

(TF2-086, TF2-147, TF2-017, TF2-134, TF2-173) and Moyamba (TF2-170, TF2-166).

410. The Defence submits that the majority of these alleged crimes were perpetrated by unidentified kamajors. As the prosecution must establish a sufficient nexus between the accused and the attack, this is impossible to do when the identity of the perpetrator is unknown.

411. As with Count 1 the Defence submits that the Prosecution has failed to demonstrate that there was an “attack” against a civilian population and therefore has failed to meet one of the necessary elements for a crime against humanity. The prosecution must prove under count 3 of the Indictment that there was a widespread or systematic attack on civilian population by the Kamajors.

412. The Defence submits that there were no “attacks” against civilians, certainly not on the level that is large enough or targeting a whole population to suffice to the level of an attack as set out in the jurisprudence.

Count 5: Looting and Burning

413. Count 5 of the indictment alleges that the Accused of his alleged position as a superior for looting and burning.

414. The elements of the crime of pillage are:

- The perpetrator appropriated certain property
- The perpetrator intended to deprive the owner of the property and to appropriate it for private or personal use. (As indicated by the use of the term “private or personal use”, appropriations justified by military necessity cannot constitute the crime of pillaging.)
- The appropriation was without the consent of the owner
- The conduct took place in the context of and was associated with an armed conflict not of international character.

- The perpetrator was aware of the factual circumstances that established the existence of an armed conflict.⁶¹²

415. In the traditional sense the concept of pillage implies an element of violence.⁶¹³

416. The Defence submits that the crime of ‘burning’ does not fulfil the elements of pillage, since pillage requires appropriation, whereas burning does not. This argument is strengthened when Article 5.b. of the Statute of Special Court is considered. In the Defence view ‘burning’ has been inappropriately pleaded as pillaging and all evidence relating to burning should be not considered with respect to Count 5. Regardless the Defence will review the evidence presented in relation to burning as well under Count 5.

417. In order to establish the facts in relation to the allegations set forth in paragraph 27 of the Indictment the Prosecution relied on the testimony provided by various prosecution witnesses concerning alleged looting and burning in Kenema District and Town, Tongo Field and Surrounding areas, Bo District and Town, Koribondo, Moyamba District, Bonthe District and Town and Talia (Base Zero). The Defence would analyzed the evidence of both the prosecution and defence witnesses to demonstrate that the first accused was neither a direct participant nor was he in any alleged position as a superior.

Kenema Town and District:

418. Various Prosecution witnesses testified that unidentified Kamajors burnt down and looted their⁶¹⁴ houses and other⁶¹⁵ houses in Kenema. TF2-223 described a number of houses burnt in Blama road including the house of a lieutenant who was alleged to be a friend of the junta and the house of one “Kutayeh”. TF2-188 also alleged that Kamajors took away her and her mother’s property.

⁶¹² Dixon & Khan: Archbold International Criminal Courts, Practice, Procedure & Evidence (2002), p.327

⁶¹³ Celebici Judgment, para.591, p.209

⁶¹⁴ Transcripts of TF2-154, p. 53

⁶¹⁵ Transcripts of TF2-152, p.

419. In his evidence, Mohammed Kineh Swaray, testified that when they attacked Kenema, he observed that civilians were burning the houses where the juntas stayed when they burnt down the houses of the relatives of the Kamajors and civilians.⁶¹⁶ The witness further testified that when they observed that the civilians were burning houses, they called all of them and stopped them from burning houses. They told them they have not come to destroy Kenema so nobody should burn a house there.⁶¹⁷ Mohammed Bonie Koroma also testified that civilians burnt houses of rebel supporters in retaliation and he denied seeing Kamajors burning houses as alleged by TF2-154.⁶¹⁸

420. In his evidence Ishmael Senesie Koroma, testified that while the juntas were pulling out of Kenema led by Mosquito, they caused a lot of destruction and looted shops completely and took all the vehicles to Kailahun.⁶¹⁹ This witness further testified that he operated with a vehicle belonging to ICRC which was given to him by ECOMOG and the vehicle was with witness until the Lome Peace Accord was signed when ICRC returned and Major Tony of ECOMOG requested the witness to hand over the vehicle. A document was prepared to that effect and the vehicle handed back to ICRC.⁶²⁰ The witness denied under cross examination of being aware of Kamajors committing acts of looting and stated that it was a rule for them not to loot.⁶²¹ Arthur Koroma corroborated this evidence when he testified that when the AFRC junta forces were pulling out around mid February 1998, they launched "operation pay yourself" where they broke into all the major shops along the main street and looted vehicles and items in the shops.⁶²²

Tongo Field and Surroundings:

421. In his evidence, TF2-144 testified that when they left Tongo and escorted by the Kamajors to Dodo to Kenema, he was later escorted by one commander to Tongo and upon arrival in his compound, witness discovered that all his zincs had been

⁶¹⁶ Transcripts of Mohammed Kineh Swaray, p.109, May 25

⁶¹⁷ Ibid. p.110

⁶¹⁸ Transcripts of Mohammed Bonie Koroma, p. May 22

⁶¹⁹ Transcripts of Ishmael Koroma, pp.12-13, Feb. 23

⁶²⁰ Ibid. pp.16-17, Feb. 23

⁶²¹ Ibid. p.63, Feb. 23

⁶²² Transcripts of Arthur Koroma, pp.34-35, May 3.

removed and his three houses destroyed. This piece of evidence is unreliable because the witness was not there when the alleged looting took place and cannot identify the alleged perpetrators. The witness further said that in his house on Kailahun Street was invaded by Kamajors who took away his mattress where he hid \$10,000 (US).⁶²³ This piece of evidence is equally not convincing as it is far fetched to believe that amount of money was in a mattress to begin with. TF2-053 also testified how his house was burnt down in Tongo including other houses. Again this evidence should be viewed with circumspection as there is evidence that Tongo was occupied by the juntas who carried out acts of looting and burning.

422. In his evidence, Siaka Lahai testified that when they entered Tongo, they met a lot of destruction, houses on fire and the juntas were breaking into houses.⁶²⁴ This piece of evidence was corroborated by Keikula Amara who testified that in the evening while outside Panguma Town, they were seeing fire burning in all of Tongo and that the soldiers were putting people in their houses and setting their houses ablaze.⁶²⁵

Bo Town and District:

423. The allegations of looting and burning from TF2-008 which he alleged took place after the attack on Bo cannot be subscribed as acts of Kamajors as according to the witness he saw evidence of looting and burning but didn't know if was AFRC or Kamajors who were the perpetrators.⁶²⁶ In his evidence TF2-017 alleged that at a meeting in Base Zero in Jan. 1998 Hinga Norman told them when attacking Bo to loot and burn houses and specifically loot pharmacies and get the medicines.⁶²⁷ This witness further alleged that during the attack on Bo, his group went to a hotel whose owner allegedly hid rebels, broke in, looted then set it on fire. He also stated that he broke into a pharmacy on Tinkoko road and took medicines from the pharmacy on Bojon road. The accused while testifying refuted ever instructing anybody to loot or

⁶²³ Transcripts of TF2-016

⁶²⁴ Transcripts of Siaka Lahai, p.10, May 17.

⁶²⁵ Transcripts of Keikula Amara alias Kamabotie, pp. 31-33, May 18.

⁶²⁶ Transcripts of TF2-008, p.108, Nov. 16, 2004.

⁶²⁷ Transcripts of TF2-017, p. 94

burn down houses.⁶²⁸ TF2-110 alleged that the Kamajors came to his house and took his family belongings and TF2-030 alleged that when Kamajors entered Bo they started looting and his landlady's shop was looted. TF2-156 also alleged that when Kamajors entered Bo they looted his things and looted his brother's house. This piece of evidence was contradicted by Defence witness Morris Ngobeh who testified that when the Kamajors entered Bo on Friday and Saturday the town was in the hands of the youths. On Sunday morning the Kamajors came to Bo and the burning stopped and everybody received the Kamajors joyously. The people were dancing for the rest of the day and continued till Monday.⁶²⁹

