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SPECIAL COURT FOR SIERRA LEONE

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THE TRIAL CHAMBER

Before: Judge Bankole Thompson, Presiding Judge
Judge Benjamin Mutanga Itoe
Judge Pierre Boutet

Registrar: Robin Vincent

Date: 26 May 2004

PROSECUTOR

Against

**SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA
(Case No.SCSL-04-14-PT)**

DECISION ON CO-OPERATION BETWEEN THE PARTIES

Office of the Prosecutor:

Luc Côté
James Johnson

Defence Counsel for Sam Hinga Norman:

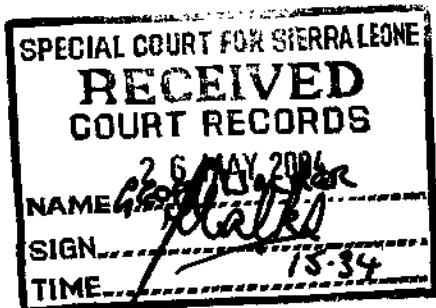
James Jenkins-Johnston

Defence Counsel for Moinina Fofana:

Michiel Pestman

Defence Counsel for Allieu Kondewa

Charles Margai



THE TRIAL CHAMBER ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court") composed of Judge Bankole Thompson, Presiding Judge, Judge Benjamin Mutanga Itoe and Judge Pierre Boutet;

NOTING the "Prosecutor's Request to Admit" ("Request") filed by the Office of the Prosecutor ("Prosecution") on 5 March 2004, where the Prosecution requested the Defence of Sam Hinga Norman, Monina Fofana and Allieu Kondewa to "admit, deny, refuse, or admit/deny in part, each statement in Parts I-III of the Request";

NOTING the Responses of the Defence, namely "Response to Prosecutor's Request to Admit" filed by Moinina Fofana on 12 March 2004, "Response to Prosecutor's Request to Admit" filed by Allieu Kondewa on 17 March 2004, and the "Response to Prosecutor's Request to Admit", filed by Sam Hinga Norman on 18 March 2004;

NOTING that the Prosecution filed its Pre-Trial Brief on 2 March 2004 and a Supplemental Pre-Trial Brief on 22 April 2004;

NOTING that in preparation for the commencement of trial, the Prosecution filed before the Trial Chamber on 26 April 2004,¹ a record of disclosure made to the Defence, containing a list of pseudonyms of each witness it intends to call at trial, together with a report indicating the number of witnesses for whom witness statements or summaries have been disclosed and the count or counts of the Indictment to which the witness will testify, together with copies of documentary exhibits intended for trial, and furthermore, the identifying data of the first 10 witnesses it intends to call;²

NOTING that at the Pre-Trial Conference held on 28 April 2004, the parties were encouraged to continue to meet to seek agreement on points of fact and law;

CONSIDERING that points of agreement between the parties would help to expedite the trial and be in the interests of justice;

CONSIDERING that the filing of the Prosecution Supplemental Pre-Trial Brief and the disclosure by the Prosecution of materials listed above, provides a basis for the parties to agree at this time, where possible, on a number of factual and legal matters that are not in dispute, and that the parties will have the opportunity to continue to meet and agree to points of fact and law throughout the trial;

PURSUANT TO Rules 54 and 73 *bis* of the Rules of Procedure and Evidence of the Special Court;

ORDERS as follows:


- (1) The parties to submit a joint statement, signed by both parties, no later than 1 June 2004, stating all the agreed points of fact and law reached by them;

¹ Materials Filed Pursuant to Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial of 1 April 2004.

² Pursuant to Trial Chamber Order for Commencement of Trial, 11 May 2004.

(2) The parties intensify their efforts to identify further points of agreement and to submit a report on the progress made every fifteen (15) days from the date of this decision, until further notice by the Trial Chamber.

Done at Freetown this 26th Day of May 2004



Judge Bankole Thompson

Presiding Judge, Trial Chamber

