1301) SCSL-03-01-A (044-090) 044

THE SPECIAL COURT FOR SIERRA LEONE

THE APPEALS CHAMBER

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

Registrar: Ms. Binta Mansaray

Date: 19 July 2012

Case No.: SCSL-2003-01-A

THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

PUBLIC WITH CONFIDENTIAL ANNEX A

NOTICE OF APPEAL OF CHARLES GHANKAY TAYLOR

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Mr. Mohamed A. Bangura
Ms. Nina Tavakoli
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1. Pursuant to Article 20 of the Statute of the Special Court for Sierra Leone ("the Statute") and Rule 108(A) of the Rules of Procedure and Evidence ("the Rules"), Charles Taylor hereby files this Notice of Appeal setting out his grounds of appeal against the Judgement dated 18 May 2012[1], as revised pursuant to the Corrigendum[2] issued on 30 May 2012[3] (the "Judgement"), and the Sentencing Judgement dated 30 May 2012[4], issued by Trial Chamber II ("the Trial Chamber") in the case of *The Prosecutor v. Charles Ghankay Taylor,* SCSL-2003-01-T.[5]

2. The Prosecution charged Charles Taylor with 11 counts.[6] Five counts charged crimes against humanity: murder (Count 2); rape (Count 4); sexual slavery (Count 5); other inhumane acts (Count 8); and enslavement (Count 10). Five additional counts charged violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II, in particular: acts of terrorism (Count 1); violence to life, health and physical or mental well-being of persons, in particular murder (Count 3); outrages upon personal dignity (Count 6); violence to life, health and physical or mental well-being of persons, in particular cruel treatment (Count 7); and pillage (Count 11). The remaining count charged Charles Taylor with conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities (Count 9).

3. The Prosecution alleged that Charles Taylor was individually criminally responsible pursuant to Article 6(1) of the Statute for these crimes, which he planned, instigated, ordered, committed, or in whose planning, preparation or execution he otherwise aided and abetted, or which crimes amounted to or were involved within a common plan, design or purpose in which he participated, or were a reasonably

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[1] *Prosecutor v. Taylor*, SCSL-03-01-T-1281, Judgement, 18 May 2012.
[2] *Prosecutor v. Taylor,*SCSL-03-01-T-1284, Corrigendum to Judgement Filed on 18 May 2012, 30 May 2012.
[3] *Prosecutor v. Taylor*, SCSL-03-01-T-1283, Judgement, dated 18 May 2012, filed 30 May 2012 ("Judgement").
[4] *Prosecutor v. Taylor*, SCSL-03-01-T-1285, Sentencing Judgement, 30 May 2012 ("Sentencing Judgement").
[5] This Notice of Appeal is being filed within the time period mandated by *Prosecutor v. Taylor*, SCSL-03-01-A-96, Decision on Defence Motion for Extension of Time to File Notice of Appeal, 20 June 2012, page 3.
[6] *Prosecutor v. Taylor*, SCSL-03-01-T-263, Prosecution's Second Amended Indictment, 29 May 2007 ("Indictment").

foreseeable consequence of such common plan, design or purpose.[7] In addition, or alternatively, he was also charged with superior responsibility for these crimes, pursuant to Article 6(3) of the Statute.[8]

4. The Trial Chamber convicted Charles Taylor for aiding and abetting in the commission of the crimes alleged in the Indictment (Counts 1 – 11), and for planning the commission of these same crimes.[9] The Trial Chamber imposed a single term of imprisonment of fifty (50) years as the sentence.[10]

5. Charles Taylor appeals against the Judgement and the Sentencing Judgement on the grounds set out below, and respectfully requests that Appeals Chamber reverse the convictions entered against him by the Trial Chamber.

6. Each error of law alleged in this Notice of Appeal invalidates the decision of the Trial Chamber. Likewise, each error of fact alleged herein, individually and cumulatively, gives rise to a miscarriage of justice. In respect of each error of fact, it is maintained that no reasonable trier of fact would have rendered the particular finding of fact beyond reasonable doubt. Each procedural error alleged which affects the fairness of the trial, occasions a miscarriage of justice.[11]

7. Unless otherwise specified, the relief sought in relation to each error of law, fact or procedure below, is the reversal of the relevant finding(s) of the Trial Chamber, the quashing of any resulting convictions and, where appropriate, vacatur of the Judgement.

8. This Notice of Appeal is intended to convey the totality of the grounds being lodged on appeal by Charles Taylor. In the event that additional grounds emerge between the filing of this Notice (e.g., by way of additional evidence within the

[7] Indictment, para. 33.
[8] Indictment, para. 34.
[9] Judgement, para. 6994.
[10] Sentencing Judgement, page 40.
[11] See Article 20 of the Statute; Rule 106 of the Rules; *Prosecutor v. Sesay et al.*, SCSL-04-15-A-1321, Judgment, 26 October 2009, paras. 30-35 and *Prosecutor v. Fofana, et al.*, SCSL-04-14-A, Judgement, 28 May 2008, paras. 32-36.

meaning of Rule 115) and any hearing convened within the meaning of Rule 114 of the Rules, the right to vary and/ or amend this Notice is respectfully reserved.[12]

9. Further, and in the event of an appeal by the Prosecution against any of the Counts on which Charles Taylor was acquitted, the right to amend this Notice of Appeal to raise other errors of fact, law and procedure in relation to those Counts is respectfully reserved.

10. The Practice Direction on the Structure of Grounds of Appeal before the Special Court requires that specific reference to the page and paragraph numbers of the decision or ruling challenged in the Judgement be included in this Notice of Appeal.[13] In this regard, the parties were provided with two electronic versions of the Judgement via a CD ROM from the Court Management Service (CMS) on 7 June 2012, in both MS Word and PDF format.[14] The page numbers as between these two versions are not consistent with each other, nor with the pagination of the hard copy distributed by CMS to the parties on or about 31 May 2012. While the Defence has done its best to ensure consistency as to its page citations to the Judgement, any discrepancies in this Notice of Appeal relating to page number references result from the different versions provided by CMS. The references to the paragraphs of the Judgement are, however, consistent between all provided version of the Judgement, and in this Notice of Appeal.

I. SYSTEMATIC ERRORS IN THE EVALUATION OF EVIDENCE THAT AMOUNT TO ERRORS OF LAW

11. The Trial Chamber committed a number of systematic errors in its assessment of evidence. These are primarily errors of law, since they involve a misdirection as to the proper standards and methodology that should have been applied by the Trial Chamber to its assessment of the facts. These are not errors that fall within the margin of appreciation granted to a Trial Chamber to weigh and assess evidence.

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[12] *Prosecutor v. Deronjić*, Case No. IT-02-61-A, Judgement on Sentencing Appeal, 20 July 2005, paras. 102-103; *Prosecutor v. Krajišnik*, Case No. IT-00-39-A, Judgement, 17 March 2009, para. 748.
[13] See, Practice Direction on the Structure of Grounds of Appeal before the Special Court, as amended on 23 May 2012, para. 1(d).
[14] See: Confidential Annex A, Email from CMS to the parties dated 7 June 2012.

12. Given that every material factual finding is based to some degree on these systematic errors, the precise relief sought for each of the Grounds of Appeal below is to quash all convictions, whether on the basis of planning or aiding and abetting. Alternatively, the Appeals Chamber is requested to review the evidence in accordance with the correct evidential standards, and in conjunction with the specific errors identified in Parts II and III of this Notice of Appeal.

i) GROUND OF APPEAL 1: The Trial Chamber erred in law by relying on uncorroborated hearsay evidence as the sole basis for specific incriminating findings of fact.

13. Relying decisively on uncorroborated hearsay evidence to make a finding of fact that is essential to a finding of guilt is an error of law. The Trial Chamber therefore erred to the extent that it did not qualify its broad pronouncement "the testimony of a single witness on a material fact does not require corroboration".[15] The Trial Chamber repeatedly committed this error, indicating a systematic disregard as to the proper legal standards governing the assessment of hearsay, and a consistent failure to assess this evidence with the caution required.[16]

14. All factual findings based on this error of law are invalid.[17]

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[15] Judgement, p. 68, para. 166.

[16] Judgement, pp. 1344-1345, paras. 3827, 3828, 3830; pp. 1369-1370, para. 3908; pp. 1378-1379, paras. 3932-3933; p. 1588, para. 4557; p. 1675, para. 4800; p. 1690, para. 4842; p. 1749, para.5022; pp. 1785-1786, paras. 5121-5129; pp. 1871-1872, para. 5380; pp. 1878-1881, paras. 5390-5394; pp. 1926-1927, para. 5515; p. 1952, para. 5588; p. 1962, para. 5624; p. 1992-1993, para. 5706; p. 2169, para. 6135; p. 2076, para. 5921; p. 2200, para. 6223.

[17] See e.g. Judgement pp. 2086-2087, para. 5944, where the Trial Chamber relied decisively on the Exhibits P-18 and P-19 to make a finding that the Accused "bore some responsibility for the movement of diamonds through Liberia". The mentioned exhibits however contain uncorroborated and unsourced evidence (Para. 63 of Trial Exhibit P-18 states that "full details of the sources will not be revealed, but the evidence is incontrovertible"). Several ICTY Trial Chambers and the Appeals Chamber have repeatedly excluded uncorroborated and unsourced hearsay evidence, including Trial Exhibits being a report prepared by experts. See e.g. in the *Gotovina* case, where the Trial Chamber considered a trial exhibit "to be unsourced hearsay that does not warrant further consideration here", *Prosecutor v. Gotovina et al,* Case No. IT-06-90-T, Judgement, Volume II of II, 15 April 2012, fn. 2861. See also *Prosecutor v. Gotovina et al,* Case No. IT-06-90-T, Judgement, Volume I of II, 15 April 2012, para. 51; *Prosecutor v. Popović et al,* Case No. IT-05-88-T, Judgement, 10 June 2010, para. 1532; *Prosecutor v. Milutonović et al,* Case No. IT-05-87-T, Judgement, Volume 2 of 4, 26 February 2009, paras 265 and 1175; *Prosecutor v. Haradinaj et al,* Case No. IT-04-84-T, Judgement, 3 April 2008, paras 196-197 and 317; *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, Judgement, 27 September

ii) GROUND OF APPEAL 2: The Trial Chamber erred in law by systematically failing to assess the reliability of the sources of hearsay information.

15. The Trial Chamber relied extensively on hearsay information. Although the Special Court and other international tribunals, unlike some national legal systems, do not prohibit reliance on hearsay information, this type of information is to be approached cautiously. Given its nature, hearsay information requires evaluation not only of the credibility of the witness who attests to having heard the information, but also the credibility of the *source* of the information.

16. The Trial Chamber erred in law by systematically failing to assess the reliability of the *source* of hearsay information.[18] The omission reflects the application of an incorrect standard in the assessment of hearsay information. All convictions based on this systematic error are rendered unsafe and invalid.

iii) GROUND OF APPEAL 3: The Trial Chamber erred in law in its approach to credibility of witnesses.

17. The Trial Chamber purported to assess the "general credibility" of witnesses at the outset of the judgement, while leaving "assessments of credibility in relation to specific events" to be discussed subsequently.[19] In some of these later discussions, the Chamber found that some witnesses who had been previously characterized as

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2006, para. 1190; *Prosecutor v. Hadžihasanović*, Case No. IT-01-47-T, Judgement, 15 March 2006, para. 272; *Prosecutor v. Strugar*, Case No. IT-01-42-T, Judgement, 31 January 2005, para. 322; *Prosecutor v. Kordić & Čerkez*, Case No. IT-95-14/2-A, Judgement, 17 December 2004, para. 190 ("The Trial Chamber correctly stated the relevant test for the admission of new evidence, and proceeded to exclude a large number of exhibits from admissibility for various reasons, *inter alia*, (...) (5) the material was based on anonymous sources or hearsay statements that were incapable of then being tested by cross-examination.").

[18] Judgement, p. 1029, para. 2936; pp. 1080-1096, paras. 3091-3130; pp. 1184-1232, paras. 3385-3486; p. 1316, para. 3723; p. 1345, paras. 3829-3831; p. 1348, para. 3830; p. 1349, paras. 3841-3842; p. 1351, para. 3847; pp. 1369-1370, paras. 3907-3908; pp. 1371-1372, para. 3915; pp. 1378-1379, paras. 3932-3933; p. 1380, paras. 3936-3937; p. 1387, para. 3951; p. 1418, para. 4062; p. 1526, para. 4369; p. 1531, para. 4379; p. 1563, para. 4473; p. 1588, para. 4557; p. 1690, para. 4242; p. 1725, para. 4949; p. 1729, para. 4959; pp. 1878-1881, paras. 5390-5394; p. 1962, para. 5624; p. 1963, para. 5626; p. 2076, para. 5921; p. 2077, para. 5923; p. 2129, para. 6040; p. 2129, para. 6041.