424. There is evidence before the Court that there was looting and burning by the civilians when the Kamajors entered Bo but this cannot be attributed to the Kamajors.⁶³⁰ There is evidence that the juntas disguised as Kamajors and committed atrocities as kamajors.⁶³¹

425. Defence witness Morris Ngobeh testified that on the night of May 25 coup in 1997, the AFRC soldiers looted all the main shops in Bo Town⁶³² and that civilians reacted, particularly the youths, the following morning by demonstrating in the street saying that they did not approve of what happened and that during the demonstration they looted properties.⁶³³ This witness further testified that youths burnt the house of Victor Foh, a very senior AFRC at Maria Street and MB Sesay's house situated along Fenton road and Kawusu street were burnt as well as the house of Joe Amara Bangali who was Finance Minister.⁶³⁴

426. In his evidence TF2-057 testified that he was in Bo when Kamajors came to his house in March 1998 and took away valuables but ECOMOG soldiers came and stopped them from taking it.⁶³⁵ TF2-056 also alleged seeing four burnt houses in Bo at the police barracks the day the Kamajors came in March 1998⁶³⁶. This piece of

⁶²⁸ Transcripts of Hinga Norman. Pp 28, 38, 39, Jan 31 2006.

⁶²⁹ Transcripts of Morris Ngobeh, p.9, Sept. 27 2006

⁶³⁰ Ibid, p.9

⁶³¹ Transcripts of Dr. Joe Demby, p.29, Feb. 13 2006, Transcripts of Ishmael Koroma, pp. 14-15, Feb. 22 2006

⁶³² Transcripts of Morris Ngobeh, p.5, Sept. 27 2006

⁶³³ Ibid, p. 5.

⁶³⁴ Ibid, p.7

⁶³⁵ Transcripts of TF2-057, p.116

⁶³⁶ Transcripts of TF2-056, p.73, Dec. 6, 2004

evidence lacks specificity because merely seeing burnt houses the day the Kamajors entered does not mean that the houses were burnt by Kamajors. The same witness further alleged that Kamajors came to his house and took his refrigerator, water filter and television set.⁶³⁷

Koribondo:

427. Several prosecution witnesses testified about alleged looting and burning in Koribondo. TF2-157 testified that when he went to Koribondo in February 1998, he saw three houses burning and his own house was burnt down.⁶³⁸ There is no evidence to suggest that this was done by Kamajors. Under cross examination, TF2-056 testified that when they were entering Koribondo, he observed burning of houses, while the enemy AFRC/RUF were pulling out.⁶³⁹

428. In his evidence, TF2-159 alleged seeing Kamajors destroying houses and taking property on the 14th February 1998 and in the evening the Kamajors started burning the town. On Blama road to the junction, the witness said he saw about 25 houses burnt including Daniel Habid's house.⁶⁴⁰ This piece of evidence was challenged by the Accused, when he testified it is impossible that 25 houses were burnt because from the junction to the last house moving on to Blama direction, the houses on their left or right are no more than 15. The Accused further agreed that part of Mr Habib's house was damaged was that part of it was burnt as a result of the soldiers who were occupying the house and had stored some inflammables in it.⁶⁴¹ In her testimony, Wuiyatta Sheriff corroborated the evidence that soldiers set fire on her mother's house and others and denied that Kamajors burnt houses on Blama road.⁶⁴² Dauda Sheriff equally described meeting soldiers burning down houses⁶⁴³ and Bobor Brima also testified how he arrived back to Koribondo to see many houses burnt.⁶⁴⁴

⁶³⁷ Ibid, p.73

⁶³⁸ Transcripts of TF2-157, p.14

⁶³⁹ Transcripts of TF2-056, p.83, Oct. 6 2005

⁶⁴⁰ Transcript of TF2-159

⁶⁴¹ Transcripts of Hinga Norman, p.73-74, Jan. 30 2006

⁶⁴² Transcripts of Wuiyatta Sheriff, p. May 9 2006

⁶⁴³ Transcripts of Dauda Sheriff, p. May 8 2006

⁶⁴⁴ Transcripts of Bobor Brima, p. May 9 2006

From the totality of the evidence it is impossible to state that it was kamajors who were involved in looting and burning.

