



**TRIAL CHAMBER I** (“The Chamber”) of the Special Court for Sierra Leone (“Special Court”) composed of Hon. Justice Pierre Boutet, Presiding Judge, Hon. Justice Bankole Thompson and Hon. Justice Benjamin Mutanga Itoe;

**NOTING** the Motions for Judgement of Acquittal filed by the First Accused, Sam Hinga Norman, on the 3rd of August 2005 and by the Second and Third Accused, Moinina Fofana and Allieu Kondewa, respectively, on the 4th of August, 2005 (“Motions”);

**NOTING** the Prosecution Responses to the Motions of the First, Second and Third Accused, filed on the 18th of August, 2005;

**NOTING** the Oral Arguments of the Defence Teams on their Motions for Judgment of Acquittal and the Responses of the Prosecution, delivered on the 20th of September, 2005;

**NOTING** the Decision on Motions for Judgement of Acquittal Pursuant to Rule 98 delivered by The Chamber on the 21st of October, 2005;

**MINDFUL** of the provisions of Rule 65*bis* of the Rules of Procedure and Evidence of the Special Court (“Rules”);

**MINDFUL** of Rule 73 *ter* of the Rules which provides for a Pre-Defence Conference to be held prior to commencement of the Defence Case;

**CONSIDERING** that Article 17(4)(b) of the Statute of the Special Court for Sierra Leone (“Statute”) provides that the Accused shall be entitled to have “adequate time and facilities for the preparation of his defence”;

**CONSIDERING** that Article 17(4)(c) of the Statute provides that the Accused shall be entitled “to be tried without undue delay”;

**THE CHAMBER, THEREFORE, ORDERS:**

1. That a Status Conference be held with the parties on the 27th of October, 2005 at 9:30 a.m. in Court Room 1, for the purpose of considering the preparation and presentation of the Defence Case. At the Status Conference, The Chamber will require the Defence to present the particulars for their preparation of the Defence Case, that may include the following:

- a.) the number of Defence witnesses that will be called for each Defence Team;
- b.) whether joint witnesses will be called by the Defence Teams;
- c.) whether expert witnesses will be called, and if so, the nature of such witnesses;

- d.) whether the Accused will testify at trial;
- e.) whether protective measures are necessary for Defence witnesses;
- f.) the anticipated length of the Defence case;
- g.) whether opening statements will be made by the Accused;

2. That the Defence file the following materials, no later than the 17th of November, 2005:

a.) A list of witnesses that each Defence Team intends to call, including:

- (i) the name of each witness;
- (ii) a summary of their respective testimony;
- (iii) the points of the Indictment to which each witness will testify;
- (iv) the estimated length of time for each witness to testify;

(v) an indication of whether the witness will testify in person or pursuant to Rule 92 *bis*;

b.) A list of expert witnesses with an indication of when their report will be ready and made available to the Prosecution;

c.) A list of exhibits the Defence intends to offer in its case, containing a brief description of their respective nature and contents, and stating where possible whether or not the Prosecution has any objection as to their authenticity;

d.) A chart which indicates, for each paragraph in the Indictment, the testimonial evidence and documentary evidence upon which the Defence will rely to defend the Accused against the allegations contained therein;

3. That a Pre-Defence Conference will be held on the 11th of January, 2006, for the following purpose:

a.) to consider the compliance of the Defence with The Chamber's above Order on Filings;

b.) to review the Defence witness lists and to set the number of witnesses each Defence Team will be entitled to call;

c.) to determine the time which will be available to each Defence Team to present their case;

d.) for the parties to submit a statement of agreed facts and matters which are not in dispute, if available, and in accordance with The Chamber's *Order on Cooperation Between the Parties*, of 3 November 2004, continue to submit such Status Reports to The Chamber on the last day of every trial session;

e.) to deal with any other matters that The Chamber considers appropriate for the purposes of facilitating the presentation of each Defence case;

4. The Defence case shall commence on the 17th of January, 2006, subject to any further Order by The Chamber.

Done in Freetown, Sierra Leone, this 21st day of October, 2005

Hon. Justice Benjamin Mutanga  
Itoe

Hon. Justice Pierre Boutet  
Presiding Judge,  
Trial Chamber I

Hon. Justice Bankole  
Thompson

[Seal of the Special Court for Sierra Leone]