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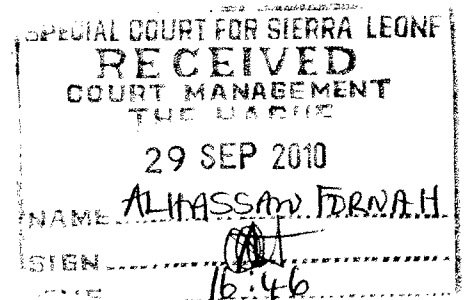
**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR**

TRIAL CHAMBER II

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

Registrar: Ms. Binta Mansaray

Date filed: 29 September 2010



THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PUBLIC

**PROSECUTION RESPONSE TO DEFENCE MOTION TO EXCLUDE EVIDENCE FALLING OUTSIDE
THE SCOPE OF THE INDICTMENT AND/OR THE JURISDICTION OF THE SPECIAL COURT FOR
SIERRA LEONE**

Office of the Prosecutor:

Ms. Brenda J. Hollis
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I. INTRODUCTION

1. The “Public Defence Motion to Exclude Evidence Falling Outside the Scope of the Indictment and/or the Jurisdiction of the Special Court for Sierra Leone”¹ should be dismissed’. The Motion is, at least in part, *res judicata*, and is otherwise:
 - (i) untimely;
 - (ii) insufficiently specific; and
 - (iii) contrary to the accepted international jurisprudence.

II. MOTION IS INCOMPETENT REQUEST FOR RECONSIDERATION, UNTIMELY & INSUFFICIENTLY SPECIFIC

Motion is in part an incompetent request for reconsideration

2. The Defence “Motion” is, at least in part, tantamount to an application for re-consideration. During the Prosecution case, the Defence made several timely objections to the admissibility of evidence on grounds similar to those in the Motion² and the Trial Chamber ruled upon the same. Therefore, as far as these objections have already been overruled, this Motion is an attempt by the Defence to re-argue and is, in effect, a request for an out of time reconsideration. The Defence advances no argument as to why these prior rulings should be reconsidered and thus the offending parts of the Motion should be dismissed.

Objections are untimely & ability to conduct defence has not been materially impaired

3. As regards those instances where the Defence failed to object to the type of evidence

¹ *Prosecutor v. Taylor*, SCSL-03-01-T-1086, Public Defence Motion to Exclude Evidence Falling Outside the Scope of the Indictment and/or the Jurisdiction of the Special Court for Sierra Leone, 24 September 2010 (“**Motion**”).

² The Prosecution notes that the Defence have made objections similar to those in the Motion which were overruled on 18 April 2008, pp. 8054-55; 21 April 2008, pp. 8077-80; 7 May 2008, pp. 9148-49; 10 July 2008, pp. 13471-72. Similar objections were also made in the following filings but the resulting decisions did not exclude the evidence challenged by the Defence: *Prosecutor v. Taylor*, SCSL-03-01-T-579, Public with Confidential Annex A Defence Objection to “Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Kono District – TF1-218 & TF1-304”, 9 September 2008, paras. 4(a) & 19; *Prosecutor v. Taylor*, SCSL-03-01-T-589, Public with Confidential Annex A Defence Objection to “Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Kono District” and Other Ancillary Relief, 12 September 2008, paras. 5(a) & 20; *Prosecutor v. Taylor*, SCSL-03-01-T-597, Public with Confidential Annex A Defence Objection to “Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Freetown & Western Area – TF1-023 & TF1-029” and Other Ancillary Relief, 17 September 2008, paras. 5(a), & 21-22; *Prosecutor v. Taylor*, SCSL-03-01-T-598, Public with Confidential Annex A Defence Objection to “Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Kono District – TF1-195, TF1-197, TF1-198 & TF1-206” and Other Ancillary Relief, 17 September 2008, paras. 5(a) & 21; *Prosecutor v. Taylor*, SCSL-03-01-T-626, Public with Confidential Annex A Defence Objection to “Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Freetown & Western Area – TF1-098, TF1-104, TF1-227” and Other Ancillary Relief, 8 October 2008, paras. 5(b) & 20-21. This list is not intended to be exhaustive.

challenged at the point of its presentation, the objections now raised in the Motion are untimely and the Trial Chamber ought to refuse to consider the Motion on this basis.