429. In his evidence, the Accused refuted the allegation of TF2-032 that he counted 161 burnt houses stating it is not possible because there were no more than 100 houses in Koribundo at that time.

430. The accused further refuted TF2-190's allegation that he did not specifically confess acts of looting to him during the Koribondo attack of 13 Feb. 1998 where he allegedly looted 56 bundles of zincs from a store including fuel from a petrol station⁶⁴⁵.

Moyamba District

431. Prosecution witness TF2-170 alleged that around March 1998 they were harassed by Kamajors who looted their property including that of his brother and looted property from traders. TF2-168 also alleged that on the 19th of March 1998 one Obai and his group went to Bradford and raided all houses and that all his property including rice was cleared. TF2-167 alleged that the Kamajors looted their clothing, groundnut, rice and palm oil which they put in the vehicle and took to Moyamba and that the entire Bradford was looted. TF2-166 also alleged how the CDF how all her father's property was take away and they lodged a complaint to the Resident Minister in the Chieftdom who called a meeting that the effect. It worthy to note that there was also a functioning government that was already in place and that is why a complaint was lodged to the Resident Minister, indicative of the fact that there was constitutive authority in place.

Counts 6 and 7

432. In count 6, the Prosecution alleges that, at all times relevant to the Indictment, the CDF, largely Kamajors, committed the crimes alleged in Counts One through Five as part of a campaign to terrorise the civilian population of the specified geographic

⁶⁴⁵ Transcript Hinga Norman, pp 28-29, Jan 31 2006.

locations.⁶⁴⁶ The Prosecution further alleges that Mr Norman by his acts or omissions in relation to the allegations contained in Counts One through Five is individually criminally responsible for committing Acts of Terrorism, a War Crime.⁶⁴⁷

433. Count 7 alleges that all times relevant to the Indictment, the CDF, largely Kamajors committed the crimes alleged in Counts One through Five to punish the civilian population living in the specified geographic locations for their support of, or failure to resist, the combined RUF/AFRC forces.⁶⁴⁸ The Prosecution alleges that Mr Norman by his acts or omissions in relation to the allegations contained in Counts One through Five, is individually criminally responsible for administering Collective Punishment, a War Crime.⁶⁴⁹

434. Counts Six and Seven have novel Counts as they have never been charged by a Prosecutor nor tried before an international tribunal before. There is no jurisprudence to guide the defence as to what exactly these counts entail. The elements of these crimes have also not been defined anymore. Of note is that fact that the Addendum of the Rome Statute establishing the International Criminal Court, which is regarded as the most up to date and comprehensive digest of international crimes.

435. The Defence submits that Counts 6 and 7 are not discernable crimes, there are no identified constituent elements that exist and their inclusion in the indictment violates the fundamental principle of *nullum crimen sine lege*.⁶⁵⁰ On this basis Counts 6 and 7 should be dismissed.

Count 8: Use of Child Soldiers

442. Count 8 of the Indictment charges the Accused with:

⁶⁴⁶ Indictment, para 28

⁶⁴⁷ Ibid

⁶⁴⁸ Ibid

⁶⁴⁹ Ibid

⁶⁵⁰ “No crime without law” – See Article 15 of the International Covenant on Civil and Political Rights: “No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time it was committed.”

Enlisting children under the age of 15 years into armed forces or using them to participate actively in hostilities, an OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, punishable under Article 4.c. of the Statute.

443. The definition of the criminal act of count 8 contains two elements, first 'enlistment', second 'using them to participate'.