[19] Judgement, pp. 83-84, para. 212.

"generally credible", were not only unreliable but had not told the truth in respect of certain events.[20] Similarly, testimony from witnesses previously characterized as "cannot be relied upon without corroboration" is accepted by the Trial Chamber sans corroboration.[21] Nevertheless, the Trial Chamber systematically failed to re-evaluate its assessment of credibility in the light of findings that could but did not have a major impact on overall credibility.[22] While the Trial Chamber was, indeed, entitled to accept only "certain aspects" of a witness's testimony, the failure to re-assess "general credibility" or substantially explain inconsistencies in evidence presented by witnesses in light of all of its findings constitutes a failure to give reasons.[23]

18. The error of law is a failure to give a reasoned opinion. The error invalidates the Chamber's findings in respect of the credibility of the affected witnesses and any findings arising therefrom.

iv) GROUND OF APPEAL 4: The Trial Chamber erred in law in pervasively and systematically reversing the burden of proof concerning material facts.

19. The Trial Chamber erred repeatedly in its statement of the respective burdens of proof on the Prosecution (to prove beyond a reasonable doubt) and the Defence (to raise, if necessary, a reasonable doubt).

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[20] Judgement, pp. 1028, para. 2934; pp. 1448-1449, paras. 4145-4146 (re. Perry Kamara); p. 1531, para. 4377.
[21] Judgement, p. 1976, para. 5664; p. 2082, para. 5926.
[22] Judgement, pp. 1247-1248, para. 3392; pp. 1336-1337, paras. 3798, 3800; p. 1531, para. 4378; p. 1562, para. 4473-4474; pp. 1871-1872, para. 5381; pp. 1725-1726, paras. 4950-4951; p. 1772, para. 5085; pp. 1878-1881, paras. 5390-5394; pp. 1882-1885, para. 5398-5401. ; pp.2187-2188, paras. 6186-6187; pp. 2263-2264, para. 6403.
[23] Judgement, p. 1080, para. 3091; pp. 1084-1085, para. 3101, p. 1086, para. 3104; pp. 1261-1262, para. 3412; pp. 1264-1265, paras. 3419-3420; p. 1267, para. 3578; pp. 1282-1283, para. 3456; p. 1268, para. 3426; pp. 1275-1276, para. 3440-3441; p. 1278, paras. 3446-3447; pp. 1284-1285, paras. 3460-3461; pp. 1332-1333, para. 3788; p. 1336-1337, paras. 3798, 3800; pp. 1369-1370, paras. 3907-3908; p. 1404, para. 4019; pp. 1531-1532, para. 4380; p. 1532, para. 4381; pp. 1533-1534, para. 4385; p. 1562, paras. 4473-4474; pp. 1871-1872, para. 5380; p. 2316, para. 6543; pp. 1527-1528, para. 4370; pp. 1528-1529, paras. 4372-4377; pp. 1531-1532, paras. 4379-4380; p. 1557, para. 4460; pp. 1560-1561, para. 4469; p. 1563, para. 4477; p. 1591, para. 4567; p. 1605, para. 4613; p.1728, para. 4957; p. 1772, para. 5028; p. 1774, para. 5089; p. 1804, paras. 5186-5187; p. 1822, para. 5244; p. 1928, para. 5517; pp. 1931-1932, para. 5525; p. 2053, para. 5865; p. 2054, para. 5866; p. 2055, para. 5869; p. 2078, para. 5925; p. 2079, para. 5926; p. 2081-2082, para. 5925; p.2085, para. 5933; p. 2130, para. 6037; p. 2131, para. 6048; p. 2148, para. 6092; p. 2151, para. 6092; p. 2167, para. 6130.

20. The Trial Chamber erred in this regard in various ways. The Trial Chamber frequently rejected Defence evidence on the ground that it was not "dispositive" or "conclusive" in respect of the contested fact,[24] or that it did not raise "reasonable doubt as to the *possibility*" in that it did not exclude, negate, rule out, or preclude the possibility of a particular fact,[25] or that Defence witnesses did not themselves establish positive evidence.[26] Conversely, in respect of Prosecution evidence, the Trial Chamber makes pronouncements such as that "there is no indication in his testimony that these private dealings did not involve the accused"[27] or, in weighing the significance a Prosecution witness's failure to mention a specific fact, and who was in a position to know about it, that the failure to mention that fact "does not negate the possibility" of the fact.[28] Additionally, the Trial Chamber made several unreasonable evidentiary inferences, as well as inferences not substantially supported by evidence.[29] The Trial Chamber also erred in law and fact when it concluded that lack of challenge raised by the Defence in response to the Prosecution was an admission on the part of the Defence, or corroborative of the statements of Prosecution witnesses.[30]

21. The application of an incorrect burden of proof for material facts is an error of law that invalidates all findings based on the incorrect standard.

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[24] Judgement, p. 766, para. 2227; p. 963, para. 2767; p. 1000, para. 2859; p. 1299, para. 3661; p. 1299, para. 3662; pp. 1318-1319, para. 3728, fn. 8513; p. 1432, para. 4088; p. 1458, para. 4173; p. 1588, para. 4558; pp.1686-1687, para. 4835; p. 1728, para. 4956; p. 2219, para. 6284; p. 2306, para. 6516; p. 1686-1687, para. 4835.

[25] Judgement, p. 795, para. 2328; p. 796, para. 2329; p. 797, para. 2331;pp. 844-845, para. 2453; p. 909, para. 2629; p. 962, para. 2765; p. 992, para. 2842; pp. 1083-1084, paras. 3097-3098; p. 1255, para. 3401; pp. 1336-1337, para. 3791; p. 1349, para. 3833; p. 1373, para. 3909; pp. 1528-1529, para. 4372; p. 1560, para. 4466; p. 1560, para. 4467; p. 1689, para. 4840; p. 1785, para. 5125; p. 1794, para. 5155; p. 1930, para. 5522; p. 2155, para. 6100; p. 2189, para. 6189; p. 2201, para. 6226; p. 1560, paras.4467-4468.

[26] Judgement, p. 909, para.2629; p. 963, para. 2767; p. 1264, para. 3570; pp. 1294-1295, para. 3658; p. 1432, para 4088; p. 1480, para. 4244; p. 1688, para. 4838; p. 1940, para. 5551; pp. 2031-2034, paras. 5824-5828; p. 2201, para. 6224.

[27] Judgement, p. 907, para. 2624.

[28] Judgement, p. 1083, para. 3097; p. 1084, para. 3098; p. 1083-1084, paras. 3097-3099; pp. 1282-1283, para. 3456; pp. 1528-1529, para. 4372; p. 1561, para. 4471; p. 1565, para. 4483; p. 1566, para. 4487.

[29] Judgement, p. 1276, para. 3442 ; p. 1349, para. 3833; pp. 1372-1373, para. 3916; pp. 1378-1379, paras. 3932-3933; p. 1447, para. 4149; pp. 1531-1532, paras. 4379-4380; p. 1560, para. 4467; p. 1588, para. 4558; p. 1941, para. 5555.

[30] Judgement, pp. 1258-1258, para. 3408; p. 1533, para. 4384; pp. 1533-1534, para. 4385; p. 1690, para. 4842; p. 1749, para. 5021; p. 1821, para. 5243; p. 1939, para. 5549; p. 1962, para. 5623; p. 1975, para. 5661; p. 2055, para. 5870; p. 2056, para. 5873; p. 2080, para. 5928; pp. 2263-4, para. 6403.

v) **GROUND OF APPEAL 5: The Chamber erred in law by disregarding the principle that substantial payments to witnesses, in itself, requires that their testimony be treated with caution.**

22. The Trial Chamber erred in law in finding that it need not treat the testimony of witnesses who had received substantial payments from the Prosecution unless these incentives "appeared to influence [their] testimony" or "influenced [their] testimony" in some palpable manner.[31]

23. All factual findings based on this error of law are invalid, necessitating a *de novo* review by the Appeals Chamber and the quashing of any convictions that rely on factual findings arising from this error.

II. ERRORS WHICH INVALIDATE THE PLANNING CONVICTIONS

24. For each of the Grounds of Appeal enumerated in this Part II, the precise relief sought is the quashing of Charles Taylor's convictions for planning the crimes set out in Counts 1 to 11.[32]

(a) Errors Relating to Planning: General

i) **GROUND OF APPEAL 6: The Trial Chamber erred in fact and law in finding that the Prosecution had successfully challenged the truth of Adjudicated Fact 15 from the AFRC trial, thus requiring the Trial Chamber's re-consideration of the matters in question**

25. The Trial Chamber erred in fact and in law in finding that the Prosecution had successfully challenged Adjudicated Facat 15, particularly given that the challenge

[31] Judgement, p. 91, para. 234; pp. 100-101, para. 260; pp. 109-110, para. 287; pp. 126-127, para. 344; p. 131, para. 357.
[32] Judgement, pp. 2476-2468, para. 6994 (b).

was alleged to have been made in the Prosecution Final Brief, and therefore after the close of the evidence .[33]

26. This error was the basis for the Trial Chamber's judicial consideration of evidence concerning the "Implementation of the Plan",[34] and its subsequent findings. The Chamber relied on these findings to convict Charles Taylor for planning the crimes charged in Counts 1 to 11.[35] As such, the Trial Chamber's error is material to all Counts, the convictions based on liability for planning, and occasions a miscarriage of justice.

(b) Errors Relating to Planning: Actus Reus

i) GROUND OF APPEAL 7: The Trial Chamber erred in fact and law in finding that Charles Taylor and Sam Bockarie jointly designed an attack on Kono, Makeni and Freetown

27. No reasonable trier of fact having assessed the totality of evidence could have concluded that Charles Taylor and Sam Bockarie jointly designed a plan to attack Kono, Makeni and Freetown. [36] The Trial Chamber's error arises from an improper evaluation of the evidence, including its systematically-erroneous evaluation of the evidence, as set out in Part I.

28. The Chamber's erroneous conclusion that Sam Bockarie and Charles Taylor planned the attack on Kono, Makeni and Freetown, formed the basis for Charles Taylor's convictions for planning the crimes charged in Counts 1 to 11.[37] As such, this error is material to all Counts, invalidates the convictions based on liability for planning, and occasions a miscarriage of justice.

ii) GROUND OF APPEAL 8: The Trial Chamber erred in fact and law in finding that the incorporation of Gullit's movements

[33] Judgement, p. 1180, paras. 3377-3378.
[34] Judgement, pp. 1097-1285, paras. 3131-3618; pp. 2461-2465, paras. 6958-6971.
[35] Judgement, pp. 2461-2465, paras. 6958-6971; pp. 2476-2478, para. 6994 (b).
[36] Judgement, p. 1079-1096, paras. 3089-3130; pp. 2461-2465, paras. 6958-6971; p.1280, para. 3611 (vi); pp. 1283-1284, paras. 3615-3617.
[37] Judgement, pp. 2461-2465, paras. 6958-6971; pp. 2476-2478, para. 6994 (b).

into the "Bockarie/Taylor plan" was contemplated by Sam Bockarie and Charles Taylor

29. The Trial Chamber erred in law and in fact in finding that the incorporation of Gullit's movements into the Bockarie/Taylor plan had been contemplated by Sam Bockarie and Charles Taylor, in the absence of any or sufficient evidence in support.[38]

30. This finding was relied upon by the Chamber to erroneously conclude that the plan allegedly devised by Charles Taylor and Sam Bockarie substantially contributed to the RUF/AFRC military attacks leading to and involving the Freetown invasion and the subsequent retreat. Accordingly, the Chamber found Charles Taylor liable for the crimes committed during this operation. [39] As such, these errors are material to all Counts, invalidate the convictions based on liability for planning, and occasion a miscarriage of justice.

iii) GROUND OF APPEAL 9: The Trial Chamber erred in fact and law in finding that the "Bockarie/ Taylor plan" had Freetown as the "ultimate destination"

31. No reasonable trier of fact, having assessed the totality of evidence could have concluded that the plan allegedly conceived by Charles Taylor and Sam Bockarie had Freetown as its "ultimate destination".[40] The Trial Chamber's error arises from an improper evaluation of the evidence, including its systematically-erroneous evaluation of the evidence, as set out in Part I.

