

**Special Court for Sierra Leone**  
Press and Public Affairs Office

## **PRESS RELEASE**

**Freetown, Sierra Leone, 27 January 2004**

### **Trial Chamber Joinder Decision: Accused to be Tried in Three Groups**

The Trial Chamber of the Special Court ruled today that nine persons indicted by the Special Court should be tried jointly in three groups, according to which faction they were alleged to have belonged to.

In October, Prosecutors asked that the defendants be tried in two groups, arguing



that this would lead to a more efficient administration of justice and also reduce the impact on witnesses, who might otherwise be called upon to testify in multiple trials. The motion cited the Court's Rules of Procedure and Evidence, which states that "persons who are separately indicted, accused

of the same or different crimes committed in the course of the same transaction, may be tried together" at the discretion of the Trial Chamber Judges.

Under the Prosecution motion, alleged CDF members Sam Hinga Norman, Moinina Fofana and Allieu Kondewa would have been tried in one group, while the six other defendants would have been tried jointly in a group of alleged AFRC and RUF members.

Noting that "counsel for each of the three Accused indicated that they did not oppose the joinder of the trials," the Judges ordered that Norman, Fofana and Kondewa be tried in a group.

The Judges, however, decided that alleged RUF members Issa Hassan Sesay, Morris Kallon and Augustine Gbao should be tried in one group, while alleged AFRC members Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu should be tried in another. In their decision, the Judges said they were convinced that "not only would the interests of justice be better protected by trying each group separately, but that their chances of a fair and expeditious trial would be greatly enhanced."

The Judges agreed that joint trials would be more efficient, would allow for a more consistent and detailed presentation of evidence, would offer better protection for victims' and witnesses' physical and mental safety, and would be in the interests of justice.

The Trial Chamber was also satisfied that the fundamental rights of the Accused would not be jeopardized or infringed by the joinder.

In a separate addendum, Judge Benjamin Itoe stated he believed a consolidated indictment should be considered as a new indictment, and be resubmitted for judicial approval and allow the Accused to enter new pleas.

This was however a dissenting opinion and the orders of the majority will apply so that no such judicial re-approval process will occur.

Prosecutors now have ten days to prepare new consolidated indictments.

While the indictees will be tried together, Judges will render individual verdicts based on the evidence in the case.

#END

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996. To date, the Prosecutor has indicted eleven persons on various charges of crimes against humanity, violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II, and other serious violations of international humanitarian law. Nine indictees are currently in the custody of the Court.

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