

456



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 II

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

Interim Registrar: Lovemore Munlo

Date: 19 January 2006

PROSECUTOR **Against** **Alex Tamba Brima**
Brima Bazy Kamara
Santigie Borbor Kanu
(Case No.SCSL-04-16-T)

**DECISION ON URGENT DEFENCE REQUEST UNDER RULE 54 WITH RESPECT TO
FILING OF MOTION FOR AQUITTAL**

Office of the Prosecutor:

Jim Johnson
James Hodes
Wambui Ngunya
Marco Bundi

Defence Counsel for Alex Tamba Brima:

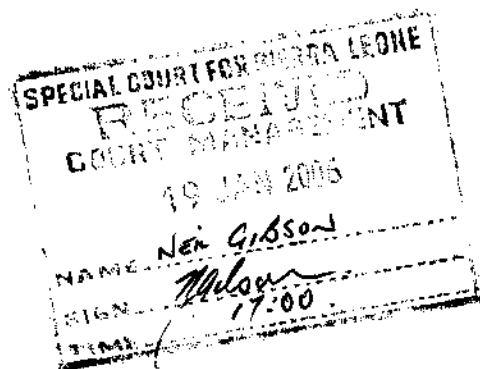
Kojo Graham
Glenna Thompson

Defence Counsel for Brima Bazy Kamara:

Andrew Daniels
Mohamed Pa-Momo Fofanah

Defence Counsel for Santigie Borbor Kanu:

Geert-Jan Alexander Knoop
Cary Knoop
Abibola E. Manly-Spain



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

SEISED of the Urgent Joint Defence Request Under Rule 54 with Respect to Filing of Motion for Acquittal, filed on 15 December 2005 ("Request");

NOTING the Prosecution Response to the Urgent Joint Defence Request Under Rule 54, filed on 15 December 2005 ("Response");

CONSIDERING the Scheduling Order on Filing of a Motion for Judgement of Acquittal, dated 30 September 2005 ("Scheduling Order") wherein the Trial Chamber ordered, *inter alia*, that "any Motion for Judgement of Acquittal shall be filed by the Defence in writing within three weeks from the date that the Prosecution case closes";

NOTING that the Prosecution in the case of *Prosecutor v. Alex Tamba Brima, et al*¹ formally closed its case on Monday 21 November 2005;

NOTING that the Brima - Motion for Acquittal Pursuant to Rule 98 ("the Brima Motion") and the Defence Motion for Judgement of Acquittal for the second Accused Brima Bazzy Kamara ("the Kamara Motion") were both filed on the 12 December 2005, within the time frame ordered by the Trial Chamber;

NOTING that the Joint Legal Part of the Defence Motion for Judgement of Acquittal under Rule 98 ("Joint Legal Part") and the Kanu - Factual Part of the Defence Motion for Judgment of Acquittal Under Rule 98 ("the Kanu Motion") were both filed on 13 December 2005, outside the time frame ordered by the Trial Chamber;

NOTING that the specific time limits for filing the Motions for a Judgment for Acquittal were ordered by the Trial Chamber in the Scheduling Order thereby rendering the provisions of Rule 7 (A) of the Rules of Procedure and Evidence ("the Rules") and of Article 12 of the Practice Direction on Filing Documents Before the Special Court for Sierra Leone inapplicable;

CONSIDERING however, that the Prosecution does not object to the Defence Request that the late filing be accepted by the Trial Chamber

CONSIDERING FURTHER that it is in the interests of justice to do so;

ACCEPTS the late filing of the Joint Legal Part and of the Kanu Motion pursuant to Rule 54 of the Rules.

JAO

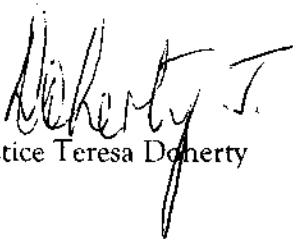



¹ Case No. SCSL-2004-16-T

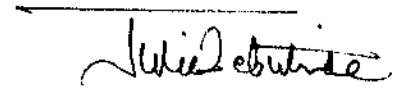


17341

Done at Freetown, Sierra Leone, this 19th day of January 2005.


Justice Teresa Doherty


Justice Richard Lussick
Presiding Judge


Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]