32. The Trial Chamber relied on this finding to erroneously conclude that the plan allegedly devised by Charles Taylor and Sam Bockarie, substantially contributed to the RUF/AFRC military attacks leading to and involving the Freetown invasion and subsequent retreat, and as such found Charles Taylor liable for the crimes committed

[38] Judgement, pp. 1092-1095, paras. 3118-3124; pp. 1230-1231, para. 3480; p.1232, para. 3486; p.1281, para. 3611 (xiii); p.1284, paras. 3616-3617; pp. 2461-2465, paras. 6958-6971.
[39] Judgement, pp. 2461-2465, paras. 6958-6971; pp. 2476-2478, para. 6994 (b).
[40] Judgement, pp.1081-1091, paras. 3092-3112; p. 1096, paras. 3127, 3129; p. 1280, para. 3611(vi); pp. 1282-1283, paras. 3612; pp. 1283-1284, para. 3615; p. 2461-2465, paras. 6958, 6959, 6961-6968, 6971.

during this operation and the retreat from Freetown.[41] As such, the Chamber's error is material to all Counts, invalidates the convictions based on liability for planning, and occasions a miscarriage of justice.

iv) GROUND OF APPEAL 10: The Trial Chamber erred in fact and law in finding that SAJ Musa's plan to attack Freetown was abandoned

33. No reasonable trier of fact having assessed the totality of evidence could have concluded that SAJ Musa's original plan was abandoned.[42] The Trial Chamber's error arises from an improper evaluation of the evidence, including its systematically-erroneous evaluation of the evidence, as set out in Part I.

34. The Trial Chamber relied on this finding to erroneously conclude that Gullit's movements then became incorporated into the Bockarie/Taylor plan, and as such found Charles Taylor liable for the crimes committed by Gullit's forces.[43] These errors are material to all Counts, invalidate the decision, and occasion a miscarriage of justice.

v) GROUND OF APPEAL 11: The Trial Chamber erred in fact and in law in convicting Charles Taylor for crimes committed during the implementation of a different plan from the one it erroneously attributed to him

35. The Trial Chamber erred in law in convicting Charles Taylor of crimes which occurred during the implementation of a different plan than the one the Chamber erroneously found he devised.[44] Finding that an accused could be liable for an "evolving" plan, on the basis that this evolution had been "contemplated" is an error of law.

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[41] Judgement, pp. 2461-2465, paras. 6958-6971; pp. 2476-2468, para. 6994 (b).
[42] Judgement, p. 1230-1, para. 3480; p. 1232, para. 3486; p. 1281, para. 3611(xiii).
[43] Judgement, pp. 2463-4, para. 6965.
[44] Judgement, pp. 1093-1094, paras. 3118-3124; p. 1230, para. 1230; p.1232, para. 3486; p.1281, para. 3611 (xiii); p.1284, paras. 3616-3617; pp. 2461-2465, paras. 6958-6971.

36. This error of law was the basis for the Trial Chamber's finding that Charles Taylor is liable for the crimes in Counts 1 – 11[45], despite having found that attempts to carry out significant elements of his plan were unsuccessful.[46] As such, the error is material to all Counts, invalidate the decision, and occasions a miscarriage of justice.

vi) GROUND OF APPEAL 12: The Trial Chamber erred in fact and law in finding that Charles Taylor received daily updates as to the implementation of the "evolving" plan and in finding him liable on the basis of these updates

37. No reasonable trier of fact, having assessed the totality of evidence could have concluded that Charles Taylor received daily updates as to the implementation of the "evolving" plan.[47] The Trial Chamber's error arises from an improper evaluation of the evidence, including its systematically-erroneous evaluation of the evidence, as set out in Part I. The Trial Chamber also erred in law in finding that receiving updates about an "evolving" plan gives rise to liability as regards the evolved plan.

38. The Trial Chamber relied on this finding to erroneously conclude that the plan allegedly devised by Charles Taylor and Sam Bockarie substantially contributed to the RUF/AFRC military attacks leading to and involving the Freetown invasion and subsequent retreat, and as such found Charles Taylor liable for the crimes committed during this operation.[48] As such, the Chamber's error is material to all Counts, invalidates the convictions based on liability for planning, and occasions a miscarriage of justice.

vii) GROUND OF APPEAL 13: The Trial Chamber erred in fact and law in finding that Sam Bockarie exercised effective command and control over Gullit whether before, during or after the capture of State House and Pademba Road Prison in Freetown

[45] Judgement, pp. 2461-2465, paras. 6958-6971; pp. 2476-2468, para. 6994 (b).
[46] Judgement, pp.1230-1231, para. 3480
[47] Judgement, p. 1079-1096, paras. 3098-3130; see in particular p. 1096, para. 3127
[48] Judgement, pp. 2461-2465, paras. 6958-6971; pp. 2476-2468, para. 6994 (b).

39. No reasonable trier of fact having assessed the totality of evidence could have concluded that Bockarie exercised effective command and control over Gullit.[49] The Trial Chamber's error arises from an improper evaluation of the evidence, including its systematically-erroneous evaluation of the evidence, as set out in Part I.

40. The finding was relied upon by the Chamber to erroneously conclude that the plan allegedly devised by Charles Taylor and Sam Bockarie substantially contributed to the commission of crimes by Gullit's forces while Gullit was operating under Bockarie's command.[50] As such, the Chamber's error is material to all Counts, invalidates the convictions based on liability for planning, and occasions a miscarriage of justice.

(c) Errors Relating to Planning: Mens Rea

i) GROUND OF APPEAL 14: The Trial Chamber erred in fact and law in inferring that Charles Taylor possessed the requisite mental state for planning based on alleged awareness of crimes being committed by the RUF and/or AFRC

41. The Trial Chamber erred in fact and in law by considering that awareness of crimes being committed by the RUF and/or AFRC satisfies the mental state required for planning.[51]

42. This error led the Trial Chamber to make evidential findings that are insufficient to sustain an inference of the mental state required for planning, and therefore invalidate the Trial Chamber's findings. The Trial Chamber committed an error of fact by inferring that Charles Taylor possessed the mental state for planning based on knowledge of the commission of crimes by the RUF and/or AFRC. The error occasions a miscarriage of justice. The Trial Chamber also erred in law when it relied upon these findings to infer *mens rea*, when this was not the only reasonable

[49] Judgement, p. 1223, para. 3464; pp. 1232, paras. 3485; p. 1281, para. 3611(xii).
[50] Judgement, pp. 2463-4, paras. 6964-68.
[51] Judgement pp. 2432-2440, paras. 6877-6886; p.2624, paras. 6969-6970.

conclusion on the evidence.[52] This error of law invalidates the Trial Chamber's finding on the mental elements of planning.[53]

ii) GROUND OF APPEAL 15: The Trial Chamber erred in fact and law in finding that Charles Taylor instructed that the Freetown operation be made "fearful" and that the RUF should capture Freetown "by all means", and in relying on these findings to infer that Charles Taylor possessed the requisite mental elements for planning

43. No reasonable trier of fact having assessed the totality of evidence could have concluded that Charles Taylor instructed that the Freetown operation be "fearful" and that the RUF should capture Freetown "by all means".[54] The Trial Chamber's errors arise from an improper evaluation of the evidence, including its systematically-erroneous evaluation of the evidence, as set out in Part I. The Trial Chamber's errors occasion a miscarriage of justice, given that these findings formed the evidential foundation of an inference of *mens rea* in respect of planning.

44. The Trial Chamber also erred in law when it relied upon these findings to infer *mens rea*, when this was not the only reasonable conclusion available on the evidence.[55] This error of law invalidates the Trial Chamber's finding on the mental elements for planning.[56]

III. ERRORS WHICH INVALIDATE THE AIDING AND ABETTING CONVICTIONS

45. For each of the Grounds of Appeal enumerated in Part III, the precise relief sought is the quashing of Charles Taylor's convictions for aiding and abetting the crimes set out in Counts 1 to 11.[57]

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[52] Judgement, p. 2462-2465, paras. 696-6970.
[53] Judgement, p. 2462-2465, paras. 696-6970.
[54] Judgement, pp. 1091-1092, paras. 3114-3117; p. 1280, para. 3611; p. 1096, paras. 3127, 3130; p.2624, paras. 6969-6970.
[55] Judgement, p. 2464, paras. 6969-6970.
[56] Judgement, p. 2464, paras. 6969-6970.
[57] Judgement, para. 6994 (a).

(a) Errors Relating to the Mental Element

i) GROUND OF APPEAL 16: The Trial Chamber erred in law in defining the *mens rea* of aiding and abetting as requiring no more than that an action is performed with an awareness of a substantial likelihood that the action would provide some "practical assistance" to a crime.

46. The Trial Chamber's finding of Charles Taylor's criminal responsibility[58] and all convictions for aiding and abetting rest[59] on this erroneous legal standard. The standard also appears to have had a pervasive influence on the Trial Chamber's assessment of the evidence and framing of the issues that it needed to consider.[60]

47. Charles Taylor would have been acquitted had the Trial Chamber directed itself according to a correct definition of aiding and abetting. The error therefore invalidates all convictions based on aiding and abetting.

ii) GROUND OF APPEAL 17: The Trial Chamber erred in fact and in law in finding that the RUF and AFRC, throughout the indictment period, had a continuous "operational strategy" to commit crimes, from which it inferred Charles Taylor's continuous mental state for aiding and abetting.

48. The Trial Chamber committed an error of fact and law by finding that the RUF or AFRC throughout the indictment period had a continuous "operational strategy" to commit crimes, and that those crimes were "inextricably linked to the strategy and objectives of the military operations themselves."[61] The Trial Chamber relied on this finding to infer that Charles Taylor possessed the requisite mental state in respect of

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[58] Judgement, pp. 2446-2447, para. 6904; pp. 2456-2460, paras. 6947-6953.
[59] Judgement, pp. 2475-2476, para. 6994.
[60] Judgement, pp. 177-178, paras. 482-487; pp.2432-2440, paras. 6877-6886.
[61] Judgement, p. 2406-2408, paras. 6788-6793; pp, 2432-2439, paras. 6877-6885; p. 2447, para. 6905; p. 2456, para. 6936; pp. 1677-1694, para. 4803-4854; pp. 2293-2307, para. 6481-6520.

any and all alleged assistance to the RUF or AFRC as organizations,[62] despite the absence of any evidence, or any finding, that Charles Taylor learned of any such alleged assistance being used in the perpetration of any crime.

49. No reasonable trier of fact could have reached these factual conclusions and no trial chamber, properly directing itself, could have drawn the inferences concerning Charles Taylor's mental state in respect of the alleged support. The errors occasion a miscarriage of justice and invalidate all convictions based on aiding and abetting.

iii) GROUND OF APPEAL 18: The Trial Chamber erred in law and in fact in inferring that assistance provided to the RUF or AFRC, with an awareness of crimes that were committed in the past by some RUF or AFRC soldiers, constituted aiding and abetting of any and all subsequent crimes committed by any soldier affiliated, or in alliance, with the RUF or AFRC.

50. The Trial Chamber erred in fact as to the extent of Charles Taylor's knowledge of crimes committed by soldiers affiliated with the RUF or AFRC during the indictment period.[63] The Trial Chamber erred in law and in fact in treating an awareness of crimes having been committed from time to time by some RUF or AFRC soldiers as constituting proof, or indicating, that Charles Taylor provided the alleged assistance with the requisite mental state in respect of any and all crimes that might be committed by any RUF or AFRC-affiliated soldier.[64]

51. No reasonable Trial Chamber could have inferred the required mental state for aiding and abetting based on the awareness of past crimes alleged. The error arises from an error of law as to the requisite mental state for aiding and abetting, or the drawing of unsubstantiated inferences, or both.

52. The error occasions a miscarriage of justice and invalidates all convictions based on aiding and abetting.

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[62] Judgement, p. 2447, para. 6906; pp. 2458-2460, paras. 6947-6953; p. 2440, para. 6885-6886.
[63] Judgement, pp. 2432-2440, paras. 6877-6886; pp. 2446-2447, para. 6904.
[64] Judgement, pp. 2432-2440, paras. 6877-6886; pp. 2446-2447, para. 6904.

iv) GROUND OF APPEAL 19: The Trial Chamber erred in law and fact in failing to make particularized findings concerning Charles Taylor's knowledge or purpose in respect of specific acts of alleged assistance.

