

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
FREETOWN – SIERRA LEONE

IN THE APPEALS CHAMBER

Before: Judge Emmanuel Ayoola, Presiding
Judge George Gelaga King
Judge Renate Winter
Judge Geoffrey Robertson, QC
Judge A. Raja N. Fernando

Registrar: Mr Robin Vincent

Date filed: 24 January 2005

THE PROSECUTOR

Against

**SAMUEL HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA**

CASE NO. SCSL – 2004 – 14 – T

**PROSECUTION RESPONSE TO ‘INTERLOCUTORY APPEAL BY FIRST
ACCUSED AGAINST THE TRIAL CHAMBER’S
DECISION ON THE FIRST ACCUSED’S MOTION FOR SERVICE AND
ARRAIGNMENT ON THE CONSOLIDATED INDICTMENT, 29TH OF
NOVEMBER 2004’**

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SPECIAL COURT FOR SIERRA LEONE	
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I. DETAILS OF THE APPEALED DECISION

1. There is an active Appeal before the Appellate Chamber which deals substantially with the issues raised by the Appellant, the First Accused.
2. Consequently, the Respondent’s submissions contained in the “Prosecution Notice of Appeal Against the Trial Chamber’s Decision of 29 November 2004 and Prosecution Submissions on Appeal” (“**Prosecution Notice of Appeal**”) address the issues raised “by First Accused Against the Trial Chamber’s Decision on the First Accused’s Motion for Service and Arraignment on the Consolidated Indictment, dated 29th November 2004” (“**First Accused Against the Trial Chamber’s Decision**”).
3. The Respondent’s submission from the Prosecution Notice of Appeal are repeated, in an edited form below, with some additional submissions.

II. SUMMARY OF PROCEEDINGS RELATING TO THE APPEALED DECISION

4. The Trial Chamber's interlocutory *Decision on the First Accused's Motion for Service and Arraignment on the Consolidated Indictment* dated 29 November 2004 (the "**Norman Decision**")¹ was given by majority. Judge Bankole Thompson appended a separate concurring opinion to that decision ("**Judge Bankole Thompson's Separate Opinion**").² Judge Itoe, the Presiding Judge, appended a dissenting opinion ("**Judge Itoe's Dissenting Opinion**").³
5. On 7 March 2003, Judge Bankole Thompson approved the indictment against the First Accused ("**Norman**"), charging him with 8 counts of crimes against humanity and war crimes (the "**Original Norman Indictment**"). He was arraigned on 15, 17, and 21 March 2003 and pleaded not guilty to all 8 counts.
6. On 26 June 2003, Judge Bankole Thompson approved separate indictments against the Second Accused ("**Fofana**") and Third Accused ("**Kondewa**") respectively, charging them with the same 8 counts of crimes against humanity and war crimes (the "**Original Fofana Indictment**" and the "**Original Kondewa Indictment**" respectively). The Original Fofana Indictment and the Original Kondewa Indictment were similar to the Original Norman Indictment, except for the inclusion of certain specific additional factual allegations that were not contained in the Original Norman Indictment. Fofana and Kondewa were arraigned on 30 June 2003 and pleaded not guilty to all 8 counts.

¹ *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, "Decision on the First Accused's Motion for Service and Arraignment on the Consolidated Indictment," 29 November 2004 ("**Norman Decision**").

² *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, "Separate Concurring Opinion of Judge Bankole Thompson on Decision on the First Accused's Motion for Service and Arraignment on the Consolidated Indictment," 8 December 2004 ("**Judge Bankole Thompson's Separate Opinion**").

³ *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, "Dissenting Opinion of Hon. Judge Benjamin Mutanga Itoe, Presiding Judge, on the Chamber Majority Decision Supported by Hon. Judge Bankole Thompson's Separate but Concurring Opinion, on the Motion filed by the First Accused, Samuel Hinga Norman for Service and Arraignment on the Second Indictment," 13 November 2004 ("**Judge Itoe's Dissenting Opinion**").

