



**MINDFUL** of the “Order Concerning the Preparation and Presentation of the Defence Case” filed on the 21st of October 2005 (“Order of the 21st of October, 2005”);

**MINDFUL** of the “Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case” of the 28th of November, 2005 (“Order for Compliance”), finding that the Defence did not comply with the Order of the 21st of October, 2005 and consequently requesting that each of the Defence Teams for Norman, Fofana and Kondewa individually files, no later than the 5th of December, 2005, *inter alia*: 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 (“Evidentiary Chart”);

**HAVING RECEIVED** various materials filed by the Defence pursuant to the Order for Compliance on the 5th of December, 2005 (“Defence Materials”);[\[1\]](#)

**MINDFUL** of the “Decision on Extremely Urgent Motion for Reconsideration of the Orders for Compliance with the Order Concerning the Preparation and the Presentation of the Defence Case of the 7th December, 2005”, ordering, *inter alia*, each of the Defence Teams to duly and fully comply with the Order for Compliance;

**NOTING** that, regrettably, none of the Defence Materials contains the requested Evidentiary Chart;

**NOTING** that, in its Defence Materials, Defence for the First Accused, because of various constraints affecting the Team, seeks leave and permission to file the Evidentiary Chart until the 14th of December, 2005;[\[2\]](#)

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

**CONSIDERING** that the information contained in the Evidentiary Chart are of fundamental importance for the Chamber, in accordance to its responsibility to manage the trial proceedings and ensure that a fair and expeditious trial is conducted, as well as for the Prosecution, in order to adequately prepare for the commencement of Defence Case scheduled for the 17th of January, 2006;

**CONSIDERING** that, in the present circumstances, it would be in the interest of justice that each of the Defence Teams be exceptionally allowed to file their respective Evidentiary Chart no later than the 14th of December, 2005;

**PURSUANT TO** Rule 54 and 73*ter*, of the Rules of Procedure and Evidence of the Special Court (“Rules”);

**HEREBY EXCEPTIONALLY ORDERS** that each of the Defence Teams for Norman, Fofana and Kondewa individually files the Evidentiary Chart, no later than the 14th of December, 2005, at 04:00pm.

**AUTHORIZES** the Court Management Section of the Special Court to serve the present order after 5:00pm, today the 9th of December, 2005.

Done at Freetown, Sierra Leone, this 9th day of December 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]

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[1] *Prosecutor against Norman, Fofana and Kondewa*, Case No. SCSL-04-14-T, Defence Witness and Exhibit List for the First Accused as per the Consequential Order for Compliance of 28th November 2005 Concerning the Preparation and Presentation of the Defence Case, 5 December 2005; *id.*, Fofana Materials Filed Pursuant to the Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case, 5 December 2005; and *id.*, Materials Filed by Third Accused Allieu Kondewa Pursuant to Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case, 5 December 2005.

[2] Norman Defence Materials, para. 9.

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