

**SPECIAL COURT FOR SIERRA LEONE  
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**TRIAL CHAMBER I**

**Before:** Hon. Justice Bankole Thompson, Presiding Judge  
Hon. Justice Pierre Boutet  
Hon. Justice Benjamin Mutanga Itoe  
**Registrar:** Mr. Lovemore G. Munlo SC  
**Date:** 26th of September 2006  
**PROSECUTOR**

**Against** **ISSA HASSAN SESAY**  
**MORRIS KALLON**  
**AUGUSTINE GBAO**  
(Case No. SCSL-04-15-T)

**Public Document**

**ORDER CONCERNING “SKELETON MOTION FOR JUDGMENT OF ACQUITTAL  
OF THE SECOND ACCUSED MORRIS KALLON”**

**Office of the Prosecutor:**

Christopher Staker  
James C. Johnson  
Peter Harrison

**Defence Counsel for Issa Hassan Sesay:**

Wayne Jordash  
Sareta Ashraph

**Defence Counsel for Morris Kallon:**

Shekou Touray  
Charles Taku  
Melron Nicol-Wilson

**Court Appointed Counsel for Augustine**

**Gbao:**

Andreas O’Shea  
John Cammegh

**TRIAL CHAMBER I** (“Trial 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;

**NOTING** the *Skeleton Motion for Judgment of Acquittal of the Second Accused Morris Kallon* that was filed by Counsel for the Accused Morris Kallon (“Defence”) on the 25th of September 2006 at 4:45pm and served this morning (“Kallon Skeleton Motion”);

**MINDFUL** of the current applicable provisions of Rule 98 of the Rules of Procedure and Evidence (“Rules”) as amended by the Plenary Meeting of Judges of the Special Court on 13 May 2006, which reads as follows:

If, after the close of the case for the prosecution, there is no evidence capable of supporting a conviction on one or more counts of the indictment, the Trial Chamber shall, by oral decision and **after hearing the oral submissions of the parties**, enter a judgment of acquittal on those counts. [Emphasis added.]

**RECALLING** our *Scheduling Order Concerning Oral Motions for Judgment of Acquittal Pursuant to Rule 98* dated the 2nd of August 2006 which ordered that oral submissions on the motion for judgment of acquittal are to be heard between Monday, the 16th of October 2006 and Tuesday, the 17th of October if necessary and that each Defence Team shall have a maximum of 2 hours to present its oral submissions while the Prosecution shall have a maximum of 3 hours to present its oral submission in response;

**NOTING** that both the Prosecution and Defence submitted in their Position Papers on Implementing Modalities for Rule 98 that the filing of an advance notice of the specific issues that the Defence intends to address in their oral submissions pursuant to Rule 98 would promote fairness and efficiency of the proceedings under this Rule; [\[1\]](#)

**RECALLING** that this Chamber ordered that “each Defence Team shall file by no later than Monday, the 25th of September 2006, at 4:00 pm a Skeletal Argument identifying and notifying in a clear and concise manner the specific issues per each count of the current Indictment, as well as any legal argument, that the Defence intend to raise in their oral submissions”;

**EMPHASISING** that the decision on the motion for judgment of acquittal pursuant to Rule 98 of the Rules will be made on the basis of the oral submissions of the Parties and that the Skeletal Arguments are intended merely to provide advance notice to the Chamber and to all Parties of the issues, legal argument and specific evidence that will be referred to by each Party during their oral submissions;

**NOTING** that the Kallon Skeleton Motion was not filed by the above-noted deadline;

**NOTING FURTHER** that the Kallon Skeleton Motion is 160 pages long, contains legal arguments and an extremely detailed analysis of testimony heard during the trial proceedings and suggests that the Defence “will canvass further arguments in support of the motion” in the course of oral arguments;[\[2\]](#)

**FINDING** that the Kallon Skeleton Motion does not comply with the *Scheduling Order*;

**CONSIDERING**, however, that it is in the interests of the Chamber and the other Parties that the Defence for Kallon file a Skeletal Argument that clearly and **concisely** outlines the specific issues per each count of the current Indictment, as well as any legal argument, that the Defence intend to raise in their oral submissions which shall not exceed 2 hours and indicates the specific evidence relevant to each of the issues;

**CONSIDERING FURTHER** that this document should be no more than 15 pages in length;

**ORDERS** the Defence to file this Skeletal Argument by no later than 4:00pm on Wednesday, the 27th of September 2006.

Done at Freetown, Sierra Leone, this 27th day of September 2006

Hon. Justice Benjamin Mutanga  
Itoe

Hon. Justice Bankole  
Thompson  
Presiding Judge  
Trial Chamber I

Hon. Justice Pierre Boutet

[Seal of the Special Court for Sierra Leone]

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[1] Joint Defence Position Paper on Implementing Rule 98 Modalities, filed jointly by the Defence Team of each Accused on the 11th of July 2006, para. 25; Prosecution Position Paper on Implementing Modalities for Rule 98”, filed by the Prosecution on the 11th of July, 2006, para. 24.

[2] Defence “Skeleton Motion”, para. 13.

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