53. The Trial Chamber erred in law and fact by adopting a general approach to the knowledge of the accused over a period of six years, without seeking to ascertain his contemporaneous intention in respect of specific alleged acts of assistance.[65] No proper consideration was given to the neutral, non-criminal nature of the assistance.[66]

54. The error arises from an error of law as to the requisite mental state for aiding and abetting, or an error of fact in the drawing of unreasonable factual findings, or both. The error, regardless of its exact characterization, occasions a miscarriage of justice and invalidates all convictions based on aiding and abetting.

v) GROUND OF APPEAL 20: The Trial Chamber erred in fact in finding that the accused was aware of the trans-shipment of arms and ammunition through Liberia to Sierra Leone, or that he was aware of other alleged assistance from or via Liberia, including the three main shipments of arms and ammunition identified by the Trial Chamber.

55. No reasonable trier of fact having assessed the totality of evidence could have concluded that Charles Taylor knew about any or all of the alleged assistance provided to the RUF during the indictment period.[67] To the extent that any such

[65] Judgement, pp. 2432-2440, paras. 6877-6886; pp. 2446-2447, para. 6904; pp. 2406-2408, paras. 6788-6793; pp. 2432-2439. paras. 6877-6885.pp. 1677-1694, paras. 4803-4854; pp. 2293-2307, paras. 6481-6520

[66] Judgement, p. 2456, para. 6936.

[67] Judgement, pp. 1639-1650, paras. 4713-4734; pp. 1669-1675, paras. 4789-4802; pp. 1685-1691, paras. 4831-4845; pp. 1720-1731, paras. 4943-4965; pp. 1744-1752, paras. 5008-5031; pp. 1753-1756, paras. 5037-5043; pp. 1769-1776, paras. 5079-5096; pp. 1778-1780, paras. 5102-5110; pp. 1783-1786, paras. 5121-5130; pp. 1793-1797, paras. 5152-5163; pp. 1803-1807, paras. 5184-5195; pp. 1812-1816, paras. 5212-5224; pp. 1821-1823, paras. 5243-5251; pp. 1842-1848, paras. 5312-5330; pp. 1871-1887, paras. 5379-5406, 5408-5409; pp. 1922-1932, paras. 5507-5527; pp. 1938-1943, paras. 5546-5560; pp.

knowledge could have been inferred from the evidence, no reasonable trier of fact could have properly inferred that Charles Taylor knew that any such assistance was substantial. The Trial Chamber's error arises from an improper evaluation of the evidence, including its systematically-erroneous evaluation of the evidence, as set out in Part I.[68]

56. No reasonable Trial Chamber could have inferred the alleged awareness and, therefore, the finding occasions a miscarriage of justice. The error infects, and invalidates, all convictions based on aiding and abetting.

(b) Errors Relating to the Material Element: Military Support

i) GROUND OF APPEAL 21: The Trial Chamber erred, or misdirected itself, in law and fact in finding that any alleged military assistance to the RUF or AFRC constituted assistance to crimes.

57. The Chamber erred, or misdirected itself, in law and fact by finding that any military assistance to RUF or AFRC military operations "constitute[d] direct assistance to the commission of crimes by these groups"[69] or constituted "practical assistance for the commission of crimes."[70] The error of law and logic is reflected in the Trial Chamber's own language, which frequently contradicts the claim that the alleged assistance was "direct". Thus the alleged assistance enhanced the "capacity *to undertake military operations* in the course of which crimes were committed";[71] or contributed to "an amalgamate of fungible resources" that were used in the commission of crimes;[72] or were "part of the overall supply of materiel";[73] or that this

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1949-1953, paras. 5581-5593; pp. 1961-1965, paras. 5620-5632; pp. 1971-1977, paras. 5652-5667; pp. 1988-1998, paras. 5702-5721; pp. 2002-2009, paras. 5738-5753; pp. 2026-2036, paras. 5809-5834; pp. 2037-2043, para. 5835, findings (i)-(iii), (v)-(xvi), (xix)-(xx), (xxii)-(xl); pp. 2043-2045, paras. 5836-5842.

[68] Judgement, p. 1844, para. 5318; p. 1845, para. 5323; pp. 1871-1872, para. 5380; pp. 1878-1881, paras. 5390-5394; pp. 1882-1885, para. 5398-5401; pp. 1940, para. 5551; pp. 2031-2034, paras. 5824-5828.

[69] Judgement, p. 2447, para. 6905.

[70] Judgement, p. 2448-2449, paras. 6907-6912; pp. 2452-2453, paras. 6922-6924; p. 2455, para. 6934; p. 2009, para. 5752.

[71] Judgement, p. 2456, para. 6936.

[72] Judgement, pp. 2037-2042, para. 5835, finding (xxxv).

[73] Judgement, pp. 2037-2042, para. 5835, finding (xxxvi).

assistance "enabled" crimes.[74] No evidence establishes, and no finding was made, that any of the alleged assistance was used in the perpetration of any crime under the Statute.

58. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's determination that Charles Taylor "substantially assisted" the commission of crimes.[75] This error invalidates that conclusion, and occasions a miscarriage of justice.

ii) GROUND OF APPEAL 22: The Trial Chamber erred in law and fact in characterizing resources captured from the enemy as resources provided by Charles Taylor.

59. The Trial Chamber erred in law and fact in attributing to Charles Taylor responsibility for alleged "assistance" to crimes arising from the seizure by RUF or AFRC forces of weapons and ammunition from the enemy.[76]

60. The error in law and fact attributes assistance to Charles Taylor where none was given, and contributes to the erroneous determination that Charles Taylor "substantially assisted" the commission of crimes.[77] This error invalidates that conclusion, and occasions a miscarriage of justice.

iii) GROUND OF APPEAL 23: The Trial Chamber erred in law and in fact in finding that Charles Taylor facilitated the transportation of arms and ammunition into territories of the RUF or AFRC, by road and air, by using emissaries (including, Daniel Tamba, a.k.a. Jungle; Joseph Marzah, a.k.a. Zigzag; Sampson Weah; Ibrahim Bah; Abu Keita; and Varmuyan Sherif) as couriers, facilitators and/or security escorts of such

[74] Judgement, pp. 2037-2042, para. 5835, finding (xl).
[75] Judgement, pp. 2448-2541, paras. 6910-6915.
[76] Judgement, p. 2450, para. 6914; pp. 2037-2043, para. 5835, finding (xxxiii) to (xl);.pp. 2035-2036, paras. 5829-5831; p. 2045, para.5842.
[77] Judgement, pp. 2448-2541, paras. 6910-6915.

materiel and that such facilitation played a vital role in the operations of the RUF or AFRC

61. No reasonable trier of fact having assessed the totality of evidence could have concluded that Charles Taylor knew about the facilitation of arms and ammunition into RUF or AFRC territories, by road and air, by persons, such as Jungle, Zigzag, Abu Keita, Sampson Weah, Ibrahim Bah, Abu Keita and Varmuyan Sherif.[78] The Trial Chamber's error arises from an improper evaluation of the evidence, including the systematic errors set out in Part I that affected the factual assessment of the evidence.

62. To the extent that any such knowledge could have been inferred from the evidence, the Trial Chamber erred in fact and in law in inferring or assuming that Charles Taylor knew that the quantity of arms and ammunition was substantial,[79] or that any such arms or ammunition assisted, either substantially or at all, the commission of crimes.

63. No reasonable Trial Chamber could have inferred the alleged awareness and, therefore, the finding occasions a miscarriage of justice. The error of law or fact attributes assistance to Charles Taylor where none was given, and contributes to the erroneous determination that Charles Taylor "substantially assisted" the commission of crimes.[80] This error invalidates that conclusion, and occasions a miscarriage of justice.

(c) Errors Relating to the Material Element: Military Personnel

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[78] Judgement, pp. 906-909, paras. 2621-2629; pp. 935-942, paras. 2702-2718; pp. 953-958, paras. 2743-2753; p. 1489, para. 4256; p. 1731, para. 4965; pp. 1728-1729, para.4958; pp. 1720-1722, paras. 4943-44; p. 1374-1375, para. 3915; pp. 2087-2089, paras 5937-5941; p. 2092, para. 5947. Judgement, pp. 1639-1650, paras. 4713-4734; pp. 1669-1675, paras. 4789-4802; pp. 1685-1691, paras. 4831-4845; pp. 1720-1731, paras. 4943-4965; pp. 1744-1752, paras. 5008-5031; pp. 1753-1756, paras. 5037-5043; pp. 1769-1776, paras. 5079-5096; pp. 1778-1780, paras. 5102-5110; pp. 1783-1786, paras. 5121-5130; pp. 1793-1797, paras. 5152-5163; pp. 1803-1807, paras. 5184-5195; pp. 1812-1816, paras. 5212-5224; pp. 1821-1823, paras. 5243-5251; pp. 1842-1848, paras. 5312-5330; pp. 1871-1887, paras. 5379-5406, 5408-5409; pp. 1922-1932, paras. 5507-5527; pp. 1938-1943, paras. 5546-5560; pp. 1949-1953, paras. 5581-5593; pp. 1961-1965, paras. 5620-5632; pp. 1971-1977, paras. 5652-5667; pp. 1988-1998, paras. 5702-5721; pp. 2002-2009, paras. 5738-5753; pp. 2026-2036, paras. 5809-5834; pp. 2037-2043, para. 5835, findings (i)-(iii), (v)-(xvi), (xix)-(xx), (xxii)-(xl); pp. 2043-2045, paras. 5836-5842.

[79] Judgement, pp. 1685-1691, paras. 4831-4845; pp. 1729-1731, paras. 4959-4965; pp. 1750-1752, paras. 5027-5031.

[80] Judgement, pp. 2448-2541, paras. 6910-6915.

i) GROUND OF APPEAL 24: The Trial Chamber erred in fact and in law in finding that Charles Taylor provided substantial assistance to crimes in the form of persons whom he did not control.

64. The Trial Chamber erred in fact in finding that Charles Taylor sent military personnel to the RUF. The Trial Chamber erred in fact and law in finding that assistance to crimes was provided in the form of persons whose actions Charles Taylor did not control, and whom he did not order to assist in criminal actions.[81]

65. The Trial Chamber also erred in fact in determining that the Accused was aware of, much less agreed to, the deployment of these individuals to participate in the attack on Kono starting in late-1998.[82]

66. No reasonable trier of fact, properly directing itself as to the law, could have found (even assuming that neither of the two foregoing errors were committed) that the forces allegedly supplied by Charles Taylor provided assistance, much less substantial assistance, to the commission of any crime.[83]

67. Each of these errors is independent and sufficient to substantiate this ground of appeal.

68. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's erroneous determination that Charles Taylor had "substantially assisted" the commission of crimes.[84] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

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[81] Judgement, p. 2451-2453, paras. 6916-6923; Judgement, pp. 1602-1609, paras. 4554-4620; p. 2167, para. 6126 and p. 2170, para. 6135; pp. 1587-1595, paras. 4554-4583; pp. 1554-1568, paras. 4452-4495; pp. 1525-1537, paras. 4365-4396.
[82] Judgement, p. 2452, para. 6919.
[83] Judgment, pp. 1607-1608, paras. 4619-4620; pp. 1606-1607, para. 4618, findings (i)-(xi).
[84] Judgement, pp. 2448-2541, paras. 6910-6915.

ii) GROUND OF APPEAL 25: The Trial Chamber erred in fact in finding that safe haven was provided to the RUF in Liberia, and that deserters or other aliens found in Liberia were returned to Sierra Leone, and in law that either of these alleged actions assisted the commission of crimes.

69. No reasonable trier of fact could have found that deserters or other aliens were returned to Sierra Leone by or with the knowledge of Charles Taylor.[85]

70. Even assuming that deserters or other aliens were returned to Sierra Leone with Charles Taylor's knowledge, the Trial Chamber erred in law and fact, to the extent that it found that this provided assistance to the commission of crimes.[86]

71. Even assuming that the Trial Chamber did not commit either of the two foregoing errors, the expulsion of deserters or illegal aliens from the territory of Liberia was justified in law, thus invalidating any finding of illegality.

72. No reasonable trier of fact could have found, having properly considered the evidence, that RUF forces, with the knowledge of Charles Taylor, were given safe haven in Liberia during the indictment period and then sent back to Sierra Leone.[87] Even assuming that the Trial Chamber did not so err, the Trial Chamber erred in law and in fact in considering that safe haven assisted, substantially or at all, the commission of crimes.

73. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's erroneous determination that Charles Taylor had "substantially assisted" the commission of crimes.[88] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

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[85] Judgement, pp. 1608-1609, para. 4623; pp. 1602-1604, paras. 4607-4617; pp. 1481-1486, par. 4248; p. 1595, paras. 4579-4583.
[86] Judgement, pp. 1608-1609, para. 4623; pp. 2451-2453, pars. 6916-6924.
[87] Judgement, p. 1490, para. 4260; p. 2456, para. 6935; p. 1595, paras.4579-4583. pp. 1454-1456, paras. 4172-4173, 4175-4176; pp. 1461-1462, paras. 4191-4193; pp. 1478-1484, paras. 4248, findings (xxxvii)-(xxxix); p. 1487, paras. 4260.
[88] Judgement, pp. 2448-2541, paras. 6910-6915.

(d) Errors Relating to the Material Element: Advice

i) GROUND OF APPEAL 26: The Trial Chamber erred in fact in finding that Charles Taylor gave military or operational advice to the RUF or AFRC, and erred in law and in fact in finding that any such alleged advice constituted assistance to crimes.

74. The Trial Chamber erred in fact in finding that Charles Taylor advised the RUF to open airfields or to open training facilities, to seize or retain particular territory, or to undertake any particular military operations whatsoever.[89]

75. Even assuming that any of these findings were sound, the Trial Chamber erred in law and in fact in determining that Charles Taylor, by any of these acts, assisted, substantially or at all, the commission of crimes.[90]

76. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's erroneous determination that Charles Taylor had "substantially assisted" the commission of crimes.[91] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

(e) Errors Relating to the Material Element: "Operational Support"

i) GROUND OF APPEAL 27: The Trial Chamber erred in law and in fact in finding that alleged provision of communication devices, radio training and "warning messages" constituted assistance to crimes.

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[89] Judgement, pp. 1279-1282, para. 3611, findings (i), (ii), (iii), (v), (xiv), and (xvii);,pp. 987-1001, paras. 2831-2864; pp. 1024-1035, paras. 2927-2951; pp. 1255-1279, paras. 3553-3610; pp. 2457-2458; paras. 6940-6946; p. 1490, para. 4259. Bunumbu training camp: Judgement, pp. 1435-1436, paras. 4106-4107, 4109; pp. 1478-1484, para. 4248, finding (xxxiii); p. 1487, para. 4259. Construction of an airfield: Judgement, pp. 1435-1436, paras. 4106-4107, 4109; pp. 1478-1484, para. 4248, finding (xxxiii); p. 1487, para. 4259.

[90] Judgement, pp. 2457-2458; paras. 6940-6946; p. 1490, para. 4259.

[91] Judgement, pp. 2448-2541, paras. 6910-6915.

77. The Trial Chamber erred in law and fact in finding that the alleged provision to the RUF of satellite telephones, radios, radio training, and messages warning of impending bombing raids by ECOMOG forces, constituted assistance to any crimes.[92] The error of law consisted of characterizing any form of assistance to the RUF as assistance of criminal acts, whereas, on the contrary, no findings were made (or could have been made on the evidence) that these resources were ever used to assist in the commission of a crime under the Statute.

78. The error of law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's erroneous determination that Charles Taylor had "substantially assisted" the commission of crimes.[93] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

ii) GROUND OF APPEAL 28: The Trial Chamber erred in law and fact in finding that Charles Taylor assisted crimes by providing a guesthouse in Monrovia for use by the RUF.

79. The Trial Chamber erred in law and in fact in finding that the provision of a guest house assisted any or all crimes committed during the indictment period.[94]

80. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's erroneous determination that Charles

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[92] Judgement, pp. 2454-2455, paras. 6925-6931; pp. 1491, para. 4262; p. 1484, para. 4249. Radio equipment and training: Judgement, pp. 1293-1297, paras. 3654, 3657, 3660-3666; pp. 1478-1484, para. 4248, finding (i)-(ii), (xiv); pp. 1484, paras. 4249-4251, 4258. Satellite phones: Judgement, pp. 1312-1317, paras. 3722-3727, 3729-3730; pp. 1478-1484, para. 4248, finding (iii)-(iv); pp. 1484, paras. 4249, 4252; pp. 1484-1485, para.4252. Radio codes: Judgement, pp. 1331-1338, paras. 3783, 3787-3791, 3794-3798, 3800, 3804-3805; pp. 1478-1484, para. 4248, finding (vi)-(vii); pp. 1484-1485, paras. 4249, 4253. Use of Liberian Communications by the RUF/AFRC: Judgement, pp. 1344-1346, paras. 3827-3828, 3830-3834; pp. 1348-1349, paras. 3840-3842, pp. 1351-1352, paras. 3847-3848; pp. 1353-1354, paras. 3854-3856; pp. 1360-1362, paras. 3880-3884; p. 1362, paras. 3885-3886; pp. 1478-1484, para. 4248, findings (viii)-(xi), (xiii)-(xiv); p. 1485-1486, paras. 4254. "448 warnings": Judgement, pp. 1368-1371, paras. 3906-3914; pp. 1478-1484, para. 4248, finding (xv); p. 1486, para. 4255.

[93] Judgement, pp. 2448-2541, paras. 6910-6915.

[94] Judgement, p. 1475, para. 4239; pp. 1476-1477, paras. 4241-4243; p. 1478, paras.4246-4247; p.1478-1484, para.4248-4249; p. 1487-1488, paras. 4261-4262; p. 1490-1491, para. 4261; pp, 1486-1487, finding (xl); p. 2455, para. 6933.;

Taylor had "substantially assisted" the commission of crimes.[95] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

iii) GROUND OF APPEAL 29: The Trial Chamber erred in law and in fact in finding that Charles Taylor assisted crimes by providing "herbalists".

81. The Trial Chamber committed an error of fact in finding that the accused sent "herbalists" to provide moral encouragement to fighters in Sierra Leone.[96] No reasonable trier of fact could have made that finding on the evidence, and the conclusion occasions a miscarriage of justice.

82. Even assuming no such error of fact, the Trial Chamber erred in law and fact in determining that "herbalists", whose alleged psychological effect was to encourage the soldiers in combat, not in the perpetration of crime, assisted the commission of crimes.[97]

83. In any event, the Trial Chamber erred in law and fact in finding that the provision of herbalists, which led to extraordinarily high casualties and contributed to the RUF's defeat during this battle,[98] facilitated any crime, much less had a "substantial effect" on the facilitation of any crime.

84. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's determination that Charles Taylor "substantially assisted" the commission of crimes.[99] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

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[95] Judgement, p.1478-1484, para.4248-4249, finding (xl); p. 1487-1488, paras. 4261-4262; pp. 2448-2541, paras. 6910-6915.
[96] Judgement, pp. 1430-1432, paras. 4090-4094; pp. 1478-1484, para. 4248, finding (xxxii); p. 1487, para. 4258-4259.
[97] Judgement, pp. 1431-1432, paras. 4092-4094.
[98] Judgement, p. 1431, para. 4092.
[99] Judgement, pp. 2448-2541, paras. 6910-6915; pp. 1432, para. 4094; pp. 1478-1484, para. 4248, finding (xxxii); p. 1487, para. 4258.

iv) GROUND OF APPEAL 30: The Trial Chamber erred in law and fact in finding that Charles Taylor assisted crimes by providing medical support to RUF fighters.

85. The Trial Chamber's claim that medical support provided to RUF forces aided and abetted crimes[100] was an error of law and fact, and illustrates the profoundly erroneous factual and legal approach to "assistance" to crime.

86. Even assuming no such error, providing medical assistance was justified in law.

87. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's determination that Charles Taylor "substantially assisted" the commission of crimes.[101] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

v) GROUND OF APPEAL 31: The Trial Chamber erred in law and fact in finding that Charles Taylor assisted the commission of crimes by providing sums of money

88. No reasonable trier of fact, having assessed all the evidence, could have found that the accused provided substantial sums of money to the RUF.[102]

89. Even assuming that the Trial Chamber did not err in finding that such sums were provided, it committed an error of law and fact in finding that this financial support contributed to the commission of crimes.

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[100] Judgement, p. 2456, para. 6935; p. 1490, para. 4258; pp. 1418-1420, paras. 4062-4063, 4066; p. 1421, para. 4068; pp.1478-1484, para. 4248-4249, finding (xxxi).
[101] Judgement, pp. 2448-2541, paras. 6910-6915; pp. 1418-1420, paras. 4062-4063, 4066; p. 1421, paras. 4068; pp.1478-1484, para. 4248-4249, finding (xxxi); p. 1490, para. 4258.
[102] Judgement, p. 2455, para. 6932; p. 1489, para. 4257.

90. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's determination that Charles Taylor "substantially assisted" the commission of crimes.[103] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

vi) GROUND OF APPEAL 32: The Trial Chamber erred in fact in finding that Charles Taylor facilitated the sale, transfer or production of Sierra Leoneon of diamonds, and erred in fact and in law in finding that any such alleged facilitation aided and abetted crimes.

91. The Trial Chamber erred in fact in finding that Charles Taylor facilitated the sale, transfer or production of diamonds from Sierra Leone.[104]

92. The Judgement is not clear as to the extent, if at all, to which it found that Charles Taylor's alleged purchases, transfer, or receipt of diamonds, or alleged facilitation of diamond sales by the RUF, assisted the commission of crimes.[105] To the extent that any such finding was made, the Trial Chamber erred in law and in fact in finding that any such purchases, acquisition, or facilitation assisted the commission of crimes, substantially or at all.

93. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's determination that Charles Taylor "substantially assisted" the commission of crimes.[106] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

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[103] Judgement, pp. 2448-2541, paras. 6910-6915.
[104] Judgement, pp. 2170-2171, para. 6139, findings (i), (ii), (iv), (v), (vi), (vii), (viii) and (ix); pp. 2172-2173, paras. 6140-6149; pp. 1351-1352, paras. 3847-3848; pp. 1371-1372, para. 3915; pp. 1401-1402, paras. 4009-4010; pp. 1405-1406, paras. 4021-4022; pp. 1419-1420, para. 4066; pp. 1476-1478, paras. 4242-4247; pp. 1478-1484, para. 4248, finding (x), (xl); pp. 1485-1488, paras. 4254, 4257, 4261.
[105] Judgement, p. 2455, paras. 6932-6933; pp. 2172-2173, paras. 6140-6149.
[106] Judgement, pp. 2448-2541, paras. 6910-6915.

vii) GROUND OF APPEAL 33: The Trial Chamber erred in law and fact to the extent that it found that Charles Taylor aided and abetted crimes by facilitating the sale of diamonds

94. The Judgement is not clear as to the extent, if at all, to which it found that Charles Taylor's alleged purchases of diamonds, or alleged facilitation of diamond sales by the RUF, assisted the commission of crimes.[107] To the extent that any such finding was made, the Trial Chamber erred in law and in fact in finding that any such purchases or facilitation assisted the commission of crimes, substantially or at all.

95. The error in law and fact mischaracterizes certain actions as assistance to crimes and contributed to the Trial Chamber's determination that Charles Taylor "substantially assisted" the commission of crimes.[108] This error, viewed cumulatively with all the other errors identified in this Part, invalidates that conclusion, and occasions a miscarriage of justice.

(f) Errors Relating to the Material Element: General

i) GROUND OF APPEAL 34: The Trial Chamber erred in law and fact in failing to require a showing that the assistance was to the crimes as such, and that it was substantial

96. The Trial Chamber did not find, and could not have found on any proper view of the evidence, that a single bullet allegedly supplied by Charles Taylor was used in the commission of any crime. The Trial Chamber nevertheless convicted him on the basis that assistance of any sort to the RUF or AFRC perpetuated their existence and facilitated their military operations,[109] thus giving some amongst their ranks an opportunity to commit crimes.

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[107] Judgement, p. 2455, paras. 6932-6933; pp. 2172-2173, paras. 6140-6149; pp. 1371-1372, para. 3915; pp. 1401-1402, paras. 4009-4010; pp. 1476-1478, paras. 4242-4247; pp. 1478-1484, para. 4248-4249, finding (x), (xl); pp. 1485-1488, paras. 4254, 4257, 4261.
[108] Judgement, pp. 2448-2541, paras. 6910-6915.
[109] Judgement, pp. 2454-2456, paras. 6928-6939; pp. 2450-2451, paras. 6913-6914.

97. This reasoning is an error of law and fact. The assistance of aiding and abetting must be given to the principal who perpetrates the crime, and to the crime itself. The RUF, as the Trial Chamber recognized, was an armed force engaging in an armed struggle that was not illegal, notwithstanding the imposition of arms embargos.[110] This does not mean that substantial or significant crimes were not committed from time to time by RUF soldiers, but the RUF demonstrated that it considered crimes to be a deviation from proper conduct[111] and sought to suppress criminal acts.[112] Command and control over troops in the field was a major problem for the RUF, as was its ability to maintain control over fractious splinter groups that frequently emerged.

98. The Trial Chamber's approach extends criminal liability far beyond its proper bounds as recognized in international law, the law of nations, and the practice of nations.

99. The error in law and fact led directly to a mischaracterization of some or all of the alleged assistance to the RUF as assistance to crimes. This error is the foundation of the Trial Chamber's conclusions on aiding and abetting, invalidates those conclusions, and occasions a miscarriage of justice.

ii) GROUND OF APPEAL 35: The Trial Chamber erred in law in failing to consider that acts of assistance to the RUF or AFRC were justified in customary international law.

100. The Trial Chamber erred in law in failing to consider that assistance provided to the RUF or the AFRC in self-defence was a justified purpose. An extension of international criminal law that criminalizes assistance to rebel groups, unless there is no probability of some crime being committed by that group is contrary to the principles and practice of customary international law. The provision of justified support by a State cannot be considered aiding and abetting a crime.[113]

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[110] Judgement, p. 2406, para. 6788.
[111] Judgement, p. 2434, para. 6880.
[112] Judgement, p. 2406, para. 6789.
[113] Judgement, pp. 2446-2460, paras. 6901-6953; pp. 2036-2045, paras. 5832-5842; pp. 1744-1752, paras. 5008-5031; pp. 1769-1776, paras. 5079-5096; pp. 1778-1780, paras. 5102-5110; pp. 1784-1786,

101. This error of law invalidates all convictions based on aiding and abetting liability.

IV. ERRORS RELATING TO IRREGULARITIES IN THE JUDICIAL PROCESS

102. For each of the Grounds of Appeal enumerated below in this section, the precise relief sought is the quashing of Charles Taylor's convictions for aiding and abetting and planning the crimes set out in Counts 1 to 11[114] and the vacatur of the Judgement.

103. In respect of the first two Grounds of Appeal enumerated in this section, the Defence shall be filing a Motion for Partial Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, shortly after the filing of this Notice of Appeal. Both of those Grounds of Appeal are set forth herein without prejudice to the said Motion for Disqualification; consequently, their inclusion in this Notice of Appeal should not be read as being inconsistent with the relief sought by the motion.

104. Furthermore, and in respect of the first three Grounds of Appeal enumerated in this section, the Defence intends to file a motion under Rule 115 to present additional evidence before the Appeals Chamber.

i) GROUND OF APPEAL 36: The Trial Chamber erred in law and/ or procedure in that deliberations, as contemplated and required by Rule 87, Rule 16*bis* and Rule 26*bis*, were not undertaken by the Trial Chamber in this case, as was declared in open court by Alternate Judge El Hadji Malick Sow on 26 April 2012 after the oral pronouncement of the Judgement when

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paras. 5121-5130; pp. 1793-1797, paras. 5152-5163; pp.1803-1807. paras. 5184-5195; pp. 1812-1816, paras. 5212-5224; pp. 1821-1824, paras. 5242-5252; pp. 1842-1848, paras. 5312-5330; pp. 1878-1881, paras. 5390-5394; p. 1886, paras. 5406-5408; pp. 1922-1932, paras. 5507-5527.

[114] Judgement, para. 6994 (a) and (b).

> **he said: "The only moment where a Judge can express his opinion is during deliberations or in the courtroom, and pursuant to the Rules, when there is no ^ deliberations, the only place left for me in [*sic*] the courtroom. I won't get -- because I think we have been sitting for too long but for me I have my dissenting opinion and I disagree with the findings and conclusions of the other Judges, because for me under any mode of liability, under any accepted standard of proof the guilt of the accused from the evidence provided in this trial is not proved beyond reasonable doubt by the Prosecution. And my only worry is that the whole system is not consistent with all the principles we know and love, and the system is not consistent with all the values of international criminal justice, and I'm afraid the whole system is under grave danger of just losing all credibility, and I'm afraid this whole thing is headed for failure."**

105. The irregularities which are the subject of this Ground of Appeal contravene Rule 87, Rule 16*bis*, and Rule 26*bis* of the Rules, as well as fundamental jurisprudential principles of due process. The resulting errors are material and applicable to all findings made, and convictions entered,[115] in the Judgement. Individually or collectively, the errors vitiate the proceedings, occasion a miscarriage of justice and invalidate the decision.

106. The specific remedy requested is the reversal of all adverse findings against Charles Taylor in the Judgment, the quashing of all convictions, and vacatur of the Judgement and Sentencing Judgement.

[115] Judgement, para. 6994.

ii) GROUND OF APPEAL 37[116]: The Trial Chamber erred in law and/ or procedure, in that there were recurring irregularities in the judicial process during the proceedings before the Trial Chamber, contrary to Rule 26*bis* and fundamental principles of due process, including the refusal "on principle"[117] by a Judge to attend a hearing on 25 February 2011[118] and the absence of the Alternate Judge's name on the cover of the Judgement when it had appeared on every decision and order of the Trial Chamber since CMS 249[119] of 22 May 2007 and on the Judgement Summary of 26 April 2012, and the declaration made in open court by the Alternate Judge on 26 April 2012 "that the whole system is not consistent with all the principles we know and love, and the system is not consistent with all the values of international criminal justice."

107. There were recurring irregularities in the judicial process during the proceedings before the Trial Chamber. Those irregularities include the adjournment of the hearing on 25 February 2011 because "this Trial Chamber is not properly constituted and we consider we have no alternative but to adjourn this hearing..."[120] and the statement during that hearing by the Alternate Judge that: "Let me make this

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[116] In framing this Ground of Appeal, the Defence has been cognisant of the provisions of the Practice Direction on the Structure of Grounds of Appeal before the Special Court, as amended on 23 May 2012. In addition to the letter of that Practice Direction, the Defence has been cognisant of the spirit behind its rules, as was articulated by the President of the Special Court, Justice Shireen Avis Fisher, during the Status Conference on 5 June 2012: "I think in regard to number 10, of course it will be factually dispositive, but I think *what these Rules were meant to do is to address form, not substance.* So, for example, if your ground of appeal is that because of an accumulation of unfair or improper findings the total result was an unfair trial that should be taken into consideration in terms of perhaps revising or revoking the conviction, there is one ground of appeal. The fact that you have specified what the various reasons for that ground may be, as long as you don't say sub-ground (a) sub-ground (b), sub-ground (c) and make additional arguments, I think you will be within the Rule. *Again, this addresses form -- the form of your argument rather that the substance of your argument.* So we aren't in any way suggesting that we are curtailing what you can argue. We are simply saying as a matter of form, make sure each appeal point stands on its own without having to go into additional points" (emphasis added). See, Trial Transcripts, 18 June 2012, p. 49770, lines 25 – 29, through p. 49771, lines 1 – 11.

[117] Trial Transcripts, 25 February 2011, p. 49316, lines 12 – 13.

[118] Trial Transcripts, 25 February 2011, p. 49316, lines 5 – 13.

[119] See, Prosecutor v. Taylor, No. SCSL-03-01-PT-249, Decision on Defence Application for Leave to Appeal the 25 April 2007 'Decision on Defence Motion Requesting Reconsideration of "Joint Defence Motions on Adequate Facilities and Adequate Time for the Preparation of Mr. Taylor's Defence," Dated 23 January,' 22 May 2007.

[120] Trial Transcripts, 25 February 2011, p. 49318, line 8 - 10.

very clear: This Bench is regularly composed with three judges sitting, as it shows. Two judges cannot sign decisions. When the Bench is sitting, it's sitting with three judges, not two judges, and I don't know what. I'm not here for decoration. I am a judge. This Bench is regularly composed, as everybody can see... We are three judges sitting."[121]

108. These irregularities contravene Rule 26*bis* and fundamental jurisprudential principles of due process, and also implicate Rule 16*bis*. The resulting errors in procedure and law are material and applicable to all findings made, and convictions entered,[122] in the Judgement. Individually or collectively, the errors vitiate the proceedings, occasion a miscarriage of justice and invalidate the decision.

109. The specific remedy requested is the reversal of all adverse findings against Charles Taylor in the Judgment, the quashing of all convictions, and vacatur of the Judgement and Sentencing Judgement.

iii) GROUND OF APPEAL 38: The Trial Chamber erred in law and/ or procedure, in that the Trial Chamber was irregularly constituted with a Judge of the International Court of Justice (ICJ)[123] from the time of that Judge's election to the ICJ until the time Judgement was rendered against the Accused, in the absence and fulfilment of undertakings by that Judge to the Plenary of the Special Court for Sierra Leone (SCSL) – notified to the parties – (i) that if elected as Judge of the ICJ they would fulfil their judicial functions at the SCSL on a full-time basis, (ii) that the judge would not assume any of their functions at the ICJ until completion of their tenure as a

[121] Trial Transcripts, 25 February 2011, p. 49317, lines 22-27, and p. 49318, line 3-4. See, also, *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1220, Defence Motion Seeking Termination of the Disciplinary Hearing for Failure to Properly Constitute the Trial Chamber and/or Leave to Appeal the Remaining Judges' Decision to Adjourn the Disciplinary Hearing, 28 February 2011, and *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1234, Order re: Defence Motion Seeking Termination of the Disciplinary Hearing for Failure to Properly Constitute the Trial Chamber and/or Leave to Appeal the Remaining Judges' Decision to Adjourn the Disciplinary Hearing, 18 March 2011.
[122] Judgement, para. 6994.
[123] Trial Transcripts, 16 May 2012, p. 49733, lines 21-26.

member of the Trial Chamber, (iii) that their duties at the ICJ would not be incompatible with their judicial duties at the SCSL, and (iv) that they would not to be diverted by anything from the fulfilment of their mandate at the SCSL[124];

110. The composition of the Trial Chamber with a Judge of the ICJ was irregular and contravened the principles which undergird Article 13 of the Statute, Rule 14, Rule 16, Rule 16*bis*, and Rule 26*bis* of the Rules, relevant jurisprudence from the International Criminal Tribunal for the former Yugoslavia, and Article 16 of the Statute of the International Court of Justice,[125] in the absence and fulfilment of the undertakings referred to in the Ground of Appeal, with full transparency and notice to the parties.

111. The resulting errors in procedure and law are material and applicable to all findings made, and convictions entered,[126] in the Judgement. Individually or collectively, the errors vitiate the proceedings, occasion a miscarriage of justice and invalidate the decision.

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[124] *Prosecutor v. Delalić, et al.*, Case No. IT-96-21-T, Decision of the Bureau on Motion to Disqualify Judges Pursuant to Rule 15 or in the Alternative that Certain Judges Recuse Themselves, 25 October 1999, para. 12 ("...[T]he question of whether the position of Vice-President of Costa Rica was compatible with the discharge of the judicial functions by Judge Odio Benito was raised... when it became known that she was running as a candidate for that position. Judge Odio Benito responded to President Cassese in a letter of 16 October 1997... that, *if elected, she would not take office before the end of her functions as a Judge sitting in Čelebići and in addition undertook, if elected, to fulfil her judicial functions on a full time basis.* In the light of this commitment, the then President Cassese decided that Judge Odio Benito was entitled to run as a candidate for the position of Vice-President. Nevertheless, he felt that it was advisable to submit the matter to the Plenary... The Fourteenth Plenary assembly of all Judges... endorsed the decision of the President. The matter arose again... after the election, on 1 February 1998, of Judge Odio Benito to the position of Second Vice-President of Costa Rica. President McDonald noted *the renewed commitment of Judge Odio Benito not to assume the functions of Second Vice-President... prior to the termination of her tenure as a Judge. Judge Odio Benito further undertook not to be diverted by anything from the fulfilment of her mandate as a Judge* until November 1998. In light of these commitments, President McDonald decided that there was no incompatibility between Judge Odio Benito's judicial duties and her new status of Second Vice-President of Costa Rica. President McDonald too felt it was advisable to submit the matter to the Seventeenth Plenary. This was done on 11 March 1998. The Plenary assembly of Judges... unanimously endorsed President McDonald's decision" (emphasis added)). See, also, *Prosecutor v. Delalić, et al.*, Case No. IT-96-21-A, Judgement, 20 February 2001, para. 684.

[125] Statute of the International Court of Justice, Article 16: ("1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature. 2. Any doubt on this point shall be settled by the decision of the Court"). The Statute of the International Court of Justice, annexed to the Charter of the United Nations, signed 26 June 1945, effective 24 October 1945.