7. On 7 November 2003, Kondewa filed a motion alleging defects in the form of the Original Kondewa Indictment.⁴ In that motion, Kondewa objected, amongst other matters, to the inclusion in the indictment in various places of the expressions “including but not limited to”, “about” and “but not limited to these events”. According to this motion, these expressions rendered the indictment vague and imprecise, and impeded Kondewa in the conduct of his defence. In its decision on this motion (the “**Kondewa Decision on Form of Indictment**”),⁵ the Trial Chamber rejected Kondewa’s objection in relation to the expression “about”,⁶ but upheld Kondewa’s objections in relation to the expressions “including but not limited to”, and “but not limited to these events”.⁷ In that Decision, the Trial Chamber ordered the Prosecution *either* to delete the phrases “including but not limited to”, and “but not limited to these events” wherever they appeared in the indictment against Kondewa, *or* to provide a Bill of Particulars setting out specific additional events alleged against Kondewa in each count.⁸ Pursuant to this Decision, the Prosecution filed a Bill of Particulars on 5 December 2003⁹ that provided additional factual allegations against Kondewa. Kondewa did not challenge this Bill of Particulars.
8. Although the expression “but not limited to” was similarly used in various places in the original Norman Indictment and the Original Fofana Indictment, neither Norman nor Fofana filed any motion objecting to the use of these expressions in the original indictments against them.
9. On 9 October 2003, the Prosecution filed a motion for the joint trial of the three Accused (the “**Prosecution Joinder Motion**”).¹⁰ In that motion, the Prosecution further requested that it be permitted to file a Consolidated Indictment. On 27 January 2004, in its *Decision and Order on Prosecution Motions for Joinder* (the

⁴ *Prosecutor v. Kondewa*, Case No. SCSL-2003-12-PT, “Preliminary Motion Based on Defects in the Form of the Indictment Against Kondewa”, filed on behalf of Kondewa on 7 November 2003.

⁵ *Prosecutor v. Kondewa*, Case No. SCSL-2004-12-PT, “Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment,” 27 November 2003 (RP 1533-1542) (the “**Kondewa Decision on Form of Indictment**”).

⁶ *Kondewa Decision on Form of Indictment*, *supra* note 7 at para. 12.

⁷ *Ibid*, para. 11.

⁸ *Ibid*.

⁹ *Prosecutor v. Kondewa*, Case No. SCSL-2003-12-PT, “Bill of Particulars”, filed by the Prosecution on 5 December 2003.

¹⁰ *Prosecutor v. Norman*, Case No. SCSL-2003-08-PT; *Prosecutor v. Fofana*; Case No. SCSL-2003-12-PT, *Prosecutor v. Kondewa*, Case No. SCSL-2003-11-PT, “Prosecution Motion for Joinder”, filed by the Prosecution on 9 October 2003 (“**Prosecution Joinder Motion**”).

“**Joinder Decision**”),¹¹ the Trial Chamber ordered a joint trial of the three accused and further ordered that a single consolidated indictment be prepared as the indictment on which the trial would proceed. Based on this Decision, the Prosecution filed the Consolidated Indictment in this case on 5 February 2004. This Consolidated Indictment combined all three of the original indictments into a single indictment. It included all the allegations contained in the Original Norman Indictment, the Original Fofana Indictment, and the Original Kondewa Indictments, as well as the allegations contained in the Bill of Particulars filed by the Prosecution in the *Kondewa* case. The phrase “but not limited to” was removed from the Consolidated Indictment in various places in which that phrase had appeared in the original indictments against each of the Accused. In paragraphs in which that expression had appeared in the original indictments, the Consolidated Indictment specified particular events, locations, times or incidents that had not been specified in the original indictments.

10. The Registry served the Consolidated Indictment on all Defence teams but not personally on each of the Accused. None of the Defence teams objected to the Consolidated Indictment at the time that it was so served.
11. The trial (first session) of the three Accused on the Consolidated Indictment commenced on 3 June 2004. During a period of some three months that followed, the trial proceeded, without any objection to the Consolidated Indictment being taken by any of the Accused. Nor was any issue in relation to the Consolidated Indictment raised by the Trial Chamber of its own motion.
12. Over 3 months after the commencement of the trial, on 21 September 2004, Norman filed a motion raising certain objections to the Consolidated Indictment (the “**Norman Motion**”¹²). A month later, on 21 October 2004, a similar motion objecting to the Consolidated Indictment was filed by Fofana (the “**Fofana Motion**”¹³). About 2 weeks later, on 4 November 2004, a similar motion was filed

¹¹ *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2003-08-PT, “Decision and Order on Prosecution Motions for Joinder,” (RP 6547-6569) (the “**Joinder Decision**”),

¹² *Prosecutor v. Norman, Fofana and Kondewa*, “Motion for Service and Arraignment on Second Indictment”, filed on behalf of Norman on 21 September 2004 (RP 9572-9577) (“**Norman Motion**”).

¹³ *Prosecutor v. Norman, Fofana and Kondewa* “Moinina Fofana Motion for Service of Consolidated Indictment and a Further Appearance”, filed on behalf of Fofana on 21 October 2004 (RP 9807-9810) (“**Fofana Motion**”).

by Kondewa (the “**Kondewa Motion**”).¹⁴ In three separate decisions (the “**Norman Decision**”,¹⁵ the “**Fofana Decision**”¹⁶ and the “**Kondewa Decision**”¹⁷ respectively), the Trial Chamber ruled on each of these three motions.

13. Each of these three Defence motions raised essentially the same two objections in relation to the Consolidated Indictment.
14. The first objection in these Defence motions was that the Consolidated Indictment had not been personally served on each of the Accused, as required by Rule 52 of the Rules, but instead had only been served on counsel for each of the Accused. The Trial Chamber rejected this complaint in the Fofana Motion and the Kondewa Motion. The Trial Chamber found that although failure to serve the Consolidated Indictment on each of the Accused personally did constitute a procedural error, this error did not in all of the circumstances of this case unfairly prejudice the Accused’s right to a fair trial, given for instance that they had been personally served with the original indictment, that the Consolidated Indictment had been served on their counsel, that the Accused had not previously objected to the fact that the Consolidated Indictment had not been served personally and had been responding to the charges in the Consolidated Indictment at the trial.¹⁸ In relation to the Norman Motion, the Trial Chamber also observed that similar circumstances pertained in relation to Norman.¹⁹
15. The second objection in these Defence motions was that the Consolidated Indictment allegedly contained new allegations that had not been included in the original indictments against the Accused. The three Defence motions did not argue that the alleged new charges should be deleted from the indictment or stayed. Rather, the Defence motions merely argued that as the Consolidated Indictment contained additional allegations, the Accused should be arraigned on the

¹⁴ *Prosecutor v. Norman, Fofana and Kondewa* “Allieu Kondewa Motion for Service of Consolidated Indictment and a Further Appearance”, filed on behalf of Kondewa on 4 November 2004 (RP 10531-10533) (“**Kondewa Motion**”).

¹⁵ *Norman Decision*, *supra* note 2.

¹⁶ *Prosecutor v. Norman, Fofana and Kondewa, Decision on the Second Accused’s Motion for Service and Arraignment on the Consolidated Indictment*, 6 December 2004 (RP 11068-11082) (“**Fofana Decision**”).

¹⁷ *Prosecutor v. Norman, Fofana and Kondewa, Decision on Third Accused Motion for Service of the Consolidated Indictment and Further Appearance*, 8 December 2004 (RP 11090-11099) (“**Kondewa Decision**”).

¹⁸ *Fofana Decision*, *supra* note 18 at paras. 12-15 and 36; *Kondewa Decision*, *supra* note 19 at paras. 12-17 and 27.

¹⁹ *Norman Decision*, *supra* note 2 at paras. 10-15, especially para. 14.

Consolidated Indictment, and that it was not sufficient that the Accused had been arraigned on the original indictments.

