

SPECIAL COURT FOR SIERRA LEONE
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TRIAL CHAMBER I

Before: Hon. Justice Pierre Boutet, Presiding Judge
Hon. Justice Bankole Thompson
Hon. Justice Benjamin Mutanga Itoe

Registrar: Mr. Lovemore Munlo SC

Date: 3rd of March, 2006

PROSECUTOR **Against** **SAM HINGA NORMAN**
MOININA FOFANA
ALLIEU KONDEWA
(Case No.SCSL-04-14-T)

Public Document

SCHEDULING ORDER FOR STATUS CONFERENCE

Office of the Prosecutor:

James Johnson
Kevin Tavener

Court Appointed Counsel for Sam Hinga Norman:

Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.
Alusine Sani Sesay

Court Appointed Counsel for Moinina Fofana:

Victor Koppe
Arrow Bockarie
Michiel Pestman

Court Appointed Counsel for Allieu Kondewa:

Charles Margai
Yada Williams
Ansu Lansana

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 that pursuant to The Chamber’s “Order Concerning the Preparation and Presentation of the Defence Case” of the 21st of October, 2005 and “Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case” of the 28th of November, 2005, each Defence team filed their respective witness lists on the 5th of December, 2005, indicating, *inter alia*, the number of witnesses and summary of their proposed testimony;[\[1\]](#)

NOTING that, specifically, in the filing of their witness list, Court Appointed Counsel for the First Accused indicated their intention to call 77 witnesses, Court Appointed Counsel for the Second Accused indicated their intention to call 35 “core” witnesses and seven “back-up” witnesses and Court Appointed Counsel for the Third Accused indicated their intention to call 39 witnesses;

NOTING that following “First Accused’s Urgent Motion for Leave to File Additional Witness and Exhibits Lists”, filed on the 1st of February, 2006, seeking leave, *inter alia*, to add an additional 13 witnesses to his witness list, The Chamber issued its “Order to the First Accused to Re-File Summaries of Witness Testimonies” on the 2nd of March, 2006, ordering that:

Court Appointed Counsel for the First Accused shall re-file summaries of their proposed 77 witnesses, save the eight witnesses, who have already been heard by The Chamber, and those summaries of their proposed 13 additional witnesses [and...] shall review and reduce their list of witnesses, if necessary, bearing in mind the considerations of avoiding repetitious evidence and calling an excessive number of witnesses to prove the same fact or calling witnesses in relation to the crimes and events which do not form part of the Indictment or are outside the time frame of the Indictment;

NOTING the “Order for Extension of Time and Consequential Order to the First Accused to Re-File Summaries of Witness Testimonies” issued on the 3rd of March, 2006, providing, *inter alia*, for the Court Appointed Counsel for the First Accused to comply with the “Order to the First Accused to Re-File Summaries of Witness Testimonies” by the 14th of March, 2006;

NOTING that the sixth trial session in the CDF case concluded on the 23rd of February, 2005 with eight witnesses having been heard on behalf of the First Accused, two of these witnesses being common to the First and Second Accused and one witness common to all three Accused;

NOTING that The Chamber's "Consequential Order to the Status Conference of 18 January 2006" of the 18th of January, 2006, ordered each Defence team "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.";

NOTING that Court Appointed Counsel for Norman has filed such information for their first sixteen witnesses only, and not for the remaining proposed witnesses and indicated on their list that they would "subsequently file the identifying information for the rest of the witnesses as soon as the information becomes available";

NOTING that no such subsequent filing has been undertaken by Court Appointed Counsel for Norman;

NOTING that Court Appointed Counsel for Kondewa has filed the required information for only ten of their proposed witnesses, without providing any explanation or leave being requested;

CONSIDERING that Article 17(4)(C) of the Statute of the Special Court for Sierra Leone provides that the Accused shall be entitled "to be tried without undue delay";

CONSIDERING that in accordance with Rule 26*bis* of the Rules of Procedure and Evidence of the Special Court ("Rules") The Chamber "shall ensure that a trial is fair and expeditious";

CONSIDERING that it would be in the interests of justice to hold a Status Conference before the seventh session in the CDF case, which has been scheduled to start on the 2nd of May, 2006,[\[2\]](#) in order to review the witness list of the First Accused and the expanded summaries of their witnesses and discuss with the Parties the possible reassessment of the witness list, the order of witnesses' appearances, the comprehensiveness of witness summaries and their material relevance, common witnesses and any other-witness related matter, as may be brought by the Parties;

PURSUANT TO Rule 54 and Rule 65*bis* of the Rules;

HEREBY ORDERS as follows:

1. that the Status Conference shall be held on Wednesday, the 22nd of March, 2006 at 2:45 p.m. in Courtroom 1;
2. that Court Appointed Counsel for the First and Third Accused shall ensure their timely compliance with The Chamber's "Order to the First Accused to Re-File Summaries of Witness Testimonies", the "Order for Extension of Time and Consequential Order to the First Accused to Re-File Summaries of Witness Testimonies" and the "Consequential Order to the Status Conference of 18 January 2006" in order to avoid any further delays.

AUTHORIZES the Court Management Section of the Special Court to serve the present order after 5:00pm, today the 3rd of March, 2006.

Done in Freetown, Sierra Leone, this 3rd day of March, 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] *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] *Prosecutor against Norman, Fofana and Kondewa*, Case No. SCSL-04-14-T, Order Detailing Judicial Calendar, 8 February 2006;
