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SCSL-03-01-T
(26693-26705)

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SCSL

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TRIAL CHAMBER II

Before:	Justice Richard Lussick, Presiding Justice Teresa Doherty Justice Julia Sebutinde Justice El Hadji Malick Sow, Alternate Judge
Acting Registrar:	Ms. Binta Mansaray
Date filed:	11 January 2010

THE PROSECUTOR **Against** **Charles Ghankay Taylor**

Case No. SCSL-03-01-T

PUBLIC
PROSECUTION RESPONSE TO DEFENCE MOTION FOR LEAVE TO VARY VERSION III OF THE DEFENCE RULE 73TER WITNESS LIST AND SUMMARIES

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I. INTRODUCTION

1. The Prosecution files this Response to the "Defence Motion for Leave to Vary Version III of the Defence Rule 73*ter* Witness List and Summaries" filed on 11 December 2009 ("**Motion to Vary Witness List**" or "**Motion**").[1]
2. In the Motion to Vary Witness List, the Defence requests leave (i) to file Version IV of its witness list and summaries; (ii) to drop 49 witnesses from its witness list when filing Version IV; and (iii) to add 32 new witnesses to Version IV of its witness list.
3. The Prosecution does not object to the removal from the Defence witness list of the 49 proposed witnesses. However, the Defence has failed to demonstrate that the addition of 32 witnesses more than six months after the commencement of the Defence case is in the interests of justice and thus this part of the Motion should be dismissed.

II. PROCEDURAL HISTORY

4. On 7 May 2009 the Trial Chamber ordered the Defence to file a list of witnesses, listed by name or pseudonym and witness summaries in respect of each of those witnesses by 29 May 2009.
5. On 29 May 2009 the Defence filed a list containing 227 witnesses, which included witness summaries in relation to some but not all of those witnesses. Notably, the Defence explained that pseudonyms but not summaries were provided in respect to some witnesses as statements had not yet been taken from some of those witnesses,[2] and also that on the morning the filing was due the Accused instructed Defence counsel that a further 10 persons known to the Defence team and 36 persons unknown to the Defence team should be added to the witness list; such that the Defence also needed to take statements and provide summaries in relation to those witnesses.[3]
6. At the Pre-Defence Conference on 8 June 2009 Lead Defence Counsel indicated that the Defence would be conducting a sifting or screening process in relation to those

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[1] *Prosecutor v. Taylor*, SCSL-01-T-869, "Public with Annexes A and B and Confidential Annex C Defence Motion for Leave to Vary Version III of the Defence Rule 73*ter* Witness List and Summaries", 11 December 2009.
[2] *Prosecutor v Taylor*, SCSL-01-T-784, "Public with Annexes A, B, C and Confidential Ex Parte Annex D, Defence Rule 73*ter* filing of Witness Summaries with a Summary of the Anticipated Testimony of the Accused, Charles Ghankay Taylor", 29 May 2009, para. 7.
[3] Ibid., para 8.

227 witnesses contained in the Defence witness list and he characterized that list as a "global list of witnesses" from whom the Defence would be selecting in due course the witnesses whom they intended to call.[4]

7. On 12 June 2009 the Defence filed an updated and corrected list of witnesses and witness summaries.[5]

8. At the second Pre-Defence Conference on 6 July 2009 Lead Defence Counsel again referred to the fact that investigations were on-going and consequently the Defence had been unable to complete their "sifting process".[6]

9. Thus on 10 July 2009, the Defence filed a third updated and corrected witness list and witness summaries. Notably in this filing the Defence in fact added 25 new witnesses (DCT-257 through to DCT-282) to the list of witnesses.[7] Significantly this was filed only a few days before the first witness for the Defence, the Accused, began testifying on 14 July 2009.

III. APPLICABLE LAW

10. Rule 73*ter*(E) of the Rules of Procedure and Evidence ("the Rules") governs requests to vary the Defence witness list and provides that:

> "After the commencement of the defence case, the defence may, if it considers it to be in the interests of justice, move the Trial Chamber for leave to reinstate the list of witnesses or to vary its decision as to which witnesses are to be called".

