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SCSL-04-14-T  
(14366-14368)

14366

**SPECIAL COURT FOR SIERRA LEONE**

**In Trial Chamber I**

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

Interim Registrar: Mr Lovemore Munlo

Date: 7 December 2005

**THE PROSECUTOR**

**-against-**

**SAMUEL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA**

SCSL-2004-14-T

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**EXTREMELY URGENT DEFENCE REQUEST FOR  
MODIFICATION OF THE 7 DECEMBER 2005 ORDER  
FOR EXPEDITED FILING OF TRIAL CHAMBER I**

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**For the Office of the Prosecutor:**

Mr Luc Côté  
Mr James C. Johnson  
Ms Nina Jørgensen  
Mr Marco Bundi

**For Moinina Fofana:**

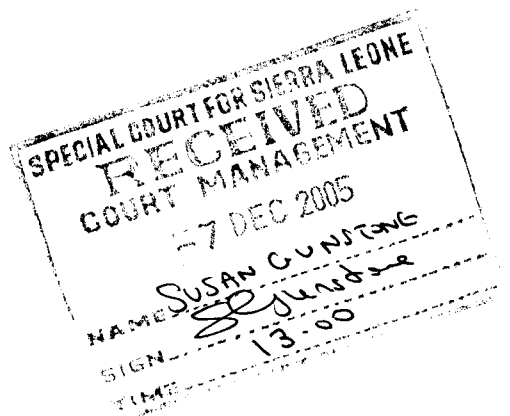
Mr Victor Koppe  
Mr Arrow Bockarie  
Mr Michiel Pestman  
Mr Andrew Ianuzzi

**For Samuel Hinga Norman:**

Mr John Wesley Hall  
Dr Bu-Buakei Jabbi  
Ms Clare DaSilva  
Mr Kingsley Belle

**For Allieu Kondewa:**

Mr Charles Margai  
Mr Yada Williams  
Mr Ansu Lansana  
Ms Susan Wright  
Mr Martin Michael



SCSL-2004-14-T

## SUBMISSIONS

1. Considering the Office of the Prosecutor's 'Request for Order to Defence Pursuant to Rule 73ter to Disclose Written Witness Statements'<sup>1</sup> (the "Request") and the Trial Chamber's 'Order for Expedited Filing'<sup>2</sup> (the "Order") both filed today, 7 December 2005, counsel for Moinina Fofana and Samuel Hinga Norman (the "Defence") hereby requests modification of the Order in the interests of justice.
2. The Rules of Procedure and Evidence (the "Rules") normally provide a party responding to a motion with ten days to prepare its response<sup>3</sup>. However, the Order has drastically reduced the prescribed time limit to one day, noting that 'the fair and expeditious consideration of the Motion requires the imposition of an expedited timetable for the filing of any remaining written submissions'<sup>4</sup>.
3. The Defence submits that issue presented by the Request is an important one deserving of well-reasoned and considered written submissions by all parties to the CDF case, as well as the possible submissions of other interested parties, namely counsel for the remaining six accused persons facing trial before the Special Court.
4. The Defence submits that a one-day deadline for the submission of its response is patently unfair. While the Defence acknowledges its clients right "to be tried without undue delay"<sup>5</sup>, it submits that issues of expedition should never take precedence over matters of fairness.
5. Accordingly, the Defence hereby requests that it—as well as any other interested parties—be given the full ten days, as provided by Rule 7(c), to respond to the Request. In the alternative, the Defence submits that—if pressed—it could file a sufficiently well-reasoned and considered response by, no earlier than, the close of business on Monday, 12 December 2005.

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<sup>1</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-T-501.


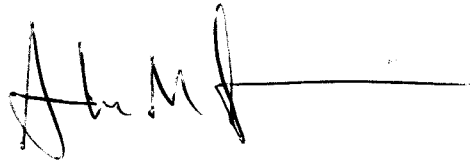
<sup>2</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-T-503.

<sup>3</sup> See Rule 7(c).

<sup>4</sup> Order at p.2.


<sup>5</sup> Statue, Article 17(4)(c).

COUNSEL FOR MOININA FOFANA



Victor Koppe

COUNSEL FOR SAMUEL HINGA NORMAN



Dr Bu-Buake Jabbi