

COUNT 5: LOOTING AND BURNING

27. Looting and burning included, between about 1 November 1997 and about 1 April 1998, at various locations including in Kenema District, the towns of Kenema, Tongo Field and surrounding areas, in Bo District, the towns of Bo, Koribondo, and the surrounding areas, in Moyamba district, the towns of Sembehun, Gbangbatoke and surrounding areas, and in Bonthe District, the towns of Talia (Base Zero), Bonthe Town, Mabayeh, and surrounding areas, the unlawful taking and destruction by burning of civilian owned property.

By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN**, **MOININA FOFANA** and **ALLIEU KONDEWA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crime alleged below:

Count 5: Pillage, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.f. of the Statute.

COUNTS 6 – 7: TERRORIZING THE CIVILIAN POPULATION and COLLECTIVE PUNISHMENTS

28. At all times relevant to this Indictment, the CDF, largely Kamajors, committed the crimes set forth in paragraphs 22 through 27 and charged in counts 1 through 5, including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The CDF, largely Kamajors, also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.

By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN**, **MOININA FOFANA** and **ALLIEU KONDEWA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

Count 6: Acts of Terrorism, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.d. of the Statute;

And:

Count 7: Collective Punishments, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.b. of the Statute.

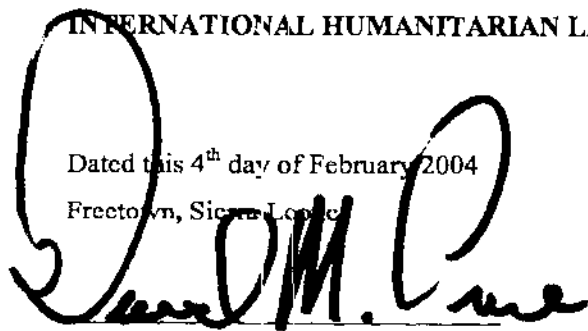
COUNT 8: USE OF CHILD SOLDIERS

29. At all times relevant to this Indictment, the Civil Defence Forces did, throughout the Republic of Sierra Leone, initiate or enlist children under the age of 15 years into armed forces or groups, and in addition, or in the alternative, use them to participate actively in hostilities.

By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN, MOININA FOFANA** and **ALLIEU KONDEWA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crime alleged below:

Count 8: Enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.c. of the Statute.

Dated this 4th day of February 2004
Freetown, Sierra Leone



David M. Crane
The Prosecutor

ANNEX E: JUDICIALLY NOTED FACTS

1. During the course of trial, the following facts were judicially noticed as to the truth of their contents:¹

- (a) The armed conflict in Sierra Leone occurred from March 1991 until January 2002
- (b) The city of Freetown, the Western Area, and the following districts located in the country of Sierra Leone: Kenema, Bo, Bonthe and Moyamba
- (c) Sierra Leone acceded to the Geneva Conventions of 12 August 1949 and Additional Protocol II to the Geneva Conventions on 21 October 1986.
- (d) The junta was forced from power on or about 14 February 1998. President Kabbah's government returned in March 1998.
- (e) Groups commonly referred to as the RUF, AFRC, and CDF were involved in armed conflict in Sierra Leone.

2. During the course of trial, the following documents were been judicially noticed as to their existence and authenticity:²

Reports of the Secretary-general of the United Nations on the Situation in Sierra Leone

- (a) 21 November 1995 (S/1995/975)
- (b) 5 December 1997 (S/1997/958)
- (c) 5 February 1998 (S/1998/103)
- (d) 18 March 1998 (S/1998/249)
- (e) 9 June 1998 (S/1998/486)
- (f) 12 August 1998 (S/1998/750)

¹ *Norman, Fofana and Kondewa*, SCSL-04-14-PT, Decision on Prosecution Motion for Judicial Notice and Admission of Evidence (TC), 2 June 2004, Annex I and II [Judicial Notice Decision (Trial)] In this decision, the Trial Chamber took judicial notice of several other facts that were held by the Appeals Chamber not to qualify (*Norman, Fofana and Kondewa*, SCSL-04-14-AR73, Fofana-Decision on Appeal against "Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence" (AC), 16 May 2005, p. 20 [Judicial Notice Decision (Appeal)].

² Judicial Notice Decision (Trial), Annex II.

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- (g) 16 October 1998 (S/1998/960)
- (h) 16 December 1998 (S/1998/1176)
- (i) 4 March 1999 (S/1999/237)
- (j) 4 June 1999 (S/1999/645)
- (k) 30 July 1999 (S/1999/836)
- (l) 6 December 1999 (S/1999/1223)
- (m) 19 May 2000 (S/2000/455)

Other UN reports³

- (a) UNICEF Press Release, "Stop Using Child Soldiers, Sierra Leone Told," 19 June 1997. Comments on recruitment of child soldiers by the AFRC and also states that between 1992 and 1996, 4500 children were forced to fight on the RUF and governmental sides.
- (b) UNICEF Monthly Report, "Events Pertaining to Children" 31 July 1999. Refers to CDF pledge on 18 June 1999 to stop recruitment of children, "Kamajor Action Plan" signed by Hinga Norman.

UN Security Council Resolutions⁴

- (a) Res. 1346 (30 March 2001)
- (b) Res. 1313 (4 August 2000)
- (c) Res. 1306 (5 July 2000)
- (d) Res. 1299 (19 May 2000)
- (e) Res. 1289 (7 February 2000)
- (f) Res. 1270 (22 October 1999)
- (g) Res. 1220 (12 January 1999)
- (h) Res. 1181 (13 July 1998)

³ Judicial Notice Decision (Trial), Annex II, pp. 3-4.

⁴ Judicial Notice Decision (Trial), Annex II, p. 4. The Appeals Chamber held that the Security Council Resolutions (documents 22-30) qualified for judicial notice once the facts contained therein are extrapolated from each of the Resolutions and recognised as incapable of reasonable dispute (Judicial Notice Decision (Appeal), pp. 20-21).

- (i) Res. 1132 (8 October 1997)

Maps, Peace Agreements, Treaties⁵

- (a) The Lomé Peace Accord, The Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL), 7 July 1999.
- (b) The Abidjan Peace Accord, The Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL), 30 November 1996.
- (c) The Conakry Accord: ECOWAS SIX-MONTH PEACE PLAN FOR SIERRA LEONE 23 OCTOBER 1997-22 APRIL 1998, 23 October 1997.
- (d) Ceasefire Agreement Between Government and the Revolutionary United Front, 18 May 1999
- (e) Map of Sierra Leone, Scale 1:350,000 UNAMSIL. Geographic Information Service, 6 May 2000.
- (f) ICRC List of States party to the Geneva Conventions and their Additional Protocols
- (g) Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977.

⁵ Judicial Notice Decision (Trial), Annex II, p. 4.

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ANNEX F: PROCEDURAL HISTORY

1. Indictment, Arrest, Initial Appearance.

1. Samuel Hinga Norman, Moinina Fofana, and Allicu Kondewa were each indicted for 8 counts relating to Crimes Against Humanity, Violations of Common Article 3 and Additional Protocol II and Other Serious Violations of International Humanitarian Law in violation of Articles 2, 3 and 4 of the Statute of the Special Court for Sierra Leone.

2. Norman was arrested on 10 March 2003 following his indictment on 3 March 2003¹ and the approval of the Indictment by Hon. Justice Thompson.² He had his initial appearance at the Special Court Provisional Detention Facility in Bonthe on 15, 17 and 21 March 2003 where he pleaded "not guilty" to all counts.

3. Fofana and Kondewa were both indicted on 24 June 2003³ following approval of the Indictment by Hon. Justice Thompson.⁴ Orders for transfer and provisional detention were issued for both Accused by Hon. Justice Boutet pursuant to Rule 40bis,⁵ and on 29 May 2003, both Fofana and Kondewa were arrested. On 2 June 2003, Counsel for Kondewa filed an application which contested the validity of Kondewa's arrest, transfer and detention under Rule 40bis (J).⁶ The application was dismissed. The Defence was however invited to file an application under Rule 40bis (K), which it did on 11 June 2003. The Chamber dismissed this application on 21 November 2003.⁷

¹ *Prosecutor v. Norman*, SCSL-03-08-I, Indictment, 3 March 2003 (filed on 7 March 2003).

² *Prosecutor v. Norman*, SCSL-03-08-PT, Decision Approving the Indictment and Order for Non-Disclosure (TC), 7 March 2003.

³ *Prosecutor v. Fofana*, SCSL-03-11-I, Indictment, 24 June 2003; *Prosecutor v. Kondewa*, SCSL-03-12-I, Indictment, 24 June 2003.

⁴ *Prosecutor v. Fofana*, SCSL-03-11-PT, Decision Approving the Indictment and Order for the Continued Detention of the Accused (TC), 26 June 2003, *Prosecutor v. Kondewa*, SCSL-03-12-PT, Decision Approving the Indictment and Order for the Continued Detention of the Accused (TC), 26 June 2003.

⁵ *Prosecutor v. Fofana*, SCSL-03-11-PD, Order for Transfer and Provisional Detention Pursuant to Rule 40bis (TC), 28 May 2003; *Prosecutor v. Kondewa*, SCSL-03-12-PD, Order for Transfer and Provisional Detention Pursuant to Rule 40bis (TC), 28 May 2003 (filed 29 May 2003).

⁶ *Prosecutor v. Kondewa*, SCSL-03-12-PD, Urgent Application for Release from Provisional Detention, 2 June 2003.

⁷ *Prosecutor v. Kondewa*, SCSL-03-12-PT, Decision on the Urgent Defence Application for Release from Provisional Detention (TC), 21 November 2003.