444. It is first of all important to determine the intent and knowledge of the accused. There is no evidence before the court that shows that the accused had the requisite intent to enlist children or that he had knowledge that children were being enlisted to participate actively in hostilities. The accused testified that he was not connected with the enlistment of children in the conflict whether with the hunters as a national coordinator or with the army as the Deputy Minister of Defence in Sierra Leone and that he did not participate in any enlistment of children.⁶⁵¹ The accused denied the allegation of TF2-014 who alleged that one Junior Spain at Base Zero who was aged around 12-15 years and who with others of similar age or even lower age at Base Zero, were sent to war to take part in combat, so long as they had been initiated into the Kamajor society.⁶⁵²

445. Various defence witnesses including Ishmael Senesie Koroma, Muhamed Turay Collier, Lansana Bockarie denied that children under the age of 15 were fighting along side the Kamajors and that as commanders they didn't take children to war because it was not a fight for children.⁶⁵³ Under cross examination Mustapha Lumeh was shown Exhibit 117B but he testified that the children who were with them were sent to the Catholic Organisation for Children and that they were not child soldiers.⁶⁵⁴

446. There are witnesses who testified why they were initiated. P.C Joseph Ali-Kavura Kongomoh II testified that during the January 6 1999 invasion until the end of the war, initiation went on and even he was initiated for protective reasons. The witness

⁶⁵¹ Transcripts of Hinga Norman, p. 47 Feb 1 2006

⁶⁵² Transcripts Hinga Norman, pp 54-56, Jan 31 2006 and p 32 Feb 1 2006.

⁶⁵³ Transcript Ishmael Senesie Koroma, pp. 59-60, Feb.23, Transcripts of M.T. Collier, pp.66 & 91 Feb. 16, Lansana Bockarie, p.18, June 1

⁶⁵⁴ Transcript Mustapha Lumeh, pp.43-44, May 8

said he joined two of his children, one eight years and the other seven into the Kamajor society.⁶⁵⁵ Witness further testified that he did that so they were immunized for fear of stray bullets.⁶⁵⁶

447. In his evidence, the accused testified that he knew children were involved in the war in Sierra Leone. But he said this was a situation where the chiefs and elders of the chiefdom sent their people for initiation and sometimes immunization for the defence of their various chiefdoms. Further President Kabbah made a request for all Sierra Leoneans to defend their democracy, and pleaded with them for their assistance in returning him to power.⁶⁵⁷ As Justice Robertson puts it ‘there may be a defence of necessity, which could justify desperate measures when a family or community is under murderous and unlawful attack’.⁶⁵⁸

448. The Accused further testified under cross examination that he watched the training at Base Zero but did not notice children under 15 being trained, but that later after the government had been reinstated he noticed that Kamajors were using children under 15 but that he advised the President.⁶⁵⁹ The Accused said he first met TF2-140 in Bo and he was not aware that TF2-140 fought in Kenema.⁶⁶⁰

449. In his evidence, TF2-218, was merely speculating when he testified that he observed a significant number of kamajors in Daru appeared to be in their early teens armed with cutlasses and knives, long barrel guns.. Under cross examination, Vice President Demby testified that it is difficult to say the precise age of a child in his ethnic culture.⁶⁶¹

450. The second element in Count 8 talks of using children to participate actively in hostilities. In his evidence, the accused testified that as coordinator of the Civil Defence Forces, he did not play any role in getting children to actively participating in

⁶⁵⁵ Transcript P.C. Joseph Ali-Kavura Kongomoh II, p. 56, June 1

⁶⁵⁶ Ibid, pp.56-57

⁶⁵⁷ Transcript Hinga Norman, pp 54-58 Jan 31 2006

⁶⁵⁸ Prosecutor v. Norman et al., SCSL-04-14-AR72(E), Decision on Preliminary Motion based on lack of Jurisdiction (Child Recruitment), Dissenting Opinion Justice Robertson, 31 May 2004, pg 35

⁶⁵⁹ Transcript Hinga Norman, p.46, Feb. 7

⁶⁶⁰ Ibid, p.49

⁶⁶¹ Transcripts of Dr. Albert Joe Demby, pp. 78-79, Feb 13 2006

hostilities. He further testified that as he did not receive any specific instructions and gave no specific instructions to use children under the age of 15 and as Deputy Minister of Defence and National Coordinator, he never enlisted, recruited or conscripted before, during or after the conflict.⁶⁶² Under cross defence witness Keikula Amara denied that he had three child soldiers within his Kamajors. He also denied that at Talama he gave a weapon to the child soldier to execute one of the civilians he had as a captive.⁶⁶³

