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SCSL-04-14-T
(18988-18990)

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SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE
PHONE: +1 212 963 9915 EXTENSION: 178 7000 OR +39 0831 257000 OR +232 22 295995
FAX: EXTENSION: 178 7001 OR +39 0831 257001 EXTENSION: 174 6996 OR +232 22 295996

THE APPEALS CHAMBER

Before: Justice George Gelaga King, Presiding

Registrar: Lovemore Munlo, SC

Date: 18 July 2005

PROSECUTOR	Against	Sam Hinga Norman Moinina Fofana Allieu Kondewa (Case No.SCSL-2004-14-T)
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**DECISION OF THE PRESIDENT GRANTING PROSECUTION REQUEST
TO AMEND THE RECORD ON APPEAL**

Office of the Prosecutor
(Respondent):
Christopher Staker
James C. Johnson
Joseph Kamara

Court Appointed Counsel for Norman:
Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.

Court Appointed Counsel for Fofana
(Appellant)
Victor Koppe
Michiel Pestman
Arrow Bockarie

SPECIAL COURT FOR SIERRA LEONE
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1. On 10 July 2006, Fofana filed an index of documents¹ pursuant to paragraph 16 of the Practice Direction for Certain Appeals before the Special Court.² On 11 July 2006, the Prosecution requested an amendment to this index which seeks to include six additional documents from the trial record “for the completeness of the record.”³ Fofana replied that, although the additional documents were not necessary for the consideration of the appeal, he did not object to their inclusion in the record.⁴
2. Similarly, on 11 July 2006, Norman filed an index of documents relating to his appeal.⁵ The Prosecution requested to add twelve additional documents to the record on appeal “for the completeness of the record.”⁶ The Defence indicated that it does not object to their inclusion in the record.⁷
3. Pursuant to paragraph 16 of the Practice Direction:

The appellant shall at the same time as filing a notice of appeal indicate to the Appeals Chamber and to the other party in an index the documents believed to be necessary for the decision in the appeal. The other party shall within three days of such notification be at liberty to request an amendment to the index with reasons therefore. Any such request shall be decided upon by the Presiding Judge of the Appeals Chamber.

4. Having reviewed the additional documents I am not convinced that the documents underlying the decision to grant leave to appeal, such as Doc. SCSL-2004-14-T-624, SCSL-2004-14-T-626, SCSL-2004-14-T-630, SCSL-2004-14-T-633, and SCSL-2004-14-T-634, have any relevance to the merits of the substantive appeal. Notably, it does not appear that either the Defence or Prosecution have cited to these documents in their submissions. The other documents in the Prosecution’s proposed amendments are cited to by one of the parties or are necessary for a complete picture of the merits of the appeal and therefore should be included in the record on appeal.

¹ Fofana Index of Documents Necessary for a Decision in the Appeal of the Subpoena Decision, 10 July 2006.

² Practice Direction for Certain Appeals before the Special Court, 30 September 2004.

³ Prosecution Request to Amend the Fofana Index of Documents Necessary for a Decision in the Appeal of the Subpoena Decision, 11 July 2006.

⁴ Reply to the Prosecution Request to amend the Fofana Index of Documents Necessary for a Decision in the Appeal of the Subpoena Decision, 11 July 2006.

⁵ Index of Documents to Norman Notice of Appeal and Submissions against the Trial Chamber’s Decision on the Issuance of a *Subpoena ad testificandum* to HE. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone, 11 July 2006.

⁶ Prosecution Request to Amend the Norman Index of Documents Necessary for a Decision in the Appeal of the Subpoena Decision, 11 July 2006.

⁷ Norman Response to the Prosecution to Amend the Norman Index of Documents Necessary for a Decision in the Appeal of the Subpoena Decision, 12 July 2006.

5. Out of an abundance of caution and in light of the indication from both Appellants that they do not object to the Prosecution's proposed amendments, I hereby GRANT the Prosecution's requests to amend the indexes.

Done in Freetown this 18th day of July 2006.



Justice George Gelaga King

Presiding

