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SCSL-03-01-T
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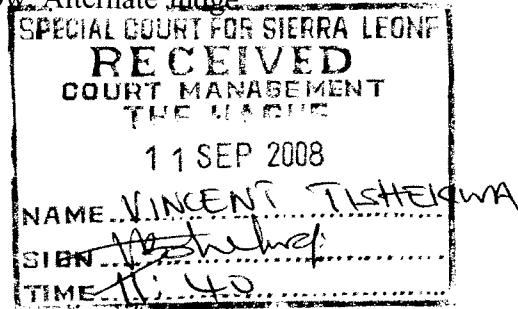
19441

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

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

Registrar: Mr. Herman von Hebel

Date filed: 11 September 2008



THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

PUBLIC WITH CONFIDENTIAL ANNEXES A TO G

**PROSECUTION NOTICE UNDER RULE 92bis FOR THE ADMISSION OF EVIDENCE RELATED
TO *INTER ALIA* KONO DISTRICT – TF1-195, TF1-197, TF1-198 & TF1-206**

Office of the Prosecutor:

Ms. Brenda J. Hollis
Ms. Leigh Lawrie

Counsel for the Accused:

Mr. Courtenay Griffiths Q.C.
Mr. Andrew Cayley
Mr. Terry Munyard
Mr. Morris Anyah

I. INTRODUCTION

1. The Prosecution submits this filing under Rules 73, 89(C) and 92*bis* of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (“**Rules**”).
2. The Prosecution gives notice under Rule 92*bis* of its intention to seek admission of the prior trial transcripts and exhibits which relate to the testimony of TF1-195, TF1-197, TF1-198 and TF1-206 in other proceedings before the Special Court for Sierra Leone (“**SCSL**”)¹ and statements of TF1-198 and TF1-206.
3. The material which is the subject of this filing is relevant to the crimes charged in the Second Amended Indictment² and committed predominantly in the Kono District of Sierra Leone.

II. APPLICABLE LAW

4. Rule 89 sets out the basic principles to be applied by the Court in relation to the admission of evidence. Rule 89(B) provides that the Chamber: “... shall apply rules of evidence which will best favour a fair determination of the matter before it and are consonant with the spirit of the Statute and the general principles of law”. Further, Rule 89(C) provides the Chamber with the discretion to admit relevant evidence.
5. Rule 92*bis* of the Rules provides that:
 - (A) In addition to the provisions of Rule 92*ter*, a Chamber may, in lieu of oral testimony, admit as evidence, in whole or in part, information including written statements and transcripts, that do not go to proof of the acts and conduct of the accused.
 - (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purpose for which it is submitted and if its reliability is susceptible of confirmation.
 - (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.
6. Rule 89 constitutes the basic rule regulating the admission of evidence which

¹ TF1-195 testified in *Prosecutor v. Sesay et al* (SCSL-04-15-T) (“**RUF trial**”) on 1 February 2005; TF1-197 testified in the RUF trial on 21 and 22 October 2004; TF1-198 testified in *Prosecutor v. Brima et al.*, (SCSL-04-16-T) (“**AFRC trial**”) on 28 June 2005; and TF1-206 testified in the AFRC trial on 28 and 29 June 2005. The Prosecution has identified the portions of the prior testimonies of these witnesses and the related exhibits which it seeks to admit via this notice and these portions and exhibits are provided in the **Annexes** hereto.

² *Prosecutor v. Taylor*, SCSL-03-01-T-263, “Prosecution’s Second Amended Indictment”, 29 May 2007.

applies in addition to the more specific provisions contained in Rule 92bis.³ Rule 89(C) only requires that evidence be *relevant* to be admissible. There is no requirement that the evidence be both relevant and probative.⁴

7. The procedural requirements of Rule 92bis must be met by the party seeking admission of a transcript or statement *in lieu of oral testimony*, in addition to the requirements of Rule 89. Accordingly, for witness specific material to be admitted pursuant to Rules 89(C) and 92bis, the evidence must not go to proof of the acts and conduct of the accused, must be relevant and its reliability susceptible of confirmation. Rule 92bis does not otherwise limit the evidence which might be admitted under it.

