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SCSL- 2003-02-I-012

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SPECIAL COURT FOR SIERRA LEONE

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Before: Judge Benjamin Mutanga Itoe

Registry: Mr. Robin Vincent

Order of: 21st of March, 2003

THE PROSECUTOR

Against

FODAY SAYBANA SANKOH also known as POPAY

also known as PAPA also known as PA

CASE NO. SCSL - 2003 - 02 - I

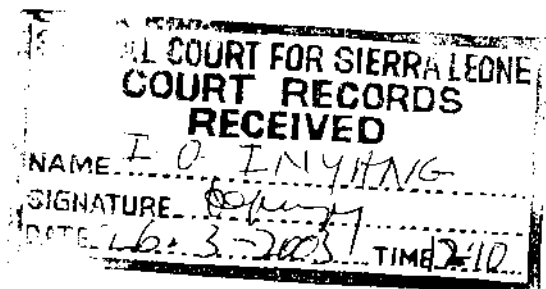
ORDER FOR FURTHER PHYSIOLOGICAL AND PSYCHIATRIC EXAMINATION

The Office of the Prosecutor:

Mr. David Crane

Mr. Jim Johnson

Mr. Nicholas Browne-Marke



THE SPECIAL COURT FOR SIERRA LEONE (the Special Court),

WITH Judge Benjamin Mutanga Itoe, presiding pursuant to the provisions of Rule 28 of the Rules of Procedure and Evidence (“the Rules”);

CONSIDERING the Initial Appearance of Foday Saybana Sankoh (“the Accused”) on the 15th and on the 21st of March, 2003;

CONSIDERING the Order of the 15th of March, 2003 for a Physiological and a Psychiatric Examination and the Detention on Remand of the Accused;

CONSIDERING the Report of the 20th of March, 2003 on the Physiological and Psychiatric Examination of the Accused (“the Report”) prepared and submitted by an expert, Dr. Peter Verkaik, designated by the Registrar for this purpose;

HAVING HEARD the preliminary oral comments on the Report made by Counsels for the Prosecution and for the Defence;

CONSIDERING the Prosecuting Counsel’s oral request and submission made to me to enter a plea of “Not Guilty” on behalf of the Accused;


CONSIDERING the observations of both Counsels for the Prosecution and the Defence that a further medical examination on the physiological and psychiatric condition of the Accused is necessary;

CONSIDERING the necessity to carry out a further and conclusive medical examination on the physiological and psychiatric condition of the Accused and the establishment of a final medical report in this regard;

NOW THEREFORE: I, Judge Benjamin Mutanga Itoe, considering that the Report recommends, *inter alia*, further examination of the Accused in order to better assess his present physiological and psychiatric condition and, in particular, to evaluate the future development of such condition,

DO HEREBY ORDER:

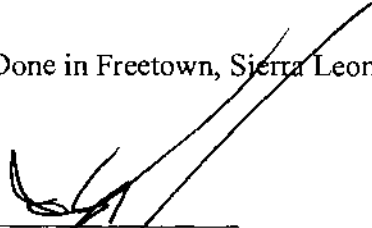
1. That the Report be served on Counsels for the Prosecutions and for the Defence;
2. That the Accused be subjected to a further physiological and psychiatric examination, whose report should be conclusive and shall be subject to non disclosure excepting to Counsels for the Prosecution and the Defence until further Order, with a view to determining if the Accused is fit to plead and eventually to stand trial before the Special Court;
3. That the Prosecutor’s submission for a plea of “Not Guilty” to be entered is overruled as it is premature and cannot be considered before a final medical report



on the physiological and psychiatric condition of the Accused is made available for analysis by Counsels for the Prosecutions and the Defence;

- 4. That the Registrar undertakes, after consultation with the Office of the Prosecutor and the Defence Office, all necessary measures to ensure a full execution of this Order, and thereafter, to fix a date when this matter will come up before a Judge designated under Rule 28 of the Rules or before the Trial Chamber for a final determination of all the issues that have so far been raised;
- 5. That the Order for the Detention on Remand of the Accused until further order of the Special Court is reconfirmed;

Done in Freetown, Sierra Leone this 21st day of March, 2003



Judge Benjamin Mutanga Itoe
Designated Judge