16. The Trial Chamber rejected this second objection in relation to the Fofana Motion and the Kondewa Motion. In relation to the Fofana Motion, the Trial Chamber noted that the Consolidated Indictment contained references to locations that had not been included in the Original Fofana Indictment. However, the Trial Chamber noted that the Original Fofana Indictment had stated that the offences charged in the indictment were “not limited to” the locations specified in that indictment, that the additional locations in the Consolidated Indictment were in the same regions as the locations referred to in the Original Fofana Indictment, and that the Consolidated Indictment had not extended the timeframe for the commission of the offences with which Fofana was charged. The Trial Chamber concluded that in the case of Fofana, the additions made to the Consolidated Indictment were of no materiality as they simply provided details for greater specificity to the factual allegations included in the Original Fofana Indictment, and did not include new charges or crimes against Fofana. In the circumstances, the Trial Chamber held that there were no requirements in the Rules or in the interests of justice to afford Fofana the opportunity to make a plea on the Consolidated Indictment, and that a further arraignment was therefore unnecessary.²⁰ In relation to the Kondewa Motion, the Trial Chamber found that the Consolidated Indictment contained no additions or changes when compared to the Original Kondewa Indictment amended with the Bill of Particulars,²¹ and that there was accordingly no need for a further arraignment on the Consolidated Indictment.²²
17. However, in relation to the Norman Motion, the Trial Chamber reached a different conclusion. In the Norman Decision, the Trial Chamber considered that the Consolidated Indictment expanded and elaborated upon some of the factual allegations contained in the Original Norman Indictment, and that some substantive elements of the charges had been added.²³ The Trial Chamber said that:

“Upon close analysis of the Consolidated Indictment, there are clearly new factual allegations adduced in support of existing confirmed counts, as well as new substantive elements of the charges that were not in the Initial Indictment of the First Accused. In the

²⁰ *Fofana Decision, supra* note 18 at paras. 32-35.

²¹ *Kondewa Decision, supra* note 19 at paras. 18-24, especially paras. 23-24.

²² *Ibid*, paras. 25-26.

²³ *Norman Decision, supra* note 2 at paras. 16-21, especially para. 20.

opinion of the Trial Chamber these changes do not appear to be simply “semantic”, as alleged by the Prosecution in their Motion for Joinder, but rather are material to the Indictment. While some of the differences between the two Indictments simply provide greater specificity, and provide background facts, many of the changes are, however, material to the Indictment”.²⁴

The Trial Chamber considered that unfair prejudice may result to Norman if the indictment was not amended and if Norman was not served with the new indictment and arraigned on the material changes to the indictment.²⁵ The Trial Chamber ordered that identified portions of the Consolidated Indictment were to be stayed, and that the Prosecution was put to its election whether to expunge such portions completely from the record or to seek an amendment to the Consolidated Indictment with respect to those portions.

III. RESPONSE TO APPELLANT’S SUBMISSION

18. The Prosecution position is that to the extent that the language of the Consolidated Indictment differs from the language of the Original Norman Indictment, these differences in the Consolidated Indictment do no more than spell out with greater precision and specificity the charges against Norman that were contained in the Original Norman Indictment, or are otherwise not material to the charges against Norman. The Prosecution position is that the Consolidated Indictment contains no charge against Norman that was not included within the language of the Original Norman Indictment.
19. The Trial Chamber has the power to grant Joint trials under Rules 73 and 61, as outlined below.
20. The Respondent submits that there has been no abuse of process. The Appellant has not specified which rights have been abused, especially in light of the position that no additional matters have been raised against the Appellant.

²⁴ *Ibid.*, para. 30. In his dissenting opinion (at para. 64), Judge Itoe said that “An analysis of the contents of the Consolidated Indictment and those of the Initial Indictment of the Applicant, the First Accused, reveals that the particulars of the offences and the time frames have been expanded and that new offences have been added”.

²⁵ *Norman Decision*, *supra* note 2, especially para. 32.