4. Fofana and Kondewa had their initial appearances at Bonthe Island on 1 July 2003. Both pleaded “not guilty” to all counts.

5. On 5 February 2004, the separate indictments of the three Accused were combined to form a consolidated indictment following joinder proceedings.⁸ A motion was filed by the Prosecution to amend the new indictment to include counts relating to sexual offences. It was dismissed on the basis of undue delay in the filing of the request.⁹

6. Counsel for Norman filed a motion on 21 September 2004 which requested his re-arraignment. He argued that the consolidated indictment added new charges and had a broader application.¹⁰ The Chamber stayed the materially different portions of the indictment, but found re-arraignment to be unnecessary.¹¹ On appeal, the Appeals Chamber granted leave to the Prosecution to belatedly amend the consolidated indictment to include the changes. The Chamber held that Norman was not prejudiced by the amendments since he had delayed filing his motion for seven months, during which time the Prosecution had proceeded with the charges. The original indictments were marked as “not to be proceeded with”, and the issue was redirected to the Trial Chamber.¹² The Trial Chamber again found re-arraignment unnecessary.¹³ Leave to appeal was denied.¹⁴ Fofana and Kondewa filed similar motions. The Chamber found that the consolidated indictment added no new crimes or charges, and dismissed the motions.¹⁵

⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Indictment, 5 February 2004 (filed on 4 February 2004).

⁹ *Prosecution v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Decision on Prosecution Request for Leave to Amend the Indictment (TC), 20 May 2004 (filed on 1 June 2004).

¹⁰ *Prosecution v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Motion for Service and Arraignment on Second Indictment (TC), 20 September 2004 (filed on 21 September 2004).

¹¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the First Accused’s Motion for Service and Arraignment on the Consolidated Indictment (TC), 29 November 2004.

¹² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-A, Decision on Amendment of Consolidated Indictment (AC), 16 May 2005.

¹³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Consequential Order on Amendment of the Consolidated Indictment (TC), 25 May 2005.

¹⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Defence Request for Leave to Appeal against the Consequential Non-Arraignment Order of Trial Chamber I (TC), 25 July 2005.

¹⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the Second Accused’s Motion for Service and Arraignment on the Consolidated Indictment (TC), 6 December 2004; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the Third Accused’s Motion for Service and Arraignment on the Consolidated Indictment and Further Appearance (TC), 8 December 2004.

2. Consequential Issues of the Stayed Portions of the Consolidated Indictment

2.1. Witness Indexing

7. Defence for Norman filed a motion requesting that the Prosecution provide a clear listing of witnesses who had already given or were likely to give testimonies as to the respective aspects of the stayed portions of the consolidated indictment.¹⁶ The motion was dismissed as the Prosecution had already disclosed their intended witnesses and evidence.¹⁷

2.2. Decision on the Moyamba Crime Base

8. The Prosecution proposed to call witnesses to testify about the Moyamba crime base. The Chamber considered whether, in terms of fairness to Norman and in the interests of justice, these witnesses should be called to testify as their evidence would relate to portions of the Consolidated Indictment that were stayed following the Decision of 29 November 2004. The Chamber found that no prejudice would ensue, and allowed witnesses to testify about the Moyamba crime base.¹⁸ Leave to appeal was denied.¹⁹

3. Preliminary Motions

9. Following their arrests, both Norman and Fofana filed motions to alter their detention conditions. In both cases, the motions were denied.²⁰ Counsel for Fofana appealed this Decision. The Appeals Chamber found that, although the Trial Chamber had erred in refusing to admit

¹⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Defence Request for "Stayed" Witness Indexing, 7 March 2005.

¹⁷ *Prosecution v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Request for "Stayed" Witness Indexing (TC), 28 April 2005.

¹⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Presentation of Witness Testimony at Moyamba Crime Base (TC), 28 April 2005.

¹⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Request by First Accused for Leave to Appeal Against the Trial Chamber's Decision on Presentation of Witness Testimony on Moyamba Crime Base (TC), 23 May 2005 (filed on 24 May 2005).

²⁰ *Prosecutor v. Norman*, SCSL-03-08-PT, Decision on Motion for Modification of the Conditions of Detention (IC), 26 November 2003; *Prosecutor v. Fofana*, SCSL-03-14-T, Fofana - Decision on Application for Bail Pursuant to Rule 65 (TC), 5 August 2004.

certain unsigned documents, this did not affect the result, and therefore dismissed the appeal.²¹ A Prosecution motion to freeze the bank account of Norman was also denied.²²

10. Counsel for Norman filed six motions based on challenges to the jurisdiction of the Special Court, four of which were subsequently referred to the Appeals Chamber. The first motion, relating to the lawfulness of the Court's establishment, was decided by the Appeals Chamber in tandem with similar motions filed by Counsel for Morris Kallon²³ and Brima Bazzy Kamara.²⁴ It held that the Special Court does not form a part of the judiciary of Sierra Leone, and thus its establishment did not violate the Constitution, that the Government of Sierra Leone had authority to enter the Agreement establishing the Special Court, and that the crimes charged existed under customary international law at the time of their alleged commission. The motions were therefore dismissed.²⁵

11. Fofana was granted intervener status for the second and third motions, which concerned judicial independence and child recruitment. Both motions were dismissed, with the majority holding that the funding arrangements of the Court did not lead to any real likelihood of bias or lack of judicial independence²⁶ and that child recruitment was a crime under customary international law at all times relevant to the indictment.²⁷

12. The remaining two Norman motions, concerning command responsibility and a potential Rule 15 Disqualification, were decided by the Trial Chamber. They were dismissed as groundless.

13. Counsel for Fofana filed four preliminary motions relating to the jurisdiction of the Special Court. A Decision dismissing the initial three motions dealing with the illegal delegation

²¹ *Prosecutor v. Kondewa and Fofana*, SCSL-04-14-AR65, Fofana – Appeal against Decision Refusing Bail (AC), 11 March 2005.

²² *Prosecutor v. Norman*, SCSL-03-08-PT, Norman – Decision on *Inter Partes* Motion by Prosecution to Freeze the Account of the Accused Sam Norman at Union Trust Bank (SL) Limited or at any other Bank in Sierra Leone (TC), 19 April 2004.

²³ *Prosecutor v. Kallon*, Case No. SCSL-03-07-PT, Preliminary Motion Based on Lack of Jurisdiction: Establishment of the Special Court Violates the Constitution of Sierra Leone, 16 June 2003.

²⁴ *Prosecutor v. Kamara*, Case No. SCSL-03-10-PT, Application by Brima Bazzy Kamara in Respect of Jurisdiction and Defects in the Indictment, 22 September 2003.

²⁵ *Prosecutor v. Kallon*, SCSL-04-15-A; *Prosecutor v. Norman*, SCSL-03-08-A; *Prosecutor v. Kamara*, SCSL-04-16-A, Decision on Constitutionality and Lack of Jurisdiction (AC), 13 March 2004.

²⁶ *Prosecutor v. Norman*, SCSL-03-08-A, Decision on Preliminary Motion based on Lack of Jurisdiction (Judicial Independence) (AC), 13 March 2004 (filed on 15 March 2004).

²⁷ *Prosecutor v. Norman*, SCSL-03-08-PT, Decision on Preliminary Motion based on Lack of Jurisdiction (Child Recruitment) (TC), 31 May 2004.

of powers and the nature of armed conflict was rendered by the Appeals Chamber on 25 May 2004.²⁸ It held that the establishment of the Special Court did not involve a transfer of jurisdiction or sovereignty by Sierra Leone and that the establishment of the Special Court was properly within the powers of the Security Council and Secretary General of the United Nations. The issues raised in the motion on the nature of armed conflict were found to have no bearing on the applicability of the Statute of the Court. The Trial Chamber dismissed the fourth motion concerning lack of personal jurisdiction on the basis that it had jurisdiction to try Fofana as one bearing the greatest responsibility for crimes committed in Sierra Leone during the relevant period.²⁹

14. Counsel for Kondewa filed a Preliminary Motion based on defects in the indictment on 7 November 2003. The motion was denied with the exception of a rephrasing of some counts³⁰ which were then incorporated into the 5 December 2003 Bill of Particulars.³¹ Counsel also filed two motions concerning the jurisdiction of the Special Court. The motions questioned the constitutionality of the Court's establishment and whether the amnesty provided by the Lomé Accord could be overruled. Both were dismissed because the arguments were similar to those raised in previous preliminary motions brought on behalf of other Accused, which had been dismissed.³²

4. Counsel/Norman Self Representation

15. After their indictment and arrest, the three Accused were assigned separate Counsel to represent them during the Pre-Trial Phase.³³ On 3 June 2004, Norman submitted a letter to the Principle Defender in which he indicated his wish to represent himself. Accordingly, the Chamber

²⁸ *Prosecutor v. Fofana*, SCSL-03-11-A, Decision on Preliminary Motion on Lack of Jurisdiction Materiae: Illegal Delegation of powers by the United Nations (AC), 25 May 2004 (filed on 26 May 2004); Decision on Preliminary Motion on Lack of Jurisdiction: Nature of the Armed Conflict (AC), 25 May 2004 (filed on 26 May 2004); Decision on Preliminary Motion on Lack of Jurisdiction: Illegal Delegation of Jurisdiction by Sierra Leone (AC), 25 May 2004 (filed on 26 May 2004).

²⁹ Decision on Personal Jurisdiction, para 48.

³⁰ *Prosecutor v. Kondewa*, SCSL-03-12-PT, Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment (TC), 27 November 2003.

³¹ *Prosecutor v. Kondewa*, SCSL-03-12-PT, Bill of Particulars, 5 December 2003.

