

SPECIAL COURT FOR SIERRA LEONE**In the Appeals Chamber**

Before: Justice George Gelaga King, President
Justice Emmanuel Ayoola
Justice Raga Fernando
Justice Geoffrey Robinson
Justice Renate Winter

Registrar: Mr Lovemore Munlo, SC

Date: 10 July 2006

THE PROSECUTOR

-against-

SAMUEL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA

SCSL-2004-14-T

PUBLIC

**FOFANA INDEX OF DOCUMENTS
NECESSARY FOR A DECISION IN THE
APPEAL OF THE SUBPOEANA DECISION**

For the Office of the Prosecutor:

Mr Christopher Staker
Mr James C. Johnson
Mr Joseph Kamara

For Moinina Fofana:

Mr Victor Koppe
Mr Michiel Pestman
Mr Arrow Bockarie

For Samuel Hinga Norman:

Dr Bu-Buakei Jabbi
Mr John Wesley Hall
Mr Alusine Sani Sesay

For Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana

SPECIAL COURT FOR SIERRA LEONE	
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11 JUL 2006	
NAME	Geoff WALKER
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INDEX

1. Pursuant to the ‘Practice Direction for Certain Appeals Before the Special Court’ of 30 September 2004¹, counsel for the Second Accused, Mr Moinina Fofana, (the “Defence”) hereby submits its index (the “Index”) of documents necessary for a decision in the appeal of Trial Chamber I’s ‘Decision on Motions by Moinina Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr Ahmad Tejan Kabbah, President of the Republic of Sierra Leone’².
2. The Defence submits that the following documents are necessary for a proper determination of the appeal³:
 - a. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-522, ‘Fofana Motion for Issuance of a Subpoena *ad Testificandum* to President Ahmad Tejan Kabbah’, 15 December 2005;
 - b. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-523, ‘Norman Motion for Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr Ahmad Tejan Kabbah, President of the Republic of Sierra Leone’, 16 December 2005;
 - c. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-528, ‘Prosecution Response to Fofana Motion for Issuance of a Subpoena *ad Testificandum* to President Ahmad Tejan Kabbah’, 13 January 2006;
 - d. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-529, ‘Prosecution Response to Norman Motion for Issuance of a Subpoena *ad Testificandum* to President Ahmad Tejan Kabbah’, 13 January 2006;
 - e. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-541, ‘The Response of the Attorney General and Minister of Justice to the Applications Made by Moinina Fofana and Samuel Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to President Alhaji Dr Ahmad Tejan Kabbah’, 23 January 2006;
 - f. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-532, ‘First Accused Reply to the Prosecution Response to Norman Motion for Issuance of a Subpoena *ad Testificandum* to President Ahmad Tejan Kabbah’, 16 January 2006;
 - g. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-533, ‘Reply to Prosecution Response to Fofana Motion for Issuance of a Subpoena *ad Testificandum* to President Ahmad Tejan Kabbah’, 18 January 2006;

¹ SCSL-2004-16-PT-111, ¶ 16.

² *Prosecutor v. Norman et al.*, SCSL-2004-14-T-617, 14 June 2006.

³ See *Prosecutor v. Norman et al.*, SCSL-2004-14-T-648, ‘Fofana Notice of Appeal of the Subpoena Decision and Submissions in Support Thereof’, 6 July 2006.

- h. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-546, 'Fofana Reply to the Response of the Attorney General to the Fofana Motion for Issuance of a Subpoena *ad Testificandum* to President Ahmad Tejan Kabbah', 25 January 2006;
 - i. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-547, 'Norman Reply to the Response of the Attorney General to the Fofana Motion for Issuance of a Subpoena *ad Testificandum* to President Ahmad Tejan Kabbah', 30 January 2006;
 - j. *Prosecutor v. Norman et al.*, SCSL-2004-14-T, Trial Transcript of 14 February 2006;
 - k. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-617, Trial Chamber I, 'Decision on Motions by Moinina Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr Ahmad Tejan Kabbah, President of the Republic of Sierra Leone', 14 June 2006.
3. The Defence regrets any inconvenience caused by the untimely filing of the Index and looks forward to the Chamber's decision.

COUNSEL FOR MOININA FOFANA


pp Victor Koppe