708) SCSL-03-01-T (23928 - 23941) 23928

THE SPECIAL COURT FOR SIERRA LEONE

In the Appeals Chamber

Before: Justice Renate Winter, Presiding
Justice Emmanuel Ayoola
Justice Jon M. Kamanda
Justice George Gelaga King

Registrar: Mr. Herman von Hebel

Date: 12 January 2009

Case No.: SCSL-2003-01-T

THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

PUBLIC

DEFENCE RESPONSE TO PROSECUTION NOTICE OF APPEAL AND SUBMISSIONS CONCERNING THE DECISION REGARDING THE TENDER OF DOCUMENTS

Office of the Prosecutor:
Ms. Brenda J. Hollis
Ms. Ula Nathai-Lutchman

Counsel for Charles G. Taylor:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Andrew Cayley
Mr. Morris Anyah

I. INTRODUCTION

1. On 5 January 2009, the Prosecution filed a *Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents* ("Appeal").[1] Specifically, the Prosecution appeal Trial Chamber II's 21 August 2008 oral decision holding that documents tendered under Rule 89(C) must be tendered through a witness after sufficient foundation is laid and in the instant case no sufficient foundation had been laid, and that if a document is tendered without a witness, application should be made under Rule 92*bis*.

2. In accordance with the Practice Direction for Certain Appeals before the Special Court,[2] the Defence files this Response within seven days of the Prosecution filing. The Defence opposes the Prosecution's grounds of appeal, inasmuch as the Trial Chamber did not err in law or in fact, and therefore its Decision denying the admission of the Prosecution's document should not be overturned.

II. OBJECTION TO GROUNDS OF APPEAL

Objection to Ground 1: The Trial Chamber correctly held that as a matter of law, if the Prosecution wishes to tender a document under Rule 89(C) through a witness, it needs to lay a foundation and in the instant case there was no sufficient foundation. Additionally, the Trial Chamber correctly held that as a matter of law, if a document is to be tendered without a witness, the application should be made under Rule 92*bis*.

Objection to Ground 2: The Trial Chamber correctly held that as a matter of fact and law in the instant case, the Prosecution had not laid a sufficient foundation to tender the document through the witness under Rule 89(C).

[1] *Prosecutor v. Taylor,* SCSL-03-01-T-700, Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents, 5 January 2009.
[2] 30 September 2004.

III. SUBMISSIONS REGARDING THE OBJECTIONS TO THE GROUNDS OF APPEAL

Part A. Statement of Facts

3. During court proceedings on 21 August 2008, the Prosecution sought to refer Witness TF1-367 to a document. Before the document was shown to the witness, Defence Counsel requested "some foundation as to the basis upon which [the] particular document [was] being placed before the witness".[3]

4. Instead of trying to lay a foundation, the Prosecution shifted tactics and decided it no longer wanted or was able to admit the document through witness TF1-367, saying that it preferred instead to move the document into evidence under Rule 89(C).[4] The Prosecution could not demonstrate how the witness was qualified to answer questions about the document.

5. Defence Counsel disagreed that the document was *prima facie* relevant to this witness's testimony and the proceedings as a whole just because it was purportedly an RUF mining record and the witness had previously been an RUF mining commander. Regarding the issue of relevance, Defence Counsel asked: where did the document come from? Who wrote the document? Where was the original? Was it available for inspection?[5] Defence Counsel disagreed that Rule 89(C) was wide enough to admit such a document without satisfactory answers to the questions raised, ultimately concluding that "absent...foundation...Rule 89 does not allow for the admission of this document through this witness".[6]

6. The Trial Chamber did not consider the relevance or the admissibility of the document under Rule 89(C) and made no findings in that regard; it advised the Prosecution to tender the document pursuant to Rule 92*bis* instead.[7]

---

[33] *Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 21 August 2008 ("**Transcript**"), p. 14245, lns. 11-13.
[4] Transcript, p. 14245, lns. 24-26.
[5] Transcript, p. 14247, lns. 2-6.
[6] Transcript, p. 14252, lns. 26-28.
[7] Transcript, pp. 14248-9.

