

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;

CONSIDERING the oral submissions of the Parties at the Status Conference held on the 22nd of March, 2006;

NOTING that the seventh trial session in this case is scheduled to commence on the 3rd of March, 2006 with a preceding Status Conference on the 2nd of March, 2006;

NOTING the non-compliance of Court Appointed Counsel for the First Accused with The Chamber’s “Consequential Order to the Status Conference of 18 January 2006” of the 18th of January, 2006 and the “Scheduling Order for Status Conference” of the 3rd of March, 2006 and their failure to comply fully with the “Order to the First Accused to Re-file Summaries of Witness Testimonies” of the 2nd of March, 2006;

NOTING that according to The Chamber’s “Order on Co-operation Between the Parties” of the 3rd of November, 2004, the Parties are obliged to submit “a joint statement, signed by both parties [...] stating all the agreed points of fact and law reached by them”^[1] (“Status Report”) “on the last day of every trial session [...] until further notice by the Trial Chamber”;

NOTING that the last Status Report was filed by the Parties on the 15th of March, 2005, stating that “they have not agreed to any further points of law or fact during the 3rd Trial Session” and since then no other Status Report was filed by the Parties, which is a clear non-compliance with The Chamber’s Order;

CONSIDERING that Rule 73^{ter} of the Rules of Procedure and Evidence of the Special Court (“Rules”) in its relevant parts provides as follows:

[...]

(B) At that Conference, the Trial Chamber or a Judge designated from among its members may order that the defence, before the commencement of its case but after the close of the case for the prosecution, file the following:

- (i) Admissions by the parties and a statement of other matters which are not in dispute;
- (ii) A statement of contested matters of fact and law;

[...]

(C) The Trial Chamber or a Judge designated from among its members may order the defence to shorten the estimated length of the examination-in-chief for some witnesses.

(D) The Trial Chamber or a Judge designated among its members may order the defence to reduce the number of witnesses, if it considers that an excessive number of witnesses are being called to prove the same facts.

[...]

NOTING that the Special Court will observe a judicial recess from Monday, the 10th of April, 2006 until Monday, the 24th of April, 2006, “during which period the Court Management Section of the Registry will not accept any documents for filing”;[\[2\]](#)

REITERATING The Chamber’s Orders of the 3rd of November, 2004, the 18th of January, 2006, the 2nd of March, 2006 and the 3rd of March, 2006;

PURSUANT TO Rule 73ter of the Rules **ORDERS** as follows:

1. Court Appointed Counsel for the First Accused shall re-file their reduced witness list, bearing in mind the considerations of avoiding repetitive 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, by the 3rd of April, 2006, at 1 p.m.;
2. The re-filed and reduced witness list shall include expanded summaries of the witnesses’ testimonies, which shall contain detailed summaries of the incidents and/or events which a witness is called to testify upon, exact location and date (if available) of these alleged incidents and/or events, position and/or role of a witness in relation to the crimes charged in the Indictment and the nexus between the Accused and the proposed testimony of a witness;
3. Court Appointed Counsel for the First Accused, in their process of reducing their witness list, shall reassess the estimated length of examination of their witnesses and shall include such changes in the re-filed reduced witness list by the 3rd of April, 2006, at 1 p.m.;
4. Court Appointed Counsel for the First Accused shall file a list containing the order of their witnesses’ appearance for the seventh trial session by the 3rd of April, 2006, at 1 p.m.; This list shall include references to the Exhibits, which Counsel are intending to tender through a particular witness on that order; Any deviation from this order shall be granted upon showing good cause by Counsel and shall be communicated as soon as possible to all Parties;
5. Court Appointed Counsel for the First Accused shall reconsider the necessity of adding 13 witnesses to their witness list, for which leave had been sought from The Chamber,[\[3\]](#) and re-file the list of such additional witnesses, if necessary, including their expanded summaries as directed by The Chamber, by the 3rd of April, 2006, at 1 p.m.;
6. Court Appointed Counsel for the First Accused shall disclose to the Prosecution and file with the Court by the 3rd of April, 2006, at 1 p.m. any identifying information which is available for all of the witnesses on their re-filed reduced witness list; 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;

7. Court Appointed Counsel for all three Accused persons are requested to discuss their common witnesses and shall file with the Court their list of common witnesses, including a summary of their respective testimonies, the points of the Indictment to which each witness will testify, the estimated length of time for each of this witness, and the language of the testimony, by the 3rd of April, 2006, at 1 p.m.;

8. Court Appointed Counsel for all three Accused persons shall file with the Court admissions by the Parties and a statement of other matters which are not in dispute, by the 3rd of April, 2006, at 1 p.m.;

9. At the end of each trial session the Prosecution and the Defence shall file with the Court a Status Report on agreed points of law or facts reached by them, which shall be signed by the Parties;

10. Court Appointed Counsel for all three Accused persons shall disclose, as soon as possible or at least two days prior to the commencement of the testimony of a witness, to the other Parties, as the case may be, a copy of the Exhibit, which Counsel intend to tender through such witness;

11. Court Appointed Counsel for all three Accused persons shall ensure at all times the availability of at least two standby witnesses in court to testify in order to avoid any delays;

Done in Freetown, Sierra Leone, this 23rd 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, “Decision on Co-operation between the Parties”, dated 26 May 2004.

[2] Order of the President of the Special Court “Order Designating Judicial Recess”, of 20 January, 2006.

[3] *Prosecutor against Norman, Fofana and Kondewa*, Case No. SCSL-04-14-T, “First Accused’s Urgent Motion for Leave to File Additional Witness and Exhibits Lists”, filed on the 1st of February, 2006 and re-filed on the 14th of March, 2006.
