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SCSL-04-14-T  
(14432 - 14442)

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**SPECIAL COURT FOR SIERRA LEONE**

**In Trial Chamber I**

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

Interim Registrar: Mr Lovemore Munlo

Date: 12 December 2005

**THE PROSECUTOR**

**-against-**

**SAMUEL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA**

SCSL-2004-14-T

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

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**For the Office of the Prosecutor:**

Mr Luc Côté  
Mr James C. Johnson  
Ms Nina Jørgensen  
Mr Marco Bundi

**For Moinina Fofana:**

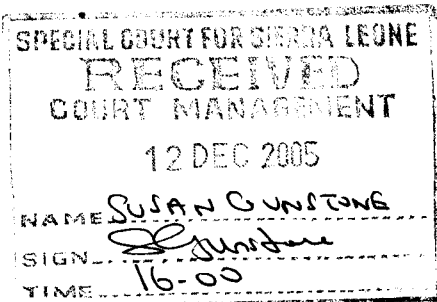
Mr Victor Koppe  
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Dr Bu-Buakei Jabbi  
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**For Allieu Kondewa:**

Mr Charles Margai  
Mr Yada Williams  
Mr Ansu Lansana  
Ms Susan Wright  
Mr Martin Michael



**INTRODUCTION**

1. Considering the ‘Decision on Urgent Motion for Reconsideration of the Orders for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case’, filed by Trial Chamber I on 7 December 2005<sup>1</sup> (the “Modification Decision”), the Defence hereby seeks leave to appeal the said decision pursuant to the Rules of Procedure & Evidence (the “Rules”).
2. The Defence submits that exceptional circumstances exist for the granting of leave to appeal in so far as the various orders<sup>2</sup> (collectively, the “Disclosure Orders”) upheld by the Modification Decision amount to an abuse of discretion by the Trial Chamber. Disclosure by the Defence of the names of its witnesses at this stage of the proceedings would give the Office of the Prosecutor (the “Prosecution”) an unfair procedural advantage in contravention of the principle of equality of arms. Further, production of the disputed evidentiary chart is a task not commensurate with the presumption of innocence enjoyed by Mr Fofana. Accordingly, the Defence—and indeed all other defendants now facing charges at the Special Court—would suffer irreparable prejudice as a result of the Modification Decision. Leave to appeal should be granted to settle the novel and far-reaching issues raised by the Defence’s previous and instant submissions.
3. Additionally, the Defence urgently requests the Chamber to stay compliance with the disputed portions of its Disclosure Orders until final exhaustion of the appeals process. The Defence submits that granting such stay at this juncture will in no way delay the proceedings and re-assures the Chamber that it will be ready to commence its case promptly on 17 January 2006.

**BACKGROUND**

4. On 21 October 2005, the Chamber issued the Original Order, directing the Defence to submit the following items by 17 November 2005: (i) a list of witnesses including their names, summaries of their respective testimony, relevant points in the Indictment to which they will testify, and estimated length and manner of such

<sup>1</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-T-507.

<sup>2</sup> *Norman et al.*, SCSL-2004-14-T-474, Trial Chamber I, ‘Order Concerning the Preparation and Presentation of the Defence Case’, 21 October 2005 (the “Original Order”) and *Norman et al.*, SCSL-2004-14-T-489, Trial Chamber I, ‘Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case’, 28 November 2005 (the “Consequential Order”).

testimony; (ii) a list of expert witnesses; (iii) a list of exhibits; and (iv) a detailed chart outlining and categorizing all proposed defence evidence<sup>3</sup>.

5. A status conference was held pursuant to the Original Order on 27 October 2005<sup>4</sup>.
6. On 17 November 2005, the deadline for compliance with the Original Order, counsel for the three accused submitted their ‘Joint Defence Materials Filed Pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof’<sup>5</sup> (the “Joint Materials and Request”). That document largely contained reasoned objections in support of a request for modification of the Original Order, though it also included some of the materials sought by the Original Order.
7. The following day, the Chamber issued a scheduling order for a status conference to be held on 23 November 2005<sup>6</sup>. Upon request of the Defence and subsequent order of the Chamber, the conference was rescheduled to 25 November 2005, and the Prosecution was invited to file submissions in response to the Joint Materials and Request by 24 November 2005<sup>7</sup>, which it did<sup>8</sup>.
8. At the 25 November 2005 status conference, the Defence reiterated certain arguments contained in the Joint Materials and Request and suggested—upon the Chamber’s indication that the Defence objections were not at such time properly before it<sup>9</sup>—that that document be deemed a motion, the Prosecution’s materials be deemed a response, and the Defence be given an opportunity to reply by the end of the day<sup>10</sup>. After some deliberation, the Chamber made the following oral ruling (the “Oral Ruling”):

After deliberating on the Defence request for converting their written joint submissions dated 17 November 2005 interim [*sic*] motion, the

<sup>3</sup> *Norman et al.*, SCSL-2004-14-T-474, Trial Chamber I, ‘Order Concerning the Preparation and Presentation of the Defence Case’, 21 October 2005.

<sup>4</sup> *Norman et al.*, Transcript of 27 October 2005 Status Conference (the “27 Oct. Tr.”).

<sup>5</sup> *Norman et al.*, SCSL-2004-14-T-482, ‘Joint Defence Materials Filed Pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof’, 17 November 2005.

<sup>6</sup> *Norman et al.*, SCSL-2004-14-T-484, Trial Chamber I, ‘Scheduling Order for Status Conference’, 18 November 2005.

<sup>7</sup> *Norman et al.*, SCSL-2004-14-T-485, Trial Chamber I, ‘Order Re-Scheduling Status Conference and Order for Submission by the Prosecution’, 21 November 2005.

<sup>8</sup> *Norman et al.*, SCSL-2004-14-T-486, ‘Prosecution Submissions on the Joint Defence Materials Filed Pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof’, 23 November 2005 (the “Prosecution Submissions”).

<sup>9</sup> *Norman et al.*, Transcript of 25 November 2005 Status Conference (the “25 Nov. Tr.”) at 11:24-27.

<sup>10</sup> 25 Nov. Tr. at 15:3-7.

Bench is strongly disinclined to accede to the said request on two grounds. Namely, one, that the document amounts to a contravention of the Court’s order of 21 October 2005; and two, that there is no legal or statutory basis for such a request.

Further, the Bench strongly opines that the Defence, having failed to comply with the Court’s order, cannot now seek to benefit from such non-compliance. Orders issued by the Court must be complied with<sup>11</sup>.

- 9. The Defence was unable to advance an explanation for the delay in filing its objections, as the Chamber did not permit further comment on the matter following the delivery of the Oral Ruling<sup>12</sup>.
- 10. The Consequential Order was issued by the Chamber on 28 November 2005.
- 11. The Defence filed its ‘Urgent Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November 2005 Consequential Order of Trial Chamber I or, Alternatively, Request for Leave to Appeal Both’ on 29 November 2005<sup>13</sup>. On the same afternoon, the Chamber rejected this document on the grounds that “due to the particular nature of the applications made, two separate and distinct motions should have been filed”<sup>14</sup>.
- 12. On 1 December 2005, the Defence filed its ‘Urgent Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November 2005 Consequential Order of Trial Chamber I’<sup>15</sup> (the “Motion for Reconsideration”). That motion was denied on 7 December 2005<sup>16</sup>, with the Chamber ruling that the Defence had failed to demonstrate a clear error of reasoning as well as any prejudice to the rights of the accused<sup>17</sup>. The Chamber further indicated that the Defence had—by advancing its reasoned objections in what the Chamber considered to be an untimely fashion—acted inequitably, thus foreclosing the consideration of such objections<sup>18</sup>.

<sup>11</sup> *Ibid.* at 18:8-19.

<sup>12</sup> 25 Nov. Tr. at 22:10-14 (Upon request by the Defence to make two additional comments with respect to the Joint Materials and Request, the Presiding judge indicated that further discussion on the matter was closed: “No, we have dealt with that and we are not prepared to entertain any more comments. So we have disposed of it”.)

<sup>13</sup> *Norman et al.*, SCSL-2004-14-T-490.

<sup>14</sup> *Norman et al.*, SCSL-2004-14-T-491, ‘Order on Urgent Motion for Reconsideration or, in the Alternative, for Leave to Appeal the Orders for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case’, 29 November 2005.

<sup>15</sup> *Norman et al.*, SCSL-2004-14-T-493.

<sup>16</sup> See Modification Decision, n.1 *supra*.

<sup>17</sup> *Ibid.*, ¶ 22.

<sup>18</sup> *Ibid.*, ¶ 19.

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## SUBMISSIONS

### Leave to Appeal

13. While there is no right to appeal the denial of a motion under Rule 73, the Rules provide that leave to make an interlocutory appeal may be granted by the Trial Chamber “in exceptional circumstances and to avoid irreparable prejudice to a party”<sup>19</sup>. The Defence acknowledges that the Appeals Chamber has construed Rule 73(B) very narrowly<sup>20</sup> and that this Chamber has consistently noted that Rule 73(B)’s two-prong test is a conjunctive one, obliging the moving party to show *both* “exceptional circumstances” and “irreparable prejudice” before leave can be granted<sup>21</sup>.

### Exceptional Circumstances

14. Two very important and heretofore unanswered questions of law have been raised by the recent Defence submissions: First, does a *procedural advantage* afforded to the Prosecution—as a collateral effect of the provision of protective measures to its witnesses—amount to a *procedural disadvantage* to the Defence thereby violating the principle of equality of arms? And further, can the production of certain material—putatively ordered pursuant to Rules 54 and 73ter to enable the Chamber to affect control over the proceedings—offend the presumption of innocence?

15. By announcing in its Modification Decision that the disputed portions of the Disclosure Orders do not amount to clear errors of law nor prejudice the rights of the accused, the Trial Chamber has effectively answered both questions in the negative. However, the Defence submits that such decision was in error and that the disputed

<sup>19</sup> Rule 73(B).

<sup>20</sup> *Norman et al.*, SCSL-2004-14-AR73-397, Appeals Chamber, ‘Decision on Amendment of the Consolidated Indictment’, 18 May 2005, ¶ 43 (emphasis added).

<sup>21</sup> See *Norman et al.*, SCSL-2004-14-406, Trial Chamber I, ‘Decision on Request by First Accused for Leave to Appeal Against the Trial Chamber’s Decision on First Accused’s Motion on Abuse of Process’, 24 May 2005, at p.2. quoting *Prosecutor v. Sesay et al.*, SCSL-2004-15-014, Trial Chamber I, ‘Decision on Prosecution’s Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution’s Motions for Joinder’, 13 February 2004, ¶ 10 (“[T]his rule involves a high threshold that must be met before this Chamber can exercise its discretion to grant leave to appeal. The two limbs to the test are clearly conjunctive, not disjunctive; in other words, they must *both* be satisfied”) (emphasis in original); see also *Prosecutor v. Brima et al.*, SCSL-2004-16-308, Trial Chamber II, ‘Decision on Joint Defence Application for Leave to Appeal Against the Ruling of Trial Chamber II of 5 April 2005’, 15 June 2005, ¶ 14.

portions of the Disclosure Orders upheld by the Modification Decision amount to an abuse of the Trial Chamber’s discretion under Rules 54 and 73ter.

- 16. As canvassed in its previous submissions, the Defence argues that certain portions of the Disclosure Orders violate the principle of equality of arms and the presumption of innocence afforded to Mr Fofana. The Defence hereby adopts, by reference, the arguments advanced in its Joint Materials and Request and Motion for Reconsideration. Additionally, given the Chamber’s most recent order<sup>22</sup>, the Defence feels compelled to expand on its argument with respect to the disputed evidentiary chart.
- 17. In ordering the production of the chart described at paragraph (d) of the Consequential Order, the Chamber putatively acted pursuant to Rules 26bis, 54, and 73ter. Yet, none of these Rules provides support for ordering the production of such a document.
- 18. Rule 26bis provides, in pertinent part: “The Trial Chamber ... shall ensure that a trial is *fair and expeditious* and that proceedings before the Special Court are conducted in accordance with the Agreement, the Statute and the Rules, *with full respect for the rights of the accused ...*”<sup>23</sup>. However, the Defence submits that the material called for in paragraph (d) of the Consequential Order would not materially advance the proceedings—in terms of either fairness or expedition—beyond those items ordered to be disclosed pursuant to paragraphs (a)-(c) of the same document. Further, this portion of the Disclosure Orders fails to take sufficient regard of Mr Fofana’s right to be presumed innocent<sup>24</sup> and the consequential differences between Prosecution and Defence disclosure obligations<sup>25</sup>.
- 19. Rule 54 empowers the Trial Chamber, as a matter of discretion, to “issue such orders ... as may be necessary ... for the preparation or conduct of the trial”. As noted by at least one Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (the “ICTY”), the “litmus test” under Rule 54 should be whether a measure is “necessary for the conduct of the trial”<sup>26</sup>. The Defence submits that the

