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SCSL-04-14-T
(14475-14491)

14475

SPECIAL COURT FOR SIERRA LEONE

In Trial Chamber I

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

Interim Registrar: Mr Lovemore Munlo

Date: 15 December 2005

THE PROSECUTOR

-against-

SAMUEL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA

SCSL-2004-14-T

**FOFANA MOTION FOR ISSUANCE OF
A SUBPOENA *AD TESTIFICANDUM* TO
PRESIDENT AHMED TEJAN KABBAH**

For the Office of the Prosecutor:

Mr James C. Johnson
Mr Kevin Tavener
Ms Nina Jørgensen
Mr Marco Bundi

For Moinina Fofana:

Mr Victor Koppe
Mr Arrow Bockarie
Mr Michiel Pestman
Mr Andrew Ianuzzi

For Samuel Hinga Norman:

Mr John Wesley Hall
Dr Bu-Buakei Jabbi
Ms Clare DaSilva
Mr Kingsley Belle

For Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana
Ms Susan Wright
Mr Martin Michael

SUSAN GUNSTONE
15.48

INTRODUCTION

1. Pursuant to Rule 54 of the Rules of Procedure & Evidence (the “Rules”), counsel for Mr Moinina Fofana (the “Defence”) hereby requests a Judge of Trial Chamber I, or the entire Chamber, to issue a subpoena *ad testificandum* to the president of the Republic of Sierra Leone, Ahmed Tejan Kabbah (the “President”).
2. Because Mr Kabbah has refused to testify voluntarily, the Defence seeks the Chamber’s assistance to compel, by force of law, his attendance at the CDF proceedings. The Defence submits that the President does not enjoy a privilege against such process, under either the laws of the Special Court or those of the Republic of Sierra Leone.
3. The Defence submits that Mr Kabbah is in possession of certain information highly relevant to the charges contained in the Prosecution’s indictment against Mr Fofana. The President’s failure to testify in these proceedings would deprive the Chamber of evidence necessary to arrive at a comprehensive and considered decision in the instant case.

BACKGROUND

Efforts Have Been Made to Secure the President’s Voluntary Attendance

4. On 15 November 2005, a representative of the Defence met with Mr Kabbah and a member of his security detail at the Presidential Lodge at Hill Station to request the President’s voluntary attendance at the CDF trial as a witness for Mr Fofana. Among other things, Mr Kabbah indicated, in no uncertain terms, that he would not appear voluntarily as a witness. Although he admitted to having supplied and supported the CDF during his exile in Guinea, he categorically distanced himself from the allegations contained in the Prosecution’s indictment. Upon additional request by the Defence, he reiterated his refusal to be a witness and declined to answer any further questions. By way of explanation, Mr Kabbah mentioned an informal agreement between himself and the United Nations not to involve himself in Special Court affairs. The President then expressed his sympathy for the CDF defendants and wished them well. He said he hoped they would be acquitted.

- 5. On 18 November 2005, the Defence wrote to Mr Kabbah, urging him to reconsider his decision¹. To date, the Defence has received no reply.
- 6. On 23 November 2005, a representative of the Norman Defence Team wrote to Mr Kabbah, indicating Mr Norman’s request that the president be called to give evidence on his behalf². Upon information and belief, no reply has been received by the Norman Defence Team.

The President Has Been Mentioned by Several Prosecution Witnesses

- 7. At least seven Prosecution witnesses have mentioned the President in their *viva voce* testimony at the CDF trial:
 - (a) Witness TF2-140 testified that he travelled to Guinea with Mr Norman where he met Mr Kabbah, then Vice-President Albert Joe Demby, and then British High Commissioner Peter Penfold. According to the witness, Mr Demby indicated that it was Mr Norman’s responsibility to handle security in Sierra Leone during the President’s absence, and Mr Kabbah gave Mr Norman a sum of money to support the war effort³.
 - (b) Witness TF2-096 testified that Mr Norman arrived at Talia in 1997 along with Maxwell Khobe. According to the witness, Mr Norman said that “Papa Kabbah” had told him and General Khobe to fight the war together⁴.
 - (c) Witness TF2-190 testified that he travelled to Freetown to receive Mr Kabbah from exile at the invitation of Mr Norman⁵.
 - (d) Witness TF2-001 testified that the Kamajors entered Bo as a group after the coup to restore Mr Kabbah’s government⁶.
 - (e) Witness TF2-005 testified that he went to Conakry in September 1997 to inform Mr Kabbah that the Kamajors lacked proper logistics to support their operations. Further, according to the witness, (i) Mr Kabbah instructed him to contact Mr Norman in Monrovia⁷; (ii) Mr Kabbah sent an envoy to investigate activity of the Death Squad at Sierra Rutile⁸; (iii) Mr Norman had a direct link to Mr Kabbah in Guinea⁹; (iv) Mr Kabbah was the Minister of Defence when

