

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;

SEIZED OF the “Fofana Motion for Issuance of A Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah”, filed by Court Appointed Counsel for the Second Accused, Moinina Fofana, (“Counsel for Fofana”) on the 15th of December, 2005 (“Fofana Motion”), whereby Counsel for Fofana requests a Judge of Trial Chamber I or The Chamber to issue a subpoena *ad testificandum* to H.E. Dr. Ahmad Tejan Kabbah, the President of the Republic of Sierra Leone to compel him to appear as a witness in the CDF trial on behalf of the Second Accused and to meet with Counsel for Fofana at least two weeks in advance of the date of his proposed testimony;

SEIZED OF the “Norman Motion for Issuance of A Subpoena *Ad Testificandum* to H.E. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone”, filed by Court Appointed Counsel for the First Accused, Sam Hinga Norman, (“Counsel for Norman”) on the 15th of December, 2005 (“Norman Motion”), whereby Counsel for Norman associates with Fofana Motion for the issuance of a subpoena *ad testificandum* to H.E. President Kabbah to testify as a witness for the First Accused and to meet with Counsel for Norman before his proposed testimony;

NOTING the “Prosecution Response to Fofana Motion for Issuance of A Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah”, filed on the 13th of January, 2006 (“Response to Fofana Motion”), opposing the Fofana Motion;

NOTING the “Prosecution Response to Norman Motion for Issuance of A Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah”, filed on the 13th of January, 2006 (“Response to Norman Motion”), opposing the Norman Motion;

NOTING the “First Accused Reply to the Prosecution Response to Norman Motion for Issuance of A Subpoena *Ad Testificandum* to President Ahmad Tejan Kabbah”, filed on the 16th of January, 2006 (“Norman Reply”);

NOTING the “Reply to Prosecution Response to Fofana Motion for Issuance of A Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah”, filed on the 18th of January, 2006 (“Fofana Reply”);

NOTING the “Affirmation of Service with Respect to Fofana and Norman Motions for Issuance of A Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah”, filed by Counsel for Fofana on the 16th of January, 2006, whereby the said Counsel give affirmation that copies of Norman Motion and Fofana Motion were served on Soulay Daramy, Chief of Protocol of the President of the Republic of Sierra Leone on the 13th of January, 2006;

NOTING the Letter from Mr. F.M. Carew, Attorney-General and Minister of Justice of the Republic of Sierra Leone, sent to the Registrar of the Special Court on the 17th of January, 2006, whereby the said Attorney-General and Minister of Justice acknowledges the service of the said Motions on H.E. President Kabbah, requests the copies of the Consolidated Indictment and the Rules of Procedure and Evidence of the Special Court (“Rules”) from the Registrar to enable him to advise H.E. President Kabbah and expresses his intention “to apply for such a subpoena, if and when issued, to be set aside on constitutional and other legal basis”[\[1\]](#);

NOTING the Letter from the Registrar of the Special Court sent to the Attorney-General and Minister of Justice of the Republic of Sierra Leone on the 18th of January, 2006, forwarding the requested documents and taking a note of the intention of the Attorney-General and Minister of Justice of the Republic of Sierra Leone;

NOTING the Letter from the Attorney-General and Minister of Justice of the Republic of Sierra Leone, sent to the Registrar of the Special Court on the 19th of January, 2006, whereby the said Attorney-General and Minister of Justice acknowledges the receipt of the documents, reinstates his intention “to apply to the Trial Chamber if and when a subpoena is issued” and wishes to be informed “of the date of the hearing for the determination by the Trial Chamber of this matter”[\[2\]](#);

CONSIDERING that it is in the interests of justice to allow the Attorney-General and Minister of Justice of the Republic of Sierra Leone to intervene in these proceedings;

CONSIDERING that Rule 54 of the Rules provides that:

At the request of either party or of its own motion, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.

PURSUANT TO Rule 54 of the Rules;

HEREBY GRANTS Leave for the Attorney-General and Minister of Justice of the Republic of Sierra Leone to intervene in these proceedings; and

ISSUES THE FOLLOWING ORDERS:

1. The Attorney-General and Minister of Justice of the Republic of Sierra Leone shall file with the Court a written response to the Norman Motion and Fofana Motion within seven days of the receipt of this Order, but no later than Thursday, the 26th of January, 2006 at 4 p.m.;
2. Counsel for Fofana and Counsel for Norman shall file a reply to the said response of the said Attorney-General and Minister of Justice within five days of the receipt of such response, but no later than Tuesday, 31st of January, 2006 at 4 p.m.;
3. The Attorney-General and Minister of Justice of the Republic of Sierra Leone may present arguments, if he so wishes, at the oral hearing before The Chamber on a date to be communicated to him;
4. The Court Management shall serve the Attorney-General and Minister of Justice of the Republic of Sierra Leone with the certified copies of the Norman Motion, Fofana Motion, Response to Norman Motion, Response to Fofana Motion, Norman Reply and Fofana Reply.

Done at Freetown, Sierra Leone, this 19th 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]

[\[1\]](#) Letter of 17 January 2006, p. 2.

[\[2\]](#) Letter of 19 January 2006, p. 2.
