

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 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”);

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 (“Joint Defence Materials”);

NOTING the “Scheduling Order for Status Conference” filed on the 18th of November 2005 and the Order Re-Scheduling a Status Conference and Order for Submissions by the Prosecution” filed on the 21st of November, 2005;

NOTING the “Prosecution Submissions on the Joint Defence Materials Filed Pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof” filed by the Office of the Prosecutor (“Prosecution”) on the 23rd of November, 2005;

NOTING that a further Status Conference has been held on the 25th of November, 2005 for the purpose of considering the preparation and presentation of the Defence case and for considering the Defence compliance with the Order of the 21st of November, 2005;

NOTING the “Motion by the Third Accused Allieu Kondewa for Orders of Protective Measures for Defence Witnesses” filed by Defence for the Third Accused on the 17th of November, 2005 and the response thereto filed by the Prosecution on the 25th of November, 2005;

HAVING HEARD the Parties during the said Status Conference on the 25th of November, 2005;

NOTING that the each of the Defence Teams have failed to comply with the Order of the 21st of October, 2005;

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”;

PURSUANT TO Rule 7, 26*bis*, 54, 65*bis*, 69, 73, 73*ter*, 75, 85(C) and 92*bis* of the Rules of Procedure and Evidence of the Special Court;

THE TRIAL CHAMBER

ORDERS that:

- a. The Defence Teams for Norman and Fofana, should they wish to seek protective measures for any of the witnesses they intend to call, shall file any such motion no later than the 30th of November, 2005, at 04:00pm;
- b. Any response by the Prosecution shall be filed by no later than the 5th of December, 2005, at 4:00pm;
- c. Any reply by the Defence shall be filed no later than then 8th of December, 2005, at 4:00pm;

Should the Defence seek to apply for protective measures for any of the witnesses it intends to call after the 30th of November, 2005 it may be permitted to do so only upon good cause being shown.

and,

FURTHER ORDERS that each of the Defence Teams for Norman, Fofana and Kondewa shall individually file the following materials, by no later than the 5th of December, 2005, at 04:00pm:

a) A list of witnesses that each Defence Team intends to call, including:

i) The names or, subject to any protective measures that might have been ordered by the Chamber, the pseudonym of each witness;

ii) A summary of the respective testimony of all witnesses that should be sufficiently descriptive to allow the Chamber to appreciate and understand the nature o the proposed testimony;[\[1\]](#)

iii) The points of the Indictment to which each witness will testify, including the exact paragraph and the specific counts;

iv) The estimated length of time for each witness to testify;

v) An indication of whether the witness will testify in person or pursuant to Rule 92*bis* of the Rules;

vi) The language in which each witness intends to testify;

Should the Defence seek to add any witnesses to this list after the 5th of December, 2005 it may be permitted to do so only upon good cause being shown;

b) A list of expert witnesses, whose names must appear on the list of witnesses referred to above, with a brief description of the nature of their evidence and a preliminary indication of when their reports will be ready and its availability to the Prosecution.

c) A list of exhibits the Defence intends to offer in its case, containing a brief description of their respective nature and contents, and stating where possible whether or not the Prosecution has any objection as to their authenticity. Should the Defence seek to add any exhibit to this list after the 5th of December, 2005 it may be permitted to do so only upon good cause being shown;

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.

e) An indication of whether each of the Accused intends to testify in his own Defence and this, pursuant to Rule 85(C) of the Rules;

Done at Freetown, Sierra Leone, this 28th day of November 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]

[1] *Prosecutor against Sam Hinga Norman, Moinina Fofana and Allieu Kondewa*, Transcripts, Status Conference, 27 October 2005, p. 18. Generally, for further guidance, see *Prosecutor against Bagosora et al.*, Case No. ICTR-98-41-T, Decision on Sufficiency of Defence Witness Summaries, 5 July 2005. See also *Prosecutor against Nahimana et al.*, Case No. ICTR-99-52-T, Decision on the Prosecution's Motion to Compel the Defence's Compliance with Rules 73ter, 67(C) and 69(C), 3 October 2002.