¹ See Annex A – Fofana Defence Team Letter. Delivery of said letter to the Presidential Lodge on 18 November 2005 was confirmed by Mr Degaulah Juana, SCSL Receiving and Inspection Assistant, on 24 November 2005.
² See Annex B – Norman Defence Team Letter.
³ *Prosecutor v. Norman et al.*, SCSL-2004-14-T, Trial Transcript, 14 September 2004 at 92-96.
⁴ *Ibid.*, 8 November 2004 at 17-18.
⁵ *Ibid.*, 10 February 2005 at 60.
⁶ *Ibid.*, 15 February 2005 at 16-17.
⁷ *Ibid.*, 15 February 2005 at 85-86.
⁸ *Ibid.* at 96-97.
⁹ *Ibid.*, 16 February 2005 at 10.

Mr Norman was serving as the Deputy Minister of Defence¹⁰; (v) the CDF, the Sierra Leone Army, and the Sierra Leone Police were under the unified command of Mr Kabbah¹¹; and (vi) even though the President had been overthrown, the CDF still regarded him as their commander-in-chief¹².

- (f) Witness TF2-014 testified that the aim of the CDF was to restore Mr Kabbah's presidency¹³.
- (g) Finally, the Prosecution's military expert, witness TF2-EW1, testified that he believed the SLPP government in exile played a role, at the strategic level, in CDF activities in Sierra Leone based on reports that Mr Norman communicated with Mr Kabbah by satellite telephone¹⁴.
8. Both Mr Fofana and, upon information and belief, Mr Norman have instructed their respective counsel that they wish to have questions put to Mr Kabbah concerning the allegations contained in the Prosecution's indictment and the *viva voce* testimony given thus far in the case, as is expressly their right under the Statute¹⁵.

SUBMISSIONS

The Chamber has the Power to Issue a Subpoena to the President

9. Rule 54 provides:

At the request of either party or of its own motion, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.

10. The Defence submits that the general test for relief under Rule 54 is twofold: First, the proposed injunction must be necessary in order for the requesting party to obtain the material sought. Further, the requested material must be relevant to the proceedings¹⁶. Accordingly, with respect to subpoenas directed at individuals, the Defence must demonstrate that it has made "reasonable attempts to obtain the

¹⁰ *Ibid.* at 21.

¹¹ *Ibid.*, 17 February 2005 at 31.

¹² *Ibid.*, at 34.

¹³ *Ibid.*, 14 March 2005 at 60

¹⁴ *Ibid.*, 14 June 2005 at 70.

¹⁵ See Statute of the Special Court for Sierra Leone (the "Statute"), Article 17(4)(e), which states that an accused person shall have the right to, *inter alia*, "examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her".

¹⁶ See *Prosecutor v. Delalic et al.*, Trial Chamber, 'Decision of the President on the Prosecutor's Motion for the Production of Notes Exchanged between Zejnir Delalic and Zdravcko Mucic', 11 November 1996, ¶ 39.

voluntary cooperation of the parties involved and has been unsuccessful”, and the Defence “must have a reasonable belief that the prospective witness can materially assist in the preparation of its case”¹⁷.

11. The Chamber’s power in this regard clearly extends to individuals who an accused person wishes to examine on his behalf¹⁸.

The President Refuses to Appear Voluntarily

12. As outlined above, the Defence has made reasonable attempts to obtain Mr Kabbah’s voluntary cooperation and has been unsuccessful. It is clear that he will not willingly appear as a witness on Mr Fofana’s behalf. Accordingly, a subpoena *ad testificandum* issued by the Chamber is necessary to secure the President’s participation in the proceedings. The Defence is interested in Mr Kabbah’s personal observations; thus, the information he may provide cannot be obtained by other means. His personal, public appearance before the Chamber is necessary.

