

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" of the 21st of October 2005 and 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");

NOTING that Status Conferences were held pursuant to these Orders on the 27th of October 2005 and on the 25th of November, 2005, respectively, for the purposes of considering the preparation and presentation of the Defence case and the Defence compliance with the said Orders;

HAVING RECEIVED the "Urgent Fofana Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November 2005 Consequential Order of Trial Chamber I or, Alternatively, Request for Leave to Appeal Both" on the 29th of November, 2005 ("Motion");

NOTING that the Motion contains, *inter alia*, two separate and distinct applications, namely reconsideration or, alternatively, leave to appeal the Oral Ruling issued by this Court on the 25th of November, 2005 as well as the Order for Compliance;

CONSIDERING that, due to the particular nature of the applications made, two separate and distinct motions should have been filed;

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";

PURSUANT TO Rule 26bis, 54 and 73 of the Rules of Procedure and Evidence of the Special Court ("Rules");

THE TRIAL CHAMBER

REJECTS the Defence Motion on the ground that this matter is not properly before the Chamber;

RECALLS that, pursuant to Rule 73(B) of the Rules, any motion that may be filed subsequently will not operate as a stay of proceedings; and,

REMINDS the Defence of their obligations to fully comply with the provisions of this Chamber's Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case of the 28th of November, 2005;

Done at Freetown, Sierra Leone, this 29th day of November 2005.

Hon. Justice Benjamin Mutanga Itoe

Hon. Justice Pierre Boutet
Presiding Judge,
Trial Chamber I

Hon. Justice Bankole Thompson

[Seal of the Special Court for Sierra Leone]