in the *Norman* case and the present

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<sup>30</sup> Leave Motion, para. 9

case, which is invoked by the Defence as the “exceptional circumstance” for the purposes of Rule 73(B), therefore cannot satisfy that requirement.

18. The Leave Motion does not identify any other exceptional circumstances. Paragraph 5 of the Leave Motion refers to the case law to the effect that exceptional circumstances may exist where there is a question of general principle to be decided for the first time, or a question upon which further argument or decision at the appellate level would be conducive to the interests of justice, or involves some novel and substantial aspect of international criminal law. However, the Leave Motion does not expressly suggest that the appeal proposed by the Defence involves any such issue or question, and the Prosecution submits that it does not.

**C. THE “IRREPARABLE PREJUDICE” REQUIREMENT**

19. Additionally, and in any event, the Prosecution submits that the Leave Motion does not establish that the “irreparable prejudice” requirement is satisfied.

20. The Leave Motion argues that if leave to appeal is not granted, the Defence will suffer irreparable prejudice in that the alleged error “will lead to denial of a fair trial remedy” because the First Accused “will not know the case against him”.<sup>31</sup>

21. The alleged irreparable harm is without merit. The primary purpose of Rule 98 is not to inform the Accused of the case against him, but to ensure judicial economy by proceeding only with those counts on which sufficient evidence has been adduced. An accused has knowledge of the case against him through the indictment, the case summary, the evidence led at the trial. A Rule 98 judgement only gives an accused knowledge of the counts remaining against him.

22. To the extent that the Clarification Motion seeks rulings on matters falling outside the scope of Rule 98 proceedings, the Defence cannot be irreparably prejudiced by the Trial Chamber’s failure to deal with them in a Rule 98 Decision. To the extent that the Clarification Motion seeks rulings on matters that have already been ruled upon by the Trial Chamber (such as the requested “clarification” that amounts to an allegation of defects in the form of the Indictment), the Defence cannot claim that it will be irreparably prejudiced if the Trial Chamber does not revisit the matter in its

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<sup>31</sup> Leave Motion, para. 18.




Rule 98 Decision. To the extent that the Clarification Motion seeks rulings on abstract questions, it is submitted that the Defence cannot be irreparably prejudiced by a failure of the Trial Chamber to rule on abstract matters.

**III. CONCLUSION**

23. For the above reasons, the Prosecution submits that the Leave Motion should be dismissed.

Done in Freetown, 15 March 2007

For the Prosecution,



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Pete Harrison

## INDEX OF AUTHORITIES

26780

### A. Decisions and Motions

1. *Prosecutor v. Sesay et al.*, SCSL-04-15-T-723, "Application for Leave to Appeal 2nd March 2007 Decision," 5 March 2007.
2. *Prosecutor v. Sesay et al.*, SCSL-04-15-T-718, "Decision on Defence Request for Clarification on Rule 98 Decision," 2 March 2007.
3. *Prosecutor v. Sesay et al.*, SCSL-04-15-T-661, "Sesay Defence Request For Clarification On Rule 98 Decision," 7 November 2006.
4. *Prosecutor v. Norman et al.*, SCSL-04-14-T-669, "Decision on Application by First Accused for leave to Appeal against the Decision on their Motion for Extension of Time to Submit Documents pursuant to Rule 92bis," 18 July 2006.
5. *Prosecutor v. Sesay et al.*, SCSL-04-15-T-357, "Decision On Defence Applications For Leave To Appeal Ruling Of the 3rd February 2005 On The Exclusion Of Statements Of Witness TF1-141," 28 April 2005.
6. *Prosecutor v. Sesay et al.*, SCSL-04-15-T-362, "Decision on Application by Second Accused for Leave for Interlocutory Appeal Against the Majority Decision of The Trial Chamber of 9th December 2004 on the Motion on Issues of Urgent Concern to the Accused Morris Kallon," 2 May 2005.
7. *Prosecutor v. Norman et al.*, SCSL-04-14-T-170, "Majority Decision on the Prosecution's Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution's Request for Leave to Amend the Indictment Against Norman, Fofana and Kondewa," 2 August 2004.
8. *Prosecutor v. Sesay et al.*, SCSL-2004-15-PT-014, "Decision on Prosecution's Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution Motions for Joinder," 13 February 2004.
9. *Prosecutor v. Norman et al.*, SCSL-04-14-T-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.
10. *Prosecutor v. Norman et al.*, SCSL-04-14-T-643, "Decision on Motions by the First and Second Accused for Leave to Appeal The Chamber's Decision on Their Motions for the Issuance of a Subpoena to the President of the Republic of Sierra Leone," 28 June 2006.
11. *Prosecutor v. Sesay et al.*, SCSL-04-15-T-401, "Decision on Application for Leave to Appeal The Ruling (2nd May 2005) On Sesay-Motion Seeking Disclosure Of The Relationship Between Governmental Agencies of The United States of America And The Office of The Prosecutor," 15 June 2005.
12. *Prosecutor v. Brima et al.*, SCSL-04-16-T-583, "Decision on Confidential Motion to Vary Protective Measures," Trial Chamber, 15 November 2006.

13. *Prosecutor v. Sesay et al.*, SCSL-04-15-T-664, “Public Prosecution Response to Sesay Defence Request for Clarification on Rule 98 Decision,” 13 November 2006.

14. *Prosecutor v. Nikolić*, IT-02-60/1-A, “Decision on Appellant’s Urgent Motion for Reconsideration of Decision on Second Defence Motion to Enlarge Time for Filing of Replies Dated 1 April 2005,” 6 April 2005.

<http://www.un.org/icty/mnikolic/appeal/decision-e/050406.htm>

15. *Prosecutor v. Blagojević and Jokić*, IT-02-60-T, “Decision on Prosecution’s Motion for Clarification of Oral Decision Regarding Admissibility of Accused’s Statement,” 18 September 2003.

<http://www.un.org/icty/blagojevic/trialc/decision-e/030918.htm>

16. *Prosecutor v. Blaskić*, IT-95-14-A, “Decision on Prosecution’s Preliminary Response and Motion for Clarification Regarding Decision on Joint Motion of Hadzihasanovic, Alagic and Kubura of 24 January 2003,” 23 May 2003.

<http://www.un.org/icty/blaskic/appeal/decision-e/030523.htm>

17. *Prosecutor v. Blaskić*, IT-95-14-A, “Decision on Prosecution’s Motion for Clarification of the Appeals Chamber’s Decision Dated 4 December 2002 on Pasko Ljubicić’s Motion for Access to Confidential Material, Transcripts and Exhibits in the Blaskić Case,” 8 March 2004.

<http://www.un.org/icty/blaskic/appeal/decision-e/040308.htm>

## **B. Trial Transcripts**

1. *Prosecutor v. Sesay et al.*, SCSL-04-15-T, Trial Transcript, October 25th 2006, (Rule 98 Decision).

## **C. Statutes and Rules of Procedure and Evidence**

1. Article 21 of the Statute of the Special Court for Sierra Leone.

2. Rules 73(B), 120 and 121 of the Rules of Procedure and Evidence of the Special Court as amended on 7 March 2003.