Part B. Standard of Review

Error of Law

7. The Prosecution contends that the Trial Chamber erred in law, and to the extent that this error of law was committed in the exercise of its discretion, the Trial Chamber "misdirected itself either as to the principle to be applied, or as to the law which is relevant to the exercise of the discretion....".[8] The Prosecution further states that this exercise of discretion was one which was not "reasonably open" to the Trial Chamber and that the Trial Chamber abused its discretion in doing so.[9]

8. However, a Trial Chamber's exercise of discretion will only be overturned if the challenged decision was (1) based on an incorrect interpretation of governing law; (2) based on a patently incorrect conclusion of fact; or (3) so unfair or unreasonable as to constitute an abuse of the Trial Chamber's discretion.[10] Thus, even if the Appeals Chamber does not agree with the Trial Chamber's decision, the decision will stand unless it was so unreasonable as to force the conclusion that the Trial Chamber failed to exercise its discretion judiciously.[11] Deference is given to the Trial Chamber in exercising discretion in different types of decisions, including in relation to the admission of some types of evidence, because it is the Trial Chamber that has the most "organic familiarity with the day-to-day conduct of the parties and practical demands of the case".[12]

Error of Fact and Law

9. The Prosecution contends that the Trial Chamber also erred as a matter of law and fact in finding that no sufficient foundation had been laid for the admission of the document through the witness.[13]

---

[8] Appeal, para. 18.
[9] Appeal, para. 18.
[10] *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-T, Decision on Prosecution Motion Regarding the Objection to the Admissibility of Portions of Evidence of Witness TF1-371, 13 December 2007, para. 10.
[11] *Ibid.*
[12] *Prosecutor v. Popovic et al.*, No. IT-05-86-73.1, Decision on Vinko Pandurevic's Interlocutory Appeal against the Trial Chamber Decision on Joinder of the Accused, 24 January 2006, para. 4.
[13] Appeal, para. 19.

10. However, according to ICTY jurisprudence, even if the Trial Chamber's finding of this fact is erroneous, the Appeals Chamber should quash or revise it only if the error occasioned a miscarriage of justice. A miscarriage of justice is a high threshold and has been defined as "a grossly unfair outcome in a judicial proceeding" such as when a defendant is convicted despite a lack of evidence on an essential element of the crime.[14]

11. It is important to note that two judges, both acting reasonably, can come to different conclusions on the basis of the same evidence.[15] Accordingly, the Defence submits that the decisions reached by the Trial Chamber in this instance are not ones that "no reasonable Trial Chamber" could have reached"[16] and consequently should not be overturned on appeal.

Part C. Grounds of Appeal and Submissions

Ground 1: Foundation is necessary to establish relevance, or alternatively, the Trial Chamber appropriately exercised its discretion in requesting a foundation before admitting the evidence

12. By its very terms, Rule 89(C)[17] gives the Trial Chamber discretion as to which relevant evidence it deems appropriate to admit. The Defence accepts that neither probative value nor reliability are a **requirement** of admission under Rule 89(C).[18] Yet the Trial Chamber is not bound to admit all arguably relevant evidence, as the Prosecution's interpretation of the Rule would oblige. While relevance might be the only express legal requirement in terms of the Rule, this provision is not couched in exclusive terms. Thus it is permissible for the Trial Chamber to determine that a foundation must be established before determining that a document is relevant or admissible.

[14] *Prosecutor v. Kordic & Cerkez*, No. IT-65-14/2-A, Judgement, 17 December 2004, paras. 18-19; *Prosecutor v. Kunarac et al,* No. IT-96-23&23/1, Judgement, 12 June 2002, para. 39.
[15] *Prosecutor v. Tadic*, IT-94-1-A, Judgement, 15 July 1999, para. 64.
[16] *Prosecutor v. Krajisnik*, IT-00-39AR73.1, Decision on Interlocutory Appeal of Decision on Second Defence Motion for Adjournment, 25 April 2005, para. 7; *Prosecutor v. Halilovic*, IT-01-48-AR73.2, Decision on Interlocutory Appeal Concerning Admission of Record of Interview of the Accused from the Bar Table, 19 August 2005, para. 5.
[17] Rule 89(C): A Trial Chamber ***may*** admit any relevant evidence (emphasis added).
[18] Appeal, para. 26.

13. A foundation in this instance was necessary to ensure that the Prosecution did not lead the witness in regard to the content document.[19] The Prosecution was attempting to admit the content (not just the existence) of the document into the judicial record through a witness who was unfamiliar with the content. Thus it was crucial for the Trial Chamber to know the answers to the questions that were posed by Defence Counsel while interposing an objection – namely, whether the witness was in a position to speak to the document and what was the foundation for placing the particular document before the witness.[20] If the witness had no knowledge of the document or of its contents, then it was not relevant to that witness's testimony and it should not have been admitted through the testimony of that witness.

14. Certainly, the evidentiary rules in the Special Court and other international tribunals are broader and more flexible than in domestic jurisdictions.[21] However, this flexibility does not mean that any document which was written by someone in Sierra Leone during the conflict and mentions diamond-mining by the RUF must automatically be deemed relevant and therefore admissible in the case against Charles Taylor.[22] Adopting such a broad reading of Rule 89(C) as the Prosecution proposes would force the Trial Chamber to admit and wade through unnecessarily large amounts of tangentially-relevant material, thereby unduly burdening the Trial Chamber in its ultimate task of evaluating the credibility, reliability, authenticity, probative value, etc., of all admitted material in the context of the evidence as a whole.

15. Moreover, the Defence disputes the Prosecution's assertion that the Trial Chamber's interpretation of Rule 89(C) is inconsistent with the practice of this Court.[23] The Prosecution's contention, namely that Rule 89(C) has been used before to admit documents without a witness, is based on a flawed understanding of the relevant cases. In the Sesay 89(C) Decision cited by the Prosecution, the relevance and therefore the admissibility of the

---

[19] *See also Prosecutor v. Taylor,* SCSL-03-01-T-691, Decision on Public Prosecution Application for Leave to Appeal Decision Regarding the Tender of Documents, Separate Dissenting Opinion of Justice Julia Sebutinde, 10 December 2008 ("**Sebutinde Dissent**"), para. 5.
[20] Transcript, p. 14245, lns. 19-22.
[21] Appeal, para. 25.
[22] As Defence Counsel stated, the approach suggested by the Prosecution would allow them to download any [arguably relevant] document from the internet and present it to the tribunal through any witness, and Rule 89(C) simply cannot be that wide. Transcript, p. 14247, lns. 2-6.
[23] Appeal, para. 22.

document in that case, was established **through** a witness.[24] In the Fofana Bail Appeals Decision cited by the Prosecution, while the Appeals Chamber noted that the document at issue should have been admitted under Rule 89(C) without a witness, it noted that witnesses would then have to be made available for the purposes of further clarification and cross-examination in relation to the documents.[25] In both cases, the respective documents were therefore not admitted without a witness *per se*. Thus there is nothing inconsistent in prior jurisprudence with the Trial Chamber's current approach to Rule 89(C).

16. Maintaining a careful approach to the admission of documentary material does not disrespect the professionalism of the judges or suggest that they cannot be trusted to evaluate evidence and assign it its proper weight.[26] Rather, such an approach is a recognition that only a certain calibre of evidence should be admitted for consideration by the Chamber in order to maintain the integrity and efficiency of the proceedings. Of course, the Trial Chamber may always exercise its discretion under either Rule 95 or its inherent jurisdiction to exclude evidence, where its probative value is outweighed by its prejudicial effect,[27] as is the case where proof of the acts and conduct of the Accused is being tendered by way of documentary evidence in lieu of oral testimony without the opportunity for cross-examination.[28]