11. Rule 73*ter*(E) relates to reinstatement or variation of the witness list, and does not explicitly mention *addition* of witnesses to the defence witness list. Further, there is no equivalent to Rule 66(A)(ii) which applies to the Prosecution and requires the Prosecution to show "good cause" in order to disclose the statements of additional witnesses. On the face of the Rules there is therefore no provision which directly permits the Defence to add witnesses to their witness list after the commencement of their case. Nevertheless, in practice this has been permitted before the Special Court

[4] *Prosecutor v Taylor*, Trial Transcript 8 June 2009, pg. 24264, lines 23 - 24 (pre-defence conference).
[5] *Prosecutor v Taylor*, SCSL-01-793, "Public with Annex A and Confidential Annex B – Updated and Corrected Defence Rule 73*ter* filing of Witness Summaries", 12 June 2009.
[6] *Prosecutor v Taylor*, Trial Transcript 6 July 2009, pg. 24278 lines 25 - 28.
[7] *Prosecutor v Taylor*, SCSL-03-01-809, "Public with Annex A and Confidential Annex B, Updated and Corrected Defence Rule 73 *ter* filing of Witness Summaries – Version Three, 10 July 2009, at letter "v"on pg. 3.

(and the other international tribunals). In this regard, Trial Chamber I has previously ruled that the Defence must show "good cause" in order to add additional witnesses after the commencement of the defence case and must make an application pursuant to Rule 73*ter*(E).[8] In the Motion the Defence cites the Trial Chamber decision in the case of *Nahimana* in support of the position that the Defence need only make a showing of "interests of justice" and not "good cause".[9] However, it is notable that the concepts or "interests of justice" and "good cause" have been conflated in the jurisprudence; suggesting that good cause is a relevant factor in determining if the "interests of justice" test is satisfied. [10]

12. Consistent with the position taken by the Prosecution in its "Motion to Vary the Prosecution Witness List",[11] guidance may be taken from the principles laid down in the ICTR case of *Nahimana.*[12] In *Nahimana*, the Trial Chamber noted that in assessing the "interests of justice" and "good cause" relevant considerations include "the materiality of the testimony, the complexity of the case, prejudice to the Defence, including elements of surprise, and on-going investigations, replacements and corroboration of evidence".[13] This much is noted by the Defence in their Motion.[14]

13. However, also important (and not addressed in the Defence Motion) is the approach to be adopted in relation to an application for leave to add additional witnesses after the commencement of the party's case. The approach of the Trial Chambers at the

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[8] *Prosecutor v Norman et al.,* SCSL-04-14-T, "Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case", 28 November 2005, pg. 3; *Prosecutor v Norman et al.,* SCSL-01-14-T, "Decision on Fofana Application for Leave to Call Additional Witnesses", 17 July 2006, pg. 4; *Prosecutor v Sesay et al.,* SCSL-04-15-T "Decision on Gbao Request for Leave to Call Four Additional Witnesses and for Order for Protective Measures, with Annex A", 19 May 2008, *Prosecutor v Sesay et al.,* SCSL-15-659, "Scheduling Order Concerning the Preparation and Commencement of the Defence Case", 30 October 2006 and *Prosecutor v Sesay et al*, Trial Transcript 10 January 2008 at pgs. 34 – 35.

[9] Motion, paras. 10 and 12.

[10] See for example, paras. 19 and 20 of *Prosecutor v Nahimana*, ICTR-99-52-I, "Decision on the Prosecutor's Oral Motion for Leave to Amend the List of Selected Witnesses", ("***Nahimana* Prosecution Decision**") 26 June 2001, where at para.19 the Trial Chamber states that in its determination of whether the addition of witnesses is in the "interest of justice" it will "bear in mind also the question of "good cause" and at para. 20 where the Trial Chamber lists the relevant considerations taken into account by Trial Chambers' in assessing the "interests of justice" and "good cause".

