

(6/34 - 6/36)



## SPECIAL COURT FOR SIERRA LEONE

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## TRIAL CHAMBER II

Before: Judge Teresa Doherty, Presiding Judge  
 Judge Richard Lussick  
 Judge Julia Sebutinde

Registrar: Robin Vincent

Date: 15 February 2005

PROSECUTOR	Against	Alex Tamba Brima Brima Bazzy Kamara Santigie Borbor Kanu (Case No.SCSL-04-16-PT)
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DECISION ON KANU'S MOTION FOR DISMISSAL OF COUNTS 15 - 18 OF THE  
 INDICTMENT DUE TO AN ALIBI DEFENCE AND LACK OF PRIMA FACIE CASE AND  
 REQUEST FOR EXTENSION OF TIME FOR THE HEARING OF THE DEFENCE MOTION

Office of the Prosecutor:

Luc Côté  
 Lesley Taylor  
 Boi-Tia Stevens

Defence Counsel for Alex Tamba Brima:

Kevin Metzger  
 Glenna Thompson  
 Kojo Graham

Defence Counsel for Brima Bazzy Kamara:

Wilbert Harris  
 Mohamed Pa-Momo Fofanah

Defence Counsel for Santigie Borbor Kanu:

Geert-Jan Alexander Knoops  
 Carry Knoops  
 Abibola E. Manley-Spaine

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**TRIAL CHAMBER II** ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court"), composed of Judge Teresa Doherty, Presiding Judge, Judge Richard Lussick and Judge Julia Sebutinde;

**BEING SEIZED** of the Accused Kanu's Motion for Dismissal of Counts 15 to 18 of the Indictment Due to an Alibi Defence and Lack of Prima Facie Case, filed on 20 January 2005 ("the Motion");

**NOTING** the Prosecution's Response to the Motion on 31 January 2005 and the Defence Reply on 4 February 2005 thereto;

**NOTING** the Order on Expedited Filing and Scheduling Order, dated 7 February 2005 scheduling a hearing for the Motion;

**NOTING** the Accused's Request for an Extension of Time for the Hearing of the Defence Motion for Dismissal of Counts 15 to 18 of the Indictment Due to an Alibi Defence and Lack of Prima Facie Case of 20 January 2005, filed 11 February 2005 ("the Request");

**NOTING** the Prosecution's Response on 15 February 2005 to the Request;

**NOTING** the Decision of this Trial Chamber granting leave to the Prosecution to amend the Amended Consolidated Indictment by withdrawal of the counts 15, 16, 17, and 18 filed 15 February 2005;

**UPHOLDS** the objections by the Prosecution to the Defence Application in the Request to present its arguments in written form;

**CONSIDERS** that both aforementioned Defence applications were filed on the premise that counts 15 to 18 of the Amended Consolidated Indictment would continue to be part of the indictment;

**NOTING** that the withdrawal of Counts 15, 16, 17, and 18 have rendered it unnecessary to decide either of the defence motions and that any determination thereof would be purely academic and theoretical;

**HOLDS** that the Motion is now moot and an argument thereon is not called for;

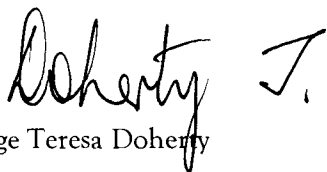
**FOR THESE REASONS**

**DISMISSES** the Motion;



VACATES the hearing date of 16 February 2005 for the Motion.

Done at Freetown this 15<sup>th</sup> day of February 2005



Judge Teresa Doherty

Presiding Judge

Trial Chamber II

