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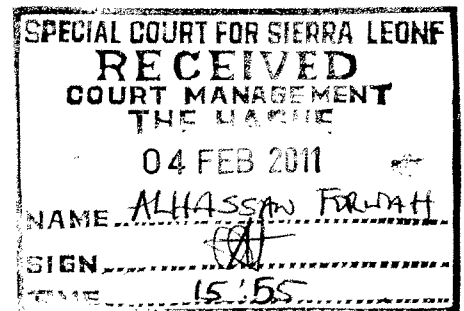
**SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR**

**TRIAL CHAMBER II**

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

Registrar: Ms. Binta Mansaray

Date filed: 4 February 2011



**THE PROSECUTOR**

**Against**

**Charles Ghankay Taylor**

Case No. SCSL-03-01-T

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**PUBLIC WITH CONFIDENTIAL ANNEX**

**MOTION TO SUBSTITUTE PROSECUTION FINAL TRIAL BRIEF**

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Office of the Prosecutor:  
Ms. Brenda J. Hollis

Counsel for the Accused:  
Mr. Courtenay Griffiths, Q.C.  
Mr. Terry Munyard  
Mr. Morris Anyah  
Mr. Silas Chekera  
Mr. James Supuwood

## I. INTRODUCTION

1. At 16:59 hours on 3 February 2011, the Defence filed a final trial brief,<sup>1</sup> 20 days after the date ordered by the Trial Chamber, and some 228 pages in excess of the page limit set by the Trial Chamber.<sup>2</sup> In light of this filing, the Prosecution files this motion pursuant to Rules 54 and 73 of the Rules of Procedure and Evidence (“**Rules**”).
2. The Defence argues that this flagrantly late filing should be accepted “in the interests of justice”.<sup>3</sup> It is in the interests of justice, and a core tenet of criminal law, that individuals are responsible for willful, knowing decisions and the consequences of those decisions. The interests of justice dictates that this tenet be applied here – it is not in the interests of justice that this Accused’s willful and knowing violation of the order of the Trial Chamber be rewarded. The Defence argues that it was complying with the strict terms of Rule 86(B)<sup>4</sup> and that it was only following the Accused’s orders is similarly without merit – court orders prevail.<sup>5</sup> If the Trial Chamber exercises its discretion to accept this flagrantly late filing, it should not do so because it is required in the interest of justice for the Accused. Rather, if the Defence Final Brief is accepted it should be because the Trial Chamber has determined that it will be assisted by considering these untimely written submissions.
3. Accordingly, if the Trial Chamber exercises its discretion and accepts the untimely filed Defence Final Brief,<sup>6</sup> the Prosecution requests that:
  - (a) it be permitted to substitute the Prosecution final trial brief filed on 14 January 2011<sup>7</sup>

<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1186, “Confidential With Annexes A-C Defence Final Brief”, 3 February 2011 (“**Defence Final Brief**”).

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1105, “Order Setting a Date for the Closure of the Defence Case and Dates for Filing of Final Trial Briefs and the Presentation of Closing Arguments”, 22 October 2010 (“**Scheduling Order**”), Order 4.

<sup>3</sup> Defence Final Brief, para. 5.

<sup>4</sup> *Ibid.*, para. 1. The Scheduling Order specifically refers to Rule 86 and it is clear that the order is issued in order to vary its terms.

<sup>5</sup> *Prosecutor v. Lubanga*, ICC-01/04-01/06 OA 18, “Judgment on the Appeal of the Prosecutor against the Decision of Trial Chamber I of 8 July 2010 entitled “Decision on the Prosecution’s Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU””, 8 October 2010, para. 48.

<sup>6</sup> The Prosecution observes that the question of whether or not to accept the late filing of a parties brief is not novel. At the ICTR the Appeals Chamber ruled that the Prosecution’s Appeal brief was inadmissible in its entirety after it was filed late (see *Prosecutor v. Kayishema et al*, ICTR-95-1-A, “Judgment”, 1 June 2001, para. 48 (“**Kayishema Appeals Judgement**”)).

<sup>7</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1156, “Confidential Prosecution Final Trial Brief,” 14 January 2011 as corrected by the decision allowing the Prosecution’s corrigendum – see *Prosecutor v. Taylor*, SCSL-03-01-T-1183,

- with the refined and revised version included in the confidential annex hereto; and
- (b) the Trial Chamber take one of the following two courses of action:
- (i) disregard that part of the Defence Final Brief in excess of the page limit specified in the Scheduling Order; or
- (ii) reject the Defence Final Brief as filed and order that the Defence has until Monday 7 February 2011 to file a brief of 600 pages or less.
4. As argued more fully below, the above requested relief is proportionate to the prejudice suffered by the Prosecution as a result of the Defence's deliberate disregard of court orders, and its attempts to hijack and control these proceedings via the late and oversized filing of its Brief. The relief requested ensures that both parties are treated fairly and equally in these formal proceedings - fair trial rights extend to the Prosecution as well as the Defence.<sup>8</sup>

## II. PROCEDURAL HISTORY

5. The Prosecution filed the Prosecution Final Brief on 14 January 2011 in accordance with the Scheduling Order issued by this Trial Chamber. On 18 January 2011, the Prosecution filed a corrigendum to its Brief and sought leave to substitute three pages.<sup>9</sup> This corrigendum sought to correct various typographical and other administrative errors. This corrigendum was permitted by the Trial Chamber on 3 February 2011.<sup>10</sup>
6. On 14 January 2011, having been denied a stay of proceedings or extension of time,<sup>11</sup> the Accused "instructed his counsel not to comply with the Court's order"<sup>12</sup> and thus willfully chose not to file a final brief. As noted by the Presiding Judge on 20 January 2011, "the

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"Decision on Prosecution Corrigendum and Motion for Leave to Substitute Pages of the Prosecution Final Trial Brief", 3 February 2011 ("**Prosecution Final Brief**").

<sup>8</sup> *Prosecutor v. Prlić et al.*, IT-04-74-T, "Decision on Adoption of New Measures to bring the Trial to and End Within a Reasonable Time", 13 November 2006 ("**Prlić Decision**"), para. 16 which states that "The Chamber is aware of the necessity to ensure that a trial is expeditious and does not consume, unduly, too much in the way of international time and resources. It stresses, however, that the considerations of economy should never violate the right of the Parties to a fair trial" (emphasis added and footnotes omitted). See also the Presiding Judge's comments in this case at the status conference on 20 January 2011 that "The Trial Chamber has a duty of fairness to all parties, and a duty to ensure an expeditious and fair trial" (Trial Transcript, 20 January 2011, p. 49133).

<sup>9</sup> *Prosecution v. Taylor*, SCSL-03-01-T-1161, "Public Prosecution Corrigendum and Motion for Leave to Substitute Pages of the Prosecution Final Trial Brief", 18 January 2011.

<sup>10</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1183, "Decision on Prosecution Corrigendum and Motion for Leave to Substitute Pages of the Prosecution Final Trial Brief", 3 February 2011.

<sup>11</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1154, "Decision on Defence Request for a Status Conference pursuant to Rule 65bis and Defence Motion for Stay of Proceedings Pending Resolution of Outstanding Issues", 12 January 2011.

<sup>12</sup> Defence Final Brief, para. 3. See also comments of the Presiding Judge, Trial Transcript, 20 January 2011, p. 49133.

Defence ... are not mandated by Rule 86 to present any closing arguments or file a final submissions".<sup>13</sup> On 20 January 2011, the majority of the Chamber affirmed its decision of 12 January 2011 and determined that there was no change in circumstances justifying a stay or extension of time to file a final brief.<sup>14</sup>

7. Notwithstanding the fact that there remain two outstanding Defence filings<sup>15</sup> and that the Defence is in breach of two decisions of this Court, the Defence has now chosen to file its final trial brief,<sup>16</sup> apparently making its own independent determination that it will follow the time limit set in Rule 86(B) regardless of the Trial Chamber order which specifically refers to this Rule and varies it.<sup>17</sup>

### III. ARGUMENT

8. Decisions relating to the conduct of trial proceedings are matters within the sound discretion of the Trial Chamber.<sup>18</sup> Therefore, it is this Trial Chamber's discretionary decision whether or not to accept the Defence's final trial brief notwithstanding that it is 20 days late and 228 pages in excess of the page limit.<sup>19</sup> If the Trial Chamber accepts this late filed brief, then fundamental fairness to all parties requires that the Prosecution should be permitted to substitute the Prosecution Final Brief with the refined and revised version provided in the confidential annex hereto, and that only a brief which complies with the page limit should be accepted.
9. The Prosecution has suffered considerable prejudice by the Defence's wilful disregard of court orders and failure to follow a trial schedule which was set in large part at its request,<sup>20</sup>

<sup>13</sup> Ibid, p. 49121.

<sup>14</sup> Trial Transcript, 20 January 2011, pp. 49133-4.

<sup>15</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1173, "Public Defence Motion Seeking Leave to Appeal the Decision on Defence Motion to Recall Four Prosecution Witnesses and to Hear Evidence from the Chief of WVS regarding Relocation", 31 January 2011; *Prosecutor v. Taylor*, SCSL-03-01-T-1178, "Public 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", 31 January 2011.

<sup>16</sup> This action contradicts the Defence's previous position which was that it could not file a brief until "all outstanding issues have been dealt with" (see Trial Transcript, 20 January 2011, p. 49123). Further, the Defence statement at paragraph 4 of the Defence Final Brief is a blatant misstatement of reality as no decisions have been rendered on two of their remaining filings.

<sup>17</sup> See Scheduling Order.

<sup>18</sup> *Prlić* Decision, para. 14 citing to *Prosecutor v. Milosević*, IT-02-54-AR73, "Reasons for Refusal of Leave to Appeal from Decision to Impose Time Limit", 16 May 2002, paras. 10 and 13.

<sup>19</sup> See for example *Kayishema* Appeals Judgement, paras. 15 to 48.

<sup>20</sup> Trial Transcript, 22 October 2010, pp. 48348-49 (page limit) and p. 48347 (time limit).

both as to the additional time and the additional pages the Defence has afforded itself. If the Defence Final Brief is accepted in its current or even a shortened form, it will have benefited from its deliberate disregard for the filing schedule by taking for itself 20 additional days to refine and perfect its brief, time which was not provided to the Prosecution.

10. Since the issuance of the Scheduling Order, the Prosecution has worked diligently on its brief while at the same time responding to the considerable number of filings made by the Defence since the close of its case on 12 November 2010. This has obviously meant a necessary diversion of resources away from the principle activity of preparing the brief. Notwithstanding this diversion, with considerable effort the Prosecution complied with the Scheduling Order and filed the Prosecution Final Brief as ordered as well as responding to all the Defence filings within the time limits provided.
11. If the Defence Final Brief is accepted either in its current or shortened form, the Prosecution should be permitted to file the substitute brief attached hereto. If the Defence is to be given the benefit of an additional 20 days preparation, fairness dictates that the Prosecution is afforded the same advantage. To find otherwise would be to reward deliberate non-compliance with a Court order.
12. Further, should the Trial Chamber accept the Defence Final Brief, fairness dictates that it be limited to no more than 600 pages. All 3 annexes of the Defence Final Brief clearly contain substantial and substantive factual argument.<sup>21</sup> These annexes cannot be considered to contain “merely additional information”<sup>22</sup> and thus advance authorisation to exceed the page limit should have been sought.<sup>23</sup> Indeed, the ICTR jurisprudence states that “an appendix may not contain legal or factual arguments; it may only contain references, source materials, items from the record, exhibits, and other relevant, non-argumentative

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<sup>21</sup> Confidential Annex A, “OTP Allegations with Responses by Charles Taylor”, which is 164 pages long, contains legal and factual arguments. This annex juxtaposes a witness’s argument with a paraphrasing of the Accused’s response thereto. Placing these submissions in a table does not detract from the factual nature of the arguments presented therein. The same can be said for Confidential Annex B, “Support to RUF from Governments other than Liberia”, which is 8 pages long. Confidential Annex C, 109 pages long, contains information relevant to the Defence argument concerning crimes allegedly falling outside the scope of the indictment. Again the tabular format of this annex does not disguise the fact that such information should not be contained in an annex.

<sup>22</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-209, “Decision on Defence Motion to Lift the Redactions of Identifying Information of Fifteen Core Witnesses”, 21 March 2007, para. 9.

<sup>23</sup> *Ibid.*, para. 10.

material.”<sup>24</sup> While this jurisprudence gives effect to specific rule in a practice direction at the ICTR governing the content of appendices,<sup>25</sup> it is clearly articulating the approach which has been followed at this Court.<sup>26</sup> Thus, the additional 228 pages of substantive argument contained in the Defence’s annexes should be included within the brief’s overall page total. Indeed, even taking account the 100 page limit provided for a response, the Defence Final Brief still exceeds a 700 page limit by 128 pages.

13. In order to bring some semblance of parity to the proceedings, the Prosecution requests that the Trial Chamber either disregard that part of the Defence Final Brief in excess of the 600 page limit or reject the Defence Final Brief as filed and order that the Defence file a brief of no more than 600 pages by Monday, 7 February 2011. Such an approach is supported by the jurisprudence.<sup>27</sup> Further, such an approach does not prejudice the fair trial rights of the Accused as a limit on the length of a final trial brief “exists for the purposes of judicial economy”.<sup>28</sup> Further, it has been consistently upheld that “the quality and effectiveness of [a] ... brief does not depend on the length but on the clarity and cogency of the presented arguments and that, therefore, excessively long briefs do not necessarily serve the cause of efficient administration of justice”.<sup>29</sup>
14. Finally, it must be noted that the actions and conduct of the Defence regarding this brief have been obstructive and contrary to the interests of justice. “[A]ll counsel before the Special Court has an obligation to act as an officer to the Court, in addition to acting in the

<sup>24</sup> *Nshogoza v. The Prosecutor*, ICTR-2007-91-A, “Judgement”, 15 March 2010, para. 10: the Appeals Chamber disregarded an appendix containing “legal or factual arguments” as these rendered the appendix “invalid”. See also *Prosecutor v. Sainović et al*, IT-05-87-A, “Decision on the Prosecution’s Motion for an Order requiring Sreten Lukic to file his Appellant’s Brief in accordance with the Appeals Chamber Decisions”, 29 September 2009, p. 3-4: the Appeals Chamber ordered two annexes which are directly comparable to those at issue in this case to be re-filed. Confidential Annex B comprised an assessment of testimony adduced at trial and Annex D included commentary on the trial transcript with respect to the alleged bias of the Trial Chamber.

<sup>25</sup> ICTR Practice Direction on Length and Timing of Closing Briefs and Closing Arguments, Article 1.4.

<sup>26</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-209, “Decision on Defence Motion to Lift the Redactions of Identifying Information of Fifteen Core Witnesses”, 21 March 2007, paras. 9-10; and *Prosecutor v. Sesay et al.*, SCSL-04-15-T-965, “Order Relating to Kallon Motion Challenging Defects in the Form of the Indictment and Annexes A, B and C”, 31 January 2008.

<sup>27</sup> See cases cited at footnote 24 above. Indeed in *Sainović et al*, the Appeals Chamber ordered the brief to be re-filed to meet the word limit set out within a week and to “remove any legal or factual arguments from [the Annexes] and re-file them... by the same date”.

<sup>28</sup> *Prosecutor v. Lukić and Lukić*, IT-98-32/1-T, “Decision on Prosecution Motion to Exceed Word Limit For Final Brief”, 4 May 2009, p.2.

<sup>29</sup> *Nchamihigo v. The Prosecutor*, ICTR-2001-63-A, “Decision on Defence Motion for Leave to Exceed the Word Limit”, 12 May 2009, p. 2 (footnotes omitted).

interests of the Accused person.”<sup>30</sup> No explanation for the late filing of the brief has been accepted to date.<sup>31</sup> Further, the late and oversized filing of the Defence Final Brief, if accepted and in addition to the prejudice described above, places an unreasonable burden on the Chamber and the Prosecution, can be described as “strategic”,<sup>32</sup> and will likely expend unnecessarily judicial time and resources if the brief is to be read prior to closing submissions.<sup>33</sup> In addition, the Prosecution is now 4 days from presenting its final submissions in this case. If the Defence Final Brief is accepted, the Prosecution will have been denied the 3 weeks preparation time it was originally to have been afforded to respond to any final written submissions made by the Defence. This is in stark contrast to the Defence’s situation, the consequence of a deliberate decision supposedly not to read the Prosecution Final Brief, although it was served on the Defence on 17 January 2011.<sup>34</sup> In the current circumstance, the untimely filing of a brief in excess of that allowed by the Trial Chamber and some four times that accounted for in the Practice Direction will make it virtually impossible for the Prosecution to respond in any meaningful way during oral argument.<sup>35</sup>

<sup>30</sup> *Prosecutor v. Sesay et al.*, SCSL-04-15-T-152, “Gbao – Decision on Application to Withdraw Counsel”, 6 July 2004, para. 17 (emphasis added).

<sup>31</sup> See *Prosecutor v. Taylor*, SCSL-03-01-T-1154, “Decision on Defence Request for a Status Conference pursuant to Rule 65bis and Defence Motion for Stay of Proceedings Pending Resolution of Outstanding Issues”, 12 January 2011; and Trial Transcript, 20 January 2011, pp. 49133-4.

<sup>32</sup> See *Prosecution v. Karamera, et al.*, ICTR-98-44-T, “Decision on Joseph Nzirorera’s Motions for Reconsideration of 24 October 2008 Order, For extension of Time, Subpoenas and Video-Link and on Prosecution’s Motion for an Order to Nzirorera to reduce his Witness List”, 2 December 2008, para. 21.

<sup>33</sup> See *Prosecution v. Gatete*, ICTR-2000-61-T, “Decision on Defence Motion to Strike Portions of the Prosecution Closing Brief, Rules 54 and 73 of the Rules of Procedure and Evidence”, 30 September 2010, para. 5; *Prosecutor v. Bizimungu et al.*, ICTR-99-50-T, “Decision on Prosper Mugiraneza’s Emergency Motion to Vary Witness List, Rule 73 and 73 ter (E) of the Rules of Procedure and Evidence”, 12 June 2008, para. 12.

<sup>34</sup> Article 13(E) of the “Practice Direction on Dealing with Documents in The Hague – Sub-Office” (“**Practice Direction**”) provides that: If any recipient refuses to acknowledge service, the Court Management Section shall record the time, date and place of delivery and the document shall be deemed to have been duly served.

<sup>35</sup> Practice Direction, Article 6(B). This Article contemplates a final written brief of only 200 pages, no doubt the limit which was also contemplated when the Rule 86(B) time limit was established.

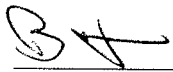
**IV. CONCLUSION**

15. For the reasons argued above, the Prosecution requests that, if the untimely filed Defence Final Brief is accepted, it be limited to 600 pages total and that the Prosecution revised and refined final trial brief provided in the annex hereto be substituted for that filed on 14 January 2011 in accordance with the Trial Chamber order.

Filed in The Hague,

4 February 2011

For the Prosecution,



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Brenda J. Hollis  
The Prosecutor



**LIST OF AUTHORITIES****SCSL Cases****Prosecutor v. Taylor, Case No. SCSL-03-01**

*Prosecutor v. Taylor*, SCSL-03-01-T-1186, “Confidential With Annexes A-C Defence Final Brief”, 3 February 2011

*Prosecutor v. Taylor*, SCSL-03-01-T-1105, “Order Setting a Date for the Closure of the Defence Case and Dates for Filing of Final Trial Briefs and the Presentation of Closing Arguments”, 22 October 2010

*Prosecutor v. Taylor*, SCSL-03-01-T-1156, “Confidential Prosecution Final Trial Brief,” 14 January 2011

*Prosecutor v. Taylor*, SCSL-03-01-T-1183, “Decision on Prosecution Corrigendum and Motion for Leave to Substitute Pages of the Prosecution Final Trial Brief”, 3 February 2011

*Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 20 January 2011

*Prosecution v. Taylor*, SCSL-03-01-T-1161, “Public Prosecution Corrigendum and Motion for Leave to Substitute Pages of the Prosecution Final Trial Brief”, 18 January 2011

*Prosecutor v. Taylor*, SCSL-03-01-T-1154, “Decision on Defence Request for a Status Conference pursuant to Rule 65bis and Defence Motion for Stay of Proceedings Pending Resolution of Outstanding Issues”, 12 January 2011

*Prosecutor v. Taylor*, SCSL-03-01-T-1173, “Public Defence Motion Seeking Leave to Appeal the Decision on Defence Motion to Recall Four Prosecution Witnesses and to Hear Evidence from the Chief of WVS regarding Relocation ”, 31 January 2011

*Prosecutor v. Taylor*, SCSL-03-01-T-1178, “Public 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”, 31 January 2011

*Prosecutor v. Taylor*, SCSL-03-01-T, Trial Transcript, 22 October 2010

*Prosecutor v. Taylor*, SCSL-03-01-T-209, “Decision on Defence Motion to Lift the Redactions of Identifying Information of Fifteen Core Witnesses”, 21 March 2007

**Prosecutor v. Sesay et al., SCSL-04-15-T**

*Prosecutor v. Sesay et al.*, SCSL-04-15-T-965, “Order Relating to Kallon Motion Challenging Defects in the Form of the Indictment and Annexes A, B and C”, 31 January 2008

*Prosecutor v. Sesay et al.*, SCSL-04-15-T-152, “Gbao – Decision on Application to Withdraw Counsel”, 6 July 2004

### **ICTR**

*Prosecutor v. Kayishema et al.*, ICTR-95-1-A, “Judgment”, 1 June 2001  
<http://69.94.11.53/ENGLISH/cases/KayRuz/appeal/index.htm>

*Nshogza v. The Prosecutor*, ICTR-2007-91-A, “Judgement”, 15 March 2010, para. 10  
<http://www.unictr.org/Portals/0/Case%5CEnglish%5CNshogza%5Cdecisions%5C100315.pdf>

*Nchamihigo v. The Prosecutor*, ICTR-2001-63-A, “Decision on Defence Motion for Leave to Exceed the Word Limit”, 12 May 2009  
<http://www.unictr.org/Portals/0/Case%5CEnglish%5CNchamihigo%5C090512.pdf>

*Prosecution v. Karamera, et al.*, ICTR-98-44-T, “Decision on Joseph Nzirorera’s Motions for Reconsideration of 24 October 2008 Order, For extension of Time, Subpoenas and Video-Link and on Prosecution’s Motion for an Order to Nzirorera to reduce his Witness List”, 2 December 2008  
<http://www.unictr.org/Portals/0/Case%5CEnglish%5CKaremera%5Cdecisions%5C081202.pdf>

*Prosecution v. Gatete*, ICTR-2000-61-T, “Decision on Defence Motion to Strike Portions of the Prosecution Closing Brief, Rules 54 and 73 of the Rules of Procedure and Evidence”, 30 September 2010  
<http://www.unictr.org/Portals/0/Case%5CEnglish%5CGatete%5Cdecisions%5C100930.pdf>

*Prosecutor v. Bizimungu et al.*, ICTR-99-50-T, “Decision on Prosper Mugiraneza’s Emergency Motion to Vary Witness List, Rule 73 and 73 *ter* (E) of the Rules of Procedure and Evidence”, 12 June 2008  
<http://www.unictr.org/Portals/0/Case%5CEnglish%5CBizimungu%5CNew%20trial%20chamber%5C080612.pdf>

### **ICTY**

*Prosecutor v. Prlić et al.*, IT-04-74-T, “Decision on Adoption of New Measures to bring the Trial to and End Within a Reasonable Time”, 13 November 2006  
<http://www.icty.org/x/cases/prlic/tdec/en/061113.pdf>

*Prosecutor v. Milosević*, IT-02-54-AR73, “Reasons for Refusal of Leave to Appeal from Decision to Impose Time Limit”, 16 May 2002  
[http://www.icty.org/x/cases/slobodan\\_milosevic/acdec/en/16052002.htm](http://www.icty.org/x/cases/slobodan_milosevic/acdec/en/16052002.htm)

*Prosecutor v. Sainović et al.*, IT-05-87, “Decision on the Prosecution’s Motion for an Order requiring Sreten Lukic to file his Appellant’s Brief in accordance with the Appeals Chamber Decisions”, 29 September 2009  
<http://www.icty.org/x/cases/milutinovic/acdec/en/090929.pdf>

*Prosecutor v. Lukić and Lukić*, IT-98-32/1-T, “Decision on Prosecution Motion to Exceed Word Limit For Final Brief”, 4 May 2009

[http://www.icty.org/x/cases/milan\\_lukic\\_sredoje\\_lukic/tdec/en/090504.pdf](http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/tdec/en/090504.pdf)

## **ICC**

*Prosecutor v. Lubanga*, ICC-01/04-01/06 OA 18, “Judgment on the Appeal of the Prosecutor against the Decision of Trial Chamber I of 8 July 2010 entitled "Decision on the Prosecution's Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU"”, 8 October 2010

<http://www.icc-cpi.int/iccdocs/doc/doc947862.pdf>

## **Other Documents**

SCSL Practice Direction on Dealing with Documents in The Hague – Sub-Office

ICTR Practice Direction on Length and Timing of Closing Briefs and Closing Arguments

[http://www.unicttr.org/Portals/0/English/Legal/Practice%20Direction/English/closing\\_briefs\\_closing\\_arguments.pdf](http://www.unicttr.org/Portals/0/English/Legal/Practice%20Direction/English/closing_briefs_closing_arguments.pdf)



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**CONFIDENTIAL DOCUMENT CERTIFICATE**

This certificate replaces the following confidential document which has been filed in the Confidential Case File.

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Document Index Number: **1189**

Document Date: **04 February 2011**

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- Application
- Order
- Indictment
- Motion**
- Response
- Correspondence

Document Title:

**Public with confidential Annex Motion to Substitute Prosecution Final Trial Brief**

Name of Officer:

Alhassan Fornah

Signed: