



SPECIAL COURT FOR SIERRA LEONE

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TRIAL CHAMBER I

Before: Hon. Justice Benjamin Mutanga Itoe, Presiding Judge  
Hon. Justice Bankole Thompson  
Hon. Justice Pierre Boutet  
Registrar: Robin Vincent  
Date: 23<sup>rd</sup> of May, 2005

PROSECUTOR Against SAM HINGA NORMAN  
MOININA FOFANA  
ALLIEU KONDEWA  
(Case No.SCSL-04-14-T)

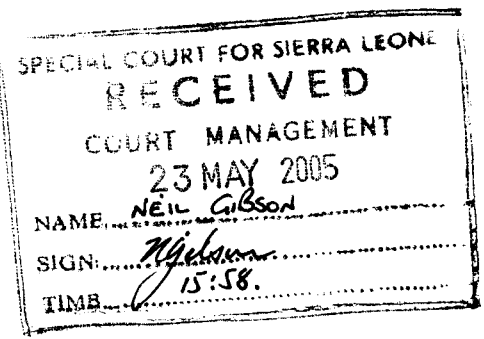
DECISION ON THE URGENT PROSECUTION MOTION FILED ON THE 15<sup>TH</sup> OF  
FEBRUARY 2005 FOR A RULING ON THE ADMISSIBILITY OF EVIDENCE

Office of the Prosecutor:  
Luc Côté  
James Johnson  
Kevin Tavener

Court Appointed Counsel for Sam Hinga Norman:  
Dr. Bu-Buakei Jabbi  
John Wesley Hall, Jr.

Court Appointed Counsel for Moinina Fofana:  
Michiel Pestman  
Arrow Bockarie  
Victor Koppe

Court Appointed Counsel for Allieu Kondewa:  
Charles Margai  
Yada Williams  
Ansu Lansana



**TRIAL CHAMBER I** ("The Chamber") of the Special Court for Sierra Leone ("Special Court") composed of Hon. Justice Benjamin Mutanga Itoe, Presiding Judge, Hon. Justice Bankole Thompson, and Hon. Justice Pierre Boutet;

**SEIZED** of the *Urgent Prosecution Motion for a Ruling on the Admissibility of Evidence* filed by the Prosecution on the 15<sup>th</sup> of February, 2005;

**NOTING** the *Response of First Accused to Prosecution's "Urgent Prosecution Motion for a Ruling on the Admissibility of Evidence" and Objection to Other Crimes Evidence*, filed by Court Appointed Counsel for the First Accused on the 18<sup>th</sup> of February, 2005;

**NOTING** the *Prosecution Reply to 'Response of First Accused to Prosecution's "Urgent Prosecution Motion for a Ruling on the Admissibility of Evidence" and Objection to Other Crimes Evidence'*, filed on the 23<sup>rd</sup> of February 2005;

**NOTING** the *Response of the Second Accused to Urgent Prosecution Motion for Ruling on the Admissibility of Evidence*, filed on the 25<sup>th</sup> of February, 2005;

**NOTING** the *Response of Third Accused to Prosecution's Urgent Motion for a Ruling on the Admissibility of Evidence*, filed on the 28<sup>th</sup> of February, 2005;

**NOTING** *Prosecution Reply to "Response of the Second Accused to Urgent Prosecution Motion for Ruling on the Admissibility of Evidence"*, filed on the 2<sup>nd</sup> of March, 2005;

**NOTING** the *Prosecution Reply to "Response of Third Accused to Prosecution's Urgent Motion for a Ruling on the Admissibility of Evidence"*, filed on the 4<sup>th</sup> of March, 2005;

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone ("Rules");

**ISSUES THE FOLLOWING DECISION:**

1. Having carefully considered the merits of the Urgent Motion filed by the Prosecution on the 15<sup>th</sup> of February 2005 for a Ruling on the Admissibility of Evidence seeking clarification on (i) the extent to which the Trial Chamber's Decision of the 20<sup>th</sup> of May, 2004, limits the adduction of particular relevant and admissible evidence, under existing counts in the Indictment, and (ii) the extent to which those portions of certain witnesses' testimonies relating to certain unlawful acts can be adduced under existing counts, as such Counts 3 and 4;
2. And having further carefully considered the Response of the Defence to the aforesaid Motion, and the Prosecution's Reply thereto;
3. The Chamber, by a Majority Decision, denies the Motion.

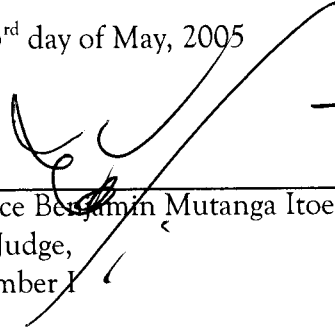
Hon. Justice Pierre Boutet dissents from the Majority Decision.

A reasoned written Decision will be published in due course to which shall be appended the Dissenting Opinion by Hon. Justice Pierre Boutet.

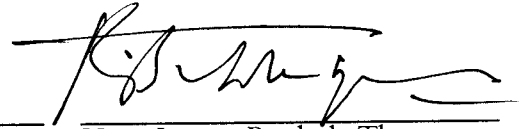
Done in Freetown, Sierra Leone, this 23<sup>rd</sup> day of May, 2005



Hon. Justice Pierre Boutet



Hon. Justice Benjamin Mutanga Itoe  
Presiding Judge,  
Trial Chamber I



Hon. Justice Bankole Thompson

[Seal of the Special Court for Sierra Leone]

