

THE TRIAL CHAMBER (“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 *Request for Leave to Amend the Indictment Against Norman* (“Motion”), filed by the Prosecution on the 8th of December, 2004;

NOTING the *First Accused Response to Prosecution’s Request for Leave to Amend the Indictment Against Norman* (“Response”), filed by Court Appointed Counsel for the First Accused on the 17th of December, 2004;

NOTING the *Reply to Defence Response to Prosecution’s Request for Leave to Amend the Indictment Against Norman* (“Reply”), filed by the Prosecution on the 14th of January, 2004;

NOTING the *Decision on the First Accused’s Motion for Service and Arraignment on the Consolidated Indictment*, issued by the Trial Chamber on the 29th of November 2004 (“Decision on Service and Arraignment”);

NOTING the *Decision on Amendment of the Consolidated Indictment*, rendered by the Appeals Chamber on the 18th of May, 2005, where the Appeals Chamber, pursuant to Article 20(2) of the Statute and Rule 106(B) of the Rules, exercised its appellate power to revise the Trial Chamber Decision, satisfied that the Defence would not be prejudiced by the amendment of the Consolidated Indictment and that it was in the interests of justice, granted “leave to the Prosecution to make all the amendments introduced without leave by way of changes to the consolidated indictment, including additional sub-paragraphs d) and e) in paragraph 24 and the corresponding additional sub-paragraphs e) and f) in counts 1 and 2 (paragraph 25)”, and that the Appeals Chamber then referred the matter to the “Trial Chamber to make any appropriate order necessary to ensure that the Defence is not incommoded”;

NOTING the *Decision on Presentation of Witness Testimony on Moyamba Crime Base*, rendered by the The Chamber on the 1st of March, 2005, where The Chamber decided “that the trial proceedings will continue against the Accused persons and that the Prosecution may present witnesses to give testimony on areas relating to the Moyamba crime base and that the Trial Chamber will make a determination on the relevance of this testimony to the First Accused upon the rendering of the Appeals Chamber’s Decision on this matter”;

NOTING that the Appeals Chamber in its Decision of the 18th of May, 2005, by granting leave to amend the Consolidated Indictment, determined that the “Districts of Moyamba and Bonthe” were areas now forming part of the Indictment against the First Accused;

NOTING Article 17(4) of the Statute and Rules 26bis, 47, 48, 50, 52, 61 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (“Rules”);

LEAVE HAVING BEEN GRANTED by the Appeals Chamber in its Decision of the 18th of May, 2005, for the Prosecution to make the amendments introduced without leave by way of changes to the Consolidated Indictment;

THE CHAMBER CONSEQUENTIALLY ORDERS AS FOLLOWS:

1. That the Consolidated Indictment approved on the 5th of February, 2004, is valid and continues in existence against the Accused, Sam Hinga Norman, Moinina Fofana and Allieu Kondewa, and that no further service or arraignment on this Consolidated Indictment is required;

2. That the amendments to the Consolidated Indictment against the First Accused, Sam Hinga Norman, consist of the following:

(a) Paragraph 23 - "and surrounding areas and the Districts of Moyamba and Bonthe".

(b) Paragraph 24 - "personal injury and the extorting of money from civilians"; "took control of"; and "unlawfully" destroyed and looted; and subparagraphs (d) and (e) which include:

"(d) Between October 1997 and December 1999, Kamajors attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke. As a result of the actions Kamajors continued to identify suspected "Collaborators" and others suspected to be not supportive of the Kamajors and their activities. Kamajors unlawfully killed an unknown number of civilians. They unlawfully destroyed and looted civilian owned property.

(e) Between about October 1997 and December 1999, Kamajors attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bemebay, and the island town of Bonthe. As a result of these actions Kamajors identified suspected "Collaborators" and others suspected to be not supportive of the Kamajors and their activities. They unlawfully killed an unknown number of civilians. They destroyed and looted civilian owned property."

(c) Paragraph 25 - the timeframe for alleged commission of unlawful killings, namely "30 April 1998"; "at or near the towns of Lalehun, Kamboma, Konia, Talama, Panguma and Sembehun"; "at the nearby locations of Blama"; "Kamajors unlawfully killed"; "including the District Headquarters town"; "Kebi Town, Kpeyama, Fengehun and Mongere"; and subparagraphs (e) and (f) which state:

"(e). between about October 1997 and December 1999 in locations in Moyamba District, including Sembehun, Taiama, Bylago, Ribbi and Gbangbatoke, Kamajors unlawfully killed an unknown number of civilians;

(f). between about October 1997 and December 1999 in locations in Bonthe District including Talia (Base Zero), Mobayah, Makose and Bonthe Town, Kamajors unlawfully killed an unknown number of civilians."

Additions to subparagraph (g) including "unlawfully killed" and capture of enemy combatants "in road ambushes at Gumahun, Gerihun, Jembeh and the Bo-Matotoka Highway".

(d) Paragraph 26 - subparagraph (a) extends the timeframe for alleged commission of acts of physical violence and infliction of mental harm or suffering to "30 April 1998"; "Blama and Kamboma" are also listed as areas where the acts were committed; subparagraph (b) "November 1997 to December 1999"; "the Districts of Moyamba and Bonthe"; "illegal arrest and unlawful imprisonment".

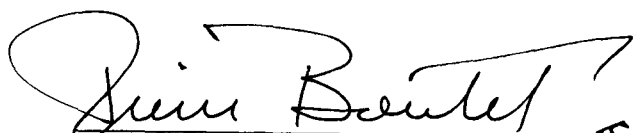
(e) Paragraph 27 - "Kenema District, the towns of Kenema, Tongo Field and surrounding areas"; "Bonthe District, the towns of Talia (Base Zero), Bonthe Town, Mobayeh, and surrounding areas"; the unlawful taking and destruction by burning of "civilian owned" property.

(f) Paragraph 29 - "conscript" instead of "initiate" children under the age of 15 years into armed forces or groups "throughout" the Republic of Sierra Leone.

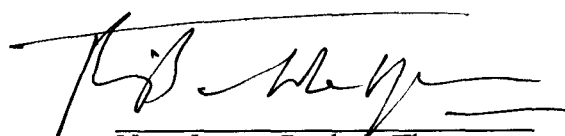
(g) General references to "CDF, largely Kamajors", instead of Kamajors.

3. That pursuant to the Decision of the Trial Chamber of the 1st of March, 2005, relating to the presentation of witness testimony on the Moyamba crime base, and the Decision of the Appeals Chamber of the 18th of May, 2005, granting leave to amend the Consolidated Indictment, the "Districts of Moyamba and Bonthe" are considered to be areas forming part of the Indictment against the First Accused and therefore the evidence of witnesses who gave testimony on areas relating to the Moyamba crime base is admissible.

Done in Freetown, Sierra Leone, this 25th day of May, 2005



Hon. Justice Pierre Boutet



Hon. Justice Bankole Thompson

Hon. Justice Benjamin Mutanga (Hon. Presiding Judge) appends his Dissenting Opinion to this Decision.



[Seal of the Special Court for Sierra Leone]