³² *Prosecution v. Kondewa*, SCSL-04-14-T, Decision on Preliminary Motion on Lack of Jurisdiction: Establishment of the Special Court Violates the Constitution of Sierra Leone (TC), 25 May 2004 (filed on 27 May 2004); *Prosecutor v. Kondewa*, SCSL-03-12-T, Decision on Lack of Jurisdiction/Abuse of Process: Amnesty Provided by the Lomé Accord (TC), 25 May 2004.

³³ Counsel for Norman: James B. Jenkins-Johnson; Counsel for Fofana: Michiel Pestman; Counsel for Kondewa: James Mac Guill, later replaced by Charles Margai.

granted him qualified self representation³⁴ and assigned standby Counsel.³⁵ He was granted the use of additional resources, including a computer, to prepare his defence.³⁶

16. On 20 September 2004, Norman informed the Chamber that he would not participate in the Trial until a determination was made on several issues he had raised. That afternoon, none of the Accused appeared in Court.³⁷ The Chamber appointed Counsel for each defendant. On 1 October 2004, the Chamber presented a written decision concerning the Accused's non-appearance.³⁸ The Chamber held that pursuant to Rule 60, trial proceedings would continue, as it would not be in the interest of justice to allow Norman's deliberate absence to interrupt the trial. Norman's right to self-representation and his allowance for additional resources were revoked.

17. On 24 May 2006, Norman was not able to attend Court due to pain in his right hip.³⁹

5. Request by the Truth and Reconciliation Commission ("TRC")

18. The TRC requested a public hearing with Norman. The request was denied by the Chamber since such a hearing could endanger victims and witnesses as well as the fair trial of the Accused.⁴⁰ On appeal, the TRC was allowed to communicate with Norman via written statements, but a public hearing was prohibited.⁴¹

³⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the Application of Samuel Hinga Norman for Self Representation under Article 17(4)(d) of the Statute of the Special Court (TC), 8 June 2004.

³⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order for Assignment of Standby Counsel for Sam Hinga Norman (TC), 15 June 2004 (filed on 16 June 2004); Standby Counsel: Bu-Buakei Jabbi, John Wesley Hall, Quincy Whitaker and Tim Owen Q.C. Interim Counsel: Ibrahim Yillah.

³⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Request by Norman for Additional Resources to Prepare his Defence (TC), 23 June 2004.

³⁷ Kondewa did not attend due to health problems, while Fofana agreed with Norman's position. Later, Kondewa also failed to attend Court without reason.

³⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Ruling on the Issue of Non-Appearance of the First Accused Samuel Hinga Norman, the Second Accused Moinina Fofana, and the Third Accused, Allieu Kondewa at the Trial Proceedings (TC), 1 October 2004 (filed on 4 October 2004).

³⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Report by Chief of Detention on Non Attendance in Court of Samuel Hinga Norman, 24 May 2006.

⁴⁰ *Prosecutor v. Norman*, SCSL-03-08-PT, Decision on the request by the TRC of Sierra Leone to Conduct a Public Hearing with the Accused, 29 October 2003.

⁴¹ *Prosecutor v. Norman*, SCSL-03-08-PT, Decision on Appeal by the TRC for Sierra Leone and Chief Samuel Hinga Norman JP against the decision of his Lordship, Mr. Justice Bankole Thompson Delivered on 30 October 2003 to Deny the TRC's Request to Hold a Public Hearing with Chief Samuel Hinga Norman JP (AC), 28 November 2003.

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6. Norman Request to the TRC

19. On 7 March 2005, Counsel for Norman submitted a request for a subpoena or binding order to the TRC for its unexpurgated underlying documents.⁴² The request was denied.⁴³

7. Trial Preparation

20. On April 11 2003, the Prosecution was ordered to disclose all relevant materials to Counsel for Norman.⁴⁴ Similar Orders concerning disclosure to Counsel for Fofana and Kondewa followed in July.⁴⁵ Disclosure and other materials for trial were filed by the Prosecution on 26 April 2004.⁴⁶ Pre-Trial Briefs were submitted by each of the Accused and the Prosecution.⁴⁷ Supplementary Briefs were submitted by the Prosecution and by Counsel for Kondewa.⁴⁸ On 1 June 2004, a Statement of Agreed Facts was filed by the Prosecution and Defence.⁴⁹ Status Reports have been submitted on a regular basis since that date.

8. Trial Summary

21. The trial began with opening statements from the Prosecution on 3 June 2004. It ended following closing arguments from all Parties on 30 November 2006 spanning eight sessions and

⁴² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Ex Parte and Confidential Motion of First Accused for Binding Order or Subpoena Duces Tecum to the Sierra Leone Truth and Reconciliation Commission for Its Unexpurgated Underlying Documents, 7 March 2005.

⁴³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Confidential Decision on Confidential Motion (TC), 25 July 2005.

⁴⁴ *Prosecutor v. Norman*, SCSL-03-08-PT, Scheduling Order (TC), 11 April 2003.

⁴⁵ *Prosecutor v. Fofana*, SCSL-03-11-PT, Interim Order for the Transmission of the Disclosure Materials to the Registrar (TC), 30 July 2003; *Prosecutor v. Kondewa*, SCSL-03-12-PT, Interim Order for the Transmission of the Disclosure Materials to the Registrar (TC), 30 July 2003 (filed on 31 July 2003).

⁴⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial (TC), 1 April 2004.

⁴⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Prosecution's Pre-Trial Brief Pursuant to Order for Filing Pre-Trial Briefs (Under Rules 54 and 73bis) of 13 February 2004, 2 March 2004; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Pre-Trial Brief of Defendant Allicu Kondewa, 22 March 2004; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Moimina Fofana Defence Pre-Trial Brief, 28 May 2004; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Defence Pre-Trial Brief Pursuant to the Revised Order for the Filing of Defence Pre-Trial Briefs (Under Rules 54 and 73bis) of 22nd March 2004, 31 May 2004.

⁴⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Prosecution Supplemental Pre-Trial Brief Pursuant to Order to the Prosecution to File a Supplemental Pre-Trial Brief of 1 April 2004, 22 April 2004; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-PT, Allicu Kondewa-Supplemental Pre-Trial Brief Pursuant to an Order of the Trial Chamber Dated the 22nd April 2004, 18 April 2004.

⁴⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Status Report Regarding "Decision on Co-operation Between the Parties Dated 26 May 2004, 1 June 2004.

162 days.⁵⁰ The Prosecution called 75 witnesses, including three expert witnesses, and 44 witnesses testified for the Defence. The Prosecution case ended on 14 July 2005. The Defence case began for the First Accused on 20 January 2006, and closed following the case for the Third Accused on 18 October 2006.

22. Prior to each trial session, a Status Conference was held. Pre-Trial and Pre-Defence Conferences were also held prior to the start of the trial and the start of the Defence presentation respectively.

9. Witnesses

23. On 25 January 2005, the Chamber ordered the Prosecution to provide each Defence team and the Chamber with a list of witnesses it intended to call fourteen days in advance of their testimony and to provide the Chamber with a confidential copy of unredacted witness statements one week prior to their testimony.⁵¹ The Prosecution filed accordingly.⁵²

24. Following the Status Conference of 25 November 2005, the Chamber noted the failure of all Defence Teams to comply with an Order of 21 October 2005 to provide witness summaries for all Defence witnesses.⁵³

9.1. Witness Protection

25. Several motions were granted by the Chamber to ensure the protection of witnesses.⁵⁴ In particular, on 9 June 2004, the Chamber granted a Prosecution motion which allowed all

⁵⁰ The dates for each session are as follows: First Session: 3 June 2004 to 23 June 2004, Second Session: 8 September 2004 to 31 September 2004, Third Session: 2 November 2005 to 7 December 2005, Fourth Session: 9 February 2005 to 15 March 2005, Fifth Session: 26 May 2005 to 14 July 2005, Sixth Session: 19 January 2006 to 23 February 2006, Seventh Session: 3 May 2006 to 16 June 2006, Eighth Session: 15 September 2006 to 18 October 2006. This excludes the dates of Status Conferences, Hearings on the Judgement for Acquittal and Closing Arguments.

⁵¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order to Prosecution to Provide Order of Witnesses and Witness Statements (TC), 25 January 2005 (filed on 26 January 2005).

⁵² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Confidential Prosecution Order of Witnesses to be Called in the 5th Trial Session, 11 May 2005.

⁵³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case (TC), 28 November 2005.

⁵⁴ *Prosecutor v. Norman*, SCSL-03-08-PT, Decision on the Prosecution's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure (TC), 23 May 2003; *Prosecutor v. Fofana*, SCSL-03-11-PT, Decision on Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, (TC), 16 October 2003; *Prosecutor v. Kondewa*, SCSL-03-12-PT, Ruling on the Prosecution Motion for

witnesses who had not waived their right to protection to testify with the use of special measures to prevent their identities from becoming public.⁵⁵

26. On 18 November 2004, the Chamber ruled that only where a Party is able to establish on a preponderance of probabilities that a witness is no longer in need of protection will protective measures be rescinded, varied, or augmented.⁵⁶ Counsel for Kondewa submitted a motion for protection of Defence witnesses which was later withdrawn.⁵⁷

9.2. Investigators and Expert Witnesses

27. On 7 December 2004, the Chamber granted a Defence request to call two investigators as witnesses to describe inconsistencies between the testimony and original statements of a prior witness.⁵⁸

28. Despite objections from the Defence and in separate October and December 2004 Decisions, the Chamber permitted the Prosecution call three additional expert witnesses: a military expert, an expert on child soldiers and an expert on forensic evidence.⁵⁹ The Defence was invited to cross-examine each witness.⁶⁰

29. On 1 March 2005, the Chamber dismissed an oral Defence motion to call as witnesses OTP Investigators who took the statements of a Prosecution witness whose testimony was in

Immediate Protective Measures for Witnesses and Victims and for Non Public Disclosure and Urgent Request for Interim Measures until Appropriate Protective Measures are in Place (TC), 10 October 2003.