III. BACKGROUND

8. On 4 April 2007, the Prosecution filed its Rule 73bis Pre-Trial Conference Materials.⁵ As part of these materials, the Prosecution filed a witness list (“**Witness List**”) and, in the introductory pages to the Witness List, advised the Court that it might seek to present the evidence of some witnesses through the admission of prior testimony under Rule 92bis. The protected witnesses TF1-195, TF1-197, TF1-198 and TF1-206 were included on the Witness List and identified as being such witnesses.⁶
9. TF1-195 testified in the RUF trial on 1 February 2005. The witness’ testimony, both examination-in-chief and cross-examination, was conducted in less than a day.⁷ The prior trial transcript of TF1-195 was disclosed in redacted format to the Defence on 17 May 2006 and in unredacted format on 2 July 2008. This witness’

³ *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.4, “Decision on Interlocutory Appeal on the Admissibility of Evidence-In-Chief in the Form of Written Statements”, 30 September 2003, paras 9-10.

⁴ *Prosecutor v. Brima et al.*, SCSL-04-16-T-280, “Decision on Joint Defence Motion to Exclude all Evidence from Witness TF1-277 Pursuant to Rule 89(C) and/or Rule 95”, 24 May 2005, para. 13.

⁵ *Prosecutor v. Taylor*, SCSL-03-01-PT-218, “Public Rule 73bis Pre-Trial Conference Materials”, 4 April 2007 (“**Pre-Trial Conference Materials**”).

⁶ The protective measures decision applicable is the decision given in the RUF trial, *Prosecutor v. Sesay et al.*, SCSL-05-15-T-180, “Decision on Prosecution Motion for Modification of Protective Measures for Witnesses”, 5 July 2004. Pursuant to this decision, TF1-195 and TF1-198 both testified as Category 1A witnesses (screen + pseudonym + voice distortion) and TF1-197 and TF1-206 testified as Category 1.

⁷ No exhibits were admitted through this witness.

prior transcript is provided in confidential **Annex A**.⁸ The Prosecution notes that pursuant to a ruling of Trial Chamber I certain portions of TF1-195's testimony were excluded and will not be given any consideration by Trial Chamber I as part of the Prosecution case in the RUF trial.⁹ This ruling was made following an objection by Defence Counsel that the portions of the witness' testimony at issue were new and had not been disclosed to the Defence. However, full and timely disclosure of TF1-195's evidence has been made in the current proceedings.

10. TF1-197 testified in the RUF trial on 21 and 22 October 2004. This witness' testimony consisted of approximately four and half hours of direct examination and approximately one hour of cross-examination.¹⁰ The prior trial transcripts of TF1-197 were disclosed in redacted format to the Defence on 17 May 2006 and in unredacted format on 2 July 2008. This witness' prior transcript is provided in confidential **Annex B**.¹¹
11. TF1-198 testified in the AFRC trial on 28 June 2005. This witness' testimony consisted of approximately three-quarters of an hour of direct examination and approximately three hours of cross-examination. Two exhibits – D7 and D7.1 - were admitted through this witness under seal. The prior trial transcript of TF1-198 was disclosed in redacted format to the Defence on 17 May 2006 and in unredacted format on 2 July 2008. This witness' prior transcript is provided in confidential **Annex C**¹² and the confidential exhibits in **Annex D**.¹³
12. Subsequent to her testimony, TF1-198 provided a statement concerning the impact the crimes have had on her life. This statement dated 20 March 2007 was adopted by the witness on 5 September 2008 and is provided in confidential

⁸ Pursuant to the witness' protected status, the public version of the transcript of TF1-195's testimony published on the Special Court's website contains redactions made by WVS. As the unredacted version of the transcript is provided in **Annex A**, this Annex is filed on a confidential basis.

⁹ *Prosecutor v. Sesay et al.*, SCSL-04-15-T-312, "Ruling on Disclosure Regarding Witness TF1-195", 4 February 2005.

¹⁰ No exhibits were admitted through this witness.

¹¹ Pursuant to the witness' protected status, the public version of the transcript of TF1-197's testimony published on the Special Court's website contains redactions made by WVS. As the unredacted version of the transcript is provided in **Annex B**, this Annex is filed on a confidential basis.

¹² Parts of TF1-198's testimony were given in closed session; accordingly **Annex C** is filed on a confidential basis.

¹³ The exhibits are the witness' prior statements and so are filed confidentially.

Annex E.¹⁴ As the witness is illiterate, the statement was read to her in a language she understands before she affixed her thumb print to the adoption. The typed version of the statement was disclosed in redacted format to the Defence on 3 April.¹⁵ Both the handwritten and typed versions of the statement were disclosed in unredacted format on 2 July 2008. The adoption of this statement was disclosed on 9 September 2008.

13. TF1-206 testified in the AFRC trial on 28 and 29 June 2005. This witness' testimony consisted of two hours of examination-in-chief and one hour of cross-examination.¹⁶ The prior trial transcripts of TF1-206 were disclosed in redacted format to the Defence on 17 May 2006 and in unredacted format on 2 July 2008. This witness' prior transcript is provided in confidential **Annex F.**¹⁷

14. Subsequent to his testimony, TF1-206 gave a supplemental statement providing further information on the events dealt with in his testimony and also on the impact of the crimes. This statement dated 4 July 2008 was adopted by the witness on 3 September 2008 and is provided in confidential **Annex G.**¹⁸ Both the handwritten and typed versions of the statement were disclosed in unredacted format on 16 July 2008. The adoption of this statement was disclosed on 9 September 2008.

IV. SUBMISSIONS

15. The jurisprudence of the SCSL clearly establishes that the Rules "favour a flexible approach to the issue of admissibility of evidence."¹⁹ The jurisprudence of the SCSL also supports the view that expedient and fair trials are promoted where sworn testimony before the Court is admitted in a subsequent trial.²⁰ This

¹⁴ The statement is filed confidentially as it refers to the witness' name.
¹⁵ Following the change of Defence Counsel, the statement was disclosed again on 27 June 2007.
¹⁶ No exhibits were tendered through this witness.
¹⁷ Pursuant to the witness' protected status, the public version of the transcript of TF1-197's testimony published on the Special Court's website contains redactions made by WVS. As the unredacted version of the transcript is provided in **Annex F**, this Annex is filed on a confidential basis.
¹⁸ The statement is filed confidentially as it refers to the witness' name.
¹⁹ *Prosecutor v. Sesay et al.*, SCSL-04-15-T-618, "Decision on Prosecution Notice Pursuant to Rule 92bis to Admit Information into Evidence", 2 August 2006, p. 3, quoting with approval *Prosecutor v. Sesay et al.*, SCSL-04-15-T-391, "Ruling on Gbao Application to Exclude Evidence of Prosecution Witness Mr. Koker", 23 May 2005, para. 4.
²⁰ See: *Prosecutor v. Sesay et al.*, SCSL-04-15-T-448, "Decision on the Prosecution Confidential Notice under Rule 92bis to Admit the Transcripts of Testimony of TF1-023, TF1-104 and TF1-169", 9 November

jurisprudence applies the principles enshrined in Article 17 of the SCSL's Statute regarding the Accused's right to a fair and expeditious trial, and the principles underlining Rule 26bis which require that trial proceedings be conducted in a fair and expeditious manner.

The evidence is relevant and Susceptible of Confirmation

16. As required under both Rules 89(C) and 92bis, the evidence of the four witnesses is relevant to the current proceedings as it concerns *inter alia* crimes committed in Kono District during the Indictment period.²¹
17. TF1-195 gives evidence of sexual violence, the abduction and forced labour of civilians and physical violence including amputations occurring in Kono District, all during the Indictment period. TF1-197 gives evidence of terror, unlawful killings, sexual violence and physical violence including amputations occurring in Kono District, all during the Indictment period. TF1-198 gives evidence of sexual violence, the abduction and forced labour of civilians and looting in Kono District, all during the Indictment Period. TF1-206 gives evidence of unlawful killings, sexual violence and physical violence including amputations in Kono District, all during the Indictment period.
18. In addition to specific crime base evidence, the witnesses also provide evidence relevant to the chapeau requirements of the crimes charged in the Second Amended Indictment such as the widespread or systematic nature of the attack, the nexus between the violation or crime and the armed conflict and the civilian status of the victims.
19. As also required under Rule 92bis, the transcripts, exhibits and statements referred to in this notice are susceptible of confirmation. At this stage the Prosecution is not required to prove that the evidence is in fact reliable, only that the reliability of the evidence is susceptible of confirmation.²² The phrase "susceptible of

2005; *Prosecutor v. Sesay et al.*, SCSL-04-15-T-557, "Decision on the Prosecution Notice under Rule 92bis to Admit the Transcripts of Testimony of TF1-256", 23 May 2006; and *Prosecutor v. Sesay et al.*, SCSL-04-15-T-559, "Decision on the Prosecution Notice under Rule 92bis to Admit the Transcripts of Testimony of TF1-334", 23 May 2006.

²¹ See also the summaries of the witnesses' evidence provided as part of the Pre-Trial Conference Materials.

²² *Prosecutor v. Norman et al.*, SCSL-04-14AR73, "Fofana – Decision on Appeal Against 'Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence'", 16 May 2005, para. 27.

confirmation” contained in Rule 92bis (B) has been interpreted by the Appeals Chamber in the CDF trial to mean that the “proof of reliability is not a condition of admission: all that is required is that the information should be capable of corroboration in due course.”²³ This approach was noted with approval by Trial Chamber I in relation to the reception of witness statements into evidence in the RUF trial.²⁴

20. This Trial Chamber in the AFRC trial reiterated that “evidence may be excluded because it is unreliable, but it is not necessary to demonstrate the reliability of the evidence before it is admitted.”²⁵ The Trial Chamber further considered that “reliability of the evidence is something to be considered by the Trial Chamber at the end of the trial when weighing and evaluating the evidence as a whole, in light of the context and nature of the evidence itself, including the credibility and reliability of the relevant evidence.”²⁶

The Rule 92bis evidence does not go to proof of the acts and conduct of the accused

21. The evidence which the witnesses provide on the RUF command structure, the AFRC/RUF command structure and the relationship between the RUF and the AFRC during the Indictment period is all relevant to the chapeau elements of the crimes such as the systematic nature of the attack, as noted in paragraph 18 above, and to several forms of liability alleged by the Prosecution in this case, including the Accused’s participation in a common plan, design or purpose, and his liability based on superior authority for the crimes committed by the AFRC and RUF alliance. In relation to this evidence, it is acknowledged that Rule 92bis specifically

²³ *Ibid*, para. 26, which dicta was recently referred to by this Chamber in *Prosecutor v. Taylor*, SCSL-01-03-T-556, “Decision on Prosecution Notice under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Kenema District And on Prosecution Notice under Rule 92bis for the Admission of the Prior Testimony of TF1-036 into Evidence”, 15 July 2008 (“**Taylor Rule 92bis Decision**”), p. 4.

²⁴ *Prosecutor v. Sesay et al.*, SCSL-04-15-T-1125, “Decision on Sesay Defence Motion and Three Sesay Defence Applications to Admit 23 Witness Statements under Rule 92bis”, 15 May 2009, paras. 29-31.

²⁵ *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92bis”, 18 November 2005, page 2 (last para), citing *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Decision on Joint Defence Application for Leave to Appeal from Decision on Defence Motion to Exclude All Evidence from Witness TF1-277”, 2 August 2005, para. 6.

²⁶ *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92bis”, 18 November 2005, page. 3 (second full paragraph). See also *Prosecutor v. Norman et al.*, SCSL-04-14-T-447, “Decision on Prosecution’s Request to Admit into Evidence Certain Documents Pursuant to Rules 92bis and 89(C)”, 14 July 2005, page 3.

excludes witness statements or transcripts which go to proof of the acts and conduct of the accused.

22. However, as noted by this Trial Chamber in its recent decision on Rule 92bis, “there must be a distinction made between ‘the acts and conduct of those others who commit the crimes for which the Indictment alleges that the accused is individually responsible’ and ‘the acts and conduct of the accused as charged in the Indictment which establish his responsibility for the acts and conduct of others;’ and that only written statements which go to proof of the latter are excluded by Rule 92bis.”²⁷
23. The prior trial transcripts, related exhibits and statements of the four witnesses which the Prosecution seeks to admit under Rule 92bis do not go to proof of the acts and conduct of the Accused as that term is defined and limited by the jurisprudence.

Cross-examination

24. In the recent *Taylor* Rule 92bis Decision, this Chamber noted that it is within its inherent power to order cross-examination where the evidence to be admitted under Rule 92bis: (i) is so “pivotal to the Prosecution’s case and ... the person whose acts and conduct [the evidence] describes is so proximate to the accused”; or (ii) goes to a critical element of the Prosecution’s case.²⁸
25. The Prosecution considers that a further cross-examination of the four witnesses at issue is not required. First, the evidence provided by these witnesses is crime base evidence, evidence which the Defence has indicated on previous occasions it will not seek to challenge.²⁹ The witnesses’ evidence, therefore, does not concern

²⁷ *Taylor* Rule 92bis Decision, p. 4, citing *Prosecutor v. Galić*, IT-98-29-AR73.2, “Decision on Interlocutory Appeal Concerning Rule 92bis (C)”, 7 June 2002, para. 9 and referring to *Prosecutor v. Sesay et al.*, SCSL-04-15-T-1049, “Decision on Defence Application for the Admission of the Witness Statement of DIS-192 Under Rule 92bis, or in the alternative, Under Rule 92ter”, 12 March 2008, p. 2-3.

²⁸ *Taylor* Rule 92bis Decision, p. 4.

²⁹ See Defence Counsel’s statements at the Status Conference held on 20 August 2007: “We further submit that time allowed now will reduce the length of the trial in due course and hence save a great deal of money. I observe in that regard that given the nature of the case and the way in which it appears to us prima facie that the Prosecution have made this allegation against the accused, at first sight we are unable to see the relevance of the crime base witnesses, and it’s an aspect of the case I would like to examine carefully in collaboration with my learned friends both for the Defence and the Prosecution with a view to seeing if we can avoid calling any such witness, save where the evidence of such a witness might impact on other aspects of the case. And of course we will need time in order to examine that. But it seems to us at first blush that none of such evidence really needs to trouble this Court.” (Trial Transcript, 20 August 2007, pages 20-21 (emphasis added)). See also Defence Counsel’s statements on 14 February 2008: “your Honours will recall as long ago as August of last year we outlined the way in which we intended to defend this case and indicated that as far as the crime base witnesses are concerned we didn’t see the need to call

persons who might be considered so proximate to the Accused as to require cross-examination. Secondly, much of the evidence has already been tested by cross-examination by defence counsel in other proceedings.³⁰ Portions of TF1-195's evidence excluded in the RUF trial because of late disclosure and the adopted statements of TF1-198 and TF1-206 have not been so tested. However, this evidence is crime base evidence and does not implicate the Accused in the perpetration of a crime or those who might be considered so proximate to him. Therefore, its admission without cross-examination would not prejudice the Accused.

26. Notwithstanding the foregoing, the Prosecution advises that, should the Chamber order cross-examination of TF1-195, TF1-198 or TF1-206, then the Prosecution will not seek to examine-in-chief these witnesses. The Prosecution has made this determination despite any disadvantage that may occur where it does not elicit during *viva voce* examination-in-chief the mental and physical effect of the crimes on the witnesses and other relevant evidence previously not elicited. In this regard, should further cross examination of these witnesses be allowed, limiting it to matters not previously covered would be efficient and would not impact on the fair trial rights of the Accused.
27. As regards TF1-197, should the Chamber order cross-examination, then the Prosecution will not seek to admit this witness' prior testimony under Rule 92bis. Instead, this witness' direct examination will be given entirely *viva voce*. In determining to present this witness' evidence via Rule 92bis, the Prosecution balanced the potential loss of relevant evidence with the expediency and

any of them to give evidence. We indicated that because, as far as this degree of detail is concerned, it seems to us that we are not in a position to challenge any of it. Now, if this witness were to be naming this accused as being personally present, supervising and ordering this behaviour, then one could see that there was grounds upon which this witness should be called and should be cross-examined. I still fail to see the relevance, particularly as this Tribunal has already heard copious evidence of this nature. So, to what extent does it assist the Court to repeat that experience? Maybe I am missing something here." (Trial Transcript, 14 February 2008, page3857, lines 7-20 (emphasis added)).

³⁰ In this regard, Trial Chamber I has considered this testing of evidence to be a relevant factor to be considered when determining whether to order cross-examination (*Prosecutor v. Sesay et al.*, SCSL-04-15-T-1125, "Decision on Sesay Defence Motion and Three Defence Applications to Admit 23 Witness Statements under Rule 92bis", 15 May 2008, para. 40). Indeed, Trial Chamber I went so far as to find that if evidence *similar* to that being sought to be admitted under Rule 92bis had been given by other witnesses in the proceedings and this *similar* evidence had been subject to cross-examination, then a cross-examination of the *actual* Rule 92bis evidence might *not* be necessary.

efficiency afforded by the Rule and concluded that the loss was outweighed by the expediency offered by the Rule. If the Chamber determines that this witness will be called for cross-examination, then the balance will favor adducing the additional relevant evidence.

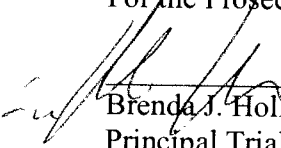
V. NOTICE

28. The Prosecution gives notice of its intention to submit for admission into evidence the parts of the prior trial transcripts relating to the four witnesses provided in **Annexes A, B, C and F**. The Prosecution seeks to admit *parts* only of this testimony into evidence and wishes to exclude those sections which concern: (i) legal argument which had no impact on the evidence of the witness; (ii) trial administrative matters; and (iii) evidence of the acts and conduct of the Accused. Accordingly, portions of the transcripts set out in the aforementioned **Annexes** have been redacted on this basis.³¹
29. The Prosecution gives notice of its intention to submit for admission into evidence the exhibits related to the testimony of TF1-198 provided in **Annex D**.
30. The Prosecution gives notice of its intention to submit for admission into evidence the statements of TF1-198 and TF1-206 provided in **Annexes E and G**.

VI. CONCLUSION

31. The Prosecution hereby gives notice under Rule *92bis* of its intention to seek admission into evidence the material identified in paragraphs 28 to 30.

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



Brenda J. Hollis
Principal Trial Attorney

³¹ This procedure also conforms to the procedure adopted at the ICTR. At the ICTR statements tendered pursuant to Rule *92bis* are reviewed. Where a statement is tendered that includes information that falls within Rule *92bis* and information that falls outside the Rule, the statement is admitted but the paragraphs or information that fall outside the Rule are simply not admitted into evidence. See for example *Prosecutor v. Bagosora et al*, ICTR-98-41-T, “Decision on Prosecutor’s Motion for the Admission of Written Witness Statements Under Rule *92bis*,” 9 March 2004. This procedure has now been adopted at the SCSL – see *Prosecutor v. Sesay et al.*, SCSL-04-15-T-1049, “Decision on Defence Application for the Admission of the Witness Statement of DIS-192 under Rule *92bis* or, in the alternative, under Rule *92ter*”, 12 March 2008.

