



**SPECIAL COURT FOR SIERRA LEONE**  
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**THE TRIAL CHAMBER**

**Before:** Judge Benjamin Mutanga Itoe, Presiding Judge  
Judge Bankole Thompson  
Judge Pierre Boutet  
**Registrar:** Robin Vincent  
**Date:** 4 June 2004

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

**DECISION ON REQUEST FOR EXTENSION OF TIME TO FILE PRE-TRIAL BRIEF**

Office of the Prosecutor:

Luc Côté  
James Johnson

Defence Counsel for Sam Hinga Norman:

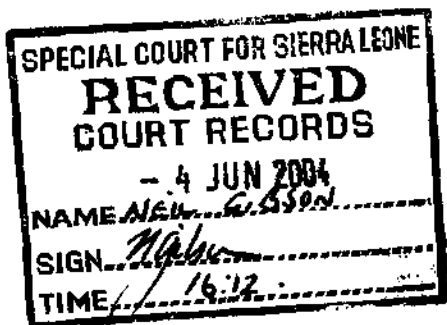
James Jenkins-Johnston

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 Benjamin Mutanga Itoe, Presiding Judge, Judge Bankole Thompson and Judge Pierre Boutet;

**BEING SEIZED** of the "Request for Extension of Time to File Pre-Trial Brief" ("Request"), filed by the Accused Samuel Hinga Norman ("Accused"), on 27 May 2004, where the Accused requests an extension of time for filing of his Pre-Trial Brief on account of internal problems within the Defence team;

**NOTING** the "Order for Filing of Pre-Trial Briefs" ("Order") delivered by the Trial Chamber on 13 February 2004, where the Defence was ordered to file its Pre-Trial Brief by 23 March 2003;

**NOTING** the "Revised Order for the Filing of Defence Pre-Trial Briefs" ("Revised Order") delivered by the Trial Chamber on 22 March 2004, where the Trial Chamber granted a request for extension of time and ordered that the Defence Pre-Trial Briefs be filed by each Defence team two weeks prior to the date for the commencement of trial;

**NOTING** the "Order for Commencement of Trial," issued by the Trial Chamber on 11 May 2004, ordering that the joint trial of the three accused to commence on 3 June 2004;

**NOTING** the "Decision on Request for Extension of Time to File Pre-Trial Brief", delivered by the Trial Chamber on 26 May 2004, where the Defence for each joint accused, who did not file their Pre-Trial Briefs in time, were required to file their Pre-Trial Briefs by 27 May 2004;

**NOTING** that the Defence Pre-Trial Briefs were due to be filed on Thursday 20 May 2004;

**NOTING** that on 31 May 2004, the Defence filed the "Defence Pre-Trial Brief Pursuant to Revised Order for the Filing of Defence Pre-Trial Briefs (Under Rules 54 and 73 bis) of 22<sup>nd</sup> March 2004";

**CONSIDERING** Article 17(4)(b) and (c) of the Statute of the Special Court for Sierra Leone ("Statute"), providing for the right of the Accused to have adequate time for the preparation of his defence and to be tried without undue delay;

**CONSIDERING** that Rule 73 bis of the Rules of Procedure and Evidence of the Special Court ("Rules"), provides for the filing of a pre-trial brief by the Defence, addressing the factual and legal issues not later than seven days prior to the date set for trial;

**CONSIDERING** that the Defence Pre-Trial Brief is principally intended to provide a response to the case presented in the Prosecution's Pre-Trial Brief and to address factual and legal issues, setting forth a framework for the commencement of trial;

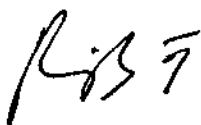
**CONSIDERING** that the Pre-Trial Brief was not filed in time, and that the Request for an extension of time to file the Pre-Trial Brief was filed after the date ordered by the Trial Chamber in the Revised Order, and that the Defence team did not advise the Trial Chamber of any foreseen difficulties in preparing and filing the Pre-Trial Brief, prior to expiry of the time for filing the Pre-Trial Brief;

**CONSIDERING** that at the Status Conference held on 1 June 2004, Counsel for the Accused apologised to the Trial Chamber for the delay in submitting the Pre-Trial Brief, explaining that the Defence team had experienced staffing difficulties, which prevented them submitting the Pre-Trial Brief on time;

**FINDING** that it is in the interests of justice to receive the Defence Pre-Trial Brief as validly filed;

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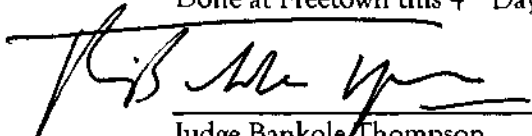





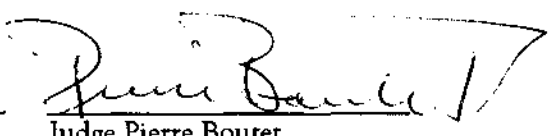
PURSUANT TO Rules 74 and 73 bis of the Rules;

HEREBY ALLOWS the Motion and accepts the Defence Pre-Trial Brief as validly filed.

Done at Freetown this 4<sup>th</sup> Day of June 2004

  
Judge Bankole Thompson

  
Judge Benjamin Muranga Itoe  
Presiding Judge,  
Trial Chamber

  
Judge Pierre Boutet

