

(10531 - 10533)

THE SPECIAL COURT FOR SIERRA LEONE
FREETOWN - SIERRA LEONE

IN THE TRIAL CHAMBER

Before: Judge Bankole Thompson
Judge Itoe
Judge Boutet

Date filed: 4 November 2004

THE PROSECUTION

Against

SAMEUL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA

CASE NO. SCSL-2004-14-T

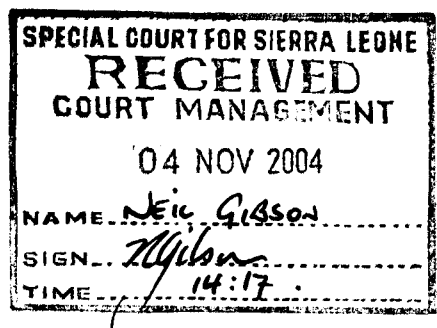
ALLIEU KONDEWA
MOTION FOR SERVICE OF CONSOLIDATED INDICTMENT AND A
FURTHER APPEARENCE

Office of the Prosecutor:

Mr. Luc Cote
Mr. James C. Johnston

Applicant's Counsel:

Mr. Charles F. Margai
Mr. Yada H. Williams
Ms. Susan L. Wright
Mr. Ansu B. Lansana



Introduction

1. By this motion Mr. Allieu Kondewa (the “Accused”) seeks service of the Consolidated Indictment, pursuant to Rules 50(A) and 52 of the Rules of Procedure and Evidence (“the Rules”), and a further appearance, pursuant to Rule 50(B)(i) of the Rules.
2. In making this motion, the Accused expresses his support and agreement with the motions filed by the other co-accused with regard to this same subject matter.¹

Facts

3. On 9 October 2003 the Prosecution applied for a joinder in order to consolidate the cases of Hinga Norman, Monina Fofana, and Allieu Kondewa.²
4. On 27 January of 2004 the Trial Chamber granted the Prosecution’s application for a joinder and ordered that the consolidated indictment be served on the accused in accordance with Rule 52 of the Rules.³
5. To the knowledge of counsel for the Accused, the Accused has not yet been properly served with the new consolidated indictment in accordance with Rule 52.
6. Additionally, the Accused notes that in the Trial Chamber’s “Decision and Order on Prosecution Motion’s for Joinder” the Trial Chamber stated that the new indictment differed in its content with regards to the times and locations of the crimes allegedly committed by the Accused.⁴

¹ “Motion for Service of Consolidated Indictment and a Further Appearance,” filed by Fofana Defence Team on 21 October 2004, Registry Pages 9807-9810; “Motion for Service and Arraignment of Second Indictment,” filed by Norman Defence Team on 20 September 2004, Registry Pages 9572-9577.

² “Prosecution Motion for Joinder,” 9 October 2003, Registry Pages 907-1066.

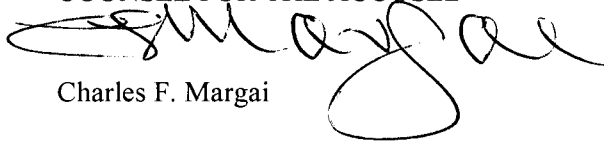
³ “Decision and Order on Prosecution Motion’s for Joinder,” 27 January 2004, Registry Pages 1561-1583.

⁴ “Decision and Order on Prosecution Motion’s for Joinder,” 27 January 2004, para 24. Registry Pages 1561-1583.

Submissions

7. The Accused thus requests that the first indictment be quashed; that he be served with the consolidated indictment in accordance with Rule 52 of the Rules; and, given the differences between the two indictments, that he be re-arraigned in accordance 50(B)(i) of the Rules.

COUNSEL FOR THE ACCUSED

A handwritten signature in black ink, appearing to read 'C. Margai', written over the typed name.

Charles F. Margai