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SCSL-04-14-T  
(14372-14373)

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**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

**Interim Registrar:** Mr. Lovemore Munlo SC

**Date:** 7<sup>th</sup> of December 2005

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

**DECISION ON EXTREMELY URGENT DEFENCE MOTION FOR MODIFICATION OF THE ORDER FOR EXPEDITED FILING**

**Office of the Prosecutor:**

Luc Côté  
James Johnson  
Kevin Tavener

**Court Appointed Counsel for Sam Hinga Norman:**

Dr. Bu-Buakei Jabbi  
John Wesley Hall, Jr.  
Clare da Silva (*Legal Assistant*)

**Court Appointed Counsel for Moinina Fofana:**

Victor Koppe  
Arrow Bockarie  
Michiel Pestman  
Andrew Ianuzzi (*Legal Assistant*)

**Court Appointed Counsel for Allieu Kondewa:**

Charles Margai  
Yada Williams  
Ansu Lansana  
Martin Michael (*Legal Assistant*)

Stamp: COURT FOR SIERRA LEONE  
JUDGE: SWAN GUNITONG  
DATE: 17-05

**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;

**HAVING RECEIVED** the "Prosecution Request to Order to the Defence Pursuant to Rule 73<sup>ter</sup> to Disclose Written Witness Statements" on the 7<sup>th</sup> of December, 2005 ("Prosecution Request"), filed by the Office of the Prosecutor ("Prosecution");

**MINDFUL** of the "Order Concerning the Preparation and Presentation of the Defence Case" of the 21<sup>st</sup> of October 2005 and of the "Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case" of the 28<sup>th</sup> of November, 2005;

**MINDFUL** of the Order for Expedited Filing of the 7<sup>th</sup> of December, 2005, providing, *inter alia*, that any response by the Defence to the Prosecution Request shall be filed no later than tomorrow, Thursday, the 8<sup>th</sup> of December, 2005, at 04:00pm;

**SEIZED OF** the "Extremely Urgent Defence Request for Modification of the 7 December 2005 Order for Expedited Filing of Trial Chamber I, filed jointly by Defence for the First Accused, Hinga Norman, and the Second Accused, Moinina Fofana, on the 7<sup>th</sup> of December, 2005 ("Defence Motion"), by which the Defence requests to be granted pursuant to Rule 7(C) of the Rules of Procedure and Evidence of the Special Court ("Rules") until Monday, the 12<sup>th</sup> of December, 2005 to file a response to the Prosecution Request;

**CONSIDERING** the Response to the Defence Motion filed by the Prosecution on the 7<sup>th</sup> of December, 2005, opposing the Motion;

**CONSIDERING** the rights of the Accused and, in particular, 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";

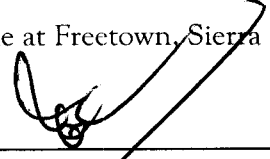

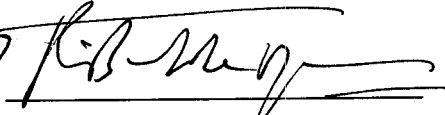
**SATISFIED** that the Order for Expedited Filing provides for sufficient time for the Defence, in the present circumstances, to properly respond, if it intends to do so, to the Prosecution Request;

**PURSUANT TO** Rule 7(C), 7<sup>bis</sup>, 26<sup>bis</sup>, 54, 73 and 73<sup>ter</sup> of the Rules;

**HEREBY DISMISSES** the Defence Motion

**AUTHORIZES** the Court Management Section of the Special Court to serve the present order after 5:00pm, today the 1<sup>st</sup> of December, 2005.

Done at Freetown, Sierra Leone, this 7<sup>th</sup> day of December, 2005.

		
_____ Hon. Justice Benjamin Mutanga Itoe	_____ Hon. Justice Pierre Boutet Presiding Judge, Trial Chamber I	_____ Hon. Justice Bankole Thompson