451. The Accused further testified that he did not have control over the participation of children under the age of 15 in hunter's activities between the hostilities from 25 May 1997 to 10 March 1998.⁶⁶⁴ Under cross examination Lansana Bockarie denied that children assisted them to carry luggage like loads, foodstuff, weapons, and ammunition boxes. He also denied that children were used as spies and report back.⁶⁶⁵ This was corroborated by Brima Tarawally who denied being aware of children manning check points or of children under 15 being use for spying missions.⁶⁶⁶ Prosecution witness TF2-082 equally testified that he never saw Kamajors use child soldiers.⁶⁶⁷

452. The accused testified that he informed the CDF not to encourage the involvement of children. The accused further testified that he also informed President Kabbah to assist with the issue of children being involved in the war. The Prosecution submitted a number of documents pursuant to Rule 92 *bis* to supplement the allegations under Count 8. The majority of these documents make it clear that the pronouncements by the Government of Sierra Leone to stop the recruitment of children was in relation to both the national army and the CDF. Further these documents demonstrate that when policy announces concerning ending the recruitment of children with CDF these came from the government of Sierra Leone⁶⁶⁸. Any indication as to the use of child soldiers can hardly be said to be individually attributable to the conduct of the First Accused.

⁶⁶² Transcripts of Hinga Norman, pp 52-53, Jan 31 2006

⁶⁶³ Transcripts of Keikula Amara, pp 17,20, Jan25 2006

⁶⁶⁴ Ibid, p.17, Feb. 2 2006.

⁶⁶⁵ Transcripts of Lansana Bockarie, pp.18-19, June 1 2006

⁶⁶⁶ Transcripts of Brima Tarawally, pp. 104-105, Oct. 6 2006

⁶⁶⁷ Transcripts of TF2-082.

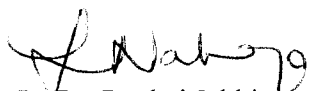
⁶⁶⁸ See for example "Sixth Progress Report of the Secretary General on the United Nations Observer Mission in Sierra Leone", 04/06/99, paragraph 36 "My Special Representative in Freetown continues to monitor the situation closely and raises the relevant issues with the Government. Government officials in the Southern Province have reportedly acted to halt underage recruitment by CDF elements". Submitted under Rule 92 *bis*

19799

Conclusion

453. Based on the foregoing discussion of the evidence presented against the Accused Hinga Norman, the Prosecution has failed to prove beyond a reasonable doubt that he is guilty of any of the crimes charged under any theory of liability asserted by the Prosecution as applicable to the Accused and the facts presented therein.