**IV. THE PERMISSIBILITY OF THE AMENDMENTS TO THE WORDING
IN THE CONSOLIDATED INDICTMENT**

21. In the present case, there were originally three separate indictments against each of the three Accused respectively. As is the normal practice in other international criminal tribunals where the Trial Chamber orders the joint trial of persons who have been separately indicted pursuant to Rule 48 of the Rules, the Trial Chamber in this case ordered in the *Joinder Decision* that there should be a single consolidated indictment on which the joint trial would proceed.
22. In cases where the Prosecution seeks the joint trial of accused who have been indicted separately, it has been the practice in some cases before other international criminal tribunals for the Prosecution to annex a draft consolidated indictment to the motion for joinder, for the approval of the Trial Chamber in the event that it grants the motion. However, nothing in the Rules requires this procedure to be followed. In this case, the Trial Chamber expressly considered (correctly, it is submitted) that it was not necessary for the Prosecution to exhibit an anticipated consolidated indictment as a condition precedent to establish a basis for joinder.²⁶ Instead, in the *Joinder Decision* in this case the Trial Chamber ordered that the three accused be tried jointly, and ordered the Prosecution subsequently to prepare and file a Consolidated Indictment within a specified time-limit.²⁷
23. The Prosecution submits that the consolidation of three separate indictments into one single consolidated indictment can never be a purely mechanical exercise. If two people were independently to undertake such a consolidation exercise, it would be most surprising if they were both to produce an absolutely identically worded consolidated indictment. The preparation of a consolidated indictment requires a degree of professional skill and judgment, and it was therefore necessarily inherent in the order made by the Trial Chamber in the *Joinder Decision* that the Prosecution had a certain discretion in the form of wording of the Consolidated Indictment.
24. It is conceded that this was a limited discretion, and that the Trial Chamber in the *Joinder Decision* did not grant to the Prosecution permission to make amendments of substance to the separate indictments. It is also conceded by the Prosecution that if the Prosecution exceeded its discretion in the preparation of the Consolidated

²⁶ *Joinder Decision*, *supra* note 13 at para. 11.

²⁷ See the operative part of the *Joinder Decision*, *ibid*.

Indictment, it would have been open to the Trial Chamber, of its own motion, to intervene. Thus, in its pleadings in relation to its Joinder Motion, the Prosecution indicated that if there were any concerns about possible amendment or inconsistencies between the three original indictments and the Consolidated Indictment, the Prosecution would abide by any order of the Chamber.²⁸ The Prosecution also concedes that if it exceeded its discretion in the preparation of the Consolidated Indictment, it would be open to the Defence to file motions challenging the form of the Consolidated Indictment. That is in fact what each of the three Accused in this case did, but only some months after the commencement of the trial in this case. The Trial Chamber rejected the motions of Fofana and Kondewa. The question in this appeal is whether it should also have rejected the motion of Norman.

25. The Norman Decision (like the Fofana Decision and the Kondewa Decision) deals at some length with the general principles concerning the requirements of an indictment. However, with respect to the Trial Chamber, those general principles were not relevant to the determination of the Norman Motion. The language of the Consolidated Indictment is less general, and more specific, than the Original Norman Indictment. Thus, the Consolidated Indictment gives better effect to the general principles governing the form of an indictment than did the Original Norman Indictment. The issue in this case is not whether the Consolidated Indictment is consistent with general principles relating to the form of an indictment. Rather, the question is whether the Prosecution was entitled in the circumstances of the present case to make the relevant amendments to the wording of the original indictments in the course of consolidating them into a single indictment.
26. The Prosecution submits that in all of the circumstances of this case, it was entitled to make these amendments to the wording of the indictment. The contrary conclusion of the Trial Chamber in the Norman Decision was premised on the Trial Chamber's view that the amendments in question to the language of the Consolidated Indictment constituted material changes to the indictment. For the reasons given in paragraphs 24-77 above, that view of the Trial Chamber was, with respect, incorrect.

²⁸ *Ibid*, para. 10.

