

### SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995 FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

## TRIAL CHAMBER I

Before:

Hon. Justice Pierre Boutet, Presiding Judge

Hon. Justice Bankole Thompson Hon. Justice Benjamin Mutanga Itoe

Registrar:

Mr. Lovemore G. Munlo, SC

Date:

10<sup>th</sup> November 2006

**PROSECUTOR** 

**Against** 

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

# **Public Document**

## **CORRIGENDUM**

DECISION ON THE IMPERMISSIBILITY OF ELICITING EVIDENCE INVOLVING THE SECOND ACCUSED THROUGH CROSS-EXAMINATION OF WITNESSES CALLED BY THE THIRD ACCUSED

#### Office of the Prosecutor:

Court Appointed Counsel for Sam Hinga Norman:

Christopher Staker James Johnson Joseph Kamara

Dr. Bu-Buakei Jabbi John Wesley Hall, Jr. Alusine Sani Sesay

Mohammed A. Bangura

Court Appointed Counsel for Moinina Fofana:

Court Appointed Counsel for Allieu Kondewa:

Victor Koppe Arrow Bockarie Michiel Pestman Steven Powles

SPECIAL COURT FOR SIERRA LZONE RECEIVED COURT MANAGEMENT 10 NOV 2006

Adver Nsima K.

Charles Margai

Yada Williams Ansu Lansana

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

MINDFUL of the "Decision on the Impermissibility of Eliciting Evidence Involving the Second Accused Through Cross-Examination of Witnesses Called by the Third Accused" ("Decision");

CONSIDERING paragraph 16 of this Decision:

16. As a preliminary matter, The Chamber reiterates that the Prosecution's obligation to disclose exculpatory evidence is not relevant to the present Objection<sup>1</sup> and notes that the issues relating to Counsel for Fofana's submissions on the Prosecution's alleged failure to disclose potentially exculpatory evidence are under consideration in a pending motion.<sup>2</sup>

CONSIDERING that this paragraph should, instead, read as follows:

16. As a preliminary matter, The Chamber reiterates that the Prosecution's obligation to disclose exculpatory evidence is not relevant to the present Objection<sup>3</sup> and notes that the issues relating to Counsel for Fofana's submissions on the Prosecution's alleged failure to disclose potentially exculpatory evidence have been disposed of by a separate Decision.<sup>4</sup>

#### FOR THE FOREGOING REASONS,

PURSUANT to Rule 54 of the Rules of Procedure and Evidence of the Special Court,

ORDERS that the Decision be amended as follows:

16. As a preliminary matter, The Chamber reiterates that the Prosecution's obligation to disclose exculpatory evidence is not relevant to the present Objection<sup>5</sup> and notes that the issues relating to Counsel for Fofana's submissions on the Prosecution's alleged failure to disclose potentially exculpatory evidence have been disposed of by a separate Decision.<sup>6</sup>

Case No. SCSL04-14T

15%

2.

10th of November 2006

<sup>&</sup>lt;sup>1</sup> Transcript of the 6<sup>th</sup> of October, 2006, p. 9, 1. 6 – 19.

<sup>&</sup>lt;sup>2</sup> Prosecutor v. Norman et al, SCSL-04-14-724, "Confidential Defence Request for Full Review of Prosecution Evidence to Identify Rule 68 Material for Disclosure", filed 24 October 2006.

<sup>&</sup>lt;sup>3</sup> Transcript of the 6<sup>th</sup> of October, 2006, p. 9, l. 6 - 19.

<sup>&</sup>lt;sup>4</sup> Prosecutor v. Norman et al, SCSL-04-14-730, "Decision on Fofana Request for Full Review of Prosecution Evidence to Identify Rule 68 Material for Disclosure", 6 November 2006.

<sup>&</sup>lt;sup>5</sup> Transcript of the 6<sup>th</sup> of October, 2006, p. 9, l. 6 - 19.

<sup>&</sup>lt;sup>o</sup> Prosecutor v. Norman et al, SCSL-04-14-730, "Decision on Fofana Request for Full Review of Prosecution Evidence to Identify Rule 68 Material for Disclosure", 6 November 2006.

Done in Freetown, Sierra Leone, this 10th day of November 2006.

Hon. Justice Berjamin Mutanga Itoe

Hon. Justice Bankole Thompson

Presiding Judge Trial Chamber I Hon. Justice Pierre Boutet

[Seal of the Box ial Court for Sierra Leone]