

SEIZED of the *Defence Request for “Stayed” Witness Indexing (“Request”)*, filed by Court Appointed Counsel for the First Accused on the 7th of March, 2005, where the Defence sought an order from the Chamber to the Prosecution to provide a comprehensive list of all Prosecution witnesses who have given testimony and those who the Prosecution will call to testify, in respect of the “stayed” portions of the Consolidated Indictment, in addition to providing trifurcated indexing of the “stayed” portions according to the categories of (a) new geographic locations, (b) extended time-scales or temporal jurisdictions and (c) new substantive elements of charges;

NOTING the *Prosecution Response to ‘Defence Request for “Stayed” Witness Indexing*, filed by the Prosecution on the 16th of March, 2005;

NOTING the *Defence Reply to Prosecution Response to Defence Request for “Stayed” Witness Indexing*, filed by the Defence on the 18th of March, 2005;

NOTING the Consolidated Indictment against the Accused, Sam Hinga Norman, Moinina Fofana, and Allieu Kondewa, approved on the 5th of February, 2004;

NOTING the *Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial*, issued by the Trial Chamber on the 1st of April, 2004 (“Order of the 1st of April, 2004”) and the Prosecution’s subsequent filing on the 26th of April, 2004, of *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*, which included, *inter alia*, a list of 158 witnesses the Prosecution intended to call and a summary of their expected testimony;

NOTING the *Prosecution Chart Indicating Documentary and Testimonial Evidence by Paragraph of Consolidated Indictment Pursuant to the Trial Chamber Order Dated 1 April 2004*, filed by the Prosecution on the 4th of May, 2005, which indicated by each paragraph of the Indictment, “the testimonial and documentary evidence upon which the Prosecution will rely to establish the allegations therein”;

NOTING the *Supplemental Materials Filed Pursuant to Order from the Bench During Pre-Trial Conference Held 28 April 2004 and Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial of 1 April 2004* (“Modified

Witness List”), filed by the Prosecution on the 5th of May, 2004, where the Prosecution reduced the total number of witnesses to 154;

NOTING the *Decision on Prosecution Request for Leave to Call Additional Witnesses*, issued by the Trial Chamber on the 29th of July, 2004, (“Decision of the 29th July, 2004”), where the Trial Chamber granted the request to add three witnesses to the Modified Witness List;

NOTING the *Decision on Prosecution Request for Leave to Call Additional Expert Witness Dr. William Haglund*, rendered by the Trial Chamber on the 1st of October, 2004 (“Decision of the 1st of October, 2004”), granting the Prosecution request to add the Expert Witness Dr. William Haglund to the Modified Witness List;

NOTING that the Prosecution submitted two tables listing 100 “core” witnesses, who they intend to call to testify at trial and 58 “back-up” witnesses, who they intend to call “only if it is later deemed necessary at trial” by its filing on the 8th of October, 2004,[\[1\]](#) and that the Prosecution filed a “Revised List of Prosecution Witnesses”, on the 3rd of February, 2005, reducing the number of witnesses on the “core” list to 82 by moving 18 witnesses to the “back-up” list (“Revised Witness List”);

CONSIDERING that the Prosecution have provided the Defence with the Revised Witness List of all witnesses to be called at trial, together with a summary of their expected testimony and a chart on the testimonial and documentary evidence upon which the Prosecution will rely to establish the allegations contained in the Consolidated Indictment;

CONSIDERING that the Prosecution have already put the Defence on notice as to the witnesses it intends to call and the evidence that it seeks to elicit from them with reference to each Count of the Indictment;

CONSIDERING that the Request of Court Appointed Counsel for the First Accused does not raise a fundamental issue about the fairness of the trial;

CONSIDERING that it would not be in the interests of justice for the Chamber to order the Prosecution to perform an administrative function that falls within the domain of the Defence and its own trial preparations;

MINDFUL OF Rule *26bis* of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (“Rules”);

FOR THE ABOVE REASONS,

DENIES the Defence Request.

Done in Freetown, Sierra Leone, this 28th day of April, 2005

Hon. Justice Pierre Boutet

Hon. Justice Benjamin Mutanga
Itoe
Presiding Judge,
Trial Chamber I

Hon. Justice Bankole
Thompson

[Seal of the Special Court for Sierra Leone]

[\[1\]](#) Revised List of Prosecution Witnesses, para. 3.