27. The Prosecution submits that the amendments to the language of the Consolidated Indictment were justified, in view of the following circumstances. The Original Norman Indictment (like the Original Fofana Indictment and the Original Kondewa Indictment) included in certain places the expression “not limited to”. In the *Kondewa Decision on Form of Indictment*, the Trial Chamber ruled that the inclusion of this expression in the Original Kondewa Indictment was inappropriately vague (see paragraph 6 above). It followed from this decision that it would have been inappropriately vague to have included the very same language in the Consolidated Indictment, in so far as it related to Kondewa. If the same language had been included in the Consolidated Indictment, it would have become necessary to serve an additional Bill of Particulars on Kondewa in relation to the Consolidated Indictment, since the Bill of Particulars filed by the Prosecution in the Kondewa case related to the Original Kondewa Indictment and not to the Consolidated Indictment. This would have been artificial and created an unnecessary amount of documentation in the case. It was obviously justifiable, and indeed highly desirable, for the information contained in the Bill of Particulars in relation to the Kondewa case to be included in the Consolidated Indictment, thereby correcting the deficiency which the Trial Chamber had found to exist in the Original Kondewa Indictment, and at the same time obviating the need for a separate Bill of Particulars.
28. Although the *Kondewa Decision on Form of Indictment* technically related to the Original Kondewa Indictment only, its reasoning was equally applicable in principle to the Original Norman Indictment and the Original Fofana Indictment. Furthermore, in a Consolidated Indictment, it was not possible to change the language of the Original Kondewa Indictment, while leaving intact the wording of the Original Norman Indictment and the Original Fofana Indictment. This is because the Consolidated Indictment contains text which applies simultaneously to all three Accused. In preparing the Consolidated Indictment, it was therefore necessary to use forms of wording which avoided the deficiency identified by the Trial Chamber in the *Kondewa Decision on Form of Indictment*, and which would provide the necessary degree of particularity and specificity in relation to all three of the Accused. This is what the Consolidated Indictment does, in relation to Norman as much as in relation to Fofana and Kondewa. **Ultimately, the practical effect of the Consolidated Indictment is the same as if the Prosecution had provided a Bill of Particulars to Norman and to Fofana in addition to the Bill**

of Particular provided to Kondewa, notwithstanding that Norman and Fofana, unlike Kondewa, never challenged the form of their original indictments. The greater degree of particularity and specificity in the Consolidated Indictment is to Norman's benefit, rather than to his prejudice.

29. In its pleadings in relation to its Joinder Motion, the Prosecution stated that the Consolidated Indictment would not involve any change in the substance of the three original indictments.²⁹ For the reasons given above, that is the case. **To the extent that the wording of the Consolidated Indictment differs from the wording of the original indictments, the changes have generally been made to provide greater particularity, and not to change the substance.** Other changes in the wording have either been immaterial to the charges against the Accused, or have reflected a narrowing in the scope of a charge against the Accused.
30. The Respondent notes that the case law of the ICTY establishes that the onus is on the appellant to demonstrate how the Trial Chamber erred. For this purpose, it is not sufficient for an appellant simply to duplicate the submissions already raised before the Trial Chamber without seeking to clarify *how* these arguments support a legal error allegedly committed by the Trial Chamber³⁰. If the Appellant's argument is unclear, it is not the responsibility of the Prosecution to seek to speculate as to what the Appellant's argument may be, or to set out with clarity what the Appellant's arguments might be, in order to respond to them. If the Appellant's arguments of themselves disclose no apparent error in the Trial Chamber's decision, there is nothing to which the Prosecution is called upon to respond.
31. As a general principle the Respondent notes that the Appellant may only raise matters on Appeal that were raised before the Trial Chamber.

²⁹ *Ibid*, para. 10.

³⁰ *Prosecutor v. Delalic et al. (Celebici case)*, Case No. IT-96-21-A, Appeals Chamber, 20 February 2001, para. 371; *Prosecutor v. Kupreskic et al., Appeal Judgement*, Case No. IT-95-16-A, Appeals Chamber, 23 October 2001, paras. 26-27 (indicating that there is a possible exception "where the Trial Chamber has made a glaring mistake"); *Prosecutor v. Niyitegeka, Judgement*, Case No. ICTR-96-14-A, Appeals Chamber, 9 July 2004, para. 9 ("A party cannot merely repeat on appeal arguments that did not succeed at trial, unless that party can demonstrate that rejecting them constituted such error as to warrant the intervention of the Appeals Chamber").

V. CONCLUSION

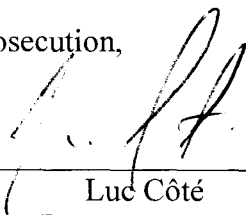
32. The Respondent maintains that:

- a) the current consolidated indictment is not 'invalid, null or void';
- b) the current consolidated indictment is amenable to amendment;
- c) the current consolidated indictment should not be permanently stayed or terminated with immediate effect.

For the reasons given above, the Prosecution requests the Appeals Chamber to dismiss the Appeal.

Freetown, 24 January 2005.

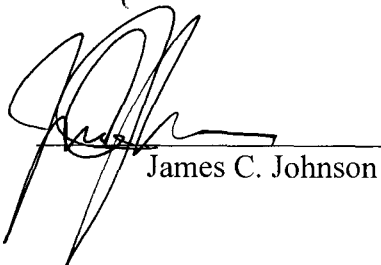
For the Prosecution,



Luc Côté



Kevin Tavener



James C. Johnson

ANNEX I**INDEX OF DOCUMENTS BELIEVED BY THE PROSECUTION TO BE NECESSARY FOR THE DECISION IN THIS INTERLOCUTORY APPEAL**

1. *Prosecutor v. Norman*, Case No. SCSL-2003-08-I-001, “Indictment,” filed by the Prosecution on 7 March 2003 (RP 4 - 12).
2. *Prosecutor v. Kondewa*, Case No. SCSL-2003-12-I, “Indictment,” filed by the Prosecution on 24 June 2003 (RP 545 – 554).
3. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2003-08-PT, “Decision and Order on Prosecution Motions for Joinder,” 27 January 2004.
4. *Prosecutor v Norman*, Case No. SCSL-2003-08-PT, “Prosecution Motion for Joinder,” 9 October 2004.
5. *Prosecutor v Fofana*, Case No. SCSL-2003-11-PT, “Prosecution Motion for Joinder,” 9 October 2004.
6. *Prosecutor v. Fofana*, Case No. SCSL-2003-11 – I, “Indictment,” filed by the Prosecution on 24 June 2003 (RP 547-556).
7. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Indictment,” filed by the Prosecution 5 February 2004 (RP 11 – 21).
8. *Prosecutor v. Kondewa*, Case No. SCSL-2003-12-PT, “Preliminary Motion Based on Defects in the Form of the Indictment Against Kondewa”, filed on behalf of Kondewa on 7 November 2003 (RP 1121).
9. *Prosecutor v. Kondewa*, Case No. SCSL-2004-12-PT, “Decision and Order on Defence Preliminary Motion for Defects in the Form of the Indictment,” 27 November 2003 (RP 1533-1542).
10. *Prosecutor v. Kondewa*, Case No. SCSL-2003-12-PT, “Bill of Particulars”, filed by the Prosecution on 5 December 2003 (RP 1547 - 1550).

11. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2003-08-PT, “Decision and Order on Prosecution Motions for Joinder,” 27 January 2004 (RP 6547-6569).
12. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Motion for Service and Arraignment on Second Indictment”, filed on behalf of Norman on 21 September 2004 (RP 9572-9577).
13. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Moinina Fofana Motion for Service of Consolidated Indictment and a Further Appearance,” filed on behalf of Fofana on 21 October 2004 (RP 9807-9810).
14. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Allieu Kondewa Motion for Service of Consolidated Indictment and a Further Appearance,” filed on behalf of Kondewa on 4 November 2004 (RP 10531-10533).
15. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Decision on the First Accused’s Motion for Service and Arraignment on the Consolidated Indictment,” 29 November 2004 (RP 10888-10894).
16. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Decision on the Second Accused’s Motion for Service and Arraignment on the Consolidated Indictment,” 6 December 2004 (RP 11068-11082).
17. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Separate Concurring Opinion of Judge Bankole Thompson on Decision on the First Accused’s Motion for Service and Arraignment on the Consolidated Indictment,” 8 December 2004 (RP 11 131-11 135).
18. *Prosecutor v. Norman, Fofana and Kondewa*, Case No. SCSL-2004-14-T, “Dissenting Opinion of Hon. Judge Benjamin Mutanga Itoe, Presiding Judge, on the Chamber Majority Decision Supported by Hon. Judge Bankole Thompson’s Separate but Concurring Opinion, on the Motion filed by the First Accused,

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