The President Possesses Relevant Information

13. The Defence submits that Mr Kabbah is in a position to provide evidence relevant to the charges contained in the Prosecution’s indictment against Mr Fofana and his co-defendants. It is submitted that, at times relevant to the indictment, Mr Kabbah was commanding, materially supporting, and communicating with various members of the alleged CDF leadership, both from his exile in Conakry and later from his presidential offices in Freetown. As further indicated by the Prosecution’s evidence, the Kamajors claimed to be fighting, in part, on behalf of Mr Kabbah with a view to affecting his restoration as the democratically-elected president of the nation. With respect to the question of who bears the greatest responsibility¹⁹ for the alleged violations of the CDF during the conflict, the Defence submits that Mr Kabbah may himself be among such a group or, at the very least, that he is in a position to give evidence regarding the relative culpability of the three accused persons. As noted in previous

¹⁷ *Prosecutor v. Bagosora*, ICTR-98-41-T, Trial Chamber I, ‘Decision on Request for Subpoena of Major General Yaache and Cooperation of the Republic of Ghana’, 23 June 2004, ¶ 4.

¹⁸ See n.16, *supra*.

¹⁹ See Statute, Article 1(1).

submissions, it is the Defence position that such assessments of *comparative responsibility* are absolutely crucial to the Article 1(1) issue²⁰.

14. The Defence submits that a public hearing of Mr Kabbah's testimony would serve to enlighten the Chamber on the activities of the CDF during the periods listed in the Prosecution's indictment, as well as to provide evidence concerning the crucial issue of command responsibility, a theory of liability with which all three accused persons have been charged. For example, it is submitted that Mr Kabbah—as Mr Norman's putative superior during the conflict—possesses information with respect to all three accused persons' alleged *de jure* and *de facto* authority, if indeed any such authority actually existed.
15. Furthermore, as noted above, Mr Kabbah was specifically mentioned by at least seven Prosecution witnesses, some indicating that he may have played a role within the alleged CDF command structure. The Defence submits that the relevance of what Mr Kabbah may have to say about such testimony is self-evident.

**The Government of Sierra Leone and its Officials
are Compelled to Cooperate with the Special Court**

16. Article 17 of the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (the "Agreement") provides, in pertinent part:

(1) The Government shall cooperate with all organs of the Special Court at all stages of the proceedings. ...

(2) The Government shall comply without undue delay with any request for assistance by the Special Court or an order issued by the Chambers

17. Further, Section 21(2) of the Special Court Agreement, 2002 (Ratification) Act, 2002 (the "Ratification Act") provides:

²⁰ See *Norman et al.*, SCSL-2004-14-T-457, 'Fofana Motion for Judgment of Acquittal', 4 August 2005, ¶ 22. Indeed, this Chamber has already held that "in the ultimate analysis, whether or not in actuality the Accused is one of the persons who bears the greatest responsibility for the alleged violations ... is an evidentiary matter to be determined at the trial stage". *Norman et al.*, SCSL-2004-14-PT-026, Trial Chamber I, 'Decision on the Preliminary Defence Motion on the Lack of Personal Jurisdiction Filed on Behalf of Accused Fofana', 3 March 2004, ¶ 44.

Notwithstanding any other law, every natural person, corporation, or other body created by or under Sierra Leone law shall comply with any direction specified in an order of the Special Court.

18. Finally, Rule 8 provides, in pertinent part:

(A) The Government of Sierra Leone shall cooperate with all organs of the Special Court at all stages of the proceedings. Requests by any organ of the Special Court shall be complied with in accordance with Article 17 of the Agreement. An order issued by a Judge or Chamber shall have the same force or effect as if issued by a Judge, Magistrate or Justice of the Peace of a Sierra Leone court.

19. Mr Kabbah, as both a “natural person” and representative of the “Government of Sierra Leone” is bound by the above-referenced provisions to cooperate with all organs of the Special Court at all stages of its proceedings. The Defence notes that it would be quite odd, not to say perverse, if the very man who invited the Secretary General of the United Nations to examine the question of establishing the Special Court could now somehow spurn participation in its proceedings.

