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SCSL-03-01-T
(28574 - 28591)

28574

THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

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

Registrar: Ms. Binta Mansaray

Date: 12 April 2010

Case No.: SCSL-03-01-T

THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

PUBLIC

DEFENCE RESPONSE TO PROSECUTION MOTION FOR JUDICIAL NOTICE OF ADJUDICATED FACTS FROM THE RUF JUDGEMENT

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Nick Koumjian

Counsel for Charles G. Taylor:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Mr. James Supuwood

I. Introduction

1. On 31 March 2010, more than a year after its case closed, five months after the RUF Appeal Judgement[1] was rendered, and within two weeks of the filing of the Defence Application[2] the Prosecution filed a *Motion (with Appendix A and B) for Judicial Notice of Adjudicated Facts from the RUF Judgement*.[3]
2. The Prosecution requests that the Trial Chamber take judicial notice of:
   a. 38 facts listed in Appendix A, which relate primarily to crime base evidence, and
   b. 12 facts listed in Appendix B, which relate to AFRC/RUF relations in the lead up to and during the Freetown invasion, **if and only if** the Trial Chamber judicially notes facts relating to the same circumstances as set out in the recent Defence Application.
3. In light of the above, the Motion seems to be motivated not by the Prosecution's own independent and properly considered decision that taking judicial notice of certain facts from the RUF Judgement[4] would actually advance judicial economy and enhance the efficacious conduct of the trial, but rather the Motion seems filed in retaliation for, and to have a second chance at responding to, the Defence Application.
4. The Trial Chamber should dismiss the Motion in its entirety because taking judicial notice of these facts at this stage in the proceedings is not in the interests of justice.
5. Furthermore, the Trial Chamber should exercise its discretion against taking judicial notice of the proposed adjudicated facts because it violates the fair trial rights of the Accused and because the facts are either conclusory, misleading, cumulative or repetitive (especially in regard to the volume of Prosecution evidence already on the record), or are not concrete, distinct and identifiable.
6. The Defence submits its general objections to taking judicial notice of any of the adjudicated facts below. The Defence also submits its specific objections to various facts in Annex A attached hereto.

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[1] *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-A, Appeals Judgment, 26 October 2009 ("**RUF Appeals Judgement**").
[2] *Prosecutor v. Taylor,* SCSL-03-01-T-928, Defence Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgement Pursuant to Rule 94(B), 16 March 2010 ("**Defence Application**").
[3] *Prosecutor v. Taylor,* SCSL-03-01-T-935, Prosecution Motion (with Appendix A and B) for Judicial Notice of Adjudicated Facts from the RUF Judgement, 31 March 2010 ("**Motion**").
[4] *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-T, Trial Judgement, 2 March 2009 ("**RUF Judgement**").

II. Applicable Legal Principles

7. The Defence incorporates by reference its legal submissions and arguments as put forth in paragraphs 4-19 of its Application and paragraphs 7-21 of its Reply.[5]
8. In addition, the Defence submits that the safeguards of Rule 92*bis*(A) regarding the (non)admission of information that goes to the proof of acts and conduct of the accused should be incorporated into the Trial Chamber's analysis of proposed adjudicated facts where the evidence is in relation to people and conduct that is proximate to the accused.[6]
9. The prohibition of information that goes to proof of the acts and conduct of the accused as per Rule 92*bis*(A)[7] is analogous to the prohibition of facts that go to proof of the acts, conduct, or mental state of the accused as has been established through case law in relation to Rule 94(B).[8] Thus the case law interpreting Rule 92*bis*(A) is instructive to the current analysis.
10. Rule 92*bis*(A) contains a safeguard for the rights of the accused in that it does not allow the admission of written information that goes to proof of the acts of conduct of the accused. This Trial Chamber has further protected the rights of the accused by stating that "where the person whose acts and conduct the written statement describes is so proximate to the accused, the Trial Chamber may decide that it would not be fair to the accused to permit the evidence to be given in written form".[9] In such instances, the Trial Chamber has used its inherent power under Rules 26*bis* and 54 to order cross-examination when dealing with information "going to a critical element of the Prosecution's case".[10] This is especially true where the information refers to subordinates who are close in proximity to the Accused.[11]

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[5] *Prosecutor v. Taylor,* SCSL-03-01-T-936, Defence Reply to Prosecution Response to Defence Application for Adjudicated Facts from the RUF Trial Judgement Pursuant to Rule 94(B), 31 March 2010.
[6] See some comparison between Rule 92*bis*(A) and Rule 94(B) in *Prosecutor v. Karemera,* ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006, paras. 52-3. ("**Karemera Decision**").
[7] Rule 92*bis* provides for Alternative Proof of Facts and sub-part (A) reads: "[...] [A] Chamber may, in lieu or oral testimony, admit as evidence in whole or in part, information including written statements and transcripts, that do not go to the proof of the acts and conduct of the accused."
[8] Motion, para. 6(f): the fact must not go to proof of the acts, conduct, or mental state of the accused.
[9] The limitations on the Prosecution's use of Rule *92bis* were discussed in detail in *Prosecutor v. Taylor,* SCSL-03-01-T-556, Decision on Prosecution Notice Under Rule 92*bis* for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 into Evidence, 15 July 2008, pgs. 3-4 ("**Taylor Rule 92*bis* Decision**") and subsequent decisions.
[10] Taylor Rule 92*bis* Decision, pgs. 4-5.
[11] Taylor Rule 92*bis* Decision, pg. 4.

11. The issues which are "pivotal to the Prosecution's case" or go to a "critical element" for purposes of 92*bis*(A)[12] are essentially the same as what the Prosecution terms "central issues" for purposes of Rule 94(B).[13] Consequently, it would not be fair to the accused to permit evidence of central issues to be admitted in written form, adopted wholesale from a previous judgement, without the opportunity for cross-examination.
12. The Defence submits that it is even more critical to safeguard the admission of adjudicated facts through judicial notice than it is to safeguard the admission of information under Rule 92*bis*(A). Significantly, the admission of information under Rule 92*bis*(A) is simply that – admission of a fact, without any determination as to the credibility or weight of the evidence. The admission of facts under Rule 94(B) has a much more determinate outcome – the fact is given the status of a rebuttable presumption, with a well-founded presumption for accuracy.

III. Submissions

13. It is important to recognize at the outset that the Prosecution's Motion is conditional, in part, on the outcome of the Defence Application. In reality, this is a motion *in terorem.* This is a cheap tit for tat approach to pleading which should not have any place in legal proceedings.
14. For each proposed adjudicated fact, the Trial Chamber must determine if it fulfils the admissibility requirements and if it does, whether, in its discretion, it should nonetheless withhold judicial notice where judicially noticing the fact would not be in the interests of justice.[14]
15. The Defence submits that the Trial Chamber should utilize its discretion to withhold judicial notice of all of the proposed adjudicated facts because they are not in the interests of justice. Furthermore, many of the facts do not even meet the admissibility criteria. In all, the exercise does not promote judicial economy as the Prosecution has already led voluminous information on the same issues and the Defence would have to rebut and challenge the same even more strongly if they were given the status of adjudicated facts.

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[12] Taylor Rule 92*bis* Decision, pgs. 3-4.
[13] Motion, paras. 24-25, quoting Justice Doherty who has defined "central issue" as "more than merely relevant but does not extend to the actual acts and conduct of the accused".
[14] *Prosecutor v. Popovic et al,* IT-05-88-T, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 26 September 2006, paras. 4 and 15 (**"Popovic Decision"**).

Admission of Facts Violates the Accused's Fair Trial Rights and is Not in the Interests of Justice

16. When determining whether to exercise its discretion, the Trial Chamber may take into account factors such as the timing of the application, the volume of evidence already led on the same facts, whether the facts are conclusory, too broad, or repetitive of evidence already heard in the case, and the centrality of issues contained in the facts.[15]

17. While Rule 94(B) does not specify at which stage in the proceedings an application for judicial notice must be brought, [16] it is not in the interests of justice for the Prosecution to put facts onto the record more than a year after its case has closed. Contrarily, it is proper for the Defence to have filed its Application at this stage, because the Defence is currently putting facts onto the record on a daily basis as part of its case.

18. In regard to the timing of applications, available case law suggests that judicial economy must be balanced against the rights of the accused to a fair trial (emphasis added).[17] Taking judicial notice of the proposed facts shifts the burden of production of evidence from the Prosecution to the Defence, which has "significant implications for the accused's procedural rights, in particular his right to hear and confront the witnesses against him".[18] Furthermore, for these facts to be judicially noted with a rebuttable presumption of accuracy, the Defence may have to call additional witnesses or conduct further investigations to test the veracity of the claims. This would require additional time and facilities for the Defence and would result in additional delay and expense to the Court, rather than advance judicial economy. The Prosecution cannot on one hand call for the premature close of the Defence

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[15] Motion, para. 7.

[16] Adjudicated AFRC Facts Decision, para. 32.

[17] See for example, Popovic Decision, para. 16 ("The Trial Chamber's paramount duty is to ensure that the conduct of trial proceedings in this case is both fair and expeditious, and that the rights of the Accused are preserved ...[A] key factor the Chamber has considered when determining whether to take judicial notice of the Prosecution's proposed facts is whether taking such judicial notice will achieve judicial economy while still preserving the right of the Accused to a fair, public, and expeditious trial"); *Prosecutor v. Ntakirutimana,* ICTR-96-10-T and ICTR-96-17-T, Decision on the Prosecutor's Motion for Judicial Notice of Adjudicated Facts, 22 November 2001, para. 28 ("These aims [consistency of case law and judicial economy] must be balanced against the fundamental right of an accused to a fair trial...[T]he Chamber endorses previous case law of the ICTR which has emphasized that the discretion to take judicial notice must not be exercised in a way that may result in prejudice to the accused"); *Prosecutor v. Karadzic,* IT-95-5/18-PT, Decision on First Prosecution Motion for Judicial Notice of Adjudicated Facts, 5 June 2009, para. 35 ("The Chamber has carefully assessed whether the admission of the proposed facts that meet the above requirements would advance judicial economy while safeguarding the rights of the Accused"); *Prosecutor v. Krajisnik,* IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005, para. 12 ("Although the Chamber is expected to utilize its resources efficiently, it retains discretion to refuse judicial notice of adjudicated facts if the interests of justice, including the right of the Accused to a fair, public and expeditious trial, so require").

[18] Karamera Decision, para. 50.

case,[19] and on the other hand introduce facts to the record that would require the Defence to call rebuttal evidence.

19. In short, taking judicial notice of these facts well after the close of the Prosecution case does not save Court time and resources, while putting an onerous burden on the Defence to rebut new evidence.

20. In the alternative, the volume of Prosecution evidence already on record in relation to these facts is extensive.[20] There is no prejudice resulting to the Prosecution if the evidence on record is left to speak for itself.

21. Many of the facts proposed by the Prosecution are conclusory and too broad to be able to be properly challenged or rebutted by the Defence.[21] This is especially true in regard to the generalized findings on the use of child soldiers by Trial Chamber I. The findings, and thus the facts drawn from them, tend to not specify times or locations or specific instances of the allegations and thus are not suitable for judicial notice.

22. Most importantly, taking judicial notice of the proposed adjudicated facts going to central issues in the case, such as the purported AFRC/RUF alliance during the attack on Kono in December 1998 and the attack on Freetown in January 1999, would violate the rights of the accused to confront and cross-examine witnesses against him. The entire case against the Accused is built around his association with each of the rebel factions and thus criminal responsibility can be imputed to him based on the working relationship of those two parties. While it is proper for the Defence to build its case around the splintering of these factions and to judicially note facts which support its theory, it is not proper for the Prosecution to judicially note facts which are pivotal to its case and proximate to the Accused without the Defence having a genuine opportunity to test the evidence. The discussion above at paragraphs 8-12 regarding the importation of safeguards from Rule 92*bis*(A) to Rule 94(B) is instructive.

23. Consequently, on this basis, the Defence objects to the entirety of the Prosecution Appendix B: AFRC/RUF relations in the lead up to and during the Freetown Invasion as well as facts in Appendix A Section 3: the AFRC/RUF in Kono and Kailahun Districts (1998).

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[19] *Prosecutor v. Taylor,* SCSL-03-01-T-918, Prosecution Request for Orders in Relation to the Scheduling of the Remainder of the Case, 26 February 2010.
[20] See Annex A, proposed Facts 5.1, 7.1, 7.2, 7.3, 8.1, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8,
[21] See Annex A, proposed Facts 4.1, 4.2, 4.3, 6.1, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10,

Ultimately, the Prosecution is attempting to provide rebuttal evidence on these topics without requesting (or being granted) leave from the Trial Chamber to reopen its case. It also appears that the Prosecution is making a second response to the Defence Application, after the close of filings on that topic. The Defence notes that the Trial Chamber does not owe the Prosecution a *quid pro quo* if facts relating to the December 1998 attack on Kono or the January Sixth invasion are admitted from the Defence Application, as the Prosecution has already had ample time to put their version of events on record during its case in chief.

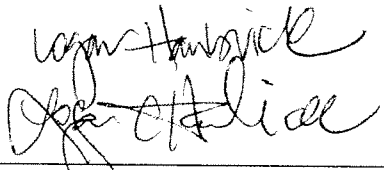
Facts Do Not Satisfy the Criteria for Judicial Notice

24. As part of Annex A, the Defence highlights specific objections to many of the proposed adjudicated facts on the basis that they do not meet the basic admissibility criteria as listed in the Prosecution Motion at paragraph 6. These facts should not be judicially noted.
25. For instance, the Prosecution has reformulated Facts 2.1, 5.2, and 5.3 in a misleading fashion and thus the facts do not accurately reflect the findings in the RUF Trial Judgement.
26. The Prosecution has included Facts 4.1, 4.2, 4.3, 6.1, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 7.1, 7.2, 7.3, and 9.1 which are not distinct, concrete and identifiable and therefore cannot be properly challenged or rebutted by the Defence.
27. Additionally, the Prosecution has included Facts 4.3, 6.2, 7.1, and 9.1 that contain facts that are outside the temporal or geographical scope of the indictment.
28. Where information is cumulative or repetitive, it should be disallowed on that basis. In the alternative, where the Prosecution has noted gaps in its evidence, such as in relation to forced labour and government farms in Kailahun, it should not be allowed to put new evidence on record at this late stage in the proceedings.

IV. Conclusion

29. For the above reasons, the Defence respectfully requests that the Trial Chamber exercise its discretion, in the interests of justice, to dismiss the Prosecution Motion in its entirety.

Respectfully Submitted,



Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 12th Day of April 2010
The Hague, The Netherlands

Table of Authorities

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Prosecutor v. Taylor, SCSL-03-01-T-928, Defence Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgement Pursuant to Rule 94(B), 16 March 2010

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Annex A – Defence Objections to Prosecution's Appendix A Proposed Adjudicated Facts from RUF Judgement

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
1.1	688		
1.2	689		
2.1	748	**On 28 May 1997, Sankoh issued a public order to Bockarie over the BBC and the Sierra Leone Broadcasting Station instructing the RUF Commanders to cease hostilities and unite with the AFRC.** Sankoh **further** stated that he would issue subsequent orders to Commanders through Koroma. Sankoh also contacted Colonel Jungle, Charles Taylor's Liberian bodyguard and instructed him to send a radio message to Bockarie in Buedu ordering the RUF to work with Koroma's government.	The fact as proposed by the Pros is incomplete and thus has been reformulated in a misleading fashion. As is, it seems as if Sankoh is issuing all kinds of orders to Commanders through Koroma and/or Colonel Jungle, when in reality this is in the context of a ceasefire. Furthermore, the fact is not distinct as the Pros omits the date, which also leaves the misleading impression that these orders were of a continuing nature. If the fact is admitted at all, it should be admitted in its entirety.
2.2	755		
3.1	794		
3.2	795		
3.3	796		
3.4	813-814		
4.1	944		The fact is broad and conclusory in nature. It is a vague generalization about the atrocities of the war and is not distinct, concrete or identifiable.
4.2	945		The fact is broad and conclusory in nature. It is a vague generalization about the

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
			atrocities in Kailahun District and is not distinct, concrete or identifiable.
4.3	946		The fact is broad and conclusory in nature. It is a vague generalization about the atrocities throughout Sierra Leone and is not distinct, concrete or identifiable. Where it is specific, it includes atrocities from locations and time frames not pled in the Indictment. For example, Killing and Beating Civilians in Freetown from May 1997 to Feb 1998 is not alleged in the Indictment; Killing and Beating Civilians in Bo District is not alleged in the Indictment at any time.
5.1	865-866		The Pros has led a great volume of evidence regarding the terms Operation No Living Thing and Operation Spare No Soul, thus the fact is repetitive of evidence already heard in the case and should not be admitted as it does not promote judicial economy at this stage. See, ex., testimony of TF1-371, TF1-532, TF1-334, TF1-585, TF1-028, TF1-516, TF1-459, and TF1-045.
5.2	1597	**[...] AFRC Commanders including Gullit, Bazzy, and Five-Five ordered the targeting of civilians and destruction of property for the purpose of intimidating the population, seeking international publicity and spreading terror. Such** policies instilled in the rebel fighters a sense of revenge against the civilian population, ECOMOG forces	The fact has been taken out of context and reformulated in a way that is completely misleading. The Pros suggests that it was not the AFRC, but "rebels" more generally, that adopted such policies during the Freetown invasion. That is clearly not what Trial Chamber I intended.

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
		and the Kabbah Government that led directly to widespread violence, chaos and terror during the attack on Freetown.	If the fact is admitted at all, it must be put in context.
5.3	1528-1529	TF1-093, **a former RUF fighter, had been living with her brother and her child in Freetown since 1998. On 6 January 1999, TF1-093's brother was shot and killed during the attack on Freetown. While in Cline Town, TF1-093 met up with a named Commander in charge of several groups, who recognised her from her time with the RUF rebels. He proceeded to divide the rebels into groups and gave TF1-093 command of a group of over 50 men, women and children, all of whom were armed with knives and had been instructed to kill civilians.** TF1-093 and the fighters under her command burned houses and killed and raped civilians in the Upgun and Fourah Bay Road areas and around the Eastern Police Station. They killed more than 20 people, not including those that were caught inside burning houses.	The fact has been taken out of context and is misleading in that it does not explain the reason that TF1-093 was upset after the January Sixth invasion; ie. the death of her brother. If the fact is admitted at all, it must be put in context. Additionally, the Defence notes that Trial Chamber I found the testimony of TF1-093 to be "generally unreliable" and "prone to exaggeration" (see RUF Judgement, paras. 601-603). It is not in the interests of justice for this Trial Chamber to judicially note this type of evidence.
5.4	1555		TF1-097 testified in the Taylor Trial on 16 and 17 October 2008. He testified extensively at Transcript pgs. 18560-18568 regarding the attack on himself by a man called Mohamed or Captain Blood while at TF1-097's house in Tombo in December 1998.

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
			However, TF1-097 never mentioned that his house in Tombo was burned by Captain Blood in December 1998. The Defence submits that if the Prosecution had wanted to put evidence of TF1-097's allegedly burnt house into the record they should have elicited such information during testimony. It is not in the interests of justice to admit this fact at this point through judicial notice without opportunity for cross-examination.
6.1	654		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
6.2	1615		The evidence of training of children by the RUF at Camp Naama in 1991 and 1992 is outside the temporal and geographical scope of the Indictment and should not be admitted. See, ex., transcripts of TF1-567, TF1-168, TF1-584, TF1-577, TF1-516.
6.3	1616		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
6.4	1617		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
6.5	1618		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
6.6	1618		The fact is conclusory and not distinct, concrete or identifiable and thus should not

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
			be admitted.
6.7	1619		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
6.8	1621		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
6.9	1622		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
6.10	1623		The fact is conclusory and not distinct, concrete or identifiable and thus should not be admitted.
7.1	784	As many fighters among the AFRC and RUF rank-and-file had personal radios, word of [Operation Pay Yourself] spread rapidly. Bockarie reiterated Koroma's order for Operation Pay Yourself prior to fleeing Kenema Town and his troops began looting cars, bicycles, food and money from the civilian population. [...] [F]*rom this point onwards, looting was a systemic feature of the AFRC and RUF operations.*	The Prosecution has already led a great volume of evidence regarding Operation Pay Yourself in Masiaka and/or Kenema and thus it would not advance judicial economy to judicially note this fact now. See, ex. Transcripts of TF1-375 and TF1-334. The fact is not clear, distinct or identifiable because it is not clear whether the looting took place in Masiaka (Port Loko) or Kenema Town. If the fact refers to Kenema Town then it is not alleged in the Indictment and should not be admitted into evidence. Additionally, the last sentence (in italics) is conclusory and should not be admitted.
7.2	788		The Prosecution has already led a great volume of evidence regarding Operation Pay Yourself in Makeni and thus it would not

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
			advance judicial economy to judicially note this fact now. See, ex. Transcripts of TF1-367, TF1-584, TF1-334, and TF1-360. Additionally, it is not clear which Senior Commanders were or were not present and thus should not be admitted as it is not clear, distinct or identifiable.
7.3	1140		The Prosecution has already led a great volume of evidence regarding the attack on Kono and thus it would not advance judicial economy to judicially note this fact now. See, ex. Transcripts TF1-567, TF1-516, TF1-360, TF1-399, TF1-362. Additionally, the fact does not state when the attack took place, so it is not clear which attack on Kono the fact is referring to.
8.1	1324		The Prosecution has already led a great volume of evidence regarding forced labour in Kailahun and thus it would not advance judicial economy to judicially note this fact now. See, ex. Transcripts of TF1-314 and TF1-577. Alternatively, the Prosecution cannot now fill gaps in its crime-base evidence.
8.2	1381		
8.3	1415		The Prosecution has already led a great volume of evidence regarding forced labour in Kailahun and thus it would not advance judicial economy to judicially note

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
			this fact now. See, ex. Transcripts of TF1-314 and TF1-577. Alternatively, the Prosecution cannot now fill gaps in its crime-base evidence.
8.4	1417		The Prosecution has already led a great volume of evidence regarding forced labour in Kailahun and thus it would not advance judicial economy to judicially note this fact now. See, ex. Transcripts of TF1-314 and TF1-577. Alternatively, the Prosecution cannot now fill gaps in its crime-base evidence.
8.5	1418		The Prosecution has already led a great volume of evidence regarding forced labour in Kailahun and thus it would not advance judicial economy to judicially note this fact now. See, ex. Transcripts of TF1-314 and TF1-577. Alternatively, the Prosecution cannot now fill gaps in its crime-base evidence.
8.6	1422		The Prosecution has already led a great volume of evidence regarding forced labour in Kailahun and thus it would not advance judicial economy to judicially note this fact now. See, ex. Transcripts of TF1-314 and TF1-577. Alternatively, the Prosecution cannot now fill gaps in its crime-base evidence.
8.7	1423		The Prosecution has already led a great volume of evidence regarding forced labour in Kailahun and thus it would not advance judicial economy to judicially note

No.	RUF Judgement Para.	Proposed Adjudicated Fact (Corrected as Necessary)	Specific Defence Objections
			this fact now. See, ex. Transcripts of TF1-314 and TF1-577. Alternatively, the Prosecution cannot now fill gaps in its crime-base evidence.
8.8	1424		The Prosecution has already led a great volume of evidence regarding forced labour in Kailahun and thus it would not advance judicial economy to judicially note this fact now. See, ex. Transcripts of TF1-314 and TF1-577. Alternatively, the Prosecution cannot now fill gaps in its crime-base evidence.
9.1	1293		The fact is conclusory and should not be admitted. Furthermore, there is no date or time period given to the allegations and thus it is not clear whether the alleged sexual slavery took place in Kono during the period stated in the Indictment.
10.1	1177		TF1-015 testified in the Taylor Trial on 8 and 9 January 2008. From Transcript pgs. 707-712, TF1-015 describes a time when Captain Banya put a "flat stick which was like the shape of a ruler" into his mouth and how his teeth were knocked out by a 12 round pistol. Thus it is misleading and not in the interests of justice to judicially note a fact that states TF1-015 had a board shoved into his mouth and that his teeth were knocked out by the butt of a gun.