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SCSL-04-14-T  
(14996-14998)

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SPECIAL COURT FOR SIERRA LEONE

Trial Chamber 1

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

Registrar: Mr. Lovemore Munlo

Date filed: 3 March, 2006

**THE PROSECUTOR**

**Against**

**Sam Hinga Norman  
Moinina Fofana  
Allieu Kondewa  
(Case No. SCSL-04-14-T)**

Public Document

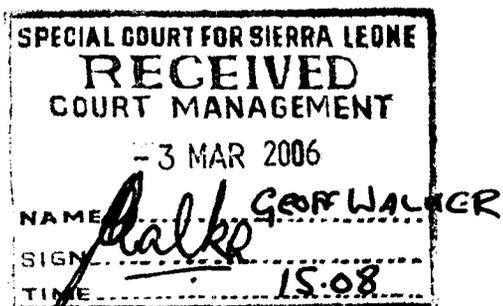
**DEFENCE MOTION FOR EXTENSION OF TIME TO COMPLY WITH "ORDER TO  
THE FIRST ACCUSED TO RE-FILE SUMMARIES OF WITNESS TESTIMONIES"**

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## **I. Introduction**

1. On 2<sup>nd</sup> March 2006, Trial Chamber I issued its “Order to the First Accused to Re-File Summaries of Witness Testimonies” (the “Order”).
2. Pursuant to this Order, the Court directed Court Appointed Counsel for the First Accused (the “Defence”) to re-file a number of documents by the 10<sup>th</sup> of March 2006 at 4:00 pm. These documents include:
  - i) The First Accused’s “Urgent Motion for Leave to File Additional Witnesses and Exhibits List” pursuant to sub-Rule 73ter(B) of the Rules;
  - ii) Detailed summaries of the proposed 77 witnesses, save the eight witnesses, who have already been heard by the Trial Chamber, and those summaries of the proposed 13 additional witnesses by the 10<sup>th</sup> of March 2006, at 4.00 p.m.;
  - iii) A review and reduction of the list of witnesses, if necessary, bearing in mind the considerations of avoiding repetitious evidence and calling an excessive number of witnesses to prove the same fact or calling witnesses in relation to the crimes and events which do not form part of the indictment or are outside the time frame of the Indictment;
3. Due to a number of factors to be set out below, the Defence is hereby requesting an extension of time.

## **II. Submissions**

4. The Defence is requesting the Court to extend the deadline for complying with its Order to the 17<sup>th</sup> of March, 2006 in order to enable the Defence sufficient time to provide the complete details required to fully comply with the Order.
5. On March 1<sup>st</sup> 2006, the Senior and Co-Counsel members of the Defence left Freetown on a witness investigation trip to various crime bases in Talia, Koribundo, Bo, Kenema, Tongo and Moyamba. The purpose of this trip is to review potential testimony of a number of witnesses, to review the Defence witness list, and to prepare for the next trial session. Counsel will only return on Freetown on the 9<sup>th</sup> of March 2006.
6. Further, the Defence is currently reviewing its witness list and the statements of witnesses bearing in mind the considerations of avoiding repetitious evidence and calling an

excessive number of witnesses to prove the same fact or calling witnesses in relation to the crimes and events which do not form part of the Indictment or are outside the time frame of the Indictment. Work that is currently be completed by members of the Defence on the current investigation trip is an integral part of this review process.

7. The Defence therefore requests the Trial Chamber to grant an extension of time to enable the Defence sufficient time to complete its investigation trip and to review the various statements, documents and summaries to complete a comprehensive witness list and summaries that will clearly demonstrate the relevance and essence of each witness's testimony.
8. The Defence submits that the extension of time will cause no prejudice to the Prosecution. Therefore in accordance with Rule 7bis<sup>1</sup> (Motions for extension of time) of the Rules, the Defence requests that the Chamber exercise its prerogative to dispose of this motion without giving the other party the opportunity to respond.

Submitted March 3 2006, in Freetown,

  
Dr. Bu-Buakei Jabbi  
Court Appointed Counsel

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<sup>1</sup> Rule 7bis states: "Any response to a motion for extension of time shall be filed within three days of the receipt of the motion. Any reply to the response shall be filed within two days of the receipt of the response. However, a motion for an extension of time may be disposed of without giving the other party the opportunity to respond if a Judge or Chamber is of the opinion that no prejudice will be caused to the other party."