

THE TRIAL CHAMBER ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court") composed of Judge Bankole Thompson, Presiding Judge, Judge Benjamin Mutanga Itoe and Judge Pierre Boutet;

NOTING the Motion for Judicial Notice and Admission of Evidence ("Judicial Notice Motion") filed on 2 April 2004 by the Office of the Prosecutor ("Prosecution");

HAVING RECEIVED the Objection to Prosecution's Motion for Judicial Notice and Admission of Evidence ("Objection"), filed on 4 May 2004 on behalf of Allieu Kondewa ("Accused");

CONSIDERING that the Objection puts forward submissions in response to the Judicial Notice Motion seeking leave for its late filing;¹

NOTING Rule 7(C) of the Rules of Procedure and Evidence ("Rules") according to which a response to a motion shall be filed within ten days unless otherwise ordered;

CONSIDERING that any response to the Judicial Notice Motion was due on 28 April 2004;

TAKING INTO ACCOUNT the Decision on the Defence Motion Requesting an Extension of Time within which to Respond to Prosecution's Motion for Judicial Notice and Admission of Evidence ("Decision") of 30 April 2004, denying an application² for extension of time for Counsel for the Accused to prepare a response to the Judicial Notice Motion due to lack of good and sufficient cause or exceptional circumstances;

NOTING that Counsel for the Accused may file any statement of admissions or matters not in dispute at any time and that such an approach is encouraged by the Trial Chamber;

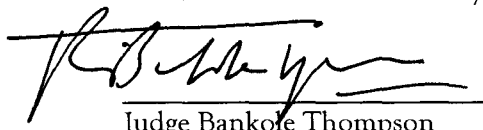
FINDING, however, that the Objection contravenes the preemptory disposition of the Decision and should therefore be considered as filed outside the time limits prescribed in Rule 7(C) of the Rules;

HEREBY REJECTS the filing of the Objection;

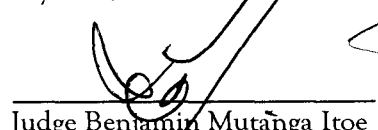
INVITES Counsel for the Accused to adhere to the principle of *res judicata* in connection with his right to file any response to the Judicial Notice; and

INSTRUCTS the Court Management Section of the Registry to remove the Objection from the official court record of this case.

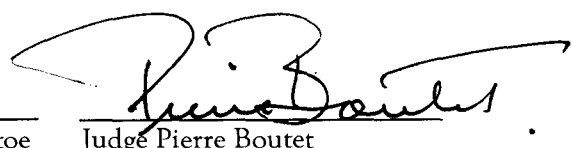
Done at Freetown this 5th Day of May 2004



Judge Bankole Thompson

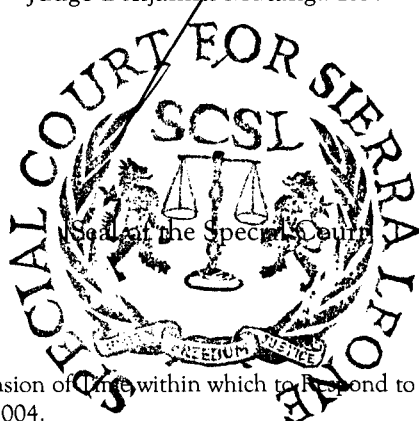


Judge Benjamin Mutanga Itoe



Judge Pierre Boutet

Presiding Judge,
Trial Chamber



¹ Objection, para I.

² Defence Motion Requesting an Extension of Time within which to Respond to Prosecution's Motion for Judicial Notice and Admission of Evidence, 23 April 2004.