



**BEING SEIZED OF** the “Prosecution Request for Order to Defence Pursuant to Rule 73ter to Disclose Written Witness Statements”, filed by the Prosecution on the 6th of December, 2005;

**NOTING** the “Response by the First Accused to the Prosecution Request for Order to Defence Pursuant to Rule 73ter to Disclose Written Witness Statements”, filed by Court Appointed Counsel for the First Accused (“Counsel for Norman”) on the 8th of December, 2005;

**NOTING** the “Fofana Response to the Prosecution Request for Order to Defence Pursuant to Rule 73ter to Disclose Written Witness Statements”, filed by Court Appointed Counsel for the Second Accused (“Counsel for Fofana”) on the 8th of December, 2005;

**NOTING** the “Kondewa Response to the Prosecution Request for Order to Defence Pursuant to Rule 73ter to Disclose Written Witness Statements”, filed by Court Appointed Counsel for the Third Accused (“Counsel for Kondewa”) on the 8th of December, 2005;

**NOTING** the “Prosecution Consolidated Reply to Defence Responses to Request for Order to Defence Pursuant to Rule 73ter to Disclose Written Witness Statements”, filed by Prosecution on the 9th of December, 2005;

**MINDFUL** of the “Order Concerning the Preparation and Presentation of the Defence Case” delivered by The Chamber on the 21st of October, 2005;

**NOTING** that a Status Conference was held pursuant to this Order on the 27th of October, 2005 for the purpose of considering the preparation and presentation of the Defence case;

**NOTING** the “Joint Defence Materials Filed Pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof” filed jointly by the Defence for all the Accused in this case on the 17th of November, 2005;

**NOTING** that a further Status Conference was held on the 25th of November, 2005 for the purpose of considering the preparation and presentation of the Defence case and, in particular, for considering the Defence compliance with the 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” delivered by The Chamber on the 28th of November, 2005;

**NOTING** the “Defence Witness and Exhibit Lists for the First Accused as per the Consequential Order for Compliance of 28th November 2005 Concerning the Preparation and Presentation of Defence Case” filed by Counsel for Norman on the 5th of December, 2005;

**NOTING** the “Fofana Materials Filed Pursuant to the Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of Defence Case” filed by Counsel for Fofana on the 5th of December, 2005;

**NOTING** the “Materials Filed by Third Accused Allieu Kondewa Pursuant to Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of Defence Case” filed by Counsel for Kondewa on the 5th of December, 2005;

**MINDFUL** of the “Order to the Defence for the Filing of an Evidentiary Chart” delivered by The Chamber on the 9th of December, 2005;

**NOTING** the “First Accused Evidentiary Chart Pursuant to the Chamber Consequential Order for Compliance of 28th November 2005” filed by Counsel for Norman on the 14th of December, 2005;

**NOTING** the “Materials Filed by Third Accused Allieu Kondewa Pursuant to Order for the Filing of an Evidentiary Chart” filed by Counsel for Kondewa on the 14th of December, 2005;

**NOTING** the “Additional Fofana Materials Filed Pursuant to the Disclosure Orders of Trial Chamber I” filed by Counsel for Fofana on the 16th of December, 2005;

**NOTING** that the Pre-Defence was held on the 11th of January, 2006 for the purpose of considering the preparation and presentation of the Defence case and, in particular, for considering the Defence compliance with the Order of the 21st of October, 2005;

**NOTING** the “Materials Re-Filed by Third Accused Allieu Kondewa Pursuant to Order for Non-Confidential Filing of Materials in Compliance with Order Concerning the Preparation and Presentation of the Defence Case” filed by Counsel for Kondewa on the 11th of January, 2006;

**NOTING** the “Revised Fofana Witness List” filed by Counsel for Fofana on the 13th of January, 2006;

**NOTING** the “List of the Order of the Proposed First Sixteen Witnesses to be Called in the Sixth Trial Session by the Norman Defence” filed by Counsel for Norman on the 12th of January, 2006;

**NOTING** the “Notice of Issues Proposed to be Raised by the Prosecution at the Hearing on 17 January 2006” filed by the Prosecution on the 16th of January, 2006;

**NOTING** that a Status Conference was held on the 18th of January, 2006 as a follow up of the Pre-Defence Conference of 11 January 2005 and for the purpose of finalizing and clarifying issues to start the Defence case expeditiously and on the basis of common understanding;

**MINDFUL OF** The Chamber's Oral Ruling delivered at the Status Conference of 18 January 2006, denying the Prosecution Motion at this point in time in respect of its request for disclosure of written defence witness statements;

**CONSIDERING** however, that the Court may, in this regard and on a case by case basis in the interests of justice and a fair determination of the case, make such order or orders as it may deem necessary in the circumstances;

**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 it is in the interests of justice to order the Defence to produce additional materials, which will accompany their witness summaries and will assist the Prosecution in preparation for the cross-examination of those respective witnesses;

**CONSIDERING** that pursuant to Rule 73ter(B)(iii)(b) of the Rules of Procedure and Evidence of the Special Court ("Rules") The Chamber may order the Defence to file a list of witnesses the defence intends to call with a summary of the facts on which each witness will testify, but that the Chamber cannot force the Accused to produce such a summary or a statement when the Accused himself appears as a witness in his own defence and especially when such a statement does not appear to exist;

**NOTING** however, the notice of Counsel for Norman that they would have a general statement of what the First Accused will testify about in his own defence;

**NOTING** that the First Accused is scheduled to start his testimony on the 20th of January, 2006;

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

**HEREBY ISSUES THE FOLLOWING ORDERS:**

1. Counsel for Norman, Kondewa and Fofana to disclose to the Prosecution and file with the Court any identifying information which is available for all the witnesses they are intending to call; This information shall include family name, first name and nicknames, date and place of birth (if known), names of parents, religion, occupation at the time relevant to the Indictment and current address, no later than Monday, the 23rd of January, 2006, 4 p.m.;
2. Counsel for Fofana to re-file the Materials filed on the 5th of December, 2005 pursuant to “Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case” of 28 November 2005, by including the real names of witnesses, summary of proposed testimony, points of the Indictment, length of testimony, mode of testimony, languages, no later than Monday, the 23rd of January, 2006, 4 p.m.;
3. Counsel for Fofana to file expanded and comprehensive summaries of those previous “back-up/unconfirmed” witnesses who appeared on the witness list of 5 December 2005 and have been moved to the “core” list of witnesses in the Revised Fofana witness list of 13 January 2006 and include these summaries in the newly re-filed Materials;
4. Counsel for Norman to re-file the Materials filed on the 5th of December, 2005 pursuant to “Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case” of 28 November 2005, in compliance with the instructions given by The Chamber at the Status Conference of 18 January 2006, no later than Monday, the 23rd of January, 2006, 4 p.m.;
5. Counsel for Norman to disclose to the Prosecution and file with the Court any statement that may reflect Counsel’s general understanding of the prospective testimony of the First Accused as soon as possible but no later than Thursday, the 19th of January, 2006, 12 p.m.;

**AUTHORIZES** the Court Management Section of the Special Court to serve the present order after 5:00 p.m., today the 18th of January, 2006.

Done in Freetown, Sierra Leone, this 18th day of January, 2006

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]

---