*Ground 1: Rule 89(C) encompasses the admission of documents tendered through a witness; yet Rule 92*bis *is* lex specialis *for documents not tendered through a witness*

17. Rule 92*bis* is *lex specialis* for documents not tendered through a witness. As Justice Lussick instructed the Prosecution,

---

[24] Appeal, para. 22, citing *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-T-620, Decision on Prosecution Motion to Admit into Evidence a Document Referred to in Cross-Examination, 2 August 2006 ("**Sesay 89(C) Decision**") (Trial Chamber I admitted the Report after "Considering that the Report is relevant for the purpose for which the Prosecution is seeking its admission, that is, to fully understand the context of the Defence cross-examination" wherein Defence Counsel had asked the witness questions regarding the Report. Thus, the Report was admitted "as an exhibit for the sole purpose of understanding the full context of the Defence cross-examination.).

[25] Appeal, para. 22, citing *Prosecutor v. Fofana, Kondewa,* SCSL-04-14-AR65-371, Fofana – Appeal Against Decision Refusing Bail, 11 March 2005. See paras. 28-30 ("**Fofana Bail Appeals Decision**").

[26] Appeal, para. 25, citing Fofana Bail Appeals Decision, para. 26. The Defence notes that the passage quoted by the Prosecution is in relation to the admission of oral hearsay evidence, not documentary evidence. Therefore, the passage is of limited applicability to the instant situation.

[27] *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-T, Ruling on Gbao Application to Exclude Evidence of Prosecution Witness Mr. Koker, 23 May 2005, para. 7.

[28] *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-T, Decision on the Prosecution Notice Under 92*bis* to Admit the Transcripts of Testimony of TF1-256, 23 May 2006 ("**Sesay 92*bis* Decision**"), p. 3.

> "If the document cannot be linked to the evidence of the witness, then you are not seeking to prove any facts by oral evidence. You are seeking to prove them by documentary evidence. And it seems to me that if that is so the conditions of Rule 92*bis* apply and you cannot attempt to evade those provisions by simply dumping documents on witnesses who know nothing about them and trying to admit them through Rule 89(C)".[29]

The Prosecution was attempting to admit the content of the alleged RUF mining records document through a witness where it was not established that the witness had knowledge of them.[30] Since the document was not linked to the evidence of the witness, then it is clear that the Prosecution was attempting to submit the documentary records in lieu of oral evidence, which can only be done according to the provisions and safeguards of Rule 92*bis*. As such, the Trial Chamber correctly determined that, "If a document is to be tendered without a witness, then the application should be made under 92*bis* of the rules".[31]

18. Rule 92*bis* includes additional requirements to the admission of documentary evidence tendered in lieu of oral testimony and without a witness, precisely because it is more difficult for the Trial Chamber to assess reliability without a witness. Thus, the document must bear some indicia of reliability on its face. Rule 89(C) does not expressly incorporate such a requirement because the Defence submits that it contemplates testimony of a witness and the opportunity for cross-examination, both of which minimise the concern that unreliable, irrelevant, and untested evidence would be admitted.

19. The Trial Chamber's interpretation of Rules 89(C) and 92*bis* does not require "compulsory resort to a witness serving only to submit documents" as the Prosecution fears.[32] The Defence does not quarrel with the averment that "there is no requirement in international criminal law to produce documents through a witness".[33] Documents can still be tendered through Rule 92*bis* without resort to a witness, as long as the contents of the documents do not go to proof of the acts or conduct of the Accused and are susceptible of confirmation. This is a basic safeguard and a principle which is well-established within jurisprudence of the

[29] Transcript, p. 14249, lns. 6-12.
[30] In fact, Prosecution Counsel conceded in court that the witness knew nothing about the document. *See* Sebutinde Dissent, para. 5.
[31] Transcript, p. 14253, lns. 4-6.
[32] Appeal, para. 23, citing *Prosecutor v. Blaskic,* IT-95-14, Judgement, 3 March 2000, para. 35.
[33] Appeal, para. 23, citing Sesay 89(C) Decision, para. 3.

