

073

SCSL-2003-08-PT
(1768-1771)

1768



SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • NEW ENGLAND • FREETOWN, SIERRA LEONE

Before: Judge Gelaga King

Direction of: 26th September 2003

THE PROSECUTOR

-against-

SAM HINGA NORMAN

CASE NO. SCSL-2003-08-PT

DIRECTION ON FILING AUTHORITIES

SPECIAL COURT FOR SIERRA LEONE
 RECEIVED TRUE COPY OF THE ORIGINAL
 SEEN BY ME
 NAME: MURRAY EDWARDS
 SIGNATURE: M Edwards DATE: 26/9/03

SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT RECORDS
 26 SEP 2003
 NAME: MURRAY EDWARDS
 SIGN: M Edwards
 TIME: 16:25

The Office of the Prosecutor:
Luc Cote

The Counsel for the Accused:
James Blyden Jenkins-Johnston
Sulaiman Banja Tejan-Se

1769

THE APPEALS CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE (the Special Court)

SITTING AS Judge Gelaga King, designated by the President of the Special Court as Pre-Hearing Judge pursuant to Rule 109 (A) of the Rules of Procedure and Evidence ('the Rules');

HAVING RECEIVED for Sam Hinga Norman ('the Accused'):

- i) the 'Preliminary Motion Based on Lack of Jurisdiction : Judicial Independence' and the Prosecution Response thereto and the Reply for the Accused;
- ii) the 'Preliminary Motion Based on Lack of Jurisdiction: Child Recruitment' and the Prosecution Response thereto and the Reply for the Accused;

which were referred to the Appeals Chamber pursuant to Rule 72 (E) of the Rules;

CONSIDERING that Office of the Prosecutor has not filed authorities referred to in the aforementioned Prosecution Responses;

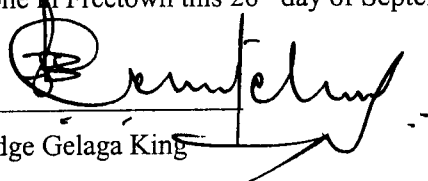
CONSIDERING the need for parties to file supporting authorities with their submissions so that motions and applications can be dealt with in a fair and expeditious manner;

HEREBY DIRECTS, pursuant to Rule 109 (B), the Office of the Prosecutor to:

File, within 10 days, the authorities referred to in the 'List of Missing Authorities' which accompanies this Direction. Where the authorities consist of caselaw, judgments shall be filed in their entirety. Where the authorities consist of academic text, the entire chapter containing the relevant text shall be filed. There shall be included with these authorities a covering list of contents. The list of contents shall include the name, date and full citation for each authority, specifying for each authority which provisions, paragraphs or pages are relied on.

The Prosecutor may be barred from relying in his Response on authorities not so filed.

Done in Freetown this 26th day of September 2003



Judge Gelaga King
Pre-Hearing Judge



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**SPECIAL COURT FOR SIERRA LEONE
THE APPEALS CHAMBER**

THE PROSECUTOR

-against-

SAM HINGA NORMAN

CASE NO. SCSL-2003-08-PT

**LIST OF MISSING/ ILLEGIBLE/ INCOMPLETE PROSECUTION AUTHORITIES
FOR PRELIMINARY MOTION
BASED ON LACK OF JURISDICTION (JUDICIAL INDEPENDENCE)**

Case law

(Incomplete copies submitted)

ECtHR, *Hauschildt v. Denmark*, Judgment, 27 May 1981, Series A, No. 43

ECtHR, *Piersack v. Belgium*, 1983 5 EHHR 169, Judgment, 1 October 1982, Series A,
No. 53

ECtHR, *De Cubber v. Belgium*, 1985 7 EHHR 236

ECtHR, *Le Compte, Van Leuven and de Meyere*, Judgment of 27 May 1981, Series A,
No. 43

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SPECIAL COURT FOR SIERRA LEONE
THE APPEALS CHAMBER

THE PROSECUTOR

-against-

SAM HINGA NORMAN

CASE NO. SCSL-2003-08-PT

LIST OF MISSING/ ILLEGIBLE/ INCOMPLETE
PROSECUTION AUTHORITIES FOR PRELIMINARY MOTION
BASED ON LACK OF JURSDICTION (CHILD RECRUITMENT)

Case law

(submitted incomplete)

ICTY, *Pros. v. Hadzihasanovic et al., Decision on Joint Challenge to Jurisdiction*, IT-01-47-PT, T. Ch., 2/10/95
ICTY, *Pros. v. Anto Furundzija, Judgment*, IT-95-17/1-T, T. Ch., 10/12/98
ICJ, *North Sea Continental Shelf cases*, 1969 WL 1

Miscellaneous

Cassese, *International Criminal Law* (2003: OUP), pp.50-53.
Dixon, *Textbook on International Law* (4th ed., 2000), pp. 106-114
Akehurst's Modern Introduction to International Law (7th ed., Malanczuk, 1997), pp.75-81

SPECIAL COURT FOR SIERRA LEONE
I HAVE RECEIVED A COPY OF THIS DOCUMENT
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SIGNATURE: *Edmond*
DATE: 6/1/03