⁵⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the Prosecution Motion for Modification of Protective Measures for Witnesses (TC), 8 June 2004.

⁵⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Ruling on Motion for Modification of Protective Measures for Witnesses (TC), 18 November 2004.

⁵⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Motion by the Third Accused Allieu Kondewa for Orders of Protective Measures for Defence Witnesses (TC), 17 November 2005; *Prosecution v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Notice of Withdrawal of Motion by Third Accused Allieu Kondewa for Orders of Protective Measures for Defence Witnesses (TC), 5 December 2005.

⁵⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Ruling on Defence Oral Application to Call OTP Investigators Who Took Down in Writing Statements of Prosecution Witness TF2-021 (TC), 7 December 2004.

⁵⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Reasoned Written Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders of Protective Measures (TC), 23 June 2005 (filed on 21 June 2005); *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Prosecution Request for Leave to Call Additional Expert Witness Dr. William Haglund (TC), 1 October 2004.

⁶⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Consequential Order to Decision on Prosecution Request for Leave to Call Additional Expert Witness (TC), 1 October 2004; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures (TC), 24 May 2005.

contention. It was dismissed on the basis that the issue was collateral and unrelated to the charges in the indictment.⁶¹

9.3. Recall of Witnesses

30. A confidential motion was submitted by Counsel for Kondewa to recall a witness. The Chamber granted the motion.⁶²

9.4. Disclosure and Characterisation of Age of Witnesses

31. On 2 May 2005, the Prosecution complied with an Order from the Chamber to ascertain by independent means the age of TF2-080 and submitted an age assessment report.⁶³

9.5. Rebuttal Witnesses

32. During the presentation of the Defence case, the Prosecution filed a motion for leave to call rebuttal witnesses.⁶⁴ The motion was denied in an oral Decision. A Reasoned Written Decision followed on 27 November 2006. The Chamber found that the Prosecution could have reasonably expected the Defence evidence which it wanted to rebut. The Prosecution should have called its rebuttal witness during the Prosecution case.⁶⁵

10. Judicial Notice

33. On 2 June 2004, the Chamber issued a Decision on the Prosecution's motion for judicial notice of certain factual statements and documents and took notice of several facts.⁶⁶ Counsel for Fofana and Kondewa jointly requested leave to appeal, which was granted to Fofana, but not Kondewa. The Appeals Chamber delivered its Decision on 16 May 2005. It was held that while

⁶¹ *Prosecution v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Ruling on Defence Oral Application to Call an OIP Investigator Who Took a Written Statement from Prosecution Witness TF2-022 (IC), 1 March 2005.

⁶² *Prosecution v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Confidential Decision on Allieu Kondewa Motion for Recall of Prosecution Witness TF2-057 (IC), 8 March 2005.

⁶³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Confidential Prosecution Filing in Compliance with Order on Disclosure and Characterisation of the Age of Witness TF2-080, 2 May 2005.

⁶⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Prosecution Motion for Leave to Call Evidence in Rebuttal and for Immediate Protective Measures for Proposed Rebuttal Witnesses, 13 October 2006.

⁶⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Written Reasoned Decision on Prosecution Motion for Leave to Call Evidence in Rebuttal and for Immediate Protective Measures for Proposed Rebuttal Witness (TC), 27 November 2006.

⁶⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence (IC), 2 June 2004. See also Annex E: Judicially Noted Facts.

the Chamber had correctly identified the criteria for assessing whether to take judicial notice of a fact, it had erred in taking judicial notice of some of the facts.⁶⁷

11. Admissibility of Evidence

11.1. Evidence of Gender Crimes

34. On 23 June 2005 the Chamber denied a Prosecution request to admit evidence of gender crimes under existing counts in the Indictment. To allow such evidence would be prejudicial, particularly since it did not relate directly to a specific charge in the Indictment.⁶⁸ Leave to appeal was denied.⁶⁹

11.2. Testimony of Witness TF2-218

35. Defence for Norman filed a motion to exclude the testimony of TF2-218.⁷⁰ The motion was dismissed.⁷¹

36. On 8 June 2005, the Chamber made a confidential order regarding Witness TF2-218.⁷² The order was later quashed by the Appeals Chamber.⁷³

12. Exhibits and Documentary Evidence

37. On 27 October 2004, the Chamber issued an Order to the Prosecution to highlight all areas of interest on the map of Sierra Leone, and on separate maps, all areas of interest as they

⁶⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL04-14-AR73, Fofana - Decision on Appeal Against Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence (TC), 16 May 2005 (filed on 18 May 2005). See also Annex E: Judicially Noted Facts.

⁶⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL04-14-T, Reasoned Majority Decision on Prosecution Motion for Admissibility of Evidence (TC), 23 May 2005.

⁶⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL04-14-T, Majority Decision on Request for Leave to Appeal Decision on Prosecution Motion for a Ruling on Admissibility of Evidence (TC), 9 December 2005.

⁷⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL04-14-T, Confidential Norman Defence Motion to Exclude the Testimony of Witness TF2-218, 1 June 2005.

⁷¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL04-14-T, Confidential Decision on Norman Defence Motion to Exclude Witness TF2-218 (TC), 23 June 2005.

⁷² *Prosecution v. Norman, Fofana, Kondewa*, SCSL04-14-T, Confidential Decision on Defence Application Regarding Witness TF2-218 (TC), 8 June 2005.

⁷³ *Prosecution v. Norman, Fofana and Kondewa*, SCSL04-14-A, Decision on Prosecution Appeal Against Confidential Decision on Defence Application concerning Witness TF2-218 (AC), 26 May 2006.

related to the counts in the Indictment. Copies were to be distributed to the Defence teams and Chambers.⁷⁴

38. On 14 July 2005, the Chamber issued a Decision on a Prosecution request to admit certain documents into evidence pursuant to Rules 92bis and 98(c). The motion was granted in part.⁷⁵

13. Abuse of Process

39. On 28 April 2005, the Chamber rendered a decision on an abuse of process motion submitted by the Defence for Norman. It was held that the motion related to the jurisdiction of the Special Court, and as such, should have been filed as a preliminary motion. The Chamber also relied on the principle of *res judicata* to hold that the Defence could not raise or litigate issues on which the Chamber had rendered final decisions, except where exceptional circumstances were shown. The motion was dismissed.⁷⁶ Two requests for leave to appeal were denied.⁷⁷

14. Judgement of Acquittal

40. Counsel for Norman filed a motion for Judgement of Acquittal pursuant to Rule 98 on 3 August 2005.⁷⁸ Counsel for Fofana and Kondewa each filed similar motions the following day.⁷⁹ The Prosecution Responses to the three motions for Judgement of Acquittal were submitted on 18 August 2005.⁸⁰ In the interests of conducting a public hearing, redacted versions of the

⁷⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order on Prosecution Map Exhibits (TC), 27 October 2004.

⁷⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Prosecution's Request to Admit into Evidence Certain Documents Pursuant to Rule 92bis and 89(c) (TC), 14 July 2005 (filed on 15 July 2005).

⁷⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on First Accused's Motion on Abuse of Process (TC), 28 April 2005.

⁷⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, 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 (TC), 24 May 2005; *Prosecution v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Norman Counsel's Request for Leave to Appeal under Rule 46(H) (TC), 25 July 2005.

⁷⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Motion for Judgement of Acquittal for the First Accused Samuel Hinga Norman, 3 August 2005.

⁷⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Fofana Motion for Judgement and Acquittal, 4 August 2005; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Motion for Judgement of Acquittal of the Third Accused Allieu Kondewa, 4 August 2005.

⁸⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Motions for Judgement of Acquittal Pursuant to Rule 98 (TC), 21 October 2005.

Prosecution Responses were later released to the public by Court Order.⁸¹ On 20 September 2005, the Parties made oral submissions, and on 21 October 2005, a Decision on the Motion for Judgement of Acquittal was rendered by the Court.⁸²

41. The Chamber determined that to enter a Decision of acquittal under Rule 98, it must find no evidence capable of supporting a conviction on one or more counts of the indictment. The legal standard set by Rule 98 limited the Court to a determination of whether the evidence *could* support a conviction, not whether it *should* support a conviction.

42. The motion was dismissed as lacking merit. However, the Court did find that there was no evidence capable of supporting convictions against the Accused in respect of the charge of Murder as a Crime Against Humanity and Murder as a Violation of Common Article 3 and Additional Protocol II in 13 specific locations. There was also no evidence to support a conviction in respect of the offence of Inhumane Acts as a Crime Against Humanity or Cruel Treatment as a Violation of Common Article 3 and Additional Protocol II in respect of Blama, or of the offence of Pillage as a Violation of Common Article 3 and Additional Protocol II in respect of Mobaych. The Concurring Opinion of Judge Thompson endorsed the findings of the majority and elaborated upon the Chamber's approach to reliance on the jurisprudence of other international criminal tribunals and the scope of judicial discourse concerning Rule 98.

15. Preparation and Presentation of the Defence Case

43. On 17 November 2005, the Defence jointly filed its Materials pursuant to a 21 October 2005 Order to that effect. The Defence also submitted that particular aspects of that Order were contrary to the presumption of innocence and made proposals in relation to those aspects.⁸³ After the Chamber issued its Consequential Order for Compliance with the Order of 21 October,

⁸¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Public Version of the Prosecution Response to Motion for Judgement of Acquittal of the First Accused Samuel Hinga Norman, 27 September 2005; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Public Version of the Prosecution Response to Fofana Motion for Judgement of Acquittal, 27 September 2005; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Public Version of the Prosecution Response to Motion for Judgement of Acquittal of the Third Accused Allieu Kondewa, 27 September 2005.

⁸² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Motions for Judgement of Acquittal Pursuant to Rule 98 (TC), 21 October 2005.

⁸³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Joint Defence Materials Filed Pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof, 17 November 2005.

Defence for Fofana filed a motion for reconsideration.⁸⁴ The motion was dismissed on 29 November 2005.⁸⁵ Defence for Fofana submitted a second motion for reconsideration which was also dismissed.⁸⁶ Leave to Appeal was denied.⁸⁷

44. Defence for all three Accused filed Materials pursuant to the Chamber's Consequential Order for Compliance with the Order of 21 October 2005 on 5 December 2005.⁸⁸

45. On 6 December 2005, the Prosecution requested an Order to the Defence to disclose any written witness statements in its possession.⁸⁹ The Chamber denied the motion as the Prosecution had not sufficiently shown the potential for irreparable prejudice.⁹⁰

46. On 9 December 2005, the Chamber issued an Order to each of the Defence teams to file an evidentiary chart indicating the testimonial and documentary evidence on which the Defence would rely.⁹¹ The Chamber later ordered the Defence to produce additional materials to accompany their witness summaries.⁹² Each of the three Accused consequently filed updated

⁸⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-01-14-T, Urgent Fofana 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.

⁸⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order on Urgent Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November Consequential Order of Trial Chamber I or, Alternatively, Request for Leave to Appeal Both (TC), 29 November 2005.

⁸⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Urgent Motion for Reconsideration of the Orders for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case (TC), 7 December 2005.

⁸⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Urgent Fofana Request for Leave to Appeal the 7 December Decision of Trial Chamber I (TC), 8 June 2006.

⁸⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Defence Witness and Exhibits List for the First Accused as Per the Consequential Order for Compliance of 28th November 2005 Concerning the Preparation and Presentation of the Defence Case, 5 December 2005; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, 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; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Materials Filed by the Third Accused Allieu Kondewa Pursuant to Consequential Order for Compliance with the Order Concerning Preparation and Presentation of the Defence Case, 5 December 2005.

⁸⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Prosecution Request for Order to Defence Pursuant to Rule 73ter to Disclose Written Witness Statements, 6 December 2005.

⁹⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Prosecution Request for Order to the Defence Pursuant to Rule 173ter(B) to Disclose Written Witness Statements (TC), 21 February 2006.

⁹¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order to the Defence for the Filing of an Evidentiary Chart (TC), 9 December 2005.

⁹² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Consequential Order to the Status Conference of 18 January 2006 (TC), 18 January 2006.

witness lists, witness orders and other materials.⁹³ Each of the Accused continued to file updated information until the end of May 2006.

47. Counsel for Norman submitted a request to file additional witness and exhibit lists on 1 February 2006.⁹⁴ The Chamber ordered that Norman should re-file his request to include details about the proposed witnesses and their proposed testimony.⁹⁵ After a second Order to re-file,⁹⁶ the Chamber granted the motion in part.⁹⁷ Another motion for leave to file additional exhibits was granted by the Chamber on 31 July 2006.⁹⁸

48. Following the March 2006 Status Conference, the Chamber issued a Consequential Order to each of the Accused to file a list of common witnesses and summaries of their testimonies.⁹⁹

49. On 3 April 2006, Counsel for Kondewa filed a statement of admissions of fact and statement of matters not in dispute.¹⁰⁰ Counsel for Fofana filed a similar admission on 25 April 2006,¹⁰¹ parts of which were disputed by the Prosecution.¹⁰² Counsel for Norman filed his admissions and statement of facts on 5 May 2006 with the Prosecution's suggested changes.¹⁰³

⁹³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-I, Fofana Materials Filed Pursuant to the Consequential Order to the Status Conference of 18 January 2006, 23 January 2006; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Materials for the First Accused as per Consequential Order to the Status Conference of 18 January 2006, 23 January 2006; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Materials Filed by Third Accused Allieu Kondewa Pursuant to Consequential Order to the Status Conference of 18 January 2006, 23 January 2006.

⁹⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Urgent Motion for Leave to File Additional Witness and Exhibit Lists, 1 February 2006.

⁹⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order to the First Accused to Re-File Summaries of Witness Testimonies (TC), 2 March 2006.

⁹⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Consequential Order to the Status Conference of 22 March 2006 (TC), 24 March 2006.

⁹⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on First Accused's Urgent Motion for Leave to File Additional Witness and Exhibit Lists (TC), 6 April 2006.

⁹⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-I, Decision on the First Accused's Motion for Leave to Add Two Exhibits to the Exhibit List (TC), 31 July 2006.

⁹⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Consequential Order to the Status Conference of 22 March 2006 (TC), 23 March 2006.

¹⁰⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Submissions by Counsel for the Third Accused Allieu Kondewa Pursuant to the Consequential Order to the Status Conference of the 22nd Day of March 2006, 3 April 2006.

¹⁰¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Public Fofana Admissions of Fact and Statement of Matters Not in Dispute, 25 April 2006.

¹⁰² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Prosecution Response to 'Public Fofana Admissions of Fact and Statement of Matters Not in Dispute', 1 May 2006.

¹⁰³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Admissions by the Parties and a Statement of Other Matters Which are not in Dispute, Filed by Court Appointed Counsel for the first Accused, 5 May 2006.

50. On 6 June 2006, Counsel for Norman filed a motion to defer further evidence and the closing of the Defence case until the September-December 2006 Trial Session.¹⁰⁴ The Chamber found that enough time had been allotted for Norman's Defence and denied the motion with the exception of allowing Major General Abdul One Mohammed and J.A. Carpenter to testify during the September-December 2006 Trial Session. Alternatively, Counsel for Norman could enter exhibits in lieu of the testimony of JA Carpenter.¹⁰⁵ A request for an extension of time to file a complete submission of documents pursuant to the Decision was denied.¹⁰⁶ Leave to appeal was also denied.¹⁰⁷

51. On 8 June 2006, the Chamber dismissed motions from Kondewa and Fofana requesting leave to raise evidentiary objections during the Prosecution's cross-examination of witnesses that were not their own.¹⁰⁸

52. On 27 June 2006 Counsel for Fofana submitted a notice of removal of several witnesses from Fofana's witness list.¹⁰⁹ In a separate motion filed on the same day, Counsel for Fofana applied to call additional witnesses.¹¹⁰ The Chamber rendered its Decision on 17 July 2006 allowing seven of eight new witnesses.¹¹¹

¹⁰⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Norman Motion to Defer Further Evidence and Closing of His Case to September-December Trial Session, 6 June 2006.

¹⁰⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Norman Motion to Defer Further Evidence and Closing of His Case to September-December Trial Session (TC), 14 June 2006 (filed on 15 June 2006).

¹⁰⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on First Accused Urgent Motion for Extension of Time to Submit Documents Pursuant to Rule 92Bis (TC), 28 June 2006 (filed on 29 June 2006).

¹⁰⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Application by First Accused for Leave to Appeal Against The Decision on Their Motion For Extension of Time to Submit Documents Pursuant to Rule 92Bis (TC), 17 July 2006 (filed on 18 July 2006).

¹⁰⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the Third and Second Accused's Request For Leave to Raise Evidentiary Objections (TC), 8 June 2006 (filed on 9 June 2006).

¹⁰⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Additional Fofana Notice of Reduction of Witnesses, 27 June 2006 (filed on 28 June 2006).

¹¹⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Fofana Application for Leave to Call Additional Witnesses, 27 June 2006 (filed on 28 June 2006).

¹¹¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Fofana Application for Leave to Call Additional Witnesses (TC), 17 July 2006 (filed on 18 July 2006).

53. Counsel for Kondewa filed a request to call additional witnesses on 29 August 2006.¹¹² The motion was granted.¹¹³ A second motion to allow the addition of witness Morie Jusu Kamara to the witness list was also granted.¹¹⁴

54. On 24 October 2006, Counsel for Fofana filed a request pursuant to Rule 68 in which it submitted that the Prosecution had failed to disclose exculpatory evidence to the Defence. This gave rise to concerns that other important materials were also not disclosed. The motion was dismissed after the Chamber found that the material in question was not exculpatory in nature.¹¹⁵

16. Defence Witnesses

55. Following an oral motion by Counsel for Fofana, the Chamber released its Decision concerning disclosure under Sub-Rule 66(A)(iii). Counsel for Fofana had requested access to material statements and interview notes which had been given to the Prosecution by Fofana Defence Witnesses. The Chamber granted the motion, holding that Sub-Rule 66(A)(iii) was broad enough to allow the Defence access.¹¹⁶

16.1. Propriety of Contacting Defence Witnesses

56. On 11 May 2006, Counsel for each of the Accused submitted a joint request for clarification as to the propriety of the Prosecution contacting and interviewing confirmed Defence witnesses.¹¹⁷ The Chamber held that the Prosecution has a qualified right to contact Defence witnesses but could only contact them through the Witness and Victim Section of the Special

¹¹² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Kondewa Application for Leave to Call Additional Witnesses, 29 August 2006.

¹¹³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Kondewa Application for Leave to Call Additional Witnesses (TC), 20 September 2006.

¹¹⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Kondewa Application for Leave to Call One Additional Witness (TC), 3 October 2006.

¹¹⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Fofana Request for Full Review of Prosecution Evidence to Identify Rule 68 Material for Disclosure (TC), 6 November 2006.

¹¹⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Application by the Second Accused Pursuant to Sub-Rule 66(A)(iii) (TC), 14 June 2006.

¹¹⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Urgent Joint Defence Motion Regarding the Propriety of Contacting Defence Witnesses, 11 May 2006.

no errors of law or abuse of the Trial Chamber's discretion had been committed and dismissed the appeals.¹²⁵

16.4. Major-General Abdul One Mohammed

59. The testimony of Major-General Abdul One Mohammed was deferred to the September-December Trial Session as a result of a 17 July 2006 Order of the Chamber.¹²⁶ His expanded witness summary was submitted on 14 July 2006.¹²⁷ On 8 September 2006, Counsel for Norman notified the Chamber of Mohammed's continuing health problems and requested permission to admit documents in lieu of his oral testimony, pursuant to Rules 89(c) and 92Bis.¹²⁸ The motion was granted.¹²⁹

16.5. Daniel J Hoffman PhD.

60. Fofana filed a request to add Daniel J. Hoffman PhD, an expert in socio-cultural anthropology, as an expert witness on 16 June 2006, on the basis that he would assist the Chamber in understanding the structure and organization of the CDF.¹³⁰ The Chamber accepted Dr. Hoffman as an expert witness.¹³¹ The Prosecution notified Counsel for Fofana of their intention to cross-examine Dr. Hoffman on 29 August 2006.¹³²

¹²⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Motions by the First and Second Accused for Leave to Appeal the Chambers Decision on their Motions for the Issuance of a Subpoena to the President of the Republic of Sierra Leone (TC), 28 June 2006 (filed on 29 June 2006).

¹²⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-A, Decision on the Interlocutory Appeals Against Trial Chambers Decision Refusing to Subpoena the President of Sierra Leone (AC), 11 September 2006 (filed on 11 September 2006).

¹²⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Norman Motion to Defer Further Evidence and Closing of His Case to September-December Trial Session (TC), 14 June 2006 (filed on 15 June 2006).

¹²⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Expanded Witness Summary of Maj-Gen. Abdul One Mohammed, 14 July 2006.

¹²⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, First Accused Request to Admit Certain Documents in Lieu of the Oral Testimony of Major-General Abdul-One Mohammed Pursuant to Rules 89(c) and 92bis and Request for Clarification on Procedure for Closing, 8 September 2006.

¹²⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Norman Request to Admit Documents in Lieu of the Testimony of Abdul-One Mohammed Pursuant to Rules 89(c) and 92bis (TC), 15 September 2006.

¹³⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Fofana Submission Regarding Proposed Expert Witness Daniel J. Hoffman PhD, 16 June 2006.

¹³¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Fofana Submissions Regarding Proposed Expert Witness Daniel J. Hoffman PhD (TC), 7 July 2006.

¹³² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Public Notice of Intention to Cross-Examine Defence Witness Daniel J. Hoffman, PhD, 29 August 2006.

16.6. Fofana Motion Pursuant to Rule 92bis

61. In a motion filed on 27 September 2006, Counsel for Fofana requested permission to submit into evidence the statements of two witnesses unable to attend the trial in person.¹³³ The Chamber granted the motion in part, striking out inadmissible portions of the statement of one of the witnesses.¹³⁴

17. Final Trial Briefs

62. On 29 September 2006, the Chamber issued an Order to the Parties to file their final trial briefs no more than three weeks after the close of the Defence case.¹³⁵ The Chamber later granted a joint motion from the Prosecution and Defence teams to extend the deadline.¹³⁶ The final filings for each Accused occurred following the close of the trial. Norman's was filed on 27 November 2006, Fofana's on 24 November 2006 and Kondewa's on 8 January 2007.¹³⁷ The Prosecution submitted its final version of the Prosecution Final Trial Brief on 15 December 2006.¹³⁸

18. Death of Norman

63. Norman died on 22 February 2007 following a medical procedure in Dakar, Senegal.

64. In its Decision of 21 May 2007, the Chamber held that as a result of Norman's death, the Chamber had lost its jurisdiction *ratione personae* over the Accused Norman. The Chamber held that by virtue of the doctrine of abatement or extinguishment, there could be no further proceedings in respect of the Accused Norman. The Chamber therefore found that all proceedings against Norman were legally terminated as a result of his death. Consequently, the Chamber

¹³³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Fofana Request to Admit Evidence Pursuant to Rule 92bis, 27 September 2006.

¹³⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Fofana Request to Admit Evidence Pursuant to Rule 92bis (TC), 9 October 2006 (filed on 10 October 2006).

¹³⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order for Filing Final Trial Briefs and Presenting Closing Arguments (TC), 29 September 2006.

¹³⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Scheduling Order for Filing Final Trial Briefs and Presenting Closing Arguments (TC), 18 October 2006.

¹³⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Norman Final Trial Brief, 27 November 2006; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Fofana Final Trial Brief, 24 November 2006; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Final Trial Brief of Third Accused, Allieu Kondewa, Re-Filed Pursuant to Decision I dated 15th December 2006, 8 January 2007.

¹³⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Public Prosecution Filing, Pursuant to Order to Refile page 119, Registry page 20659 of Prosecution Final Trial Brief, dated 27th November 2006, 15 December 2006.

Court. Interviews could only be conducted after a witness had given informed consent and the witness had a right to refuse to be interviewed.¹¹⁸

16.2. Impermissibility of Eliciting Evidence Concerning the Second Accused During Cross-Examination of a Witness Called by the Third Accused

57. On 10 November 2006, the Chamber issued a written Decision following an oral objection made by Counsel for Fofana during the cross-examination of a witness for Kondewa. The Chamber sustained the objection stating that in the absence of notice to the Fofana of the areas to be discussed during cross-examination, questions involving Fofana were manifestly unfair to the Defence.¹¹⁹

16.3. Motion for Issuance of Subpoena to President Kabbah

58. On 15 December 2005, Counsel for Norman and Fofana filed motions for the issuance of a subpoena *ad testificandum* to President Ahmed Tejan Kabbah.¹²⁰ The Attorney General sent a written Notice to the Registrar stating that if a subpoena was issued to the President, the Attorney General intended to apply for it to be set aside.¹²¹ On 19 January 2006, the Chamber granted the Attorney General leave to intervene and present oral arguments in relation to the subpoena.¹²² The Chamber rendered its Decision on 13 June 2006. The motions were dismissed as the Applicants had failed to demonstrate how the proposed testimony would materially assist their respective cases.¹²³ Leave to appeal was granted.¹²⁴ In the Appeals Chamber, the majority held that

¹¹⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Joint Defence Motion Regarding the Propriety of Contacting Defence Witnesses (TC), 20 June 2006.

¹¹⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the Impermissibility of Eliciting Evidence Involving the Second Accused Through Cross-Examination of Witnesses Called by the Third Accused (1C), 10 November 2006.

¹²⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Fofana Motion for Issuance of a Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah, 15 December 2005; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Norman Motion for Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr. Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, 15 December 2005 (filed on 16 December 2005).

¹²¹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Re: Application by Motion of Moinina Fofana and Samuel Hinga Norman for Issuance of Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah, 17 January 2006 (filed on 19 January 2006).

¹²² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order on the Motion for Issuance of a Subpoena *Ad Testificandum* to H.E. Dr. Ahmed Tejan Kabbah, the President of the Republic of Sierra Leone and Leave to Intervene (1C), 19 January 2006 (filed on 20 January 2006).

¹²³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Motions on Issuance of a Subpoena to President Kabbah (TC), 13 June 2006 (filed on 14 June 2006).

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determined that it would not make a final pronouncement on his guilt or innocence, though the evidence would be considered in its entirety for the remaining two Accused.¹³⁹ Defence for Norman sought leave for an extension of time to appeal this decision, which was denied.¹⁴⁰

65. The majority of the Chamber removed Norman's name and those of his lawyers from the cover sheets of further Decisions.¹⁴¹ The Hon. Justice Itoe dissented, holding that this issue had not been raised by the parties and that the Chamber could not decide it on its own motion. He held further that Norman's name should continue to feature in the name of the indictment up until the date of judgement as there had been no order nor application to remove it.¹⁴²

19. Miscellaneous

19.1. Media

66. On 4 October 2004, the Chamber authorized representatives of the Press and Public Affairs office to film in the Courtroom during trial proceedings, except during closed sessions.¹⁴³ Other requests for filming on specific dates were authorized for NBC,¹⁴⁴ Reuters Television,¹⁴⁵ and Radio Suisse Romande Espace 2.¹⁴⁶ At different times during the trial, two photographers were

¹³⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Registrar's Submission of Evidence of Death of Accused Samuel Hinga Norman and Consequential Issues (TC), 21 May 2007.

¹⁴⁰ *Prosecutor v. Kondewa and Fofana*, SCSL-04-14-T, Decision on Norman Defence Motion for Extension of Time to Seek Leave to Appeal Against Decision on Registrar's Submission of Evidence of the Death of Accused Samuel Hinga Norman and Consequential Issues (TC), 19 July 2007.

¹⁴¹ *Prosecutor v. Kondewa and Fofana*, SCSL-04-14-T, Order on New Application for the Appointment of Co-Counsel to for the Taylor Defence Team (TC), 22 June 2007.

¹⁴² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Dissenting Opinion of Hon. Justice Benjamin Mutanga Itoe on the Majority Decision to Delete the Name of the First Accused, Samuel Hinga Norman (Now Deceased) from the Cover Sheets of Chamber Rulings, Decisions, Court Process and Records (TC), 22 June 2007.

¹⁴³ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order to Permit Filming in the Court Room (TC), 4 October 2004.

¹⁴⁴ *Prosecutor v. Norman, Fofana and Kondewa*, Order to Permit Filming in the Court Room, (TC), 26 November 2004; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Corrigendum to Order to Permit Filming in the Court Room (TC), 30 November 2004.

¹⁴⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order to Permit Filming in the Court Gallery (TC), 1 June 2005 (filed on 2 June 2005).

¹⁴⁶ *Prosecutor v. Hinga Norma, Fofana, Kondewa*, SCSL-04-14-T, Order to Permit Filming in the Court Gallery (TC), 1 June 2005 (filed on 2 June 2005).

authorized to take still photos of the trial proceedings with limitations based on witness protection and the fairness of the trial.¹⁴⁷

19.2. Trial Monitoring

67. Following a request by international monitors operating under the auspices of the War Crimes Studies Centre of the University of California at Berkley, and national monitors operating under the auspices of the Coalition for Justice and Accountability and the International Centre for Transitional Justice, national and international monitors were permitted to observe closed sessions of the Trial Chamber.¹⁴⁸ The number of authorized persons was later increased.¹⁴⁹ A further Order was issued authorizing continued monitoring and detailing certain restrictions on the number of monitors and use of information gathered during closed sessions.¹⁵⁰

19.3. Prohibition of Visits

68. On 20 January 2004, the Registrar prohibited communications and visits for Norman for a period of 14 days after a Prosecution motion demonstrated that Norman may have been prepared to call various factions to arms.¹⁵¹

69. As a result of several letters written by Norman being published in local newspapers, on 8 November 2004, the Registrar prohibited all visits between Norman and any other persons, with the exception of Court Appointed Counsel, for a period of four weeks.¹⁵²

70. On 6 June 2005, the Registrar again prohibited communications and visits for Norman for a period of 28 days after learning that Norman was responsible for writing and sending a letter "To

¹⁴⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order to Permit Photography in Court Room (TC), 14 February 2005; *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order to Permit Photography in Courtroom (TC), 25 May 2006.

¹⁴⁸ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order on Trial Monitoring During Closed Session (TC), 27 October 2004.

¹⁴⁹ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Order on Trial Monitoring During Closed Session (TC), 5 November 2004.

¹⁵⁰ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Further Order on Trial Monitoring during Closed Session (TC), 7 February 2006.

¹⁵¹ *Prosecutor v. Norman*, SCSL-03-08-PT, Decision Prohibiting Communications and Visits (TC), 20 January 2004 (filed on 24 January 2004).

¹⁵² *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision Prohibiting Visits (TC), 8 November 2004.

all South Easterners of Sierra Leone and all Kamajors, Family and Friends". A motion to reverse the Registrar's decision was dismissed.¹⁵³

71. On 3 March 2005, the Chamber rendered a confidential decision on a confidential Defence motion on a detention issue.¹⁵⁴

19.4. Surveillance Cameras in the Detention Facility

72. On 6 April 2006, the Chamber issued a Decision allowing the installation of surveillance cameras in the visitation area of the detention facility.¹⁵⁵ A Reasoned Written Decision followed on 22 June 2006. The Chamber found that the Principal Defender lacked standing to bring the motion since the role of the Principal Defender was administrative not legal.¹⁵⁶

19.5. Right of Audience for Mr. Ianuzzi

73. Counsel for Fofana requested that the Chamber grant Mr. Ianuzzi, a legal assistant for the Fofana Defence team, a right of audience to make submissions and lead witnesses before the Chamber for the duration of the Defence case. On 27 June 2006, the Chamber dismissed the motion as not properly before the Court. The Chamber stated that it only has jurisdiction to appoint Counsel when necessary and to review decisions of the Principle Defender when they violate the rights of the Accused.¹⁵⁷

¹⁵³ *Prosecutor v. Norman*, SCSL-04-14-T, Decision on Request to Reverse the Order of the Acting Registrar Under Rule 47(A) of the Rules of Detention of 6 June 2005 (TC), 29 June 2005.

¹⁵⁴ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Confidential Motion on Detention Issue (TC), 2 March 2005.

¹⁵⁵ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on the Principal Defender's Motion for a Review of the Registrar's Decision to Install Surveillance Cameras in the Detention Facility (TC), 6 April 2006.

¹⁵⁶ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Written Reasons on Decision on the Principal Defender's Motion for a Review of the Registrar's Decision to Install Surveillance Cameras in the Detention Facility (TC), 22 June 2006.

¹⁵⁷ *Prosecutor v. Norman, Fofana and Kondewa*, SCSL-04-14-T, Decision on Application by Court Appointed Counsel for the Second Accused for Right of Audience for Mr. Ianuzzi (TC), 27 June 2006.

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ANNEX G: TABLE OF AUTHORITIES

1. Special Court for Sierra Leone Decisions and Judgements

Full Citation	Short Name (If Applicable)
<i>Prosecutor v. Norman, Fofana and Kondewa</i>	
<i>Prosecution v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Fofana Request to Admit Evidence Pursuant to Rule 92bis (TC), 9 October 2006.	
<i>Prosecution v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Norman Request to Admit Documents in Lieu of Oral Testimony of Abdul One-Mohammed Pursuant to Rules 89(C) and 92bis (TC), 15 September 2006.	
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Motions for Judgment of Acquittal pursuant to Rule 98 (TC), 21 October 2005.	Rule 98 Decision.
<i>Prosecution v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Prosecution's Request to Admit into Evidence Certain Documents Pursuant to Rules 92bis and 89(C) (TC), 14 July 2005.	
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures (TC), 21 June 2005.	Norman Decision on Additional Witnesses.
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Reasoned Majority Decision on Prosecution Motion for a Ruling on the Admissibility of Evidence (TC), 24 May 2005.	Admissibility of Evidence Decision.
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Amendment of the Consolidated Indictment (AC), 16 May 2005.	
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-A, Fofana - Decision on Appeal Against "Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence" (AC), 16 May 2005.	Appeal Decision on Judicial Notice.
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-A, Fofana - Appeal Against Decision Refusing Bail (AC), 11 March 2005.	Fofana Bail Appeal.
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on the First Accused's Motion for Service and Arraignment on the Consolidated Indictment (TC), 29 November 2004.	
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Disclosure of Witness Statements and Cross-Examination (TC), 16 July 2004.	Norman Decision on Disclosure of Witness Statements.
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-T, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses (TC), 8 June 2004.	
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-PT, Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence (TC),	Trial Decision on Judicial Notice.

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2 June 2004.	
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-PT, Decision on the Preliminary Defence Motion on the Lack of Personal Jurisdiction filed on behalf of Accused Fofana (TC), 3 March 2004.	Decision on Personal Jurisdiction.
<i>Prosecutor v. Norman, Kondewa and Fofana</i> , SCSL-04-14-AR72(E), Decision on Preliminary Motion based on Lack of Jurisdiction (Child Recruitment) (AC), 31 May 2004.	Appeal Decision on Child Recruitment.
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-04-14-A, Decision on Preliminary Motion on Lack of Jurisdiction <i>Materiae</i> : Nature of the Armed Conflict (AC), 25 May 2004.	Appeal Decision on Nature of Armed Conflict.
<i>Prosecutor v. Norman, Fofana and Kondewa</i> , SCSL-2004-14-PT, Indictment, 4 February 2004.	
<i>Prosecutor v. Norman</i>	
<i>Prosecutor v. Norman</i> , SCSL-03-08-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure (TC), 23 May 2003.	
<i>Prosecutor v. Fofana</i>	
<i>Prosecutor v. Fofana</i> , SCSL-03-11-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure (TC), 16 October 2003.	
<i>Prosecutor v. Kondewa</i>	
<i>Prosecutor v. Kondewa</i> , SCSL-03-12-PT, Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment (TC), 27 November 2003.	Kondewa Decision.
<i>Prosecutor v. Kondewa</i> , SCSL-03-12-PT, Ruling on the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure and urgent Request for Interim Measures until Appropriate Protective Measures are in Place (TC), 10 October 2003.	
<i>Prosecutor v. Sesay, Kallon and Gbao</i>	
<i>Prosecutor v. Sesay, Kallon and Gbao</i> , SCSL-04-15-T, Oral Decision on RUF Motions for Judgement of Acquittal Pursuant to Rule 98, 25 October 2006.	Sesay et al. Rule 98 Oral Decision.
<i>Prosecutor v. Sesay, Kallon and Gbao</i> , SCSL-04-15-T, Decision on Prosecution Motion to Admit into Evidence a Document Referred to in Cross-Examination (TC), 2 August 2006.	
<i>Prosecutor v. Sesay, Kallon and Gbao</i> , SCSL-04-15-T, Written Reasoned Ruling on Defence Evidentiary Objections Concerning Witness TF1-108 (TC), 15 June 2006.	
<i>Prosecutor v. Sesay, Kallon and Gbao</i> , SCSL-04-15-T, Ruling on Gbao	

Application to Exclude Evidence of Prosecution Witness Mr. Koker (TC), 23 May 2005.	
<i>Prosecutor v. Sesay, Kallon and Gbao</i> , SCSL-04-15-PT and <i>Prosecutor v. Brima, Kamara and Kanu</i> , SCSL-04-16-PT, Decision on the Prosecution Motion for Concurrent Hearing of Evidence Common to Cases SCSL-04-15-PT and SCSL-04-16-PT (TC), 11 May 2004.	
<i>Prosecutor v. Sesay</i>	
<i>Prosecutor v. Sesay</i> , SCSL-2003-05-PT, Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment (TC), 13 October 2003.	Sesay Decision.
<i>Prosecutor v. Sesay</i> , SCSL-2003-05-1, Indictment, 7 March 2003.	
<i>Prosecutor v. Gbao</i>	
<i>Prosecutor v. Gbao</i> , SCSL-03-09-1, Order on the Urgent Request for Direction on the Time to Respond to and/or an Extension on Time for the Filing of a Response to the Prosecution Motions And The Suspension of any Ruling on the Issue of Protective Measures that may be Pending before other Proceedings before the Special court as a Result of Similar Motions Filed to those that have been Filed by the Prosecution in this Case (TC), 16 May 2003.	
<i>Prosecutor v. Brima, Kamara and Kanu</i>	
<i>Prosecutor v. Brima, Kamara and Kanu</i> , SCSL-04-16-T, Judgement (TC), 20 June 2007	
<i>Prosecutor v. Brima, Kanu and Kamara</i> , SCSL-03-16-T, Decision on Defence Motions for Judgement of Acquittal Pursuant to Rule 98 (TC), 31 March 2006.	<i>Brima et al.</i> Rule 98 Decision.
<i>Prosecutor v. Sesay, Kallon and Gbao</i> , SCSL-04-15-PT and <i>Prosecutor v. Brima, Kamara and Kanu</i> , SCSL-04-16-PT, Decision on the Prosecution Motion for Concurrent Hearing of Evidence Common to Cases SCSL-04-15-PT and SCSL-04-16-PT (TC), 11 May 2004, para 38.	
<i>Prosecutor v. Brima, Kamara and Kanu</i> , SCSL-04-16-PT, Decision and Order on Defence Preliminary Motion on Defects in the Form of the Indictment (TC), 1 April 2004.	<i>Kamara</i> Decision on Form of Indictment.
<i>Prosecutor v. Kanu</i>	
<i>Prosecutor v. Kanu</i> , SCSL-2003-13-PT, Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment (TC), 19 November 2003.	<i>Kanu</i> Decision.

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2. International Criminal Tribunal for Rwanda Decisions and Judgements

Full Citation	Short Name (If Applicable)
<i>Prosecutor v. Akayesu</i>	
<i>Prosecutor v. Akayesu</i> , ICTR-96-4-A, Judgement (AC), 1 June 2001.	<i>Akayesu</i> Appeal Judgement.
<i>Prosecutor v. Akayesu</i> , ICTR-96-4-T, Judgement (TC), 2 September 1998.	<i>Akayesu</i> Trial Judgement.
<i>Prosecutor v. Akayesu</i> , ICTR-96-4-T, Decision on a Defence Motion for the Appearance of an Accused as an Expert Witness (TC), 9 March 1998.	
<i>Prosecutor v. Bagilishema</i>	
<i>Prosecutor v. Bagilishema</i> , ICTR-95-1A-1, Judgement (Reasons) (AC), 3 July 2002.	<i>Bagilishema</i> Appeal Judgement.
<i>Prosecutor v. Bagilishema</i> , ICTR-95-1A-T, Judgement (TC), 7 June 2001.	<i>Bagilishema</i> Trial Judgement.
<i>Prosecutor v. Bagosora, Kabiligi, Ntabakuze and Nsengiyumva</i>	<i>Bagosora</i> Appeal Decision
<i>Prosecutor v. Bagosora</i> , ICTR-98-41-AR73, Decision on Aloys Ntabakuze's Interlocutory Appeal on Questions of Law Raised by the 29 June 2006 Trial Chamber Decision (AC), 18 December 2006.	
<i>Prosecutor v. Gacumbitsi</i>	
<i>Prosecutor v. Gacumbitsi</i> , ICTR-01-64-A, Judgement (AC), 7 July 2006.	<i>Gacumbitsi</i> Appeal Judgement.
<i>Prosecutor v. Gacumbitsi</i> , ICTR-2001-64-T, Judgment (TC), 17 June 2004.	<i>Gacumbitsi</i> Trial Judgement.
<i>Prosecutor v. Kajelijeli</i>	
<i>Prosecutor v. Kajelijeli</i> , ICTR-98-44A-A, Judgement (AC), 23 May 2005.	<i>Kajelijeli</i> Appeal Judgement.
<i>Prosecutor v. Kamuhanda</i>	
<i>Prosecutor v. Kamuhanda</i> , ICTR-99-54A-A, Judgement (AC), 19 September 2005.	<i>Kamuhanda</i> Appeal Judgement.
<i>Prosecutor v. Karemera, Ngirumpatse and Nzirorera</i>	
<i>Prosecutor v. Karemera, Ngirumpatse and Nzirorera</i> , ICTR-98-44-AR72.5, ICTR-98-44-AR72.6, Decision on Jurisdictional Appeals: Joint Criminal Enterprise (AC), 12 April 2006.	<i>Karemera</i> Appeal Decision on Joint Criminal Enterprise.
<i>Prosecutor v. Kayishema and Ruzindana</i>	
<i>Prosecutor v. Kayishema and Ruzindana</i> , ICTR-95-1-T, Judgement (TC), 21 May 1999.	<i>Kayishema and Ruzindana</i> Trial Judgement.
<i>Prosecutor v. Musema</i>	
<i>Prosecutor v. Musema</i> , ICTR-96-13-A, Judgement (AC), 16 November 2001.	<i>Musema</i> Appeal Judgement.
<i>Prosecutor v. Musema</i> , ICTR-96-13-T, Judgement and Sentence (TC), 27	<i>Musema</i> Trial Judgement.

January 2000.	
<i>Prosecutor v. Niyitegeka</i>	
<i>Prosecutor v. Niyitegeka</i> , ICTR-96-14-A, Judgement (AC), 9 July 2004.	
<i>Prosecutor v. Ntagerura, Bagambiki and Imanishimwe</i>	
<i>Prosecutor v. Ntagerura, Bagambiki and Imanishimwe</i> , ICTR-99-46-A, Judgement (AC), 7 July 2006.	
<i>Prosecutor v. Ntakirutimana and Ntakirutimana</i>	
<i>Prosecutor v. Ntakirutimana and Ntakirutimana</i> , ICTR-96-10-A and ICTR-96-17-A, Judgement (AC), 13 December 2004.	Ntakirutimana Appeal Judgement.
<i>Prosecutor v. Rutaganda</i>	
<i>Prosecutor v. Rutaganda</i> , ICTR-96-3-A, Judgement (AC), 26 May 2003.	Rutaganda Appeal Judgement.
<i>Prosecutor v. Rutaganda</i> , ICTR-96-3-T, Judgement and Sentence (TC), 6 December 1999.	Rutaganda Trial Judgement.
<i>Prosecutor v. Semanza</i>	
<i>Prosecutor v. Semanza</i> , ICTR-97-20-A, Judgement (AC), 20 May 2005.	Semanza Appeal Judgement.
<i>Prosecutor v. Semanza</i> , ICTR-97-20-T, Judgement and Sentence (TC), 15 May 2003.	Semanza Trial Judgement.

3. International Criminal Tribunal for the Former Yugoslavia Decisions and Judgements

Full Citation	Short Name (If Applicable)
<i>Prosecutor v. Aleksovski</i>	
<i>Prosecutor v. Aleksovski</i> , IT-95-14/1-T, Judgement (TC), 25 June 1999.	Aleksovski Trial Judgement.
<i>Prosecutor v. Aleksovski</i> , IT-95-14/1-AR73, Decision on Prosecutor's Appeal on Admissibility of Evidence (AC), 16 February 1999.	Aleksovski Decision on Hearsay Evidence.
<i>Prosecutor v. Babic</i>	
<i>Prosecutor v. Babic</i> , IT-03-72-A, Judgement on Sentencing Appeal (AC), 18 July 2005.	Babic Judgement on Sentencing Appeal.
<i>Prosecutor v. Blagojevic</i>	
<i>Prosecutor v. Blagojevic</i> , IT-02-60-T, Judgement (TC), 17 January 2005.	Blagojevic Trial Judgement.
<i>Prosecutor v. Blaskic</i>	
<i>Prosecutor v. Blaskic</i> , Case No. IT-95-14-A, Judgement (AC), 29 July 2004.	Blaskic Appeal Judgement.
<i>Prosecutor v. Blaskic</i> , IT-95-14-T, Judgement (TC), 3 March 2000.	Blaskic Trial Judgement.

<i>Prosecutor v. Brdjanin</i>	
<i>Prosecutor v. Brdjanin</i> , IT-99-36-A, Judgement (AC), 3 April 2007.	<i>Brdjanin Appeal Judgement.</i>
<i>Prosecutor v. Brdjanin</i> , IT-99-36-T, Judgement (TC), 1 September 2004.	<i>Brdjanin Trial Judgement.</i>
<i>Prosecutor v. Brdjanin and Talic</i> , IT-99-36-PT, Decision on Form of Further Amended Indictment and Prosecution Application to Amend (TC), 26 June 2001.	
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<i>Prosecutor v. Kvočka, Kos, Radic, Zigic and Prcac</i> , IT-98-30/1-T, Judgement (TC), 2 November 2001.	<i>Kvočka et al. Trial Judgement.</i>
<i>Prosecutor v. Limaj, Bala and Musliu</i>	
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ANNEX H: TABLE OF ABBREVIATIONS

AFRC	Armed Forces Revolutionary Council
AK-47	Avtomat Kalashnikova 1947
CDF	Civil Defence Forces
CO	Commanding Officer
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
ERECOM	Eastern Region Defence Committee
GPMG	General Purpose Machine Gun
G3	Gewehr 3
ICTR	International Criminal Court for Rwanda
ICTY	International Criminal Court for the former Yugoslavia
NCC	National Coordinating Committee
NDMC Headquarters	National Diamond Mining Corporation headquarters in Tongo
OAU	Organisation of African Unity
OC	Officer Constable
Rebels	AFRC and RUF forces
Ronkos	cotton cloths with talismans
RPG	Rocket propelled grenade
RUF	Revolutionary United Front
Rules	Rules of Procedure and Evidence
SCSL	Special Court for Sierra Leone
SLA	Sierra Leone Army
SS Camp	Special Security Camp
SSD	State Security Division
UNDP	United Nations Development Programme