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SCSL-04-14-T
(14420-14422)

14420



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: 9th of December, 2005

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

ORDER TO THE DEFENCE FOR THE FILING OF AN EVIDENTIARY CHART

Office of the Prosecutor:

Luc Côté
James Johnson
Kevin Tavener

Court Appointed Counsel for Sam Hinga Norman:

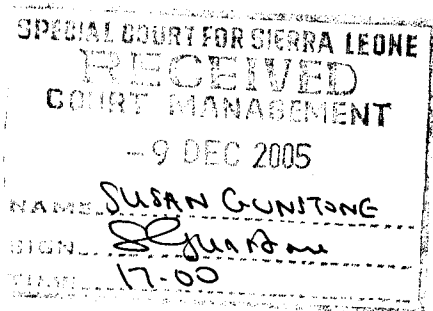
Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.
Clare da Silva (*Legal Assistant*)

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*)



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;

MINDFUL of 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”);

MINDFUL of the “Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case” of the 28th of November, 2005 (“Order for Compliance”), finding that the Defence did not comply with the Order of the 21st of October, 2005 and consequently requesting that each of the Defence Teams for Norman, Fofana and Kondewa individually files, no later than the 5th of December, 2005, *inter alia*: 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 (“Evidentiary Chart”);

HAVING RECEIVED various materials filed by the Defence pursuant to the Order for Compliance on the 5th of December, 2005 (“Defence Materials”);¹

MINDFUL of the “Decision on Extremely Urgent Motion for Reconsideration of the Orders for Compliance with the Order Concerning the Preparation and the Presentation of the Defence Case of the 7th December, 2005”, ordering, *inter alia*, each of the Defence Teams to duly and fully comply with the Order for Compliance;

NOTING that, regrettably, none of the Defence Materials contains the requested Evidentiary Chart;

NOTING that, in its Defence Materials, Defence for the First Accused, because of various constraints affecting the Team, seeks leave and permission to file the Evidentiary Chart until the 14th of December, 2005;²

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”;

CONSIDERING that the information contained in the Evidentiary Chart are of fundamental importance for the Chamber, in accordance to its responsibility to manage the trial proceedings and ensure that a fair and expeditious trial is conducted, as well as for the Prosecution, in order to adequately prepare for the commencement of Defence Case scheduled for the 17th of January, 2006;

CONSIDERING that, in the present circumstances, it would be in the interest of justice that each of the Defence Teams be exceptionally allowed to file their respective Evidentiary Chart no later than the 14th of December, 2005;

¹ *Prosecutor against Norman, Fofana and Kondewa*, Case No. SCSL-04-14-T, Defence Witness and Exhibit List for the First Accused as per the Consequential Order for Compliance of 28th November 2005 Concerning the Preparation and Presentation of the Defence Case, 5 December 2005; *id.*, Fofana Materials Filed Pursuant to the Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case, 5 December 2005; and *id.*, Materials Filed by Third Accused Allieu Kondewa Pursuant to Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case, 5 December 2005.

² Norman Defence Materials, para. 9.

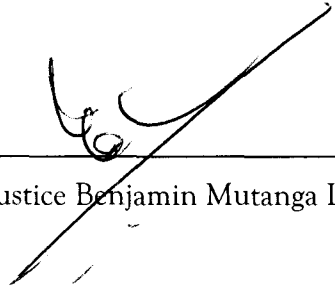
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PURSUANT TO Rule 54 and 73^{ter}, of the Rules of Procedure and Evidence of the Special Court ("Rules");


HEREBY EXCEPTIONALLY ORDERS that each of the Defence Teams for Norman, Fofana and Kondewa individually files the Evidentiary Chart, no later than the 14th of December, 2005, at 04:00pm.

AUTHORIZES the Court Management Section of the Special Court to serve the present order after 5:00pm, today the 9th of December, 2005.

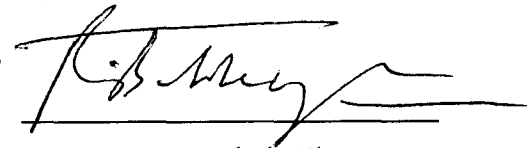
Done at Freetown, Sierra Leone, this 9th day of December 2005,



Hon. Justice Benjamin Mutanga Itoe



Hon. Justice Pierre Boutet
Presiding Judge,
Trial Chamber I



Hon. Justice Bankole Thompson

