

SCSL-04-14-T  
(10775 - 10778)

**IN THE SPECIAL COURT OF SIERRA LEONE**

Case No. SCSL-04-14-T

**Before:** Judge Benjamin Mutanga Itoe, Presiding Judge  
Judge Bankole Thompson  
Judge Pierre Boutet

**Registrar:** Robin Vincent

**Date:** November 12, 2004

**PROSECUTOR**

**V**

**CHIEF SAM HINGA NORMAN**

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**REQUEST OF FIRST ACCUSED FOR LEAVE TO CROSS-EXAMINE  
EXPERT WITNESS OUT OF TIME**

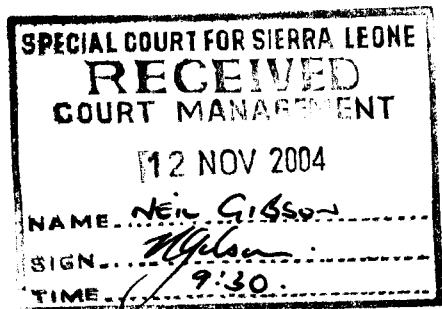
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Office of the Prosecutor

Court Appointed Counsel for Chief  
Norman

Luc Cote  
James Johnson

Dr Bu-Buakei Jabbi  
John Wesley Hall



**Background:**

1. On the 14<sup>th</sup> of July 2004, the Prosecutor submitted the Expert Report of Dr. William Haglund.
2. On the 26<sup>th</sup> of July 2004, Standby Counsel for Sam Hinga Norman filed a Notice Conditionally Indicating Wish to Cross-Examine Expert Witness.
3. On the 26<sup>th</sup> of July 2004, Counsel for Moinana Fofana filed the “Fofana Conditional Notice to the Trial Chamber pursuant to Rule 94*bis* (B)”.
4. On the 28<sup>th</sup> of July 2004, Counsel for Allieu Kondewa filed the “Notice Conditionally Indicating Intention to Cross Examine Expert Witness”.
5. On 1<sup>st</sup> of October 2004, the Trial Chamber issued its “Consequential Order to Decision on Prosecution Request for Leave to Call Additional Expert Witness”.
6. In its decision, The Trial Chamber ordered the Defence for the three Accused to file on or before the 15<sup>th</sup> of October, 2004 a notice to the Trial Chamber indicating whether it accepts the expert report, or whether it wishes to cross examine the expert witness; and submissions concerning the Admissibility of the said Report.
7. Court Appointed Counsel for Chief Norman did not file this notice before the deadline of the 15<sup>th</sup> of October, 2004 and respectfully seeks leave of the Trial Chamber to file its notice out of time.

## Submissions

8. Court Appointed Counsel for Chief Norman respectfully submits that defence counsel Whitaker and Jabbi<sup>1</sup> thought that their prior notice would suffice, but have since been informed by the Trial Chamber that our initial response was ineffective, so they did not appreciate the nature of the order, despite the fact that it is entitled “Consequential Order...” It was overlooked that this order required a separate response.
9. Counsel for the other accused have filed notices of intent to cross-examine, so the expert will be cross-examined anyway. Permitting counsel for the first accused to participate in cross-examination will not prejudice the Prosecution. Also, the first accused will not cross-examine to simply cross-examine—we will cross-examine only to clarify where it might tend to aid the case of the first accused.
10. The first accused does not contest the admissibility of the report; he only reserves the right to question the weight it is to be given on the question of the criminal liability of the first accused.
11. For this reason, Court Appointed Counsel for Chief Norman respectfully requests that he be granted leave to cross-examine Dr. Haglund with the second and third accused because of lack of prejudice to any part and no delay in the proceedings, and they apologize to the court for having to file this pleading seeking leave out of time.

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<sup>1</sup> Hall was unavailable in October because of other commitments at home, so he relied on the others. This is only an answer, not an excuse because each counsel is, to some extent, responsible for the case.

**COUNSEL APPOINTED BY THE COURT ON BEHALF  
OF THE FIRST ACCUSED**



John Wesley Hall  
Dr Bu-Buakei Jabbi

Freetown, 12 November 2004