Filed 22 November 2006


PP Dr Bu-Buakei Jabbi
Senior Court Appointed Counsel

19800

INDEX OF AUTHORITIES

SCSL

1. *Prosecutor v. Norman et al.*, SCSL-04-14-T-722, “Scheduling Order for Filing Final Trial Briefs and Presenting Closing Arguments”, 18 October 2006
2. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-550, ‘Decision on Joint Motion of the First and Second Accused to clarify the decision on Motion for Judgment of Acquittal pursuant to Rule 98”, 3 February 2006
3. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-473, Decision on Motions for Judgment of Acquittal Pursuant to Rule 98, 21 October 2005
4. *Prosecutor v Norman et al.*, SCSL-04-14-T-469, “Public Version of the Prosecution Response to Fofana Motion for Judgment of Acquittal”, 27 September 2005
5. *Prosecutor v. Norman et al.*, SCSL-04-14-T-434 “Reasoned Majority Decision on Prosecution Motion for a Ruling on the Admissibility of Evidence”, 24 May 2005
6. *Prosecutor v Norman et al.*, SCSL-2004-14-T-403 “Separate Concurring Opinion of Hon. Justice Itoe on the Chamber Majority Decision on Prosecution Motion for a Ruling on the Admissibility of Evidence”, 24 May 2005
7. *Prosecutor v Norman et al.* SCSL-04-14-T-434, “Dissenting Opinion of Justice Pierre Boutet on Decision on Prosecution Motion for a Ruling on the Admissibility of Evidence” 24 May 2005
8. *Prosecutor v. Norman et al.*, SCSL-2004-14-AR-73 “Decision on Amendment of the Consolidated Indictment”, 16 May 2005
9. *Prosecutor v Norman et al.*, SCSL-04-14-T-282 “Decision on the First Accused’s Motion for Service and Arraignment on the Consolidated Indictment” 29 November 2004
10. *Prosecutor v. Norman et al.*, SCSL-04-14-AR72(E), Decision on Preliminary Motion based on lack of Jurisdiction (Child Recruitment), 31 May 2004
11. *Prosecutor v Norman*, SCSL-2004-14-PT-111 “Defence Pre-Trial Brief” 31 May 2004.
12. *Prosecutor v. Norman et al.*, SCSL-2004-14-PT, “Prosecution’s Pre-Trial Brief Pursuant to Order for Filing Pre-Trial Briefs (under Rules 54 and 73 bis) of 13 February 2004, 2 March 2004

19801

13. *Prosecutor v Norman et al*, SCSL-2004-14-PT-63, “Prosecution’s Supplementary Pre-Trial Brief Pursuant to An Order to the Prosecution to File a Supplemental Pre-Trial Brief of 1 April 2004”, 22 April 2004
14. *Prosecutor v. Norman et al.*, SCSL-2004-14-PT-003, “Norman, Fofana, Kondewa – Indictment”, 5 February 2004
15. *Prosecutor v. Norman et al.*, SCSL-2003-12-PT-057, “Kondewa – Decision and Order on Prosecution Motions for Joinder”, 28 January 2004
16. *Prosecutor v. Norman et al.*, SCSL-2003-08-PT-131, “Norman – Decision and order on prosecution motions for joinder”, 28 January 2004
17. *Prosecutor v. Norman et al.*, SCSL-03-11-PT-093, “Fofana- Decision and order on prosecution motions for joinder”, 28 January 2004
18. *Prosecutor v. Norman et al.*, SCSL-03-08-PT-002, Trial Chamber I, “Norman – Indictment”, 7 March 2003

OTHER SCSL

19. *Prosecutor v Sesay*, SCSL-2003-05-PT, “Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment”, 13 October 2003
20. Statute of the Special Court
21. Rules of Procedure and Evidence

ICTY

22. *Prosecutor v. Limaj et al.*, IT-03-66-T, Judgement, 30 November 2005
23. *Prosecutor v. Blagojevic and Jokic*, IT-02-60, “Judgement”, January 17, 2005
24. *Prosecutor v. Kordic and Cerkez*, IT-95-14/2-A, “Judgement” 17 December 2004
25. *Prosecutor v. Brdjanin*, IT-99-36-T, “Judgment” 1 September 2004,
26. *Prosecutor v. Blaskic*, IT-95-14 “Judgement”, 29 July 2004,
27. *Prosecutor v. Mejakic*, Case No. IT-02-65-PT, “Decision on Zeljko Mejakic Preliminary Motion on the Form of the Indictment” 14 November 2003
28. *Prosecutor v. Simic et al.*, IT-95-9, Judgment, 17 October 2003