4. A general requirement of pleading is that objections should be made in a timely manner. However, the Motion seeks to exclude evidence led in the Prosecution case which closed some 19 months ago. Where an objection is untimely, the burden of proof shifts from the Prosecution to the Defence to demonstrate whether the accused's ability to defend himself has been materially impaired.³ In such a situation, the Trial Chamber must consider whether the Defence has provided a reasonable explanation for its failure to raise the objection earlier in the trial.⁴ The Defence has failed to provide such an explanation and to demonstrate impairment.
5. In so far as any of the objections raised by the Defence have not previously been subject to a ruling by the Trial Chamber;⁵ such objections have not been made at the earliest opportunity. The Defence argument that "it proved impractical ... to raise the same objection at every turn"⁶ does not reasonably explain the 19 month delay. If the Defence was unable to object at the time of evidence presentation (which it has not shown), the alternative recourse is to "file a **timely** motion to strike the evidence."⁷ Such a timely motion would have been before the close of the Prosecution case, not at the end of the Defence case.
6. The admission of the now contested evidence has not materially impaired the Accused's ability to defend himself. This is evidenced by the fact that the Defence chose *to lead evidence to challenge* the now contested Prosecution evidence during its 14 month long case rather than to file a timely motion to exclude or limit such evidence.⁸ Thus, the Defence approach was to confront the evidence by attempting to counter it with other evidence. The Defence cannot now claim that its tactical choice, to confront rather than to

³ *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 ("**Bagosora - Aloys Ntabakuze Decision**"), paras. 44-46. This decision considered objections based on lack of notice but it is submitted that the principles set out therein can be applied to untimely objections generally. The Defence also relies on ICTR case law dealing with objections based on lack of notice (see Motion, para. 5 and case law referred to in the corresponding footnotes).

⁴ *Bagosora - Aloys Ntabakuze Decision*, paras. 44-46.

⁵ See footnote 2 above.

⁶ Motion, para. 6.

⁷ *Bagosora - Aloys Ntabakuze Decision*, para. 42.

⁸ Motion, para. 27.

object, has materially impaired the Accused's ability to defend himself. Indeed, the Defence failure to act in a timely manner and its subsequent actions lead to the inevitable conclusion that the Motion is motivated by a change of tactics rather than a genuine need for relief.

7. Further evidence that the Motion is untimely and that the Accused's ability to defend himself has not been materially impaired is the fact that the Defence has been on notice since the outset of this trial that the Prosecution would seek to lead evidence which falls outside the temporal and geographic scope of the Indictment and evidence of crimes committed outside Sierra Leone.⁹

Objections are insufficiently specific

8. The Motion should also be dismissed on the basis that the Defence objections are insufficiently specific. The Defence fail to pinpoint exactly which portions of evidence are to be excluded or limited.¹⁰ Such specificity is particularly necessary where similar objections have already been made and overruled. If no distinction is made between objections which have and have not been ruled upon, there can be no determination of what difference, if any, exists which would warrant granting the relief requested contrary to the prior adverse rulings.
9. Specificity is also required in order to be able to undertake the case by case analysis which is required in respect of objections of this kind.¹¹

III. EVIDENCE OUTSIDE THE SCOPE OF THE COURT'S JURISDICTION AND/OR INDICTMENT IS ADMISSIBLE FOR A WIDE VARIETY OF PURPOSES

⁹ Notice was provided via disclosure of witness statements and via the witness summaries filed under Rule 73bis(B)(iv)(b), see *Prosecutor v. Taylor*, SCSL-03-01-PT-218, Public Rule 73bis Pre-Trial Conference Materials Pre-Trial Brief, 4 April 2007. The Prosecution is also aware of and has discharged its disclosure obligation under Rule 93(B). Note the witness summaries indicated where it was anticipated that a witness might provide Rule 93 evidence.

¹⁰ *Bagosora - Aloys Ntabakuze* Decision, para. 46. The ICTR Appeals Chamber noted in regard to objections based on lack of notice that they should be specific and timely. This requirement is equally applicable to objections generally and not just those based on lack of notice.

¹¹ See *Prosecutor v. Milutinović et al.*, IT-05-87-T, Decision on Evidence Tendered through Witness K82, 3 October 2006, para. 12. The ICTY Trial Chamber observed that "whether a Chamber should admit or refuse the evidence depends upon the circumstances of a particular case. It is difficult to distil from any of these specific cases a general jurisprudential principle that can apply across the board to all other cases." The Chamber then cited with approval the ICTR Trial Chamber's statement that "[r]elevance, probative value and even prejudice are all relational concepts" (*Prosecutor v. Bagosora et al.*, ICTR-98-41-T, Decision on Admissibility of Proposed Testimony of Witness DBY, 18 September 2003, para. 18).