Special Court and other international tribunals. Allowing evidence of acts and conduct of the Accused to be admitted as documentary evidence under Rule 89(C) alone, in the absence of the possibility of cross-examining a witness on the material, would thwart the purpose of Rule 92*bis* and would bring the administration of justice into serious disrepute as prohibited by Rule 95. The Prosecution's interpretation makes a mockery of the safeguards of Rule 92*bis* and renders the rule obsolete; evidence that fails the restrictive Rule 92*bis* standard could easily find its way onto the record via Rule 89(C) merely on a *prima facie* showing of relevance.

20. The Prosecution's interpretation of the interplay between Rules 89(C) and *92bis* is untenable as it would abrogate the Accused's Article 17 right to challenge the evidence against him. Rule 89(C) cannot be used to subvert the safeguards of Rule 92*bis*.[34] It is well-settled jurisprudence that the Accused would be unfairly prejudiced if documents pertaining to his acts and conduct were admitted into evidence without the opportunity for cross-examination.[35] It would put the administration of justice into serious disrepute if documents pertaining to the acts and conduct of the Accused were admitted into evidence under Rule 89(C) without the opportunity for cross-examination of an accompanying witness.

21. The Prosecution have an impermissibly narrow impression of the types of documents that may be admitted under Rule 92*bis*.[36] In comparison to comparable rules at the ICTR and ICTY, Special Court Rule 92*bis* is broader and does not limit the type of evidence admissible to mere background evidence that does not go to proving the acts and conduct of the Accused.[37] Thus, the types of "information" that may be admitted under Rule *92bis* is not limited to simply statements or transcripts from other trials. A document, such as one

---

[34] *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-357, Decision on Defence Applications for Leave to Appeal Ruling of the 3rd of February 2005 on the Exclusion of Statements of Witness TF1-141, 28 April 2005, para. 19.
[35] *Prosecutor v. Fofana, Kondewa*, SCSL-04-14-T, Decision on Prosecution's Request to Admit into Evidence Certain Documents Pursuant to Rule 92 bis and 89(C), 15 July 2005; *Prosecutor v. Karemera et al.*, ICTR-98-44-T, Decision on Prosecution Motion for Admission of Evidence of Rape and Sexual Assault Pursuant to Rule 92 bis of the Rules and Order for Reduction of Prosecution Witness List, 11 December 2006, para. 10; *Prosecutor v Kajelijeli*, ICTR-98-44A-T, Decision on Kajelijeli's Motion to Admit into Evidence Affidavits Pursuant to Rule 92 bis (B), 1 July 2003.
[36] Transcript, p. 14249, lns. 26-27; Appeal, paras. 33-36.
[37] Sesay 92*bis* Decision, p. 4.

containing RUF mining records, may be admissible under Rule 92*bis* if it is susceptible of confirmation and does not go to proof of the acts and conduct of the accused.

22. The May 2007 amendments to SCSL Rule 92*bis* only narrowed the scope as to what may be admissible by explicitly prohibiting information which goes to proof of the acts or conduct of the Accused. However, it did not narrow the definition of what may be considered and admitted as "information". "Information" is an inclusive word and the phrase expressly includes witness statements and transcripts. It does not then, as the Prosecution suggests,[38] make Rule 92*bis* only suitable for the admission of statements and transcripts and Rule 89(C) more suitable for the admission of all other types of documentary evidence and information. In fact, the Prosecution has previously filed a motion requesting the admission of a sizeable number of documents other than written statements and transcripts (including video footage, maps, information downloaded from the internet, etc.) in lieu of oral testimony, under Rule 92*bis*.[39] Therefore, it is incredulous that the Prosecution now seeks to restrict the interpretation of Rule 92*bis* to only written statements and transcripts.

