

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: 23 September 2004

PROSECUTOR **Against** **Sam Hinga Norman**
Moinina Fofana
Allieu Kondewa
(Case No.SCSL-04-14-T)

ORDER ON FILING

Office of the Prosecutor:

Luc Côté
James Johnson

Sam Hinga Norman

Court Appointed Counsel for Sam Hinga Norman:

Dr Bu-Buakei Jabbi
John Wesley Hall, Jr.
Tim Owen, Q.C.
Quincy Whitaker

Defence Counsel for Moinina Fofana:

Michiel Pestman
Arrow Bockarie
Victor Koppe

Defence Counsel for Allieu Kondewa

Charles Margai
Yada Williams
Ansu Lansana

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

HAVING RECEIVED the Motion for Service and Arraignment on Second Indictment (“Motion”), filed by the First Accused and the Standby Counsel on 21 September 2004.

HAVING RECEIVED the Amended Motion for Service and Arraignment on Second Indictment (“Amended Motion”), filed by Court Appointed Counsel for the First Accused on 21 September 2004;

NOTING the Order rendered orally on 21 September 2004 (“Oral Order”),^[1] pursuant to which Standby Counsel for the First Accused have been appointed by the Chamber as Court Appointed Counsel;

NOTING the Motion of First Accused to Withdraw Amended Motion for Service and Arraignment on Second Indictment and Rely on Original Motion Only (“Motion for Withdrawal”), filed by the First Accused and the Court Appointed Counsel for on 22 September 2004;

CONSIDERING that Court Appointed Counsel for the First Accused do not have standing to file an Amended Motion that expressly supersedes the Motion filed in accordance with the Rules by the First Accused, given that the First Accused filed this Motion in his capacity to represent himself, at the time that the Motion was filed, and that at the moment of filing of the Motion the role and duty of Court Appointed Counsel was strictly defined as Standby Counsel;^[2]

PURSUANT TO Rule 7 and Rule 54 of the Rules of Procedure and Evidence (“Rules”);

ORDERS AS FOLLOWS

1. that the Motion shall be considered as validly filed;
2. that the Amended Motion shall not be considered as validly filed, and consequently **INSTRUCTS** the Court Management Section to expunge it from the official records of this case;
3. that Court Appointed Counsel, if they wish to do so, shall file any separate additional submissions to the Motion of no more than 5 pages long, no later than 4.00pm on Friday, 24 September 2004; and consequently,

ORDERS that the Prosecution, if it wishes to do so, shall file any response to the Motion and any eventual additional filing thereto within the time limits provided for in Rule 7 of the Rules, commencing from close of business on Friday, 24 September 2004;

The Motion for Withdrawal shall consequently be considered as moot.

Done at Freetown this 23rd day of September 2004

Judge Bankole Thompson

Judge Benjamin Mutanga Itoe Judge Pierre Boutet
Presiding Judge,
Trial Chamber

[Seal of the Special Court for Sierra Leone]

[\[1\]](#) Written reasons for this Order will be issued by the Chamber.

[\[2\]](#) See Consequential Order on Assignment and Role of Standby Counsel, 14 June 2004.