10. Should the Trial Chamber be minded to consider the merits of the Motion despite the above objections, the Motion should be dismissed as the jurisprudence very clearly establishes that evidence outside the scope of the Court's jurisdiction and/or the relevant indictment may be admitted for multiple purposes. Notably, the Defence fail to direct the Trial Chamber to the relevant jurisprudence on these issues in their Motion.¹²

Challenged evidence is relevant

11. The general criticism which the Defence appears to make, that the challenged evidence led by the Prosecution is irrelevant,¹³ is inconsistent with the jurisprudence of the international courts. It is trite law that an accused cannot be held criminally liable for criminal conduct which took place outside the temporal and/or geographic scope of the Court's jurisdiction and/or the relevant indictment.¹⁴ However, the jurisprudence of this Court and the international tribunals also establishes very clearly that such evidence may be admitted and relied upon by a Trial Chamber for multiple other purposes.

12. Evidence from outside the temporal and/or geographic scope of the Court's jurisdiction and/or the relevant indictment may be admitted to:

- (i) provide the context in which the offences are said to have been committed;¹⁵
- (ii) prove the existence of a joint criminal enterprise, command and control, *de facto* authority over a subordinate, and the *mens rea* of the Accused;¹⁶
- (iii) establish by inference the elements (in particular, criminal intent) of criminal

¹² Motion, para. 11.

¹³ Motion, paras. 4 & 16.

¹⁴ At the Special Court, this general principle has been acknowledged, *inter alia*, in *Prosecutor v. Brima et al.*, SCSL-04-16-T, Judgement, 20 June 2007, paras. 37-38 ("**AFRC Trial Judgement**") and *Prosecutor v. Sesay et al.*, SCSL-04-15-T-1186, Decision on Kallon Motion to Exclude Evidence Outside the Scope of the Indictment, 26 June 2008, para. 12.

¹⁵ See for example *Prosecutor v. Fofana et al.*, SCSL-04-14-T, Judgement, 2 August 2007, paras. 60-64. Trial Chamber I used evidence relating to events occurring prior to the temporal jurisdiction of this Court to establish the background of one of the accused, and in particular to show: (i) the origin of the Kamajor Society; (ii) its relationship to the CDF; and (iii) one of the accused's ascendancy within it. See also *Prosecutor v. Gotovina et al.*, IT-06-90-T, Decision on Defendant Ante Gotovina's Motion for Admission of Evidence of One Witness Pursuant to Rule 92bis, 16 September 2009, para. 6. The ICTY Trial Chamber allowed a witness statement whose content related in large parts to matters outside the temporal and geographical scope of the indictment, holding that it provided historical, political, and military background that was relevant for understanding the events mentioned in the indictment and the specific context leading to the commission of the crimes included therein. Note it is on this basis that some of the evidence of atrocities committed in Liberia has been led and admitted (contra Motion, para. 18).

¹⁶ *Prosecutor v. Sesay et al.*, SCSL-04-15-T, Judgement, 2 March 2009 ("**RUF Trial Judgement**"), para. 482. Note it is on this basis that some of the evidence of atrocities committed in Liberia has been led and admitted (contra Motion, para. 18).

conduct occurring during the Court's jurisdiction;¹⁷

- (iv) demonstrate a deliberate or consistent pattern of conduct, which can then be relied upon to establish specific offences, including a campaign of terror, and/or modes of liability charged in an indictment;¹⁸ and/or
- (v) prove the chapeau requirements of Articles 2, 3, and 4 of the Statute.¹⁹

Volume of "contextual" evidence and volume of evidence outside the scope of the Indictment are not grounds for exclusion

13. The second general Defence argument is that the mass of "contextual" evidence in this case means there is a danger that it will serve as a basis for conviction.²⁰ This argument implies that this Chamber, comprised of professional judges, will be unable to apply the well established basis of evidence admission identified above.²¹ The perceived risk is unfounded as these principles have been consistently and carefully applied in this Court and the other international courts. As Judge Shahabuddeen, in his Separate Opinion, states:

"the genocide of 1994 did not come out of the blue; it was not a disembowelled affair. Nor was it of limited range. It is not comprehensible without reaching back into the past. The need to demonstrate the course of development has to be measured

¹⁷ *Prosecutor v. Nahimana*, ICTR-99-52-A, Appeal Judgment, 28 November 2007 ("**Nahimana Appeal Judgment**"), para. 315. Note it is on this basis that some of the evidence of atrocities committed in Liberia has been led and admitted (contra Motion, para. 18).

¹⁸ See the following examples: *Nahimana* Appeal Judgment, para. 315; *Prosecutor v. Kvočka et al.*, IT-98-30/1-A, Judgement, 28 February 2005, para. 71 (the ICTY Appeals Chamber found that the Trial Chamber had not erred in using evidence relating to unscheduled incidents as corroborating evidence of a consistent pattern of conduct pursuant to Rule 93 of the Rules); *Prosecutor v. Galić*, IT-98-29-A, Judgement, 30 November 2006, para. 219 (in this case involving a campaign of terror against the civilian population the Appeals Chamber found that the Trial Chamber had properly used evidence of pre-indictment crimes regarding unscheduled incidents and the general situation in Sarajevo to support conclusions on the existence of a pattern of conduct: the campaign of shelling and sniping attacks against civilians); and RUF Trial Judgement, para. 1745 (in the RUF Case Trial Chamber I relied on evidence from prior to the start of the Court's temporal jurisdiction to conclude that there was a consistent pattern of conduct by the RUF of recruiting and training children for military purposes, which pattern was sufficient to put the perpetrators on notice of the likelihood that the persons being used by them in hostilities were under 15). See further in the present proceedings where the Prosecution was permitted pursuant to Rule 93 (A) to question a witness in relation to the order allegedly given by the Accused to execute NPFL commander Oliver Varney in Liberia between 1991 and 1992. This Trial Chamber accepted the Prosecution's argument that the line of questioning was aimed at showing the Accused's practice of continually executing commanders as part of a pattern of maintaining control over the organisations that he controlled, including those in Sierra Leone such as the RUF, by means of terror (Trial Transcript, 5 November 2008, pp. 19798-19800). See also *Prosecutor v. Nahimana*, ICTR-99-52-T, Judgement, 3 December 2003, para. 103 (the Trial Chamber considered that with regard to the commission of crimes in 1994, such pre-1994 material may constitute evidence of the intent of the Accused or a pattern of conduct by the Accused, or background in reviewing and understanding the general manner in which the Accused related to the media at issue). Note it is on this basis that some of the evidence of atrocities committed in Liberia has been led (contra Motion, para. 18).

¹⁹ AFRC Trial Judgement, paras. 37-38; and RUF Trial Judgement, para. 482.

²⁰ Motion, para. 14.

²¹ See the list of basis set out in paragraph 12 above.

against the characteristics of the case.

[...]

If the demonstration of the course of development relating to the charges advanced in the indictment involves the presentation of evidence of the commission of other crimes by the accused, **professional judges would know how to treat that evidence** [...] It is not right to press too far the notion that their professionalism entirely distinguishes judges from jurors as triers of fact; but that there is some difference is not deniable. **The difference is pertinent to the capacity of professional judges to consider evidence of prior crime without unfairness to the accused.**²²

14. The third general Defence criticism based on the volume of evidence outside the scope of the Indictment admitted in this case²³ is also not a ground for exclusion. Under Rule 87(A), the Prosecution bears the burden of proof. As indicated above, the evidence complained of is relevant to a multitude of issues which this Trial Chamber must decide, and to many elements which the Prosecution must prove.²⁴ Mechanisms exist for focusing the issues in dispute between parties, thus reducing the volume of evidence which must be led to discharge the proof burden and provide the requisite context. One such mechanism is agreed facts. However, despite Defence statements to the contrary,²⁵ very few facts have been agreed and most matters in the indictment are in dispute including the crime base. In the absence of any real attempt to narrow the issues in dispute, the Prosecution was required to lead all the evidence in its case in order to discharge its burden of proof and provide the necessary context.

Evidence falling outside temporal scope of the Indictment: joint criminal enterprise - admissible for a variety of purposes

15. The Defence cites no authority in support of its arguments under this heading.²⁶ Indeed, in addition to the various bases for admission listed in paragraph 12 above, guidance from the ICTY's jurisprudence indicates that a Trial Chamber is entitled to admit and rely on evidence from outside the temporal jurisdiction of the Tribunal to establish an accused's

²² *Prosecutor v. Ngeze & Nahimana*, ICTR-99-52-A, Decision on the Interlocutory Appeals – Separate Opinion of Judge Shahabuddeen, 5 September 2000, paras. 23 & 24 (emphasis added).

²³ Motion, para. 15.

²⁴ See the Prosecutor's comments in this regard at Trial Transcript, 7 May 2008, pp. 9148-49.

²⁵ See for example Lead Defence Counsel's comments during the Defence opening statement: "Consequently, we said this case should not have been about what in fact happened in Sierra Leone; there was no issue about that. It should solely have been about who bore the greatest responsibility ... We consequently do not and never have taken issue with the fact that terrible things, atrocities, were committed in Sierra Leone. We've never done that. We still cannot therefore understand why more than half of the witnesses called were so-called crime base witnesses to prove a fact not in dispute" (Trial Transcript, 13 July 2009, pp. 24295-96).

²⁶ Motion, paras. 16 & 17.

early contacts with other members of a joint criminal enterprise.²⁷

Evidence falling outside temporal scope of the Indictment: evidence of atrocities in Liberia - admissible for a variety of purposes

16. For the reasons discussed above, the evidence of atrocities in Liberia has been legitimately led and admitted in this Trial.²⁸

Evidence falling outside the geographical scope of the Indictment: "evidence which could fall inside scope of indictment but which does not" - admissible for a variety of purposes

17. The Defence argues that some of the elements which the Prosecution requires to prove can be adduced from the crimes and locations already charged in the indictment.²⁹ This assessment, however, does not mean that such evidence will be considered sufficient. As long as the evidence is relevant and not unduly cumulative, the Prosecution is entitled to lead the evidence it believes is necessary to discharge its burden of proof.³⁰ Furthermore, evidence from outside the geographic scope of the Indictment is relevant not only for all the purposes discussed above and to establish the existence of a widespread or systematic attack but also to establish that the charged acts were part of the attack against the civilian population and to provide evidence of the Accused's *mens rea*. The evidence is also relevant to the various introductory paragraphs of the Counts in the Indictment. For example Count 1 refers to a "campaign to terrorise the civilian population of the republic of Sierra Leone" and Counts 2 and 3 refer to the unlawful killing of an unknown number of civilians "throughout Sierra Leone."³¹

Evidence falling outside the geographic scope of the Indictment: evidence potentially falling outside the jurisdiction of the Special Court - admissible for a variety of purposes

18. The Defence objection to the admission of the evidence of crimes committed outside the geographic scope of the Court's jurisdiction is so broad it is difficult for the Prosecution to address,³² save to state that such evidence has been led and admitted for one or more of the purposes identified in paragraph 12 above. However, the Defence does specifically

²⁷ *Prosecutor v. Martić*, IT-95-11-T, Judgement, 12 June 2007, para 448.

²⁸ Motion, para. 18. See in particular paragraph 12 above.

²⁹ Motion, para. 21.

³⁰ In this regard, the arguments made in para.12 above apply.

³¹ *Prosecution v. Taylor*, SCSL-03-01-PT-263, Prosecution's Second Amended Indictment, 29 May 2007, paras. 5 & 9. Note contra the Defence argument that certain locations should have been specifically charged in the Indictment (Motion, paras. 19-22) it is on this basis as well as those listed in paragraph 13 that evidence from outside the geographic scope of the Indictment has been led and admitted.

³² Motion, paras. 24-26.

mention evidence admitted under Rule 93 and in this regard the Prosecution notes there is nothing in this Rule which requires that such evidence be limited to acts or conduct occurring in the territory over which this Court has jurisdiction.


Concomitant Result

19. The Defence untimely and unfounded request for relief has even more extensive implications. A concomitant result if the Defence request is successful is the exclusion or limitation of the equivalent Defence evidence, which, according to the Defence, was led only to meet the now contested Prosecution evidence.³³

IV. CONCLUSION

20. As argued above, the Motion is fatally flawed on various grounds and accordingly should be dismissed.

Filed in The Hague,
29 September 2010,
For the Prosecution,



Brenda J. Hollis,
The Prosecutor

³³ Contra the claim made by the Defence (Motion, para. 27).

INDEX OF AUTHORITIES

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

Trial Transcripts

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 18 April 2008

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 21 April 2008

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 7 May 2008

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 10 July 2008

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 5 November 2008

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 13 July 2009

Decisions

Prosecutor v. Taylor, SCSL-03-01-PT-218, Public Rule 73bis Pre-Trial Conference Materials Pre-Trial Brief, 4 April 2007

Prosecution v. Taylor, SCSL-03-01-PT-263, Prosecution's Second Amended Indictment, 29 May 2007

*Prosecutor v. Taylor, SCSL-03-01-T-579, Public with Confidential Annex A Defence Objection to "Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Kono District – TF1-218 & TF1-304", 9 September 2008*

*Prosecutor v. Taylor, SCSL-03-01-T-589, Public with Confidential Annex A Defence Objection to "Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Kono District" and Other Ancillary Relief, 12 September 2008*

*Prosecutor v. Taylor, SCSL-03-01-T-597, Public with Confidential Annex A Defence Objection to "Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Freetown & Western Area – TF1-023 & TF1-029" and Other Ancillary Relief, 17 September 2008*

*Prosecutor v. Taylor, SCSL-03-01-T-598, Public with Confidential Annex A Defence Objection to "Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Kono District – TF1-195, TF1-197, TF1-198 & TF1-206" and Other Ancillary Relief, 17 September 2008*

*Prosecutor v. Taylor, SCSL-03-01-T-626, Public with Confidential Annex A Defence Objection to "Prosecution Notice Under Rule 92bis for the Admission of Evidence related to *inter alia* Freetown & Western Area – TF1-098, TF1-104, TF1-227" and Other Ancillary Relief, 8 October*

2008

Prosecutor v. Taylor, SCSL-03-01-T-1086, Public Defence Motion to Exclude Evidence Falling Outside the Scope of the Indictment and/or the Jurisdiction of the Special Court for Sierra Leone, 24 September 2010

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

Prosecutor v. Fofana et al., SCSL-04-14-T, Judgement, 2 August 2007

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

Prosecutor v. Sesay et al., SCSL-04-15-T-1186, Decision on Kallon Motion to Exclude Evidence Outside the Scope of the Indictment, 26 June 2008

Prosecutor v. Sesay et al., SCSL-04-15-T, Judgement, 2 March 2009

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

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

ICTR

Prosecutor v. Ngeze & Nahimana, ICTR-99-52-A, Decision on the Interlocutory Appeals – Separate Opinion of Judge Shahabuddeen, 5 September 2000
<http://www.ictrcaselaw.org/docs/doc59310.pdf>

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://www.unict.org/Portals/0/Case/English/Bagosora/Trail%20and%20Appeal/180906.pdf>

Prosecutor v. Bagosora et al., ICTR-98-41-T, Decision on Admissibility of Proposed Testimony of Witness DBY, 18 September 2003
<http://www.unict.org/Portals/0/Case/English/Bagosora/Trail%20and%20Appeal/180903.pdf>

Prosecutor v. Nahimana, ICTR-99-52-T, Judgement, 3 December 2003
<http://www.unict.org/Portals/0/Case/English/Nahimana/judgement/Judg&sent.pdf>

Prosecutor v. Nahimana, ICTR-99-52-A, Appeal Judgment, 28 November 2007
http://www.unict.org/Portals/0/Case/English/Nahimana/decisions/071128_judgement.pdf

ICTY

Prosecutor v. Kvočka et al., IT-98-30/1-A, Judgement, 28 February 2005

<http://www.icty.org/x/cases/kvočka/acjug/en/kvo-aj050228e.pdf>

Prosecutor v. Milutinović et al., IT-05-87-T, Decision on Evidence Tendered through Witness K82, 3 October 2006

<http://www.icty.org/x/cases/milutinovic/tdec/en/061003.pdf>

Prosecutor v. Galić, IT-98-29-A, Judgement, 30 November 2006

<http://www.icty.org/x/cases/galic/acjug/en/gal-acjud061130.pdf>

Prosecutor v. Martić, IT-95-11-T, Judgement, 12 June 2007

<http://www.icty.org/x/cases/martic/tjug/en/070612.pdf>

Prosecutor v. Gotovina et al., IT-06-90-T, Decision on Defendant Ante Gotovina's Motion for Admission of Evidence of One Witness Pursuant to Rule 92bis, 16 September 2009

<http://www.icty.org/x/cases/gotovina/tdec/en/090916.pdf>