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SCSL-04-14-T
(14369 - 14371)

14369

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone

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

Interim Registrar: Mr. Lovemore Munlo

Date filed: 7 December 2005

THE PROSECUTOR

Against

Samuel Hinga Norman
Moinina Fofana
Allieu Kondewa

Case No. SCSL-04-14-T

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

Office of the Prosecutor:
James C. Johnson
Nina Jørgensen

Court Appointed Counsel for Norman
Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.
Clare DaSilva (*Legal Assistant*)

Court Appointed Counsel for Fofana
Victor Koppe
Arrow J. Bockarie
Michiel Pestman
Andrew Ianuzzi (*Legal Assistant*)

Court Appointed Counsel for Kondewa
Charles Margai
Yada Williams
Ansu Lansana
Martin Michael (*Legal Assistant*)

SPECIAL COURT FOR SIERRA LEONE
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1. The Prosecution files this Response to the Extremely Urgent Defence Request for Modification of the 7 December 2005 Order for Expedited Filing of Trial Chamber I filed on behalf of the First and Second Accused on 7 December 2005.¹
2. In its Request, the Defence submits that a one day deadline for the submission of its response to the Prosecution Request for Order to Defence pursuant to Rule 73ter to Disclose Written Witness Statements² (“Prosecution Request”) would be unfair. The Defence also argues that the Prosecution Request raises important issues deserving of well-reasoned submissions by all parties to the CDF case as well as the possible submissions on behalf of other accused persons before the Special Court.
3. The Trial Chamber’s Order for Expedited Filing of 7 December 2005³ was issued pursuant to Rules 7(C), 26bis, 54, 73 and 73ter of the Rules of Procedure and Evidence (“Rules”), considering that “the fair and expeditious consideration of the Motion requires the imposition of an expedited timetable for the filing of any remaining submissions”.
4. The Prosecution submits that the Trial Chamber acted within its authority, as provided by the Rules, in expediting the response and reply process and may be presumed to have considered the complexity, or otherwise, of the issues involved before imposing what it felt to be fair deadlines. The Rules clearly provide the Trial Chamber with the discretionary power to order the disclosure of defence witness statements. There are therefore no major issues of principle or law involved, and no reason why the accused in other cases should seek to intervene in this matter. The only issues are whether the Defence objects to the Prosecution Request in this case, and if so, on what grounds. The Prosecution submits that there is no reason why any such objections cannot be stated by the Defence in a short time period.
5. For these reasons the Prosecution opposes the Defence request for modification of the Order for Expedited Filing.

¹ *Prosecutor v Norman, Fofana, Kondewa*, SCSL-2004-14-T-504, Extremely Urgent Defence Request for Modification of the 7 December Order for Expedited Filing of Trial Chamber I, 7 December 2005.

² *Prosecutor v Norman, Fofana, Kondewa*, SCSL-2004-14-T-501, Prosecution Request for Order to Defence pursuant to Rule 73ter to Disclose Written Witness Statements, 6 December 2005.

³ *Prosecutor v Norman, Fofana, Kondewa*, SCSL-2004-14-T-503, Order for Expedited Filing, 7 December 2005.

Filed in Freetown,

7 December 2005

For the Prosecution,

A handwritten signature in black ink, appearing to read 'J. Johnson', written over a horizontal line.

James C. Johnson