23. Likewise, the phrase "in lieu of oral testimony" should be given its ordinary meaning and should not be restricted to written statements or transcripts that are tendered in lieu of oral testimony. Since documents do not themselves speak, the contents of any documentary evidence is essentially tendered in lieu of oral testimony.[40] This is not a novel or inventive definition of the phrase. In this instance, the Prosecution was attempting to admit alleged RUF mining records in a documentary and written format in lieu of oral testimony: i.e., instead of calling a witness to testify as to the quantity, classification, etc., of mined diamonds. As such, the document falls squarely within the provisions and safeguards of Rule 92*bis*, as does all documentary evidence tendered in the absence of a witness.

Ground 2: There was no sufficient foundation laid by the Prosecution in this instance

24. The Trial Chamber did not err in law or fact in determining that no sufficient foundation had been laid for the admission of the document pursuant to Rule 89(C) in conjunction with the

[38] Appeal, paras. 35-36.
[39] *Prosecutor v. Taylor,* SCSL-03-01-T-241, Prosecution's Motion for Admission of Material Pursuant to Rules 89(C) and 92*bis*, 17 May 2007.
[40] *See* Sebutinde Dissent, paras. 5 and 6.

testimony of witness TF1-367.[41] The foundation requested by Defence Counsel was minimal and would have assisted the Trial Chamber in determining the relevance of the document.

25. Although the document is purportedly a record of RUF diamond-mining, there is no evidence on record showing whether the witness had personal knowledge of the record or its contents. The fact that the witness knew some of the names of people who kept records of mining activities or mining locations does not necessarily mean that the document in question is relevant to the witness's knowledge regarding the specific document. To ask the witness to explain the contents of the document without having knowledge of the contents of the document would be asking him to speculate and/ or comment on irrelevant information, and would be tantamount to leading the witness.

26. The Trial Chamber's determination of this issue was a factual matter within its discretion and should not be overturned absent a finding by the Appeals Chamber that the decision constitutes a miscarriage of justice.

Part D. Prejudice

27. The Prosecution's arguments as to prejudice are not persuasive.[42] The Prosecution could have tendered the document in question in conjunction with witness TF1-367 if it had asked and had answered a few simple foundational questions to establish its relevance to the testimony of that witness. The same would apply to any other documents and witnesses similarly-situated. Alternatively, the Prosecution could seek admission of the document under Rule 92*bis*. This is not prejudicial to the Prosecution, but a matter of following the proper procedure.

28. Furthermore, the Prosecution should rightly be precluded from using Rule 89(C) to tender a document in those cases where the evidence is not being tendered through a witness and where such evidence goes to proof of the acts and conduct of the Accused or is evidence which is considered sufficiently proximate to the Accused.

---

[41] Appeal, paras. 41-44.
[42] Appeal, para. 45.

29. The Defence is not impressed by the Prosecution's concern that Security Council Resolutions may not be admissible under Rule 89(C) because there is not an easily identifiable witness.[43] As the Appeals Chamber has noted before, Security Council Resolutions are subject to the same admissibility regime as all other documentary evidence: "Whether or not the source of a document is a political body, and more particularly whether that body was party to the establishment of the Special Court, is of no relevance. There is no legal reason for any difference in applying the same test to all documents".[44]

IV. CONCLUSION

30. The Prosecution's Appeal should be denied because the Trial Chamber did not commit any errors in law or fact in ruling that if the Prosecution wishes to tender a document under Rule 89(C) through a witness, it needs to lay sufficient foundation and there was no such foundation laid in the instant case. Nor did the Trial Chamber commit any error in law in ruling that if a document is to be tendered without a witness, then the application should be made under Rule 92*bis* of the rules.

31. Consequently, the Prosecution's Appeal should be dismissed.

Respectfully Submitted,

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 12th Day of January 2009
The Hague, The Netherlands

[43] Appeal, para. 45.
[44] *Prosecutor v. Fofana, Kondewa,* SCSL-04-14-AR73, Fofana – Decision on Appeal Against "Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence", 16 May 2005, para. 49.