[126] Judgement, para. 6994.

112. The specific remedy requested is the reversal of all adverse findings against Charles Taylor in the Judgment, the quashing of all convictions, and vacatur of the Judgement and Sentencing Judgement.

iv) GROUND OF APPEAL 39: The Trial Chamber erred in law, in fact and/ or procedure in finding that the Defence failed to make a *prima facie* showing that there "has been" interference with the independence and impartiality of the Court, despite being satisfied that statements in leaked Wikileaks cables attributed to sources within the Prosecution, Registry, and Chamber indicate that information may have been provided to the United States Government (USG) by employees within the Court.[127]

113. The Trial Chamber erred in denying the Defence's Wikileaks motion regarding United States Government sources within the Prosecution, Registry and the Chamber. The errors involved the misapplication of the *prima facie* legal standard in respect of a request for disclosure and/ or an investigation pursuant to Rule 54 of the Rules.

114. No reasonable trier of fact, having assessed the totality of the import of the cables, could have concluded that the Defence had failed to show the appearance of bias or interference with the independence and impartiality of the Court. The errors compromised the independence and/or integrity of the judicial process and occasion a miscarriage of justice and invalidate the decision, in that they contravene the principles that undergird Article 13(1), and Article 15(1) of the Statute, and Rule 54

[127] See, *Prosecutor v. Taylor,* Case No. SCSL-03-01-T-1174, Decision on Urgent and Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution, and the Registry Based on Leaked USG Cables, 28 January 2011, page 7; *Prosecutor v. Taylor,* Case No. SCSL-03-01-T-1193, Decision on Defence Motion Seeking Leave to Appeal the Decision on Urgent and Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution, and the Registry Based on Leaked USG Cables, 7 February 2011. See, also, *Prosecutor v. Taylor,* Case No. SCSL-03-01-T-1143, Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution, and the Registry Based on Leaked USG Cables, 10 January 2011.

and Rule 26*bis* of the Rules. The resulting errors are material and applicable to all findings made and convictions entered.[128]

115. The specific remedy requested is the reversal of all adverse findings against Charles Taylor in the Judgment, the quashing of all convictions, and vacatur of the Judgement and Sentencing Judgement. Alternatively, a reduction of fifteen years in the imposed sentence is requested.

V. ERRORS UNDERMINING THE FAIRNESS OF THE PROCEEDINGS

i) GROUND OF APPEAL 40: The Trial Chamber erred in law and in fact in failing to find that payments and incentives received by certain Prosecution witnesses (specifically, TF1-276[129], TF1-334[130], TF1-532[131], TF1-548[132], TF1-274[133]) went beyond that which is reasonably required for the management of a witness, were objectively unreasonable or excessive, and/ or amounted to an abuse of the Prosecution's discretion pursuant to Rule 39(ii), thereby necessitating that their respective testimony be treated with caution.[134]

116. The issue of improper payments and incentives to Prosecution witnesses was a recurring feature of the Defence case before the Trial Chamber.[135] In respect of the specifically-listed witnesses, the Trial Chamber erred by failing to treat their

[128] Judgement, para. 6994.
[129] See Judgement, paras. 218 - 219, pages 85 -86 (TF1-276); Defence Final Trial Brief at paras 1397-1398; Trial Transcript, 24 Jan. '08, pp. 2154-5.
[130] See Judgement, paras. 287 - 289, page 110 (TF1-334).
[131] See Judgement, paras. 269 - 274, pages 103 - 105 (TF1-532).
[132] See Judgement, para. 2222, page 762 (TF1-548).
[133] See Judgement, paras. 357 - 358, page 131 (TF1-274).
[134] See Judgement, Sections IV(b)(h) and III(E). See, Trial Transcript, 10 March 2011; Defence Final Trial Brief at paras. 23 – 26.
[135] *Prosecutor v. Taylor,* SCSL-03-01-T-1118, Decision on Public with Confidential Annexes A-J and Public Annexes K-O Defence Motion Requesting an Investigation into Contempt of Court by the Office of the Prosecutor and its Investigators, 11 November 2010; *Prosecutor v. Taylor,* SCSL-03-01-A-1104, Decision on Public with Confidential Annexes A-D Defence Motion for Disclosure of Exculpatory Information relating to DCT-032, 20 October 2010; *Prosecutor v. Taylor,* SCSL-03-01-A-1084, Decision on Defence Motion for Disclosure of Statement and Prosecution Payments made to DCT-097; 23 September 2010; See, Trial Transcript, 10 March 2011; Defence Final Trial Brief at paras. 23 – 26.

respective evidence with caution by virtue of the legally-impermissible payments and/ or incentives received by the said witnesses. This failure resulted in erroneous findings that each such witness was "generally-credible."[136] The errors undermined the fairness of the proceedings, and occasion a miscarriage of justice and invalidates the Trial Chamber's decision.

117. The relief sought is the reversal of all findings upon which reliance was had on any of these witnesses,[137] in the Judgment and the quashing of all convictions which rely upon the testimony of these witnesses.[138]

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[136] Judgement, paras. 218 - 219, pages 85 -86 (TF1-276); Judgement, paras. 287 - 289, page 110 (TF1-334); Judgement, paras. 269 - 274, pages 103 - 105 (TF1-532); Judgement, para. 2222, page 762 (TF1-548); and Judgement, paras. 357 - 358, page 131 (TF1-274).

[137] **TF1-274** (p. 808-809, para. 2367; pp. 813-815, para. 2379; pp. 815-816, para. 2380; p. 823, para. 2387; p. 842, para. 2448; p. 844, para. 2451; p. 908, para. 2626; p. 937, para. 2706; p. 962, paras. 2764-2765; p. 1084, para. 3100; p. 1089, para. 3110; p. 1173, para. 3369; p. 1183, para. 3384; pp. 1188-1193, paras. 3394-3400; pp. 1195-1196, para. 3405; p. 1199, para. 3410; p. 1200, para. 3413; pp. 1201-1203, paras. 3416-3419; pp. 1211-1214, paras. 3437-3442; pp. 1215-1216, paras. 3445-3447; p. 1217, para. 3449; pp. 1217-1218, para. 3451; pp. 1219-1220, para. 3456-3457; p. 1223, para. 3464; pp. 1227-1228, para. 3473; p. 1230, para. 3478; pp. 1256-1257, paras. 3554-3556; p. 1260-1261, para. 3562-3563; pp. 1262-1263, para. 3565-3568; p. 1264, paras. 3571-3572; p. 1266, para. 3575; p. 1267, paras. 3577-3578; pp. 1270-1272, paras. 3587-3591; pp. 1274-1275, para. 3596; p. 1276, para. 3600; pp. 1298-1299, paras. 3660-3661; pp. 1315-1316, para. 3722; pp. 1334-1336, paras. 3783-3788; pp. 1338-1339, paras. 3795-3797; p. 1340, para. 3801; p. 1340-1341, para. 3803; p. 1349, para. 3832; pp. 1351, para. 3840; p. 1352, para. 3842; p. 1357, para. 3855-3856; p. 1359, para. 3863; p. 1361, para. 3868-3869; pp. 1374-1375, para. 3915; p. 1383, para. 3936-3937; pp. 1478-1479, para. 4240; pp. 1482-1483, para. 4284(ix) and 4284(xi); pp. 1604-1605, paras. 4612-4617; p. 1675, paras. 4800-4803; p. 1690, para. 4843; p. 1731, para. 4965; p. 1752, paras. 5030-5031; p. 1786, para. 5130; p. 1848, paras. 5329-5330; p. 1924, para. 5511; pp. 1925-1927, paras. 5514-5515; p. 1929, para. 5519; p. 1932, para. 5527; pp. 1951-1952, paras. 5587-5588; p. 1953, para. 5593; pp. 1988-1990, para. 5702; p. 1991, para. 5705; p. 1995, para. 5714; p. 1998, para. 5721; p. 2045, para. 5829; p. 2038, para. 5838 (xi); p. 2042, para. 5835 (xxxv); pp. 2083-2084, para. 5928; p. 2200, para. 6222; p. 2357, para. 6663; **TF1-532** (p. 767, para. 2230; p. 801, para. 2337; p. 825, paras. 2390-2391; p. 853, para. 2481; p. 884, para. 2561; pp. 884-886, para. 2563; p. 942, para. 2718; p. 958, para. 2753; p. 1001, paras. 2863-2864; p. 1035, para. 2951; p. 1096, paras. 3129-3130; pp. 1231-1232, paras. 3481-3486; p. 1300, paras. 3665-3666; p. 1374, para. 3914; p. 1424, para. 4068; p. 1451, para. 4152; p. 1537, paras. 4394-4396; p. 1568, paras. 4491, 4493-4495; p. 1691, para. 4845; p. 1731, para. 4965; pp. 1886-1887, paras. 5406-5409; pp. 1932, para. 5527; p. 1943, para. 5559-5560; p. 1953, para. 5593; p. 1965, para. 5632; pp. 1997-1998, paras. 5719-5721; p. 2036, paras. 5832-5834; pp. 2037-2043, para. 5835; p. 2060, para. 5874; p. 2091, para. 5948; p. 2307, para. 6520; p. 2357, para. 6663; pp. 2395-2396, para. 6767); **TF1-276** (p.935 para. 2702; pp.937-938, paras. 2706-2707; pp.953-954, paras 2744; p. 956, para. 2749; p. 1081 para. 3092; p. 1088 para.3110; p. 1091 para. 3116; p.1176, para. 3373; pp. 1192-1193 para. 3399; p. 1256 para. 3555; pp. 1260-1261 para. 3563; pp. 1264-1265. para. 3573; pp. 1266-1267 para. 3576; pp. 1268-1270 paras. 3581-3582 and 3585; p. 1316 para. 3723; pp. 1317-1318 paras 3726-3727; pp. 1319-1320 paras 3729-3731; p. 1372 para 3906; p. 1374 para 3924; p. 1422 para 4065; p. 1424 para 4068; p. 1532 para 4381; p. 1537 paras. 4394-4396; p. 1554 para 4452; p. 1555 para 4454; pp. 1556-1558; paras. 4455-4458, 4460, 4461; p. 1560 para 4469; p. 1561 para. 4471; p. 1374-1375 para. 3915; p. 1562- 1568 paras 4476-4477, 4480-4481, 4488-4489, 4491-4495; p. 1641 para 4716; p. 1645 para 4723, p. 1650 para. 4734, p. 1675 para 4802; p. 1720-1722 paras 4943-4944; p. 1731 para. 4965; p. 1753 para. 5037; p. 1756 para 5043; p. 1793 para. 5152; p. 1797 para. 5163; p. 1803 para. 5184; p. 1805-1806 paras 5189 and 5191; p. 1807 para. 5195; p. 1814 para 5220; p. 1816 para. 5224; p. 1931 para. 5525; p. 1932 para. 5527; p. 1988-1989 para. 5702; p. 2007 para. 5750; p. 2009 paras. 5752-5753; p. 2088 para. 5940; p.

VI. MISCELLANEOUS GROUNDS

i) GROUND OF APPEAL 41: The Trial Chamber erred in law and in fact by entering impermissible cumulative convictions for rape and sexual slavery

118. The Trial Chamber erred in law and in fact in finding that it is legally permissible to enter convictions for both rape (Count 4) and sexual slavery (Count 5) when the commission of sexual slavery entailed the same conduct of non-consensual penetration as for rape.[139]

119. All findings of rape which are based on the same conduct used to establish the findings of sexual slavery are impermissibly cumulative and, therefore, invalid and should be reversed and all related conviction quashed.[140]

VII. ERRORS IN SENTENCING

2091 para. 5948; p. 2261 para. 6399 p. 2263-2264 paras. 6402-6404; p. 2268 paras. 6414-6415; pp. 2353-2356 paras. 6656, 6658-6660, 6662; p. 2357 para 6663; p. 2370-2371 para. 6704; p. 2371 para. 6706; p. 2374 para. 6715; p. 2378-2379 para. 6725; p. 2379 para. 6727; p. 2380 para. 2380; p. 2397 para. 6768; p. 2403 para. 6783; p. 2405 para. 6787; p. 2440 para. 6886); **TF1-334** (p. 799, para. 2335; p. 987, para. 2831; pp. 989-991, paras. 2835-2839; pp. 991-992, paras. 2841-2842; p. 1028, para. 2933; p. 1033, para. 2944; p. 1080, para. 3091; p. 1086, para. 3106; p. 1093, para. 3121; pp. 1094-1095, paras. 3123-3125; p. 1174, paras. 3370-3371; pp. 1176-1178, paras. 3373-3375; p. 1182, para. 3382; p. 1183, para. 3385; p. 1185, para. 3388; pp. 1188-1190, paras. 3394-3396; p. 1191, para. 3398; p. 1193, paras. 3400-3401; pp. 1194-1195, paras. 3403-3404; pp. 1197-1198, paras. 3407-3409; p. 1199, para. 3411; p. 1200, paras. 3413-3414; pp. 1205-1206, paras. 3425-3426; p. 1207, para. 3428; p. 1211, para. 3435; p. 1211, para. 3437; p. 1215, para. 3445; p. 1217, para. 3450; p. 1219, paras. 3454-3455; p. 1220, para. 3457; p. 1222, para. 3462; p. 1223, para. 3464; p. 1225, para. 3468; p. 1226, para. 3472; p. 1228, para. 3475; p. 1298, para. 3659; p. 1349, para. 3832; p. 1372, para. 3906; p. 1374, paras. 3912-3913; p. 1396, paras. 3979-3980; pp. 1433-1434, paras. 4090-4091; p. 1525, para. 4365; pp. 1526-1529, paras. 4368-4373; pp. 1529-1530, paras. 4375-4378); **TF1-548** (para. 2702, p. 935; paras. 2747-2748, pp. 955-956).