19802

29. *Prosecutor v Krnojelac*, IT- 97-25-A, “Judgement” 17 September 2003
30. *Prosecutor v Stakic*, IT-97-24, “Judgement” July 31, 2003
31. *Prosecutor v Delalic et al.*, IT-96-21-A, “Judgement” 8 April 2003
32. *Prosecutor v Naletilic and Martinovic*, IT-98-34, Judgement, March 31, 2003
33. *Prosecutor v Galic*, Case No. IT-98-29-AR72, “Decision on Application by Defence for Leave to Appeal”, 30 November 2002
34. *Prosecutor v Vasiljevic*, IT-98-32, Judgment, 29 November 2002
35. *Prosecutor v Deronjic*, IT-02-61-PT, “Decision on Form of the Indictment”, 25 October 2002
36. *Prosecutor v Strugar*, IT-01-42-PT, “Decision on Defence Preliminary Motion Concerning the Form of the Indictment”, 28 June 2002
37. *Prosecutor v Kunarac, Kovac, and Vokovic*, IT-96-23-A, “Judgement” June 12, 2002
38. *Prosecutor v Kvocka et al.*, IT-98-30/1 “Judgement” November 2 2001
39. *Prosecutor v Kupreskic*, IT-95-16-A, “Appeal Judgement”, 23 October 2001
40. *Prosecutor v Kordic and Cerkez*, IT- 95-14/2, “Judgement”, February 26, 2001
41. *Prosecutor v Brdjanin*, IT-99-36-PT, “Decision on Objections by Momir Talic to the Form of Amended Indictment”, 20 February 2001
42. *Prosecutor v Aleksovski*, Case IT-95-14/1-A, Judgment 24 March 2000
43. *Prosecutor v Krnojelac*, IT- 97-25-PT, “Decision on Preliminary Motion on Form of Amended Indictment”, 11 February 2000.
44. *Prosecutor v Tadic*, IT-94-1-T, Judgement on Allegation on Contempt Against Prior Counsel Milan Vujin, 31 January 2000
45. *Prosecutor v Jelusic*, IT-95-10, Judgement, 14 December 1999
46. *Prosecutor v Tadic*, IT-94-1-AC, Judgement and Sentence, July 15 1999
47. *Prosecutor v Aleksovski*, IT-95-14/1, Decision on Prosecutor’s Appeal on Admissibility of Evidence, February 16 1999

19803

48. *Prosecutor v. Furundzija*, IT-95-17/1 Judgement, December 10, 1998
49. *Prosecutor v Delalic et al.*, IT-26-21-T, "Judgment" November 16 1998
50. *Prosecutor v Tadic*, IT-94-1, Decision on Defence Motion on Hearsay, August 5 1996
51. *Prosecutor v Tadic*, IT-94-1-T, Separate Opinion of Judge Stephen on the Prosecutor's Motion Requesting Protective Measures for Victims and Witnesses, 10 August 1995

ICTR

52. *Prosecutor v. André Ntagerura, Emmanuel Bagambiki, and Samuel Imanishimwe*, ICTR-99-46-T, "Judgement" 25 February 2004
53. *Prosecutor v Ntakirutimana*, ICTR-96-10-A and ICTR-96-17-A, "Appeals Judgement" 13 December 2004
54. *Prosecutor v. Musema*, ICTR- 96-13-A, "Judgment", 16 November 2001
55. *Prosecutor v Bagilishema*, ICTR-95-1A-T, "Judgment," June 7, 2001
56. *Prosecutor v. Laurent Semanza*, ICTR-97-20-T, "Judgement", 15 May 2003
57. *Prosecutor v Kayishema* ICTR-95-1-T, "Judgement", 21 May 1999
58. *Prosecutor v Akayesu*, ICTR-96-4-T, Judgment and Sentence, 2 September 1998

Other

59. Lansana Gberie. "A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone", 2005
60. Keen, Conflict and Collusion in Sierra Leone, James Currey Ltd, 2005.
61. Truth and Reconciliation Commission of Sierra Leone, Final Report, 2004
62. Ian Smillie Lansana Gberie and Ralph Hazelton, The Heart of the Matter: Sierra Leone, Diamonds and Human Security, Ottawa, Partnership Africa Canada, 2000.
63. Archibald International Criminal Courts, Practice and Procedure, 2002

19804

64. Allison Marston Danner and Jenny S. Martinez, 'Guilty Associations: Joint Criminal Enterprise, Command Responsibility, and the Development of International Criminal Law', 93 Calif. L. Rev. 75.
65. van Sliedregt E. The Criminal Responsibility of Individuals for Violations of International Humanitarian Law (2003) T.M.C Asser Press.
66. Cassese et al: The Rome Statute of the International Criminal Court: A Commentary Vol. 1.