[11] *Prosecutor v Taylor*, SCSL-03-01-T, "Public with Confidential Annex D Motion for Leave to Vary the Witness List and to Disclose Statements of Additional Witnesses", 13 December 2007.

[12] Ibid., para. 11.

[13] *Nahimana* Prosecution Decision, para 20.

[14] Motion, para. 11.

SCSL and at the ICTR has been to "require a close analysis of each additional witness" when considering whether leave should be given to allow a party to add additional witnesses to the list after the commencement of the party's case. [15] This approach is demonstrated in the decisions in *Nahimana* upon which the Defence also rely.[16]

14. Furthermore, in the Motion the Defence notes that "when deciding whether the defence had met the interests of justice standard, the *Nahimana* Court stated that because "the proposed witness would provide relevant material evidence" that it was in the interest of justice to add the witness to the Defence's witness list".[17] However, the *Nahimana* Court in fact permitted the Defence to add a single additional witness to their witness list "considering that the proposed witness would provide relevant material evidence which it would be in the interests of justice to receive, and calling of additional witnesses would not result in prejudicial delay in the present case".[18] Thus a bare showing of relevance does not automatically entail that it is in the interests of justice for the witness to be added to a parties witness list. Rather the relevance of a witness's testimony is one factor amongst others, including potential delay caused in the case,[19] and duplicity of evidence,[20] that the Trial Chamber ought

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[15] *Prosecutor v. Norman et al.*, SCSL-04-14-T-167, "Decision on Prosecution request for Leave to Call Additional Witnesses", 29 July 2004, para. 17; *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, para. 26, *Prosecutor v. Brima et al.*, SCSL-04-16-T-365, "Decision on Prosecution request for Leave to Call an Additional Witness (Zainab Hawa Bangura) Pursuant to Rule 73bis(E) and on Joint Defence Notice to Inform the Trial Chamber of its position vis-à-vis the Proposed Expert Witness (Mrs. Bangura) Pursuant to Rule 94bis", 5 August 2005, para 22, noting with approval the observations made in the ICTR case of *Bagasora* which expanded on the factors required to give rise to a showing of "good cause" and "interests of justice" identified in the *Nahimana* decision and which the Trial Chamber stated that: "These considerations require a close analysis of each witness including the sufficiency and time of disclosure of witness information to the Defence; the probative value of the proposed testimony in relation to existing witnesses and allegations in the indictments; the ability of the Defence to made an effective cross-examination of the proposed testimony, given its novelty or other factors; and the justification offered by the Prosecution for the addition of witnesses" (*Prosecutor v Bagasora*, ICTR-98-41-T, "Decision on Prosecution Motion for Addition of Witnesses Pursuant to Rule 73bis(E), 26 June 2003).

[16] *Prosecutor v Nahimana*, ICTR-99-52-T, "Decision on the Defence's Application under Rule 73*ter*(E) for Leave to Call Additional Defence Witnesses", ("***Nahimana* Defence Decision**") 9 October 2002, in which the Trial Chamber considered an application in relation to a single defence witness (G99) and *Nahimana* Prosecution Decision, in which the Trial Chamber considered an application in relation to several prosecution witnesses, permitting leave to add some of those witnesses and denying leave to add other of those witnesses to the list.

[17] Motion, para. 12.

[18] *Nahimana* Defence Decision, pg.2.

[19] Ibid.

[20] *Nahimana* Prosecution Decision para. 17.

to consider when assessing whether it is in the interests of justice to permit leave to add any additional witnesses to the witness list.

IV. ARGUMENT

Permitting Additional Witnesses to be added at this stage of the Defence Case would result in Undue Delay of the Proceedings:

15. In the Motion the Defence refers to the motion filed by the Prosecution to vary the Prosecution witness list. In this motion the Prosecution sought various orders, including the addition of 11 witnesses to the Core Witness List. This motion was filed on 13 December 2007 prior to the Prosecution calling its first witness. Thus the Defence assertion that the Prosecution sought to vary its witness list "well after 7 January 2008 when the first Prosecution witness was called to the witness stand" is simply incorrect.[21] The Defence suggestion that the Prosecution motion was granted under similar circumstances[22] is therefore flawed because the Prosecution motion was filed before the Prosecution even called its first witness, whereas this Motion arises some five months after the first Defence witness (the Accused) was called. Rather the Prosecution Motion filed 23 days prior to the first Prosecution witness being called is more akin to the Defence Rule 73*ter* filing of 10 July 2009 which (as noted in the "Procedural History" above)[23] added 25 additional Defence witnesses to the already unduly large Defence witness list four days prior to the first witness being called for the Defence, and without any detailed summaries of the expected testimony of those witnesses.

16. The Defence attempt to characterize this Motion as being made during the "infancy" of their case ought not to be entertained.[24] This Motion falls to be considered some six months after the first Defence witness was called; almost a year since the last Prosecution witness was heard; and just short of four years since the Accused has been in custody, since which time investigations and preparations have been ongoing.[25] Also relevant is the fact that the Prosecution case took 12.5 months from

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[21] Motion, para 13.
[22] Motion, para 15.
[23] See para. 9 above.
[24] Motion, para. 15.
[25] See *Prosecutor v Taylor*, Trial Transcript, 4 May 2009, p. 24220, where Judge Lussick in giving the majority ruling in relation to the start date for the defence case noted that "Mr Taylor has been in custody since March 2006

the date the first to the last witnesses were heard. That the Defence has seen fit to spend nearly half this time (to date) on the testimony of the Accused ought not to provide an excuse for the timing of this application. The Defence application ought properly to be viewed in this context and thus regarded as being made at a late stage.

17. This situation is exacerbated by the excessive number of witnesses that the Defence seeks to add at this stage. The Defence already added 25 witnesses to their original witness list; which as noted above, was characterized as and was supposed to be a "global list" of witnesses.[26] To seek to add a further 32 witnesses at this late stage is simply excessive.[27] By contrast the Prosecution sought to add only 11 witnesses to its witness list and as explained at length above, this was before any witness had even been called in the Prosecution case.

18. Further, the Defence justifies its request by reference to on-going investigations and developments in court during the examination-in-chief and cross-examination of the Accused.[28] It is surprising that the Defence were not aware of the evidence that the Accused was intending to give prior to calling him as a witness, given that the Accused has had since June 2003 to determine what evidence to present in his defence, that his current team has been instructed for a period of 2.5 years and that the Defence had some five months from the end of the Prosecution case in chief to determine what would be elicited during the direct examination of the Accused. In that regard the obviously rehearsed nature of the Accused's testimony during direct examination should also be considered. Furthermore, given Lead Defence Counsel's repeated assertions about the need for additional time to prepare earlier last year in order to avoid delay later on in the case, it is surprising that the Defence wait until this juncture to make this application.[29] The paucity of the Defence justification militates against a finding that it is in the interests of justice for the Defence to be permitted to further add to their witness list.

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and presumably investigations and preparations have been ongoing since that time...the last prosecution witness was heard on 29 January 2009".

[26] See para. 6 above.

[27] Notably, 24 of the 32 witnesses would be added to the Defence Core Witness list, increasing the number of Core Witnesses called by the Defence by approximately 25%.

[28] Motion, para. 16.

[29] See for example, letter from Lead Defence Counsel dated 26 March 2009.

19. Most significant is the delay to the proceedings that will be caused by the addition of these witnesses. Such a delay is not in keeping with the proper administration of justice. The Accused's evidence-in-chief began on 14 July 2009 and his evidence on an optimistic estimate may be completed by the end of January 2010. Based upon the time estimates provided by the Defence, if the Trial Chamber permits the Defence to call all of the witnesses on their Core Witness List (excluding those for whom they seek leave to add) this would result in more than a year of further testimony in addition to the six months that will have been spent on the testimony of the Accused; thus taking the trial into January 2011.[30] If in addition to this the Defence are permitted to call the proposed additional witnesses then the case will be prolonged by approximately a further six months;[31] thus extending the Defence phase of the case into the summer of 2011; and the life of the trial, allowing potentially for a rebuttal case, final submissions, and judgment potentially into 2012. All of this of course assumes that the estimates provided by the Defence are accurate. Notably, the estimate given by Lead Defence Counsel of the only Defence witness called so far (the Accused) proved to be wildly inaccurate – the original estimate being that his testimony would last 6 – 8 weeks, when in fact the evidence-in-chief alone ran for some 13 weeks.[32]

20. As noted already the Prosecution phase of the case lasted 12.5 months from the date of the first to last Prosecution witness. On the basis of the above estimates, and in the absence of any directions from the Trial Chamber requiring the Defence to reduce the number of witnesses or to set the end date for Defence evidence, the Defence case would last approximately 18 months. Should the Trial Chamber grant the Defence

[30] The testimony of the Defence Core Witnesses already included in version III of the Defence Witness List would take approximately 193 full court days to complete (assuming that cross-examination and re-examination take the same length as the evidence in chief). The SCSL is able to sit approximately 210 days a year. However, in light of the court sharing arrangement at the ICC the Trial Chamber is unable to sit full days every day. Consequently, the testimony of the Defence Core Witnesses already in version III would take in excess of a further year to complete.
[31] Of the 32 witnesses the Defence seek to add to their witness list in this Motion, according to the Defence 24 of those witnesses would be added to the Core Witness list. The addition of these 24 witnesses would result in a further 75 full court days on top of the year referred to in the footnote above (again assuming that cross-examination and re-examination take the same length as the evidence in chief). If the 8 remaining witnesses (those witnesses listed in the 32 witnesses the Defence seek to add to the witness list but not indicated as potential core witnesses) were also to testify this would result in a total of 93 additional full days of testimony; thus adding approximately six months to the length of the trial (again assuming that cross-examination and re-examination would take the same length of time as examination in chief, and noting that the Trial Chamber will be unable to sit full days every day this year).
[32] Not including that time when Lead Counsel was absent through sickness.

permission to call the additional potential witnesses, this would extend the Defence case to approximately 24 months. Bearing in mind that it is the Prosecution that bears the burden of proof and as such the principle of equality of arms does not entitle an Accused to precisely the same amount of time or the same number of witnesses as the Prosecution,[33] that the Defence case should potentially run for twice as long as the Prosecution case is unacceptable and contrary to the interests of the proper administration of justice.

21. Permitting the Defence to add 32 additional witnesses six months into the Defence case amounts to undue delay which is not in keeping with the interests of justice. The importance of preventing undue delay in the delivery of justice is of course not only relevant to the rights of the Accused but also to the interest of the proper administration of justice,[34] as well as the interests of the victims and the international community upon whose behalf the Prosecutor acts.[35]

The Anticipated Evidence of several of the Proposed Additional Witnesses is Duplicitous:

22. In addition to it not being in the interests of justice for the Defence to be allowed to add such an excessive number of witnesses at this stage of the proceedings, the Prosecution further and particularly objects to the addition of witnesses whose evidence is duplicitous to that already proposed to be covered by witnesses on the third version of the Defence witness list. In that regard, for example, it is noticeable that 14 radio operators or witnesses whom will give evidence about radio communications are already included on the Defence's third witness list.[36] The Defence proposes to add a further seven radio operators or witnesses whom will give

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[33] See. *Prosecutor v Sesay et al*, "Consequential Orders Concerning the Preparation and the Commencement of the Defence Case", 28 March 2007, at pg. 4 where the Trial Chamber reiterates that "the principle of equality of arms does not entitle an Accused to precisely the same amount of time or the same number of witnesses as the Prosecution and that basic proportionality, rather than strict mathematical equality, generally governs the relationship between the time and the number of witnesses allocated to each party", referring itself to Trial Chamber I's earlier decision in *Prosecutor v Norman et al*, "Order to the First Accused to Re-File Summaries of Witness Testimonies", 2 March 2006, in which Trial Chamber I relied upon the comments of the ICTY Appeals Chamber in *Prosecutor v Oric*, IT-03-68-AR73.2, Interlocutory Decision on Length of Defence Case, 20 July 2005, para. 7.

[34] See *Prosecutor v Krajisnik*, IT-00-39-T, "Reasons for Decision Denying Defence Motion for the Time to Call Additional Witnesses", 16 August 2006, para. 35.

[35] See *Prosecutor v Aleksovski*, IT-95-14/1-A, "Decision on Prosecutor's Appeal on Admissibility of Evidence", 16 February 1999, para. 25.

[36] These are: DCT: 008, 024, 078, 107, 112, 155, 186, 227, 228, 231, 232, 233, 235 and 240.

evidence about radio communications in this Motion.[37] In particular, four of the 14 witnesses already contained in the third Defence witness list give evidence in relation to RUF radio operations, and noticeably all seven proposed additional witnesses would also give evidence in relation to RUF radio operations. Furthermore, three of those seven are expected to give evidence in relation to RUF radio operations between 1996 – 1999,[38] and two would give evidence not only in relation to RUF radio operations generally but also in relation to Zogoda.[39] Such evidence would be unduly duplicitous and the Defence should not be allowed to add further witnesses to give duplicitous evidence. The Trial Chamber in this case can be guided by the approach of the ICTR in *Nahimana*, where the Trial Chamber analyzed the evidence that it was proposed that each additional witness would give and refused to allow further witnesses to be added where their evidence would be duplicitous.[40] Therefore the Defence request to add witnesses DCT-293, DCT-294, DCT-297, DCT-307, DCT-308, DCT-309 and DCT-310 – the newly listed witnesses who would give evidence about radio communications – and any other duplicitous witnesses would not be in the interests of justice and should fail.

V. CONCLUSION

23. The Prosecution does not object to the removal of 49 witnesses from the Defence witness list. However, it is not in the interests of justice to allow the Defence to add these new witnesses. The Defence request to add 32 additional witnesses to their fourth witness list some six months into the Defence case should be denied.

Filed in The Hague,

11 January 2010,

For the Prosecution,

Brenda J. Hollis
Principal Trial Attorney

[37] These are DCT: 293, 294, 297, 307, 308, 309, 310.
[38] DCT-293, DCT-294 and DCT-297 would give evidence in relation to RUF radio operations generally including the period 1996 – 1999.
[39] DCT-308 and DCT-309 would give evidence in relation to RUF radio operations generally and Zogoda.
[40] See para. 13 above.

INDEX OF AUTHORITIES

SCSL

Prosecutor v. Taylor

Prosecutor v. Taylor, SCSL-01-T-869, "Public with Annexes A and B and Confidential Annex C Defence Motion for Leave to Vary Version III of the Defence Rule 73*ter* Witness List and Summaries", 11 December 2009.

Prosecutor v Taylor, SCSL-03-01-809, "Public with Annex A and Confidential Annex B, Updated and Corrected Defence Rule 73*ter* filing of Witness Summaries – Version Three", 10 July 2009.

Prosecutor v Taylor, SCSL-01-793, "Public with Annex A and Confidential Annex B – Updated and Corrected Defence Rule 73*ter* filing of Witness Summaries", 12 June 2009.

Prosecutor v Taylor, SCSL-01-T-784, "Public with Annexes A, B, C and Confidential Ex Parte Annex D, Defence Rule 73*ter* filing of Witness Summaries with a Summary of the Anticipated Testimony of the Accused, Charles Ghankay Taylor", 29 May 2009.

Prosecutor v Taylor, SCSL-03-01-T, "Public with Confidential Annex D Motion for Leave to Vary the Witness List and to Disclose Statements of Additional Witnesses", 13 December 2007.

Prosecutor v Taylor, Trial Transcript 6 July 2009, pg. 24278 lines 25 - 28.

Prosecutor v Taylor, Trial Transcript 8 June 2009, pg. 24264, lines 23 – 24.

Prosecutor v Taylor, Trial Transcript, 4 May 2009, p. 24220

Prosecutor v Norman et al.

Prosecutor v Norman et al., SCSL-01-14-T, "Decision on Fofana Application for Leave to Call Additional Witnesses", 17 July 2006.

Prosecutor v Norman et al., "Order to the First Accused to Re-File Summaries of Witness Testimonies", 2 March 2006.

Prosecutor v Norman et al., SCSL-04-14-T, "Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case", 28 November 2005.

Prosecutor v. Norman et al., SCSL-04-14-T-167, "Decision on Prosecution request for Leave to Call Additional Witnesses", 29 July 2004.

Prosecutor v Sesay et al.

Prosecutor v Sesay et al., SCSL-04-15-T "Decision on Gbao Request for Leave to Call Four Additional Witnesses and for Order for Protective Measures, with Annex A", 19 May 2008.

Prosecutor v Sesay et al, "Consequential Orders Concerning the Preparation and the Commencement of the Defence Case", 28 March 2007.

Prosecutor v Sesay et al., SCSL-15-659, "Scheduling Order Concerning the Preparation and Commencement of the Defence Case", 30 October 2006

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.

Prosecutor v Sesay et al, Trial Transcript 10 January 2008 at pgs. 34 – 35.

Prosecutor v. Brima et al.

Prosecutor v. Brima et al., SCSL-04-16-T-365, "Decision on Prosecution request for Leave to Call an Additional Witness (Zainab Hawa Bangura) Pursuant to Rule 73bis(E) and on Joint Defence Notice to Inform the Trial Chamber of its position vis-à-vis the Proposed Expert Witness (Mrs. Bangura) Pursuant to Rule 94bis", 5 August 2005.

ICTY

Prosecutor v Krajisnik, IT-00-39-T, "Reasons for Decision Denying Defence Motion for the Time to Call Additional Witnesses", 16 August 2006.
http://www.icty.org/x/cases/krajisnik/tdec/en/kra-dec060816e.pdf

Prosecutor v Oric, IT-03-68-AR73.2, Interlocutory Decision on Length of Defence Case, 20 July 2005.
http://www.icty.org/x/cases/oric/acdec/en/050720.htm

Prosecutor v Aleksovski, IT-95-14/1-A, "Decision on Prosecutor's Appeal on Admissibility of Evidence", 16 February 1999.
http://www.icty.org/x/cases/aleksovski/acdec/en/90216EV36313.htm

ICTR

Prosecutor v Bagasora, ICTR-98-41-T, "Decision on Prosecution Motion for Addition of Witnesses Pursuant to Rule 73bis(E), 26 June 2003.
http://69.94.11.53/ENGLISH/cases/Bagosora/decisions/260603.pdf

Prosecutor v Nahimana, ICTR-99-52-T, "Decision on the Defence's Application under Rule 73*ter*(E) for Leave to Call Additional Defence Witnesses", 9 October 2002.
www.ictr.org/ENGLISH/cases/ Nahimana/decisions/091002.htm

Prosecutor v Nahimana, ICTR-99-52-I, "Decision on the Prosecutor's Oral Motion for Leave to Amend the List of Selected Witnesses", 26 June 2001.
http://69.94.11.53/ENGLISH/cases/Nahimana/decisions/260601.htm

OTHER

Letter from Lead Defence Counsel dated 26 March 2009 (addressed to recipients including the Chamber's Senior Legal Officer and Legal Officer at that time).