<sup>22</sup> *Norman et al.*, SCSL-2004-14-T-514, Trial Chamber I, ‘Order to the Defence for the Filing of an Evidentiary Chart’, 9 December 2005.

<sup>23</sup> Emphasis added.

<sup>24</sup> See Statute of the Special Court for Sierra Leone, Article 17(4)(c).

<sup>25</sup> See n.29, *infra*.

<sup>26</sup> *Prosecutor v. Delalic et al.*, IT-96-21, Trial Chamber, ‘Decision on the Prosecution’s Motion for an Order Requiring Advance Disclosure of Witnesses by the Defence’, 4 February 1998, ¶ 41.

material called for in paragraph (d) of the Consequential Order is unnecessary for the preparation or conduct of the trial, especially given the rather comprehensive information required by paragraphs (a)-(c)<sup>27</sup>.

20. Rule 73ter is also couched in discretionary terms and, while specifically providing for the material outlined in paragraphs (a)-(c) of the Consequential Order, is notably silent as to the production of an additional evidentiary chart of the type ordered by the Chamber. That the Chamber may have found it expedient to require the Prosecution to produce such a chart<sup>28</sup>—a task the Defence submits is commensurate with the Prosecution’s burden of proof—cannot alone provide support for requiring the Defence to create a similar document. As indicated by the relevant jurisprudence, there is no parity of disclosure obligation between the Prosecution and the Defence<sup>29</sup>. It is submitted that, in light of such jurisprudence as well as the relevant Rules, any disclosure obligations imposed upon the Defence should further one of two ends: either (i) facilitating the adversarial process (for example, giving the Prosecution sufficient notice of the witnesses the Defence intends to call) or (ii) reasonably assisting the Chamber with its trial management functions (for example, giving the Chamber an indication of the number of witness the Defence intends to call, the length and manner of their testimony, etc.)<sup>30</sup>. However, the Defence submits that the Modification Decision marks a significant departure from these principles in so far as it endorses orders seeking to compel the Defence to produce material that will further neither one

<sup>27</sup> Assuming, *arguendo*, that such material is necessary in order to aid the Chamber in its final deliberations, the Defence submits that such task should fall to the Chamber’s staff at the close of the Defence case rather than to counsel for Mr Fofana, who need not—if he so chooses—defend himself against the allegations contained in the Prosecution’s indictment.

<sup>28</sup> See *Norman et al.*, SCSL-2004-14-T-047, Trial Chamber I, ‘Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of the Trial’, 1 April 2004. The Chamber appears to have copied, nearly *verbatim*, this order issued to the Prosecution. It is submitted that this signals a misunderstanding by the Chamber of the disclosure obligations of an accused person, which are not equivalent to those of the Prosecution.

<sup>29</sup> See, e.g., *Prosecutor v. Delalic et al.*, IT-96-21, Trial Chamber, ‘Decision on the Prosecution’s Motion for an Order Requiring Advance Disclosure of Witnesses by the Defence’, 4 February 1998, ¶ 44. Indeed, it is important to emphasise that the disclosure obligations incumbent on any prosecuting authority operating within an adversarial system—whether national or international—are fundamentally different from those imposed upon a party defending himself against such authority. This fact is, of course, justified by the burdens and obligations imposed upon the prosecuting authority which brings and should prove its case.

<sup>30</sup> See, e.g., *ibid.*, ¶ 46 (finding that disclosure by the Defence of a list of its intended witnesses was, rather than a matter of reciprocity, “necessary for the proper conduct of the trial and the effective cross-examination of Defence witnesses by the Prosecution”); see also *Prosecutor v. Blaskic*, IT-95-14, Trial Chamber, ‘Decision on the Prosecutor’s Motion for Seven (7) Days Advance Disclosure of Defence Witnesses and Defence Witness Statements’ 3 September 1998 and *Prosecutor v. Semanza*, ICTR-97-20, Trial Chamber III, ‘Decision on the Defence Motion for Extension of Time for Filing the List of Defence Witnesses’, 4 September 2001, ¶ 8.

of these goals. Accordingly, the Modification Decision—like the Disclosure Orders before it—amounts to an abuse of discretion under Rules 54 and 73*ter*.

21. The CDF trial is the first to have reached the defence-case stage at the Special Court. Accordingly, the effects of orders and decisions of this Chamber will not be limited to Mr Fofana and his co-defendants, but are likely to be felt by the six other accused persons currently facing trial before this Court. While Mr Fofana’s rights are of paramount concern to the Defence, as counsel committed to protecting the rights of the accused in general and as a party interested in the comprehensive development of international criminal jurisprudence, the Defence cannot ignore—to use Justice Itoe’s words—the “wider ramifications and fall-outs”<sup>31</sup> of decisions of this Chamber.

***Irreparable Prejudice***

22. As a result of the Modification Decision, the Prosecution will have more time to prepare for the cross-examination of Defence witnesses than the Defence had to prepare for Prosecution witnesses. Further, the Defence will be forced to spend precious time—at a critical moment of its case preparation—producing a document to which the Prosecution is not entitled and which will not materially assist the Chamber with its trial-management role. The Defence submits that the danger of such prejudice is self-evident.

**The Defence Has Not Acted in Bad Faith**

23. In the Modification Decision, the Chamber indicated that the filing of “last minute and novel objections by the Defence is inconsistent with the position previously expressed by the Defence in open court”<sup>32</sup>. Yet counsel’s assertion at the 27 October 2005 Status Conference that “work is well under way to fulfil the order”<sup>33</sup> should not have been read as a waiver of the Defence’s right to object to portions of the Original Order at a later point in time. The Defence fails to appreciate how the formulation and development of reasoned objections subsequent to 27 October 2005—as part of

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<sup>31</sup> 25 Nov. Tr. at 8:23-25.

<sup>32</sup> Modification Decision, ¶ 17.

<sup>33</sup> 27 Oct. Tr. at 20:10-11.



the dynamic and deliberative process of preparing its case—falls outside of the “overall purview of the Rules”<sup>34</sup>.

24. As noted previously, the Defence regrets that it was unable to advance its objections at an earlier juncture. However, the Defence submits that it should not have been essentially foreclosed from submitting them—to the potential detriment of Mr Fofana—simply because they arose at what the Chamber considers to have been an inconvenient time, especially given that explanation for the delay was neither solicited by the Chamber nor permitted to be articulated by the Defence at the 25 November 2005 Status Conference<sup>35</sup>. With respect to compliance with Rule 5—given the collaborative nature of the Joint Materials among three separate defence teams and the diversion of defence personnel, including counsel, to investigative tasks during the months of October and November 2005—17 November 2005 was the “earliest opportunity”<sup>36</sup>, as a practical matter, on which to file reasoned written objections to the Original Order. The Defence did not, as implied by the Chamber, wait until the “last minute” with a view to frustrating the progress of the case<sup>37</sup>.

25. The Defence submits that the invocation of the equitable doctrines articulated by the Chamber as part of the basis for the Modification Decision<sup>38</sup> requires a measure of substantiation that is lacking from the record of the instant proceedings. The doctrine of estoppel by laches (“delay defeats equity”<sup>39</sup>) is concerned not with delay in a strict sense, but rather with *unreasonable* and *unexcused* delay<sup>40</sup>. As indicated above, the Defence filed its objections as soon as was practicable under the circumstances. Further, the Defence submits that suggestions by the Chamber that the Defence has somehow behaved unscrupulously or with so-called unclean hands (“he who seeks equity must do equity”)<sup>41</sup> are unsupported by the record. The Defence has offended no explicit or implicit rule of procedure or conduct, nor has there been a showing of demonstrable prejudice to any party as a result of this recent spate of litigation. The

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<sup>34</sup> Modification Decision, ¶ 18.

<sup>35</sup> See n.12, *supra*.

<sup>36</sup> Rule 5.

<sup>37</sup> See Modification Decision, ¶¶ 17-19.

<sup>38</sup> *Ibid.*, ¶ 19.

<sup>39</sup> *Ibid.*

<sup>40</sup> See Motion for Reconsideration, ¶ 21.

<sup>41</sup> See Modification Decision, ¶ 19.

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Defence is simply seeking to clarify—within the overall purview of the Rules—the limits of the Chamber’s authority with respect to defence disclosure.

**Stay of Proceedings**

26. Rule 73(B) provides that seeking leave “shall not operate as a stay of proceedings unless the Trial Chamber so orders”. The Defence submits that the instant situation is one that requires the Chamber to exercise its discretion and order a stay of the disputed portions of the Disclosure Orders pending an expedited determination of the issue.

27. Granting such stay will not result in material prejudice to any of the parties. With respect to the names of the witnesses, approximately five weeks remain until the scheduled commencement of the CDF trial. The Prosecution will have ample time to prepare for its cross-examination with the benefit of full disclosure by 27 December 2005, should the Defence’s proposal be adopted. Further, the Defence seriously doubts that its failure to produce the disputed chart could possibly delay the proceedings given the information called for—and indeed already provided—by paragraphs (a)-(c) of the Consequential Order.

**CONCLUSION**

28. For the above-stated reasons, the Defence respectfully requests the Chamber to grant leave to appeal the Modification Decision. Given the time-sensitive nature of the issues, the Defence requests that the Prosecution file its response, if any, as soon as possible and that the Chamber treat the instant request with the urgency the Defence submits it deserves. Finally, the Defence requests that the filing of this Motion operate as a stay of the disputed portions of the Disclosure Orders pending a final determination of the matter.

COUNSEL FOR MOININA FOFANA



Victor Koppe

**DEENCE LIST OF AUTHORITIES**

**Statutes & Rules**

- 1. SCSL Statute, Article 17
- 2. SCSL Rules of Procedure and Evidence: Rules 26bis, 54, 73 and 73ter

**Jurisprudence**

- 3. *Prosecutor v. Norman et al.*, SCSL-2004-14-AR73-397, Appeals Chamber, ‘Decision on Amendment of the Consolidated Indictment’, 18 May 2005
- 4. *Prosecutor v. Norman et al.*, SCSL-2004-14-406, Trial Chamber I, ‘Decision on Request by First Accused for Leave to Appeal Against the Trial Chamber’s Decision on First Accused’s Motion on Abuse of Process’, 24 May 2005
- 5. *Prosecutor v. Brima et al.*, SCSL-2004-16-308, Trial Chamber II, ‘Decision on Joint Defence Application for Leave to Appeal Against the Ruling of Trial Chamber II of 5 April 2005’, 15 June 2005
- 6. *Prosecutor v. Sesay et al.*, SCSL-2004-15-014, Trial Chamber I, ‘Decision on Prosecution’s Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution’s Motions for Joinder’, 13 February 2004
- 7. *Prosecutor v. Blaskic*, IT-95-14, Trial Chamber, ‘Decision on the Prosecutor’s Motion for Seven (7) Days Advance Disclosure of Defence Witnesses and Defence Witness Statements’, 3 September 1998
- 8. *Prosecutor v. Delalic et al.*, IT-96-21, Trial Chamber, ‘Decision on the Prosecution’s Motion for an Order Requiring Advance Disclosure of Witnesses by the Defence’, 4 February 1998
- 9. *Prosecutor v. Semanza*, ICTR-97-20-T, Trial Chamber III, ‘Decision on the Defence Motion for Extension of Time for Filing the List of Defence Witnesses’ 4 September 2001

**Previous Submissions (adopted by reference)**

- 10. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-482, ‘Joint Defence Materials Filed Pursuant to 21 October 2005 Order of Trial Chamber I and Request for Partial Modification Thereof’, 17 November 2005
- 11. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-493, ‘Urgent Motion for Reconsideration of the 25 November 2005 Oral Ruling and the 28 November 2005 Consequential Order of Trial Chamber I’, 1 December 2005