

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

RECALLING the Scheduling Order for a Status Conference issued on 26 October 2006¹ in which the Trial Chamber observed that "it would be in the interest of the administration of justice to convene a Status Conference in order to discuss the final stage of the proceedings and, in particular, issues relating to Rule 86 of the Rules of Procedure and Evidence ("Rules")";

NOTING that Rule 86 of the Rules provides that:

- (A) After the presentation of all the evidence, the Prosecutor shall and the defence may present a closing argument.
- (B) A party shall file a final trial brief with the Trial Chamber not later than five days prior to the day set for the presentation of that party's closing argument.
- (C) The parties shall inform the Trial Chamber of the anticipated length of closing arguments; the Trial Chamber may limit the length of those arguments in the interests of justice.

NOTING the provisions of the Practice Direction on Filing Documents Before the Special Court for Sierra Leone² adopted on 27 February 2003 and as amended on 1 June 2004 and 10 June 2005 ("Practice Direction"), in particular that the length of "final trial submissions shall not exceed 200 pages or 60,000 words, whichever is the greater"³, and that "the typeface shall be 12 point, "Times New Roman" font, with 1.5 line spacing. An average page shall contain a maximum of 300 words"⁴, and that "Headings, footnotes and quotations count towards the word and page limits set out in the present article. Any appendices or authorities do not count towards the page limit"⁵;

NOTING that the case for each of the Accused, Brima, Kamara and Kanu is closed as of the 27 October 2006 and that the Prosecution's Confidential Motion for Leave to Call Evidence in Rebuttal filed on 16 October 2006⁶ ("Rebuttal Evidence Motion") is pending decision;

NOTING the oral submissions⁷ of the parties at the Scheduling Conference held on 27 October 2006 and in particular that:

- (i) The Prosecution will be filing one consolidated trial brief in respect of all three Accused persons;
- (ii) Each of the three Defence teams for the Accused Brima, Kamara and Kanu will be filing a final trial brief for their respective client, and may file a joint trial brief with regard to common aspects of the case;

¹ Document SCSL-04-16-T-580.
² Document SCSL-04-14-PT-114.
³ Article 6 (B).
⁴ Article 4 (G).
⁵ Article 6 (F).
⁶ Document SCSL-04-16-T-569.
⁷ Transcript 27 October 2006, pages 2-7.



(iii) The parties agreed that:

- (a) the length of the final trial brief for the Prosecution shall not exceed 400 pages; that of the final trial brief for each Defence team shall not exceed 200 pages; and that in the event that the Defence file a joint final trial brief in addition to the individual briefs, the aggregate length of the Defence briefs shall not exceed 600 pages in total;
- (b) the parties shall file their final trial briefs on the same date, on or before Friday, 8 December 2006, notwithstanding that rebuttal evidence may or may not have been called;
- (c) the parties will submit oral closing arguments on 13 to 14 December 2006 and that subject to the Trial Chamber's direction, the anticipated length of the Prosecution arguments shall not exceed 3 hours, while that of the arguments for each Defence team shall not exceed two hours;

CONSIDERING that it is in the interests of justice and in keeping with the conduct of a fair and expeditious trial for the Trial Chamber to issue guidelines for the filing of final trial briefs by the parties and for the presentation of their closing arguments, at this stage of the proceedings;

RECALLING the oral Ruling and orders of the Trial Chamber delivered by the Presiding Judge on the 27 October 2006;⁸

PURSUANT to the provisions of Rules 54, 65bis and 86 of the Rules;

HEREBY ORDERS AS FOLLOWS:

1. The Prosecution shall file one consolidated final trial brief in respect of the three Accused persons, which may include a joint statement of the law in relation to all three Accused persons and a statement of the facts in relation to each Accused separately.
2. Each Defence team for the three Accused persons may file a final trial brief in respect of their client and may in addition file a joint Defence statement on the law or in relation to any other aspect of the case common to all three Accused persons.
3. The Prosecution and Defence shall file their respective final trial briefs on the same date, on or before Friday, 1 December 2006.
4. The final trial brief by each party shall be presented as a brief set of arguments or propositions as to why a particular count should be upheld or rejected, addressing specific allegations in each count and the responsibility of the Accused, and shall include references to the testimony of witnesses and exhibits with transcript page references made either in footnotes or brackets.
5. The Prosecution shall and the Defence may present orally their respective closing arguments on Thursday, 7 December 2006 and Friday, 8 December 2006. During the presentation of closing arguments, a party may orally respond to the written submissions of the other and may

⁸ Transcript 27 October 2006, page 27, line 11-page 28, line 8.

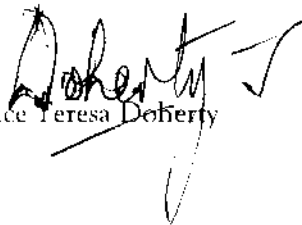


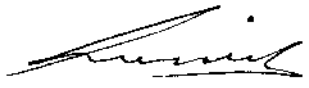
bring any other final matters before the Trial Chamber as they consider to be essential to their case.

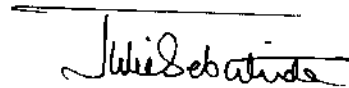
6. By agreement of the parties:

- (a) the length of the consolidated final trial brief filed by the Prosecution shall not exceed 400 pages;
- (b) the length of the final trial brief for each Defence team shall not exceed 200 pages; and in the event that the Defence file a joint final trial brief in addition to the individual briefs, the aggregate length of the Defence briefs shall not exceed 600 pages in total;
- (c) the final trial briefs filed by the parties shall in all other respects, comply with the Practice Direction; and
- (d) the length of the closing arguments for the Prosecution shall not exceed three hours and that of the closing arguments for Counsel for each of the Accused persons shall not exceed two hours.

Done at Freetown, Sierra Leone, this 30th day of October 2006.


Justice Teresa Doherty


Justice Richard Lussick
Presiding Judge


Justice Julia Sebutinde