[138] Judgement, pp. 2475-2478, para. 6994.

[139] Judgement, para. 6989; Cf., *Prosecutor v. Sesay et al.*, Case No. SCSL-04-15-T, Judgement, 2 March 2009, para. 2305.

[140] Judgement, p. 354, paras. 893-4 and p. 425, para. 1127; p. 355, para. 898 (see also p. 376, para. 967) and p. 422, paras. 1116-1118; p. 358, para. 908 and p. 414, para. 1094; pp. 359-360, para. 913 and p. 420, para. 1108; p. 360, para. 914 and pp. 426-7, para. 1132; pp. 361-2, para. 919 and p. 420, para. 1108; p. 365, paras. 929-30 and pp. 431-2, paras. 1142-43; pp. 366-7, paras. 931-2; p. 374, para. 961 and p. 403, para. 1060; pp. 375-6, para. 966 and p. 405, para. 1066; p. 377, para. 970 and pp. 406-7, paras. 1071-2; p. 377, paras. 971-2; pp. 385-6, para. 999 and pp. 438-9, para. 1169; p. 388, para. 1007 and p. 441, para. 1179; p. 390, para. 1015 and pp. 443-4, para. 1187; p. 391, para. 1016; pp. 407-8, paras. 1073-75; pp. 431-2, paras. 1144-46; pp. 444-5, paras. 1188-91.

120. The grounds of appeal in relation to the Sentencing Judgement, as set out below, are independent of whether the relief sought in any of the above grounds is granted.

121. For each of the Grounds of Appeal set out in Part V, the precise relief sought as a result of the Trial Chamber's abuse of its discretion, is the quashing of the sentence imposed by the Trial Chamber, and the imposition of a new and appropriate sentence.

i) GROUND OF APPEAL 42: The Trial Chamber erred in fact and in law when it imposed on Charles Taylor a sentence of 50 years imprisonment, which is manifestly unreasonable in the circumstances of this case.[141]

122. Trial Chamber abused its discretion as no reasonable trier of law and fact, having assessed the totality of the evidence on the record, could have imposed such a harsh punishment, which is manifestly excessive in the circumstances of this case.

ii) GROUND OF APPEAL 43: The Trial Chamber committed discernible error when it noted Sierra Leonean law on sentencing practice when Mr Taylor has not been convicted of any offences under Article 5 of the Statute.[142]

123. Trial Chamber's discernible error had a significant effect on the determination of the sentence imposed on Charles Taylor.

iii) GROUND OF APPEAL 44: The Trial Chamber committed a discernible error when it considered *proprio motu*, aggravating factors that the Prosecution did not plead and, consequently to which, the Defence has not had the opportunity to respond.

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[141] Sentencing Judgement, p. 40, Disposition.
[142] Sentencing Judgement, p.16, para. 37 citing: Section 1 of the Accessories and Abettors Act, 1861, which applies in Sierra Leone, cited in *The State v. Archilla and Others*, March 16, 2009, para. 4.

124. The Trial Chamber considered the following to be aggravating factors: (a) Extraterritoriality;[143] (b) Mr Taylor's leadership role;[144] (c) Mr Taylor's special status, and his responsibility at the highest level;[145] (d) Exploitation of the conflict for financial gain.[146]

125. Only one of these factors, Mr Taylor's leadership role, was argued by the Prosecution in its sentencing brief.[147] The Defence had no notice of the other three factors, including the aggravating factor to which the Trial Chamber has appeared to have attached the greatest weight - Mr Taylor's unique and special status as a Head of State.[148]

126. The Trial Chamber's discernible errors had a significant effect on the determination of the sentence imposed on Charles Taylor.

iv) GROUND OF APPEAL 45: The Trial Chamber committed a discernible error in failing to consider expressions of sympathy and compassion in the statement of Charles Taylor[149] and those made during the trial by the Defence[150] as a factor in mitigation, due to the impermissible finding that "[a]lthough the Defence accepted that crimes were committed in Sierra Leone, it nevertheless put the Prosecution to proof beyond reasonable doubt of the crimes charged in the Indictment, necessitating the testimony of numerous victims who relived in this Court the pain and suffering they experienced."[151]

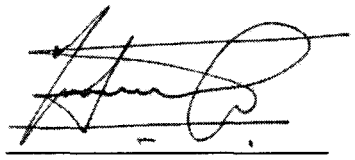
[143] Sentencing Judgement, p. 11, para. 27 and p. 38, para. 98.
[144] Sentencing Judgement, p. 11, para 25, p.12 para 29, p.37 para 96, p. 39 paras 101 and 102.
[145] Sentencing Judgement, p. 37 para. 97 and pp. 38-39 at paras 100-103.
[146] Sentencing Judgement, p.10, para 23 and p.38, para 99.
[147] Prosecution Sentencing Brief, paras. 83-89.
[148] Sentencing Judgement, p. 37 para. 97 and pp. 38-39 at paras 100-103.
[149] *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1280, Public with Annexes A & B Statement of DahKPannah Dr. Charles Ghankay Taylor, 18 May 2012.
[150] Defence Sentencing Brief, paras. 179-80.
[151] Sentencing Judgement, para. 91.

127. The Trial Chamber's reasoning and finding[152] contravenes Mr. Taylor's rights under Article 17 of the Statute, in particular his right to examine the witnesses against him,[153] and Rule 26*bis* of the Rules. The finding amounted to a discernible error, in that the Trial Chamber misdirected itself as to the legal principle or law to be applied and failed to consider relevant factors in relation to sentencing.

VIII. CONCLUSION

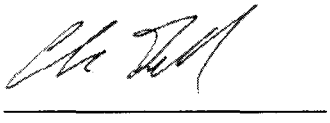
128. For all of the foregoing reasons, Charles Taylor respectfully requests that the Appeals Chamber reverse all findings of guilt and convictions entered against him and vacate the Judgement.

Respectfully Submitted,



Morris Anyah
Lead Counsel for Charles G. Taylor
Dated this 19th Day of July 2012
The Hague, The Netherlands

Eugene O'Sullivan
Co-Counsel for Charles G. Taylor



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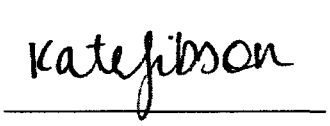

Kate Gibson
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[152] Sentencing Judgement, para. 91.
[153] Article 17(4)(e) of the Statute.

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The Taylor case

- *Prosecutor v. Taylor*, Case No. SCSL-03-01-PT-249, Decision on Defence Application for Leave to Appeal the 25 April 2007 'Decision on Defence Motion Requesting Reconsideration of "Joint Defence Motions on Adequate Facilities and Adequate Time for the Preparation of Mr. Taylor's Defence," Dated 23 January,' 22 May 2007;

- *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-263, Prosecution's Second Amended Indictment, 29 May 2007;

- *Prosecutor v. Taylor,* Case No. SCSL-03-01-T-1143, Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution, and the Registry Based on Leaked USG Cables, 10 January 2011;

- *Prosecutor v. Taylor,* Case No. SCSL-03-01-T-1174, Decision on Urgent and Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution, and the Registry Based on Leaked USG Cables, 28 January 2011;

- *Prosecutor v. Taylor,* Case No. SCSL-03-01-T-1193, Decision on Defence Motion Seeking Leave to Appeal the Decision on Urgent and Public with Annexes A-N Defence Motion for Disclosure and/or Investigation of United States Government Sources within the Trial Chamber, the Prosecution, and the Registry Based on Leaked USG Cables, 7 February 2011;

- *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1220, Defence Motion Seeking Termination of the Disciplinary Hearing for Failure to Properly Constitute the Trial Chamber and/or Leave to Appeal the Remaining Judges' Decision to Adjourn the Disciplinary Hearing, 28 February 2011;

- *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1234, Order re: Defence Motion Seeking Termination of the Disciplinary Hearing for Failure to Properly Constitute the Trial Chamber and/or Leave to Appeal the Remaining Judges' Decision to Adjourn the Disciplinary Hearing, 18 March 2011;

- *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1280, Public with Annexes A & B Statement of Dahkpannah Dr. Charles Ghankay Taylor, 18 May 2012;

- *Prosecutor v. Taylor*, Case No. SCSL-03-01-T-1281, Judgement, 18 May 2012;

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- *Prosecutor v. Taylor,* Case No. SCSL-03-01-T-1284, Corrigendum to Judgement Filed on 18 May 2012, 30 May 2012;

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- *Prosecutor v. Taylor*, No. SCSL-03-01-A-??, Charles Ghankay Taylor's Motion for Voluntary Withdrawal or Disqualification of Appeals Chamber Judges, 19 July 2012;

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- *Prosecutor v. Delalić, et al.*, Case No. IT-96-21-T, Decision of the Bureau on Motion to Disqualify Judges Pursuant to Rule 15 or in the Alternative that Certain Judges Recuse Themselves, 25 October 1999; http://www.icty.org/x/cases/mucic/acdec/en/91025DQX12987.htm

- *Prosecutor v. Delalić, et al.*, Case No. IT-96-21-A, Judgement, 20 February 2001; http://www.icty.org/x/cases/mucic/acjug/en/cel-aj010220.pdf

- *Prosecutor v. Deronjić*, Case No. IT-02-61-A, Judgement on Sentencing Appeal, 20 July 2005; http://www.icty.org/x/cases/deronjic/acjug/en/der-aj050720.pdf

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- *Prosecutor v. Gotovina et al,* Case No. IT-06-90-T, Judgement, Volume II of II, 15 April 2012; http://www.icty.org/x/cases/gotovina/tjug/en/110415_judgement_vol2.pdf

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- *Prosecutor v. Kordić & Čerkez,* Case No. IT-95-14/2-A, Judgement, 17 December 2004; http://www.icty.org/x/cases/kordic_cerkez/acjug/en/cer-aj041217e.pdf

- *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, Judgement, 27 September 2006; http://www.icty.org/x/cases/krajisnik/tjug/en/kra-jud060927e.pdf

- *Prosecutor v. Krajišnik,* Case No. IT-00-39-A, Judgement, 17 March 2009; http://www.icty.org/x/cases/krajisnik/acjug/en/090317.pdf

- *Prosecutor v. Milutonović et al,* Case No. IT-05-87-T, Judgement, Volume 2 of 4, 26 February 2009; http://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e2of4.pdf

- *Prosecutor v. Popović et al,* Case No. IT-05-88-T, Judgement, 10 June 2010; http://www.icty.org/x/cases/popovic/tjug/en/100610judgement.pdf

- *Prosecutor v. Strugar,* Case No. IT-01-42-T, Judgement, 31 January 2005. http://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf

SCSL Documents

- Statute of the Special Court for Sierra Leone;

- Rules of Procedure and Evidence of the Special Court for Sierra Leone;

- Practice Direction on the Structure of Grounds of Appeal before the Special Court, as amended on 23 May 2012.

Other Documents

- Statute of the International Court of Justice.

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Document Index Number: **1301**
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Number of Pages: **2** Number from: **086-087**

☐Application
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Document Title:

Public with confidential Annex A notice of appeal of Charles Ghankay Taylor

(The List of Authorities has been re-classified as public pursuant to Appeals Chamber's Decision of document SCSL-03-01-A-1316)

Name of Officer:

Samuel Fornah

Signed: