

517)

SCSL-04-14-T
(14443-14454)

14443

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone

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

Interim Registrar: Mr. Lovemore Munro

Date filed: 13 December 2005

THE PROSECUTOR

Against

Samuel Hinga Norman
Moinina Fofana
Allieu Kondewa

Case No. SCSL-04-14-T

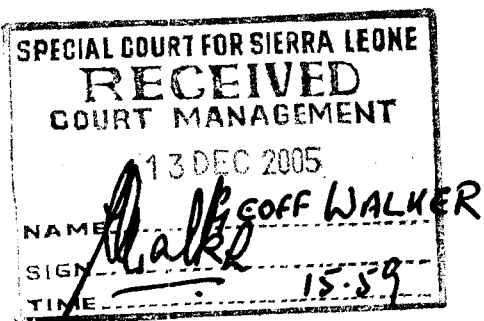
PROSECUTION RESPONSE TO URGENT FOFANA REQUEST FOR LEAVE TO APPEAL
THE 7 DECEMBER 2005 DECISION OF TRIAL CHAMBER I

Office of the Prosecutor:
Christopher Staker
James C. Johnson
Marco Bundi

Court Appointed Defence Counsel for Norman
Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.
Ibrahim Yillah
Clare DaSilva (*Legal Assistant*)

Court Appointed Defence Counsel for Fofana
Victor Koppe
Arrow J. Bockarie
Michiel Pestman
Andrew Ianuzzi (*Legal Assistant*)

Court Appointed Defence Counsel for Kondewa
Charles Margai
Yada Williams
Ansu Lansana
Martin Michael (*Legal Assistant*)



I. INTRODUCTION

1. Pursuant to Rule 73(B) of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (“Rules”), the Defence for Fofana sought leave to file an interlocutory appeal (“**Defence Application**”)¹ against the Trial Chamber’s “Decision on urgent Motion for Reconsideration of the Orders for Compliance with the Order concerning the Preparation and Presentation of the Defence Case” (“**Reconsideration Decision**”).²
2. The Prosecution hereby submits its response to the Defence Application. The Prosecution submits that the requested leave to appeal should not be granted.

II. Procedural Background

3. On 21 October 2005, the Trial Chamber filed an Order Concerning the Preparation and Presentation of the Defence Case (“**October Order**”).³ In its Order, the Trial Chamber ordered that a Status Conference be held on 27 October 2005, that the Defence file specific materials no later than 17 November 2005⁴, that a Pre-Defence Conference be held on 11 January 2006 and that the commencement of the Defence Case be 17 January 2006.
4. Accordingly, a Status Conference was held on 27 October 2005 (“**October Status Conference**”).⁵ The Defence filed its “Joint Defence Materials Pursuant to the 21 October

¹ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-516, “Urgent Fofana Request for Leave to Appeal the 7 December 2005 Decision of Trial Chamber I”, (“**Defence Application**”), 12 December 2005.

² *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-507, “Decision on urgent Motion for Reconsideration of the Orders for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 7 December 2005.

³ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-474, “Order Concerning the Preparation and Presentation of the Defence Case”, (“**October Order**”), 21 October 2005.

⁴ The Trial Chamber ordered, inter alia, the “Defence file the following materials, no later than the 17th of November 2005:

- a.) A list of witnesses that each Defence Team intends to call, including:
 - (i) the name of each witness;
 - (ii) a summary of their respective testimony;
 - (iii) the points of the Indictment to which each witness will testify;
 - (iv) the estimated length of time for each witness to testify
 - (v) an indication of whether the witness will testify in person or pursuant to Rule 92 bis;”
- b.) A list of expert witnesses with an indication of when their report will be ready and made available to the Prosecution;
- c.) A list of exhibits the Defence intends to offer in its case, containing a brief description of their respective nature and contents, and stating where possible whether or not the Prosecution has any objection as to their authenticity;
- d.) A chart which indicates, for each paragraph in the Indictment, the testimonial evidence and documentary evidence upon which the Defence will rely to defend the Accused against the allegations contained therein;”

⁵ *Prosecutor v. Norman, Fofana, Kondewa*, Transcript (“**October Status Conference**”), 27. October 2005.

- 2005 Order of Trial Chamber I and Request for Partial Modification Thereof” on 17 November 2005 (“**Joint Defence Materials**”).⁶
5. Thereafter, the Trial Chamber issued a “Scheduling Order for Status Conference” where it ordered another Status Conference to be held on Wednesday, 23 November 2005 (“**Scheduling Order**”).⁷ Upon the request of the Defence for the Second Accused, the Trial Chamber issued an “Order Re-Scheduling Status Conference and order for submissions by the Prosecution”⁸ on 21 November 2005, in which it ordered this status conference to be postponed to 25 November 2005, and further ordered the Prosecution to file any submissions pertaining to the Joint Defence Materials not later than 24 November 2005. The Prosecution filed its submissions on the Joint Defence Materials on 23 October 2005 (“**Prosecution Submissions**”).⁹
 6. At this status conference held on 25 November 2005 (“**November Status Conference**”), the Trial Chamber indicated that there was “a lack of compliance with our order”.¹⁰ Subsequently, the Trial Chamber issued a “Consequential Order for Compliance with the Order concerning the Preparation and Presentation of the Defence Case” on 28 November 2005 (“**Consequential Order**”).¹¹ The Consequential Order required each of the Defence teams to file the materials referred to in the October Order by 5 December 2005.
 7. On 29 November 2005, the Defence Team of the Second Accused filed an “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

⁶ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-482, “Joint Defence Materials Filed pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification thereof”, 17 November 2005 (“**Defence Materials**”).

⁷ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-484, “Scheduling Order for Status Conference”, 18 November 2005.

⁸ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-485, “Order Re-Scheduling Status Conference and order for submissions by the Prosecution”, 21 November 2005.

⁹ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-486, “Prosecution Submissions on the Joint Defence Materials filed pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof”, (“**Prosecution Submissions**”), 23 November 2005.

¹⁰ *Prosecutor v. Norman, Fofana, Kondewa*, Transcript (“**November Status Conference**”), 25 November 2005, p. 11.

¹¹ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-489, “Consequential Order for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, (“**Consequential Order**”), 28 November 2005.

Leave to Appeal both.”¹² On the same afternoon, the Trial Chamber issued an order rejecting this Motion on the ground that it was not properly before the Chamber.¹³ In this Order, the Trial Chamber reminded 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.”

8. Subsequently, the Defence filed an “Urgent Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November 2005 Consequential Order of Trial Chamber I” on 1 December 2005 (“**Urgent Fofana Motion**”).¹⁴ On 2 December 2005, the Prosecution filed its Response.¹⁵
9. On 5 December 2005, the Defence of the Second Accused filed its materials pursuant to the Consequential Order of 28 November 2005.¹⁶ However, as the Trial Chamber had at that time not yet delivered a decision on the Urgent Fofana Motion, the Defence refused to comply with paragraphs (a)(i) and (d) of the Consequential Order, stating that this “would seriously compromise certain rights afforded to Mr Fofana.”¹⁷ Subsequently, the Trial Chamber issued its Reconsideration Decision and dismissed the Urgent Fofana Motion in its entirety.
10. The Defence for the Second Accused now seeks leave to appeal the said Reconsideration Decision.¹⁸ Essentially, the Second Accused submits that paragraphs (a)(i) and (d) of the list of materials to be filed by the Defence set out in the October Order and Consequential

¹² *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-490, “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”, 29 November 2005.

¹³ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-491, “Order on Urgent Motion for Reconsideration, or in the Alternative, for Leave to Appeal the Orders for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 29 November 2005, the Motion was rejected “due to the particular nature of the applications made, two separate and distinct motions should have been filed.”

¹⁴ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-493, “Urgent Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November 2005 Consequential Order of Trial Chamber”, 1 December 2005.

¹⁵ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-496, “Prosecution Response to Urgent Fofana Motion for Reconsideration of the 25/11/05 Oral Ruling and the 28/11/05 Consequential Order of Trial Chamber I”, 2 December 2005; see also in these regards *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-495, “Order for Expedited Filing”, 1 December 2005.

¹⁶ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-500, “Fofana Materials filed pursuant to the Consequential Order for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 5 December 2005.

¹⁷ *Ibid.*, para. 2.

¹⁸ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-516, “Urgent Fofana Request for Leave to Appeal the 7 December 2005 Decision of Trial Chamber I”, (“**Defence Application**”), 12 December 2005.

Order respectively violate the principle of equality of arms and offend the presumption of innocence enjoyed by the Accused.

11. The Prosecution submits that the Defence application should be dismissed since no exceptional circumstances exist in the case at hand nor has the Second Accused suffered irreparable prejudice.

III. REQUIREMENTS UNDER RULE 73(B)

12. There is no right to appeal the denial of a motion under Rule 73. Rather, the Rules provide that leave to make an interlocutory appeal “may” be granted by the Trial Chamber only “in exceptional circumstances and to avoid irreparable prejudice to a party.”¹⁹ The restrictive nature of Rule 73(B) has repeatedly been emphasized in the jurisprudence of the Special Court.

13. The two limbs – exceptional circumstances and irreparable prejudice – are conjunctive and the Prosecution is aware that both must be satisfied if an application for leave to appeal is to be granted. The Appeals Chamber has noted that “[t]he underlying rationale for permitting such appeals is that certain matters cannot be cured or resolved by final appeal against judgement.”²⁰ It is worth mentioning in these regards that the Trial Chamber in its recent “Majority Decision on Request for Leave to Appeal Decision on Prosecution Motion for a Ruling on Admissibility of Evidence” emphasized that “errors of law are conceptually outside the statutory scope and contemplation of Rule 73(B) as basis for the exercise by a Trial Chamber of its exceptional authority to grant leave for an interlocutory appeal.”²¹

IV. SUBMISSIONS

(I) EXCEPTIONAL CIRCUMSTANCES

14. It is the Prosecution submission that the Application has not sufficiently established that the matters referred to in paragraphs 14-21 of the Defence Application amount to exceptional circumstances.

¹⁹ See Rule 73(B)

²⁰ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-319, “Decision on Prosecution Appeal Against the Trial Chamber Decision of 2nd August 2004 Refusing Leave to File An Interlocutory Appeal”, 17 January 2005, para. 29; see also *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-2004-15-T-357, “Decision on Defence Applications for Leave to Appeal Ruling of the 3rd February, 2005 on the Exclusion of Statements of Witness TF1-141, 28 April 2005, para. 21.

²¹ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-515, “Majority Decision on Request for Leave to Appeal Decision on Prosecution Motion for a Ruling on Admissibility of Evidence”, 9 December 2005, para. 9.

15. First, the Defence Application mentions that several errors of law were made in the Impugned Decision, which allegedly amount to an abuse of discretion.²² In this respect, the Defence Request “adopts, by reference”, the arguments made in previous Defence filings.²³ As stated above, errors of law do not in themselves constitute exceptional circumstances. The Trial Chamber has already considered and ruled upon all of the legal arguments raised by the Defence in the Urgent Fofana Motion, as well as in the previous Defence filings such as the Joint Defence Materials. The Trial Chamber has previously held that a request for leave to appeal is not a vehicle for re-litigating substantive arguments formerly rejected by a Trial Chamber²⁴. Furthermore, this Trial Chamber has previously held that Rule 73(B) is not intended for this time-consuming purpose.²⁵
16. Secondly, the Defence Request seeks to “expand on” its arguments as set out in the previous Defence filings, in relation to the chart which the Defence has been ordered to file.²⁶ Again, an application for leave to appeal is not a vehicle for advancing additional arguments in favour of the granting of a motion that the Trial Chamber has already denied. A party is under an obligation to put all of its arguments in relation to a motion in its motion and reply, so that they can be considered by the Trial Chamber when deciding whether to grant or deny the motion. If the motion is denied, the party cannot then seek to raise additional arguments in its favour in an application for leave to appeal.
17. In any event, the additional legal arguments advanced in the Defence Application should not be accepted.
18. First, the Defence Application argues that paragraph 2(a)(ii) of the materials that the Defence is required to file, according to which it must disclose the name of each Defence witness, is at odds with the principle of equality of arms. This argument has already been dealt with in previous Prosecution filings in this case. The purpose of protective measures for witnesses is not to give a procedural advantage or procedural disadvantage to any of

²² Defence Application, paras. 14-16.

²³ Defence Application, para. 16.

²⁴ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-406, “Decision on Request by First Accused for Leave to Appeal Against the Trial Chamber’s Decision on First Accused’s Motion on Abuse of Process”, 24 May 2005, p. 3.

²⁵ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-406, “Decision on Request by First Accused for Leave to Appeal Against the Trial Chamber’s Decision on First Accused’s Motion on Abuse of Process”, 24 May 2005, p. 3.

²⁶ Defence Application, paras. 16-21.

the parties. If it is necessary to order protective measures in order to protect a particular witness, they will be ordered. If it is not necessary to order protective measures in order to protect a particular witness, they will not be ordered. The question whether or not witness protection measures are ordered is determined by the particular circumstances of the witnesses, and their need for protection. If all of the witnesses for one party require protective measures and none of the witnesses for the other party require such measures, they will be ordered for the former and not for the latter. The principle of equality of arms may require that both parties have a similar entitlement to apply for witness protection measures, which will be granted in accordance with similar criteria. The principle of equality of arms does *not* mean (contrary to what the Defence Application appears to be asserting) that if witness protection measures are granted for witnesses of one party, the same measures must be applied to witnesses of the latter party, whether the latter meet the criteria for the granting of witness protection measures or not.

19. In the present case, the Defence for each of the three accused was entitled to apply for witness protection measures. The Defence for the Second Accused made no such application. An unequal treatment of the parties therefore cannot be seen. If the Defence had made an appropriate application for protective measures to include the use of pseudonyms and delayed disclosure of identities to the Prosecution, then the Trial Chamber might have ordered them. Given that the Defence for the Second Accused never applied for such witness protection measures, it can hardly be said to have been contrary to the principle of equality of arms for the Trial Chamber not to have ordered them.
20. Secondly, the Defence Application argues that paragraph 2(d) of the materials that the Defence is required to file, according to which it must produce a chart indicating the evidence for each paragraph of the indictment, violates the presumption of innocence. This argument has also already been dealt with in previous Prosecution filings in this case. The Defence is merely required to indicate the relevant paragraphs of the indictment to which the items of its evidence relate. Any party can at any time be called upon by the Trial Chamber to explain the relevance of a particular item of its evidence. This has nothing to do with the burden of proof. Rather, it has to do with Rules such as Rule 89(C) (under which evidence must be *relevant* in order to be admissible), Rule 73ter(C) and (D) (under which the Trial Chamber can order the Defence to reduce the number of witnesses

or reduce the estimated length of examination-in-chief of Defence witnesses). In order for the Trial Chamber to exercise its function of controlling the orderly conduct of a trial, it is entitled, and may feel that it is required, to know in advance the relevance of the evidence that the Defence proposes to call. An order requiring the Defence to provide this information in advance of the commencement of the Defence case is an order that the Trial Chamber is entitled to regard as "necessary" for the preparation and conduct of the trial, within the meaning of Rule 54.²⁷

21. The final matter invoked by the Defence as an "exceptional circumstance" is an argument that the Reconsideration Decision will have "wider ramifications and fall-outs".²⁸ However, the Defence has provided no indication as to the particular nature and significance of the matters sought to be appealed in this case, other than to state simply that the order "will not be limited to Mr Fofana and his co-defendants, but are likely to be felt by the six other accused currently facing before this Court."²⁹ That every Decision, in some ways, might (based, as the Defence concedes, on a basis of a hypothetical probability) affect other trials, does not of itself amount to exceptional circumstances for the purposes of Rule 73(B). The Prosecution submits that the Reconsideration Decision is both clear and consistent, the contested portions having been rejected for the same reasons repeatedly articulated by this Trial Chamber.

B. IRREPARABLE PREJUDICE

22. The Prosecution submits that the Defence also fails to satisfy the second prong of Rule 73(B)'s conjunctive test – a showing of irreparable prejudice. In para. 22 of the Application, the Defence sets out its arguments for the alleged existence of irreparable prejudice.
23. The Defence argues that as a result of the Impugned Decision, the Prosecution will have more time to prepare for cross-examination of Defence witnesses than the Defence had. Further, the "Defence will be forced to spend precious time – at a critical moment of its

²⁷ Cf. Defence Application, para. 19.

²⁸ Defence Application, para. 21.

²⁹ Defence Application, para. 21.

case preparation – producing a document to which the Prosecution is not entitled and which will not materially assist the Chamber with its trial-management role.”³⁰

24. However, the issue at hand is not, as the Defence seems to conceive, who gets *more* time to prepare cross-examination. Rather, the question is whether each party has *sufficient* time to prepare cross-examination? A fair trial required that both parties have sufficient time to prepare for cross-examination. There is no suggestion in the Defence Application that the Defence has been denied sufficient time to prepare its cross-examination of the Prosecution witnesses. It is difficult to see what prejudice the Defence could suffer if the Prosecution is now also given time to prepare for cross-examination.
25. As to the argument that the Defence will be “forced to spend precious time” on creating the ordered chart, it is submitted that the Defence has had ample time to do this from the first Order, issued on 21 October 2005.
26. Accordingly, no irreparable prejudice has been shown.

V. CONCLUSION

27. For the reasons set out above, the Prosecution opposes the Defence Application, given that neither exceptional circumstances, nor irreparable prejudice have been established. The requirements of Rule 73(B) have therefore not been met, and the Application should be denied.
28. The Prosecution notes that the Defence was originally ordered to file the names of witnesses and the chart by 17 November 2005. Following non-compliance with that Order, the Defence was subsequently ordered to file these materials by 5 December 2005, and on 29 November 2005 the Trial Chamber reminded the parties of their obligation “to fully comply” with the provisions of the Consequential Order. The Prosecution also notes the general rule that the filing of an application for leave to appeal, even if granted, “shall not operate as a stay of proceedings unless the Trial Chamber so orders.” No such stay of proceedings has been granted by the Trial Chamber in this case. Indeed, the Trial Chamber in this case unambiguously held in its Order of 29 November 2005³¹ that

³⁰ Defence Application, para. 22.

³¹ *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-491, “Order on Urgent Motion for Reconsideration, or in the Alternative, for Leave to Appeal the Orders for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 29 November 2005.

“pursuant to Rule 73(B) of the Rules, any motion that may be filed subsequently will not operate as stay of proceedings.” In other words, the Consequential Order remains in force and effect despite the filing of the Defence Application. The Defence remains in breach of that Order, notwithstanding having been ordered twice to file the materials in question, and having been reminded on 29 November 2005 of the Defence’s obligation to do so.

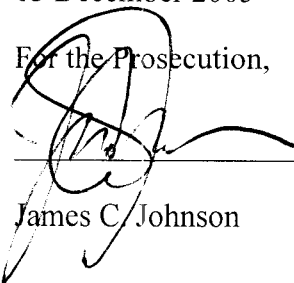
29. The Defence appears to be proceeding on the basis that it can unilaterally determine that it will not comply with an order with which it disagrees, by simply filing motions for reconsideration or applications for leave to appeal. Indeed, the Prosecution notes that the Defence Application states that the Defence will provide the Prosecution and Trial Chamber with “full disclosure [with respect to the names of witnesses] by 27 December 2005”.³² With respect to the disclosure of witness names, the Defence thereby seems to have assumed that it has the ability to shift the date for disclosure of this information unilaterally from 17 November 2005 (the date originally set by the Trial Chamber) to 27 December 2005.

30. By virtue of Rule 46 (as well as Rule 77), Counsel before the Special Court are obliged to comply with orders of Chambers. The Prosecution submits that the filing of motions for reconsideration or for leave to appeal should not be permitted to be used by a party as a means of delaying or avoiding compliance with orders that a party disagrees with. The Prosecution submits that the application for leave to appeal should be rejected, and that the Trial Chamber should confirm that the Defence was, and has continuously remained, under an obligation to file the names of witnesses and the chart by 5 December 2005.


Filed in Freetown,

13 December 2005

For the Prosecution,



James C. Johnson



Marco Bundi

Trial Attorney

³² Defence Application, para. 27.

VI. INDEX OF AUTHORITIES

A. ORDERS, DECISIONS, JUDGMENTS AND MOTION

1. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-516, “Urgent Fofana Request for Leave to Appeal the 7 December 2005 Decision of Trial Chamber I”, 12 December 2005.
2. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-507, “Decision on urgent Motion for Reconsideration of the Orders for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 7 December 2005.
3. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-474, “Order Concerning the Preparation and Presentation of the Defence Case”, 21 October 2005.
4. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-482, “Joint Defence Materials Filed pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification thereof”, 17 November 2005.
5. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-484, “Scheduling Order for Status Conference”, 18 November 2005.
6. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-485, “Order Re-Scheduling Status Conference and order for submissions by the Prosecution”, 21 November 2005.
7. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-486, “Prosecution Submissions on the Joint Defence Materials filed pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof”, 23 November 2005.
8. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-489, “Consequential Order for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 28 November 2005.
9. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-490, “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”, 29 November 2005.
10. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-491, “Order on Urgent Motion for Reconsideration, or in the Alternative, for Leave to Appeal the Orders for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 29 November 2005.

11. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-493, “Urgent Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November 2005 Consequential Order of Trial Chamber”, 1 December 2005.
12. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-496, “Prosecution Response to Urgent Fofana Motion for Reconsideration of the 25/11/05 Oral Ruling and the 28/11/05 Consequential Order of Trial Chamber I”, 2 December 2005.
13. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-495, “Order for Expedited Filing”, 1 December 2005.
14. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-500, “Fofana Materials filed pursuant to the Consequential Order for Compliance with the Order concerning the Preparation and Presentation of the Defence Case”, 5 December 2005.
15. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-319, “Decision on Prosecution Appeal Against the Trial Chamber Decision of 2nd August 2004 Refusing Leave to File An Interlocutory Appeal”, 17 January 2005.
16. *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-2004-15-T-357, “Decision on Defence Applications for Leave to Appeal Ruling of the 3rd February, 2005 on the Exclusion of Statements of Witness TF1-141, 28 April 2005.
17. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-515, “Majority Decision on Request for Leave to Appeal Decision on Prosecution Motion for a Ruling on Admissibility of Evidence”, 9 December 2005.
18. *Prosecutor v. Norman, Fofana, Kondewa*, SCSL-2004-14-T-406, “Decision on Request by First Accused for Leave to Appeal Against the Trial Chamber’s Decision on First Accused’s Motion on Abuse of Process”, 24 May 2005.

B. RULES OF PROCEDURE AND EVIDENCE

Rules of Procedure and Evidence of the Special Court, Rule 73(B) Amended 14 May 2005.

C. TRANSCRIPTS

1. *Prosecutor v. Norman, Fofana, Kondewa*, Transcript, 27. October 2005.
2. *Prosecutor v. Norman, Fofana, Kondewa*, Transcript, 25. November 2005, p. 11.