LIST OF AUTHORITIES

SCSL**Prosecutor v. Taylor, SCSL-2003-01-T**

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

Prosecutor v. Taylor, SCSL-03-01-T-263, “Prosecution’s Second Amended Indictment”, 29 May 2007

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 20 August 2007

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 14 February 2008

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

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

Prosecutor v. Norman et al., SCSL-2004-14AR73, “Fofana – Decision on Appeal Against “Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence”, 16 May 2005

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

Prosecutor v Sesay, Kallon & Gbao, SCSL-2004-15-T

Prosecutor v. Sesay et al., SCSL-05-15-T-180, “Decision on Prosecution Motion for Modification of Protective Measures for Witnesses”, 5 July 2004

Prosecutor v. Sesay et al., SCSL-04-15-T-312, “Ruling on Disclosure Regarding Witness TF1-195”, 4 February 2005

Prosecutor v. Sesay et al., SCSL-04-15-T-391, “Ruling on Gbao Application to Exclude Evidence of Prosecution Witness Mr. Koker”, 23 May 2005

Prosecutor v. Sesay et al., SCSL-04-15-T-448, “Decision on the Prosecution Confidential Notice under Rule 92bis to Admit the Transcripts of Testimony of TF1-023, TF1-104 and TF1-169”, 9 November 2005

Prosecutor v. Sesay et al., SCSL-04-15-T-557, “Decision on the Prosecution Notice under Rule 92bis to Admit the Transcripts of Testimony of TF1-256”, 23 May 2006

Prosecutor v. Sesay et al., SCSL-04-15-T-559, “Decision on the Prosecution Notice under Rule 92bis to Admit the Transcripts of Testimony of TF1-334”, 23 May 2006

Prosecutor v. Sesay et al., SCSL-04-15-T-618, “Decision on Prosecution Notice Pursuant to Rule 92bis to Admit Information into Evidence”, 2 August 2006

Prosecutor v. Sesay et al., SCSL-04-15-T-1049, “Decision on Defence Application for the Admission of the Witness Statement of DIS-192 under Rule 92bis or, in the alternative, under Rule 92ter”, 12 March 2008

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

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

Prosecutor v. Brima et al., SCSL-04-16-T-280, “Decision on Joint Defence Motion to Exclude all Evidence from Witness TF1-277 Pursuant to Rule 89(C) and/or Rule 95”, 24 May 2005

Prosecutor v. Brima et al., SCSL-04-16-T, “Decision on Joint Defence Application for Leave to Appeal from Decision on Defence Motion to Exclude All Evidence from Witness TF1-277”, 2 August 2005

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

ICTY Cases

Prosecutor v. Galić, IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92 bis (C), 7 June 2002 (*Copy provided in previous filing - see SCSL-03-01-T-571*)

Prosecutor v. Slobodan Milošević, Case No. IT-02-54-AR73.4, “Decision on Interlocutory Appeal on the Admissibility of Evidence-In-Chief in the Form of Written Statements”, 30 September 2003

<http://www.un.org/icty/milosevic/appeal/decision-e/030930.htm>

ICTR Cases

Prosecutor v. Bagosora et al., ICTR-98-41-T, “Decision on Prosecutor’s Motion for the Admission of Written Witness Statements Under Rule 92bis,” 9 March 2004

<http://69.94.11.53/ENGLISH/cases/Bagosora/decisions/040309.htm>



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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.

Case Name: **The Prosecutor – v- Charles Ghankay Taylor**

Case Number: **SCSL-03-01-T**

Document Index Number: **586**

Document Date **11 September 2008**

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Number of Pages **290** Numbers from: **19453-19743**

Application

Order

Indictment

Motion

Other

Correspondence

Document Title:

**PUBLIC WITH CONFIDENTIAL ANNEX A TO G – PROSECUTION NOTICE
UNDER RULE 92bis FOR THE ADMISSION OF EVIDENCE RELATED TO INTER
ALIA KONO DISTRICT – TF1-195, TF1-197, TF1-198, AND TF1-206**

Name of Officer:

Vincent Tishekwa

Signed: