1313) SCSL-03-01-A (177 – 189) 177

THE SPECIAL COURT FOR SIERRA LEONE

THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Presiding Judge
Justice Emmanuel Ayoola
Justice Renate Winter
Justice George Gelaga King
Justice Jon M. Kamanda
Justice Philip Nyamu Waki, Alternate Judge

Registrar: Ms. Binta Mansaray

Date: 01 August 2012

Case No.: SCSL-2003-01-A

THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

PUBLIC

DEFENCE REPLY TO *PROSECUTION RESPONSE TO CHARLES GHANKAY TAYLOR'S MOTION FOR PARTIAL VOLUNTARY WITHDRAWAL OR DISQUALIFICATION OF APPEALS CHAMBER JUDGES*

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A. Introduction

1. The Defence files this reply to the "Prosecution Response to Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges".[1]

B. Submissions

The Defence submissions are based on apprehended bias and not actual bias

2. In the conclusion to the Response[2] the Prosecution appears to have misunderstood the fundamental nature of the submissions made in the Motion,[3] or at least blurred the distinction between the actual and apprehended bias tests in this case. The Motion does not allege actual bias on the part of the Appeals Chamber Judges. It submits that the issue in this matter is one of apprehended bias,[4] in respect of two Grounds of Appeal.[5]

The presumption of judicial impartiality can be sufficiently rebutted by indicia of bias and result in voluntary withdrawal or disqualification

3. In its argument regarding the applicable law, the Prosecution submits that the Defence must meet a high threshold to firmly establish a reasonable apprehension of bias, in order to overcome the presumption of impartiality that judges enjoy.[6] In its Response, the Prosecution refers to paragraph 94[7] of a Trial Chamber decision on a motion to disqualify Judge Thompson from the RUF case.[8] In the referenced part of the decision, the Trial Chamber ruled that even though it had found some indicia of apprehension of bias, this was not sufficient to overcome the

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[1] *Prosecutor v. Taylor,* SCSL-03-01-A-1312, Prosecution Response to Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 27 July 2012 ("Response").
[2] See Response para. 18, where the Prosecution asserts that there is no support for the argument that "a finding of misconduct on the part of the Alternate Judge would firmly establish a reasonable apprehension that the Judges of the SCSL *are biased and incapable of impartially evaluating all evidence and arguments in the Taylor Appeal.*" (Emphasis added).
[3] *Prosecutor v. Taylor,* SCSL-03-01-A-1302, Public with Public Annex A and Confidential Annex B, Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 19 July 2012 ("Motion").
[4] See eg. Motion, paras. 3, 5, 6, 8, 16, 22, 24.
[5] Motion, para.2, Grounds 36 and 37 of *Prosecutor v. Taylor,* SCSL-03-01-A-1301, Notice of Appeal of Charles Ghankay Taylor, 19 July 2012 ("Grounds of Appeal").
[6] Response, para. 2.
[7] Response, para. 2, fn. 4.
[8] *Prosecutor v. Sesay et al.*, SCSL-2004-15-T-909, Decision on Sesay and Gbao Motion for Voluntary Withdrawal or Disqualification of Hon. Justice Bankole Thompson From the RUF Case, 6 December 2007 ("Justice Thompson Disqualification Trial Decision").

high threshold set by the international criminal tribunals and therefore did not rebut the presumption of impartiality, nor did it firmly establish a reasonable appearance of bias.[9] This Appeals Chamber held that the finding by the Trial Chamber was wrong in law and found that "*It necessarily follows that where a Trial Chamber finds 'some indicia of bias,' the logical and reasonable conclusion must be that the Judge is disqualified.*"[10] Accordingly, this is the applicable legal threshold which must be met in order to rebut the presumption of impartiality under this Court's appellate jurisprudence.[11]

The Defence has adduced a sufficient factual basis and applied the correct legal test to demonstrate that there is a reasonable apprehension of bias in the circumstances

4. In its Response, the Prosecution asserts that "the Motion contains not a single fact or single allegation", or any evidence to support its submissions.[12] This is incorrect. The Motion sets out and analyses the factual circumstances giving rise to an apprehension of bias, in light of the applicable legal test under heading (C) titled "Facts establishing indicia of apprehended bias". Firstly, the Motion sets out Justice Sow's statement in open court on 26 April 2012 ("Justice Sow's Statement" or "Statement")[13] and explains its fundamental importance to the Grounds of Appeal.[14] In this regard the Defence notes that the Prosecution does not dispute the fact that the Statement was made, or its contents, and indeed seeks to rely on it.[15] Second, the Motion sets out the deliberate removal of Justice Sow's Statement from the official record by an organ or official of the Court empowered to instruct such a removal.[16] In this regard, the Defence notes that the Statement was considered significant enough to form the factual basis for the finding and sanction against Justice Sow for judicial misconduct, but was not considered important enough to be maintained in the official trial transcripts in the interests of accuracy and transparency. Lastly and most significantly, the Motion sets out and analyses the decision of the Plenary made on 10 May 2012, finding that Justice Sow had engaged in judicial misconduct and

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[9] Justice Thompson Disqualification Trial Decision, para. 94 (Emphasis added). Also see paras. 86-88.
[10] *Prosecutor v. Sesay et al.*, SCSL-2004-15-T-956, Decision on Sesay, Kallon and Gbao Appeal Against Decision on Sesay and Gbao Motion for Voluntary Withdrawal or Disqualification of Hon. Justice Bankole Thompson From the RUF Case, 24 January 2008 ("Justice Thompson Disqualification Appeals Decision"), para. 13.
[11] Motion, para. 7.
[12] Response, paras. 2, 4 at fn. 9.
[13] Motion, para. 9.
[14] Motion, para. 10.
[15] Response, para. 7, fns. 13 & 14.
[16] Motion, para. 11.

sanctioning him for that conduct ("Judicial Misconduct Decision" or "Decision"),[17] which gives rise to an apprehension of bias.[18]

5. The Prosecution asserts in its Response that "the Motion fails to even attempt to explain how the finding of the plenary... would be understood by an informed observer to be prejudgment" of the Grounds of Appeal.[19] This is incorrect. The Defence refers to the evidence and submissions under heading (C) noted above, and in particular to paragraph 18 of the Motion. This paragraph explains that the Judicial Misconduct Decision is an adverse finding on the professional credibility of Justice Sow because a reasonable observer would understand it to mean that the Plenary has made a finding that Justice Sow has poor professional judgement and was unprofessional in his conduct. This constitutes prejudgment in the sense that the professional judgement and credibility of Justice Sow will be an issue on appeal in considering the probative value of Justice Sow's Statement, which constitutes his professional assessment of the conduct of the trial and any deliberations. Hence, there is an overlap between the substance of the issue already adversely considered by the Plenary and the substance of the issue to be considered by the Appeals Chamber, that is, the professional credibility of Justice Sow.

6. The Prosecution argues that the subject of the Judicial Misconduct Decision before the Plenary was Justice Sow's conduct in making his Statement.[20] It characterizes his conduct as "outside the bounds of the role of the Alternate Judge",[21] "inappropriate",[22] "manifestly improper"[23] and "inconsistent with his responsibilities".[24] These are precisely the characterizations that may also reasonably be perceived to underlie the decision by the Judges acting in Plenary to sanction Justice Sow. Each of these characterizations separately or taken together would be made by a reasonable observer reading the Judicial Misconduct Decision. Such an observer would therefore conclude that the Plenary has found that Justice Sow has poor professional judgement and was unprofessional in his conduct. As such, and applying the

[17] Motion, para. 13.
[18] Motion, paras. 12-24.
[19] Response, para. 4.
[20] Response, para. 6.
[21] Response, para. 6.
[22] Response, para. 6.
[23] Response, para. 7.
[24] Response, para. 8.

reasoning set out in the Motion and reiterated in the foregoing paragraph, the judicial misconduct finding amounts to an adverse finding on Justice Sow's professional credibility. It is no answer to assert that these findings were objectively correct because such an assertion reflects precisely the perception of pre-judgement claimed by the Defence.

7. The Prosecution argues that the issue before the Plenary was Justice Sow's behavior, and not the credibility or merit of his comments,[25] as if the two issues are unrelated. This adverse finding of the professional credibility in relation to Justice Sow's conduct was not made in the abstract. It was made specifically in relation to his Statement and stems directly from it. Therefore, the distinction the Prosecution seeks to make is artificial. Put simply, if the Judges have already decided that the messenger (Justice Sow) has little or no sound professional judgement or credibility, then they would not consider his message (Justice Sow's Statement), as credible. In this sense, the Judges would be viewed by a reasonable observer as having pre-judged the probative value of Justice Sow's Statement and therefore would not be seen as being able to decide the issue with an open mind.

8. Moreover, and as alluded to above, the fact that the Statement suffices for disciplinary purposes but yet was removed from the official transcripts indicates that a negative value judgement has been made about the content of the Statement.

The authorities cited by the Response regarding previous adverse findings do not apply to this case so as to preclude voluntary withdrawal or disqualification of Judges

9. The Prosecution argues that the fact that a judge has "made a ruling that one of the parties does not like", does not establish a reasonable apprehension of bias.[26] A similar and connected argument is made that "the fact that a Judge has made prior legal or factual findings against either party to a proceeding does not of itself disqualify the Judge for sitting on the same or different proceedings, where similar issues may arise".[27] The authorities cited by the Prosecution do not support this proposition. The Response refers to two authorities referenced in the Justice

[25] Response, para. 8.
[26] Response, para. 9.
[27] Response, para. 10. The Response also makes reference to Rule 15(D) of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (Amended on 31 May 2012) ("Rules" or "Rule"). However this is not applicable on the facts. As such the Court ought to apply the test for apprehended bias as set out in the Motion, paras. 5-6.

Thompson Disqualification Trial Decision.[28] These two cases concern allegations of bias raised by the Defence on the basis of adverse decisions rendered in the course of a trial. The first case cited concerned a motion by an ICTY accused to disqualify the Judges of the Trial Chamber on the basis of actual and apprehended bias because of a repeated failure to follow a decision of the ICTY Appeals Chamber concerning the significance of a guarantee by the Republika Srpska.[29] The second case concerned a motion by an ICTR accused to disqualify the Judges of Trial Chamber which had issued a decision on a Prosecution motion to amend the indictment without awaiting the translation of relevant documents and because it was unreceptive to requests for extensions of time filed by the Defence.[30] These cases more accurately stand for the proposition that adverse decisions by a Trial Chamber during trial do not, of themselves, serve to establish bias during the trial in the absence of other circumstances.

10. Significantly, the Defence does not argue that the Judges of the Appeals Chamber should voluntarily disqualify themselves because it "does not like" their ruling in Plenary or because it constitutes an adverse finding in a trial. The basis of the Motion is that a reasonable observer would view the Judges' ruling in Plenary, insofar as it concerns the credibility of a crucial source of evidence on appeal, as an adverse prejudgment of the same specific, overlapping substantive question relevant on appeal.

11. The Prosecution submits that the fact that a judge has previously ruled on a related issue contrary to the position of one of the parties does not establish a reasonable apprehension of bias.[31] The Response argues that it is common in the *ad hoc* tribunals for Judges in trial chambers to hear separate cases in which the same witnesses are called, requiring them to assess credibility in each case.[32] In support of its arguments, the Prosecution relies on the Justice Thompson Disqualification Appeals Decision and the authorities cited therein.[33] The Defence explained in the Motion why the Justice Thompson Disqualification Appeals Decision is

[28] Response, para. 10, referring to Justice Thompson Disqualification Trial Decision para. 61.
[29] *Prosecutor v. Blagojević*, IT-02-60, Decision on Blagojević's Application Pursuant to Rule 15(B), 19 March 2003, para. 3.
[30] *Prosecutor v. Karemera et al.*, ICTR-98-44-T, Decision on Motion by Karemera for Disqualification of Trial Judges, 17 May 2004, para. 3.
[31] Response, para. 9.
[32] Response, para. 9.
[33] Response, para. 10.

inapplicable to this case. Those submissions have not been addressed by the Prosecution in its Response.[34] That case concerned some factual connection between two *separate cases* before the Special Court. The other authorities relied upon by the Prosecution also deal with previous judicial rulings on similar legal or factual issues *in separate cases*.[35] As such, these authorities do not assist in this case, where the Judges are being asked to rule on the credibility of the same piece of evidence a second time *in the same case*.

12. The Prosecution also relies on an ICTY contempt case against Vojislav Šešelj for the proposition that no presumption of bias exists for a judge hearing a contempt case, despite having previously convicted the same accused of contempt.[36] The contempt cases referred to may have concerned the same accused but they required the consideration of "entirely separate and unrelated events" which had "no relevance" to each other.[37] At its foundation, both the Judicial Misconduct Decision and the potential Appeals Judgment on the Grounds of Appeal concern and arise out of the same event: the Statement of Justice Sow and the same source: Justice Sow. As such, the Šešelj case is not applicable to these circumstances.

13. The Prosecution has failed to meet the specific arguments advanced by the Defence in this regard. The Judicial Misconduct Decision and the prospective Appeals Judgement in relation to the Grounds of Appeal do not concern separate or different cases; they are decisions in the same case against Mr. Taylor.[38] The Judicial Misconduct Decision and the prospective Appeals Judgement do not involve some of the same witnesses or some of the same legal issues in the context of lengthy trials involving copious witnesses, voluminous exhibits and numerous legal issues. Rather, they concern the same single piece of evidence: the Statement of Justice Sow, arising from the same source: Justice Sow, in the same proceeding: the case against Mr. Taylor. Any assessment of that evidence will involve an assessment of the credibility of its source. From the perspective of a reasonable observer, if the Judges have prejudged the credibility of the

[34] Motion, para. 19.
[35] Response, paras. 11-12.
[36] Response, para. 13, citing *Prosecutor v. Šešelj*, IT-03-67-R77.3, Decision on Motion by Professor Vojislav Šešelj for the Disqualification of Judges O-Gon Kwon and Kevin Parker, 19 November 2010.
[37] *Prosecutor v. Šešelj*, IT-03-67-R77.3, Decision on Motion by Professor Vojislav Šešelj for the Disqualification of Judges O-Gon Kwon and Kevin Parker, 19 November 2010, para. 15. This was the basis that the Judges in question did not voluntarily withdraw from the case. Their decision was subsequently vindicated by the Chamber's decision.
[38] Motion, para. 17.

source of that evidence in the Judicial Misconduct Decision; they would not be seen as being able to assess its credibility again on appeal with an open mind.

The alleged principle of necessity does not apply, either as a matter of law or fact, to permit judges who should otherwise withdraw or be disqualified on the basis of apprehended bias, to continue sitting

14. The Prosecution argues that a "doctrine of necessity" [39] allows the Judges to hear and determine the Grounds of Appeal even if apprehended bias has been established. This purported doctrine is not mentioned in the Statute, Rules, or jurisprudence of this Court, or those of any other international criminal court. Accordingly, in order for it to be an applicable legal principle in this Court, it must constitute a rule of customary international law or a general principle of law derived from the national law of legal systems of the world.[40]

15. The Prosecution has failed to establish that the "doctrine of necessity" is either a rule of customary international law or a general principle of law which is applicable before in this Court. The Prosecution cites seven authorities in footnotes 31, 32 and 35[41] in support of the proposition that the purported doctrine of necessity precludes the disqualification of the Judges even if apprehended bias has been established. The Prosecution advances a single authority from the United Kingdom Privy Council regarding a constitutional challenge to Jamaican legislation on financial institutions, *Panton & another v. Minister of Finance & another*, as an example of the application of this principle.[42] The Privy Council did not make a finding of bias and did not apply the doctrine of necessity.[43]

16. The Prosecution cites one Australian High Court authority[44] *Laws v. Australian Broadcasting Tribunal,*[45] which concerned the apprehended bias of an administrative tribunal. In that case, the individual administrative decision-makers were disqualified from sitting on the Tribunal, but the Tribunal itself was still able to hear the case with alternative members. The

[39] Response, para. 14.
[40] Rule 72 *bis* of the Rules.
[41] Response, fns. 31, 32 & 35.
[42] Response, fn. 32.
[43] [2001] UKPC 33 [Privy Council]; [2001] All ER 178.
[44] Response, fn. 32.
[45] (1990) 170 CLR 70.

necessity in the case was that a statutory body must be able to fulfil its statutory obligations.[46] Two Justices of the High Court held that submitting a person to a decision maker who has, or is reasonably believed to have, prejudged the issue is "contrary to all principles of fairness".[47] That case, properly understood, is in fact contrary to the proposition being advanced by the Prosecution and supports the relief sought in the Motion.

17. The Prosecution also refers to three Canadian administrative decisions:[48] *Bill v. Pelican Lake Appeal Board;*[49] *Sparvier v. Cowessess Indian Band;*[50] *and Whitehead v. Pelican Lake First Nation.*[51] These all dealt with the judicial review processes relating to the Canadian Band Councils, which are administrative bodies set up to govern indigenous nations. The last case of *Whitehead* concerned the suspension of two councillors.[52] The first two cases concerned irregularities in the election of indigenous chiefs to these councils. These are cited by the Prosecution as examples of the use of the doctrine of necessity. In fact, in the case of *Sparvier* the so-called doctrine of necessity was not used and in the case of *Bill*, the decision was moot and of no practical effect.[53]

18. The Prosecution cites *Ignacio v. Judges of US Court of Appeals for Ninth Circuit*[54] to support the argument that the two Grounds of Appeal should not be heard by a "separate panel of

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[46] (1990) 170 CLR 70, 89 (Mason CJ and Brennan J), 96 (Deane J).
[47] (1990) 170 CLR 70, 102 (Gaudron and McHugh JJ).
[48] Response, fn. 32.
[49] 2006 FCA 397 (CanLII).
[50] [1993] 3 FC 142.
[51] 2009 FC 1270 (CanLII).
[52] In *Whitehead v. Pelican Lake First Nation*, two councilors appealed a Band Council's decision to suspend them for misconduct. Under the relevant legislation the Band Council did not have the express power to suspend members for misconduct, but the Federal Court of Canada held that "there must be a mechanism of necessity to enforce Band Council legislation" (para. 55).
[53] *Bill v. Pelican Lake Appeal Board* concerned an allegation of bias against an Appeal Board which was constituted to rule on the validity of an election. The Federal Court of Appeal of Canada remitted the matter back to the Appeal Board without determining whether or not the Review Board was biased, since there was no other board empowered to deal with the matter. A new election was held three months after the decision was handed down, thus rendering "moot the challenge to the previous election". The court went on to say that: "[in] a sense, our decision is also moot and of no practical effect" (para. 11). In *Sparvier v. Cowessess Indian Board*, the Federal Court of Canada considered an appeal against an election appeal tribunal which was apprehended to be biased, because, amongst other reasons, one of the members of the tribunal had rented farmland to a party to the proceedings before it. The court considered whether it had jurisdiction to order that a new appeal tribunal be established. In the end, the court decided that it did have jurisdiction to establish a new tribunal and therefore did not need to apply the doctrine of necessity.
[54] 453 F.3d 1160 (9th Cir. 2006).

judges (where none exists)".[55] The court in *Ignacio* refused to recuse the entire bench and convene a tribunal of judges from a different jurisdiction because the appellant deliberately manufactured the issue of bias by suing all of the judges of the Ninth Circuit. Hence, the case stands for the proposition that the doctrine of necessity can be applied under U.S. law against a party which has, itself, voluntarily created an issue of bias. One U.S. case cannot be applied as international law before this Court for the reasons noted above. However, even if it could, the case is distinguishable on its facts. The Defence played no role in creating the issue of bias in the proceedings before this Court. To the contrary, the Defence has acted professionally and diligently in raising Justice Sow's Statement as an appeal point at the earliest opportunity in its Notice of Appeal and contemporaneously filing its Motion for withdrawal or disqualification.

19. Thus, out of the seven authorities listed in footnotes 31, 32 and 35, six concern administrative proceedings or civil proceedings and bear no relationship to criminal law or proceedings. Further, at least three of the authorities do not appear to support the proposition for which they are being cited. In addition, all the cases listed are from common law jurisdictions (Australia, Canada, Jamaica, United States); there are no relevant authorities cited from civil law jurisdictions. As a consequence these authorities are of little or no value in determining custom or general principles applicable in international criminal law. As such, they do not establish the purported doctrine of necessity as one which can, or should, be applied by this Court.

20. The Prosecution refers to only one case from the Supreme Court of Canada which has applied the doctrine of necessity to criminal proceedings: *Reference re Remuneration of Judges of the Provincial Court of PEI.*[56] One Canadian case cannot be applied as international law before this Court for the reasons noted above. But even if it could, that case is evidently inapposite. The case concerns the validity of criminal judgements rendered in a system of criminal justice in which the remuneration of judges was not set by a sufficiently independent body, finding that a negative ruling did not retrospectively invalidate all those judgements. The Supreme Court declined to make such a general order in respect of thousands of cases, citing public policy.[57] In contrast, the present motion relates to an appeal which is yet to be heard, in

[55] Response, para. 16.
[56] [1998] 1 SCR 3.
[57] [1998] 1 SCR 3, para 8.

respect of a single case which is still ongoing. As such, a bench of *ad hoc* judges could be constituted for the limited purpose of hearing Grounds of Appeal 36 and 37.[58]

21. The appointment of an *ad hoc* bench would be consistent with the practice of appointing *Ad Hoc* judges at the ICTY and ICTR to hear cases. There may well be budgetary and administrative issues which flow from this; however, these could be solved.[59] In any event, such considerations do not serve as a legal basis for permitting a bench which should otherwise withdraw or be disqualified to decide the Grounds of Appeal. A finding to the contrary would fly in the face of not only the law but also fundamental principles of fairness and due process. The result could have a grave effect on the integrity and standing of the Special Court and its Judges.

C. Conclusion

22. As previously emphasised by this Appeals Chamber, "justice must not only be done, but should manifestly and undoubtedly be seen to be done."[60] Accordingly, Mr. Taylor respectfully requests the relief sought in the Motion.

Respectfully submitted,

Morris Anyah **Lead Counsel for** **Charles G. Taylor**	Eugene O'Sullivan Co-Counsel for Charles G. Taylor	Christopher Gosnell Co-Counsel for Charles G. Taylor	Kate Gibson Co-Counsel for Charles G. Taylor

Dated this 1st Day of August 2012,
The Hague, The Netherlands

[58] The Prosecution argues that these grounds cannot be evaluated without considering the entire judgment. (Response para. 17.) However an *ad hoc* bench can evaluate the Trial Judgment and consider its effects in the same manner as the Judges of the Appeals Chamber.

[59] The Defence is confident that the Court could readily constitute an independent bench at a reasonable cost. The Residual Mechanism of the ICTR and ICTY has, for example, developed a cost-effective approach that could be adapted to current circumstances.

[60] *Prosecutor v. Sesay et al.*, SCSL-2004-15-AR15-58, Decision on Defence Motion Seeking the Disqualification of Justice Robertson from the Appeals Chamber, 13 March 2004, para. 16. Also see Justice Thompson Disqualification Trial Decision, para. 52.

List of Authorities

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Prosecutor v. Taylor, SCSL-03-01-A-1312, Prosecution Response to Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 27 July 2012.

Prosecutor v. Taylor, SCSL-03-01-A-1302, Public with Public Annex A and Confidential Annex B, Charles Ghankay Taylor's Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 19 July 2012.

Prosecutor v. Taylor, SCSL-03-01-A-1301, Notice of Appeal of Charles Ghankay Taylor, 19 July 2012.

Prosecutor v. Sesay et al., SCSL-2004-15-T

Prosecutor v. Sesay et al., SCSL-2004-15-T-956, Decision on Sesay, Kallon and Gbao Appeal Against Decision on Sesay and Gbao Motion for Voluntary Withdrawal or Disqualification of Hon. Justice Bankole Thompson from the RUF Case, 24 January 2008.

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http://archive.ca9.uscourts.gov/ca9/newopinions.nsf/C29CCB4952CB43E3882571A800754A1D/$file/0317181.pdf?openelement

Panton and another v. The Minister of Finance and another [2001] UKPC 33 [Privy Council]; All ER 178.
http://webarchive.nationalarchives.gov.uk/20101103140224/http://www.privy-council.org.uk/files/other/panton-rtf.rtf

Remuneration of Judges of Prov. Court of PEI; Ref. re Independence & Impartiality of Judges of Prov. Court of PEI; R. v. Campbell; R. v. Ekmecic; R. v. Wickman; Manitoba Prov. Judges Assn. v. Manitoba (Min. of Justice), 1998 CanLII 833 (SCC), [1998] 1 SCR 3.
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http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/1990/31.html