Table of Authorities

Prosecutor v. Taylor

Prosecutor v. Taylor, SCSL-03-01-T-241, Prosecution's Motion for Admission of Material Pursuant to Rules 89(C) and 92*bis,* 17 May 2007

Prosecutor v. Taylor, SCSL-03-01-T-691, Decision on Public Prosecution Application for Leave to Appeal Decision Regarding the Tender of Documents, Separate Dissenting Opinion of Justice Julia Sebutinde, 10 December 2008

Prosecutor v. Taylor, SCSL-03-01-T-700, Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents, 5 January 2009

SCSL

Prosecutor v. Sesay, Kallon, Gbao, SCSL-04-15-T-357, Decision on Defence Applications for Leave to Appeal Ruling of the 3rd of February 2005 on the Exclusion of Statements of Witness TF1-141, 28 April 2005

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

Prosecutor v. Sesay, Kallon, Gbao, SCSL-04-15-T, Decision on the Prosecution Notice Under 92*bis* to Admit the Transcripts of Testimony of TF1-256, 23 May 2006

Prosecutor v. Sesay, Kallon, Gbao, SCSL-04-15-T-620, Decision on Prosecution Motion to Admit into Evidence a Document Referred to in Cross-Examination, 2 August 2006

Prosecutor v. Sesay, Kallon, Gbao, SCSL-04-15-T, Decision on Prosecution Motion Regarding the Objection to the Admissibility of Portions of Evidence of Witness TF1-371, 13 December 2007

Prosecutor v. Fofana, Kondewa, SCSL-04-14-AR65-371, Fofana – Appeal Against Decision Refusing Bail, 11 March 2005

Prosecutor v. Fofana, Kondewa, SCSL-04-14-AR73, Fofana – Decision on Appeal Against "Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence", 16 May 2005

Prosecutor v. Fofana, Kondewa, SCSL-04-14-T, Decision on Prosecution's Request to Admit Into Evidence Certain Documents Pursuant to Rule 92 bis and 89(C), 15 July 2005

ICTR

Prosecutor v Kajelijeli, ICTR-98-44A-T, Decision on Kajelijeli's Motion to Admit into Evidence Affidavits Pursuant to Rule 92 bis (B), 1 July 2003
http://69.94.11.53/ENGLISH/cases/Kajelijeli/decisions/010703b.htm

Prosecutor v. Karemera et al, ICTR-98-44-T, Decision on Prosecution Motion for Admision of Evidence of Rape and Sexual Assault Pursuant to Rule 92 bis of the Rules and Order for Reduction of Prosecution Witness List, 11 December 2006
http://www.unictr.org/ENGLISH/cases/Karemera/decisions/111206.pdf

ICTY

Prosecutor v. Halilovic, IT-01-48-AR73.2, Decision on Interlocutory Appeal Concerning Admission of Record of Interview of the Accused from the Bar Table, 19 August 2005
http://www.icty.org/x/cases/halilovic/acdec/en/050819.htm

Prosecutor v. Kordic and Cerkez, No. IT-95-14/2-A, Judgment, 17 December 2004
http://www.un.org/icty/kordic/appeal/judgement/cer-aj041217e.pdf

Prosecutor v. Krajisnik, IT-00-39AR73.1, Decision on Interlocutory Appeal of Decision on Second Defence Motion for Adjournment, 25 April 2005
http://www.icty.org/x/cases/krajisnik/tord/en/050304.htm

Prosecutor v. Kunarac et al, IT-96-23&23/1, Judgement, 12 June 2002
http://www.icty.org/x/cases/kunarac/acjug/en/kun-aj020612e.pdf

Prosecutor v. Popovic et al, No. IT-05-86-73.1, Decision on Vinko Pandurevic's Interlocutory Appeal Against the Trial Chamber Decision on Joinder of the Accused, 24 January 2006
http://www.icty.org/x/cases/popovic/acdec/en/060124.pdf

Prosecutor v. Tadic, IT-94-1-A, Judgement, 15 July 1999