20. Unlike the International Criminal Tribunals for the Former Yugoslavia (the “ICTY”) and Rwanda (the “ICTR”)²¹, the Special Court exists as the creation of a binding treaty between the Government of Sierra Leone and the United Nations, a treaty which Mr Kabbah himself had a hand, indeed a heavy one, in crafting. The Defence submits, therefore, that the President is compelled to abide by the terms of that treaty and cooperate with the Court.

The Special Court is Empowered, via the National Courts, to Enforce its Orders

21. Section 20 of the Ratification Act provides:

For the purposes of execution, an order of the Special Court shall have the same force or effect as if it had been issued by a Judge, Magistrate or Justice of the Peace of a Sierra Leone court.

22. Again, Rule 8 provides, in pertinent part:

²¹ These bodies were established by resolution of the United Nations Security Council in its exercise of powers pursuant to Chapter VII of the UN Charter. As such, they constitute subsidiary organs of the UN. The Special Court, by contrast, is a treaty-based organ not anchored in any existing system.

An order issued by a Judge or Chamber shall have the same force or effect as if issued by a Judge, Magistrate or Justice of the Peace of a Sierra Leone court.

23. The ICTY Appeals Chamber has held that it cannot issue subpoenas—in the sense of an injunction accompanied by the threat of penalty—to states or state actors, as it “does not possess any power to take enforcement measures against States”, and any penalty imposed upon a state failing to comply with a subpoena issued by that tribunal would not be penal in nature²². The Chamber further noted that, “under present international law, it is clear that States, by definition, cannot be the subject of criminal sanctions akin to those provided for in national criminal systems”²³.
24. However, the Ratification Act and the Rules clearly indicate that—with respect to execution of its orders—the Special Court is endowed with the same enforcement mechanisms available to “a Judge, Magistrate or Justice of the Peace of a Sierra Leone court”. Accordingly, a Judge or Chamber of the Special Court could—like its municipal counterparts—direct the Sierra Leone Inspector General of Police to issue a warrant for the arrest of an individual who has failed to comply with its order pursuant to Rule 54. As noted by the Special Court Appeals Chamber: “The Special Court cannot ignore whatever the Statute directs or permits or empowers it to do unless such provisions are void as being in conflict with a peremptory norm of general international law”²⁴. The Defence submits that the same analysis applies with equal force to the other constitutive instruments of the Special Court, including the Ratification Act and Rules.
25. Such outcome is the result of the so-called “hybrid” nature of the Special Court. While a strictly “international” court like the ICTY does “not necessarily possess, vis-à-vis organs of sovereign States, the same powers which accrue to national courts in respect of the administrative, legislative and political organs of the State”²⁵, a hybrid court like the Special Court—sitting in-country at the express invitation of the sovereign and

²² See *Prosecutor v Blaskic*, IT-95-14, Appeals Chamber, ‘Judgement on Request of Republic of Croatia for Review of Decision of Trial Chamber II’, 29 October 1997 (the “*Blaskic* Judgement”), ¶ 25 (“In the case of an international judicial body, this is not a power that can be regarded as inherent in its functions”).

²³ *Ibid.*

²⁴ *Prosecutor v. Charles Ghankay Taylor*, SCSL-2003-01-I-59, Appeals Chamber, ‘Decision on Immunity from Jurisdiction’, 31 May 2004 (the “*Taylor* Decision”), ¶ 43.

²⁵ *Blaskic* Judgement, ¶ 40.

enjoying a clear statutory “primacy” over the municipal courts—does. Where the ICTY Appeals Chamber feared a “blurring” of the “distinctive features of international courts”²⁶, it is submitted that those features have been deliberately obscured, and indeed moderated, by the constitutive instruments of the Special Court²⁷.

The President Enjoys no Immunity from Process Under Sierra Leone Law

26. The National Constitution of Sierra Leone (the “Constitution”) provides:

While any person holds or performs the functions of the office of President, *no civil or criminal proceedings* shall be instituted or continued against him in respect of anything done or omitted to be done by him either in his official or private capacity²⁸.

However, the Constitution is silent as to immunity from *process*.

27. For the reasons discussed above, Mr Kabbah is not subject to the so-called “functional immunity” discussed by the ICTY Appeals Chamber²⁹, nor does he enjoy any statutory immunity under the laws of Sierra Leone or the constitutive instruments of the Special Court. Indeed, it would be inconsistent to acknowledge that a head of state enjoys no immunity from prosecution—as set forth in Article 6(2) of the Statute and upheld by the Appeals Chamber³⁰—but that as to the far lesser assertion of subpoena power, he is somehow beyond the reach of the law. What’s more, to allow Mr Kabbah to hide behind a veil of immunity would be patently add odds with the right of Mr Fofana to call him as a witness in his case³¹.

CONCLUSION

28. For the above-stated reasons, the Defence respectfully requests the Chamber to issue a subpoena *ad testificandum* pursuant to Rule 54 compelling the President to appear as a witness in the CDF trial on behalf of Mr Fofana. Should the Chamber grant the instant motion, the Defence further requests the Chamber to order Mr Kabbah to meet

²⁶ *Ibid.* While so much of the *Blaskic* Judgement was concerned with the rights and powers of sovereign States, it must be noted here that the sovereign Republic of Sierra Leone specifically abdicated by treaty a measure of its sovereignty to the Special Court.

²⁷ The Defence here refers collectively to the Agreement, Ratification Act, Rules, and Statute.

²⁸ See (Act No. 6 of 1991), Chapter V (The Executive), Part I (The President), Section 48(4) (emphasis added).

²⁹ See *Blaskic* Judgement, ¶¶ 25, 38.

³⁰ See *Taylor* Decision, ¶ 53; see also *Blaskic* Judgement, ¶ 40 (“... in modern democracies ... nobody, not even the Head of State, is above the law”.)

³¹ See n.16, *supra*.

with representatives of the Defence at least two weeks in advance of the date of his proposed testimony.

COUNSEL FOR MOININA FOFANA

A handwritten signature in black ink, appearing to read 'PP' followed by a stylized name, likely 'Victor Koppe'. The signature is written in a cursive, somewhat slanted style.

Victor Koppe

DEFENCE LIST OF AUTHORITIES

Constitutive Instruments

1. Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, Article 17
2. Special Court Agreement, 2002 (Ratification) Act, 2002, Sections 20 and 21(2)
3. Statute of the Special Court for Sierra Leone: Articles 6(2) and 17(4)(e)
4. SCSL Rules of Procedure and Evidence: Rules 8 and 54

Jurisprudence

5. *Prosecutor v. Charles Ghankay Taylor*, SCSL-2003-01-I-59, Appeals Chamber, 'Decision on Immunity from Jurisdiction', 31 May 2004
6. *Prosecutor v. Bagosora*, ICTR-98-41-T, Trial Chamber I, 'Decision on Request for Subpoena of Major General Yaache and Cooperation of the Republic of Ghana', 23 June 2004
7. *Prosecutor v Blaskic*, IT-95-14, Appeals Chamber, 'Judgement on Request of Republic of Croatia for Review of Decision of Trial Chamber II', 29 October 1997
8. *Prosecutor v. Delalic et al.*, Trial Chamber, 'Decision of the President on the Prosecutor's Motion for the Production of Notes Exchanged between Zejnil Delalic and Zdravko Mucic', 11 November 1996

Other Authorities

9. National Constitution of Sierra Leone, (Act No. 6 of 1991), Chapter V, Part I, Section 48(4)

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ANNEX A

Fofana Defence Team Letter



SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

FOFANA DEFENCE TEAM

Phone: +39 0831 257210 or +232 22 297210 or +1 212 963 9915 Ext: 178 7297
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18 November 2005

H.E. Dr Ahmed Tejan Kabbah
President and Commander-in-Chief
Republic of Sierra Leone
Presidential Lodge, Hill Station
Freetown, Sierra Leone

Re: *Prosecutor v. Norman et al.*, SCSL-2004-14-T

Dear Sir:

Thank you for taking the time to speak with me on 15 November 2005 in connection with the above-referenced case now pending before Trial Chamber I of the Special Court for Sierra Leone. As you know, our client, Mr Moinina Fofana, is facing several charges before that tribunal, and we—as court-appointed defence counsel—are in the process of collecting evidence which might be useful to our client’s defence.

We regret that you have expressed an initial unwillingness to testify as a witness in the proceedings or, in the alternative, to give a formal statement with respect to your knowledge of and involvement in CDF activity in Sierra Leone from 1997 through 1999. We assure you that your assistance—as a factual witness concerning events of national and international importance—would greatly assist the Trial Chamber in its assessment of the alleged culpability of our client. Furthermore, we feel strongly that your participation in the proceedings would signal your government’s willingness to cooperate with the Special Court

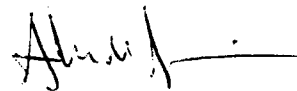
FOFANA DEFENCE TEAM

as called for in the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (the "Agreement").¹

We most respectfully urge you to reconsider your decision and request that you reply to this letter at your earliest convenience. We hope that, upon further reflection, you will agree to assist the tribunal. Although we are aware that certain factors may prevent you from doing so voluntarily, we trust you understand that our position compels us to ensure a robust and thorough defence for our client.

We thank you again for making time to accommodate us this week and urge you to treat our request expeditiously.

Very truly yours,



Andrew Ianuzzi

Cc.: Mr Victor Koppe, Lead Counsel, Amsterdam, The Netherlands
Mr Michiel Pestman, Co-counsel, Amsterdam, The Netherlands
Mr Arrow Bockarie, Co-counsel, Bo, Sierra Leone

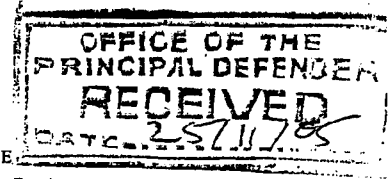
¹ The Agreement was signed on behalf of the Government of Sierra Leone on 16 January 2002 by then Minister of Justice and Attorney General, Mr Solomon Berewa and annexed to the Special Court Agreement, 2002 (Ratification) Act, 2002. Article 17(1) of the Agreement provides, in pertinent part : "The Government shall cooperate with all organs of the Special Court at all stages of the proceedings."


ANNEX B

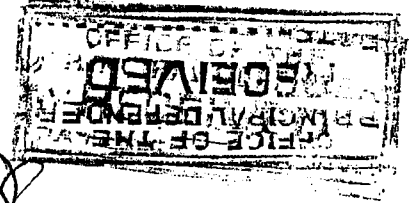
Norman Defence Team Letter



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To: H. E. ALHAJI Dr. AHMAD TEJAN KABBAH
PRESIDENT OF THE REPUBLIC OF SIERRA LEONE
From: DR. BU-BUAKEI JABBI,
CO-COUNSEL, HINGA NORMAN DEFENCE TEAM
Through: THE PRINCIPAL DEFENDER 
Date: 23 November 2005
Subject: TESTIFYING AS A WITNESS FOR HINGA NORMAN IN THE MATTER:
THE PROSECUTOR VS. SAM HINGA NORMAN, MOININA FOFANA,
ALLIEU KONDEWA.



We extend greetings in the highest regard and write in anticipation of your cooperation in the above matter.

We are instructed by our above-named client in connection with his defence against proceedings currently before the Special Court for Sierra Leone on indictment alleging crimes against humanity allegedly occurring during the period of the civil war in Sierra Leone between 1996 and 1999.

Our client acted as Deputy Minister of Defence and National Coordinator of the Civil Defence Forces of Sierra Leone (CDF/SL) under your auspices during the period of the rebel insurgency, and he was in attendance under your authority in the joint efforts by ECOMOG and the CDF/SL to restore your ruling party, the Sierra Leone Peoples' Party (SLPP) to its democratically elected position in government.

Our client is charged, *inter alia*, with command responsibility and various crimes against humanity in his capacity as National Co-ordinator. These allegations are robustly denied.

It is our client's request that you be called as witness for the defence case to give oral evidence on his behalf. Our client has a celebrated record of past service to yourself, and indeed, the government and people of the Republic of Sierra Leone. He would greatly be assisted if you were to serve as honourable witness in his defence testifying to the documented events occurring during the war years, and also the creation, structure and scope of the activities of CDF/SL which form the basis of the allegations against our client.

We are acutely aware that pressing matters of state might present constraints of time with your calendar and therefore it was fitting that we write with an abundance of notice for your Excellency to prepare to testify when the Defence case opens on the 17th of January 2006.

Once we receive your affirmation, and this is sincerely hoped for, the Norman Defence Team, will verify the period of the trial during which you will appear so that suitable

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arrangements for security and attendant issues can be made with the Special Court, and your State Office.

We thank you.

Yours sincerely

NORMAN DEFENCE TEAM
DR. BU-BUAKEI JABBI (CO-COUNSEL)