

606.)

SCSL-04-16-1
(20387-20389)

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SPECIAL COURT FOR SIERRA LEONE

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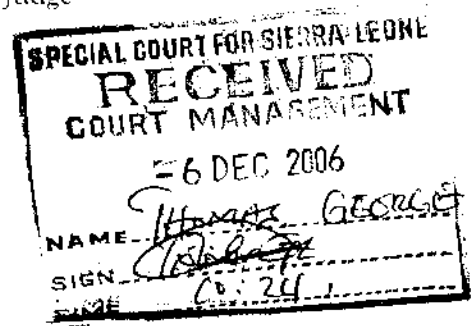
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TRIAL CHAMBER II

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

Registrar: Lovemore G. Munlo, SC

Date: 6 December 2006



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

ORDER TO RE-FILE BRIMA AND KAMARA FINAL TRIAL BRIEFS

Office of the Prosecutor:

James C. Johnson
Karim Agha
Charles Hardaway

Defence Counsel for Alex Tamba Brima:

Kojo Graham
Glenna Thompson

Defence Counsel for Brima Bazzy Kamara:

Andrew Daniels
Mohamed Pa-Momo Fofanah

Defence Counsel for Santigie Borbor Kanu:

Geert-Jan Alexander Knoop
Carry Knoop
A. E. Manly-Spain

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;

CONSEQUENT TO the Trial Chamber's Order Under Rule 16 to Continue Trial in the Absence of a Judge, dated 6 December 2006;

NOTING the Confidential Brima Defence Final Trial Brief, filed on 1 December 2006 ("Brima Final Trial Brief"), and the Confidential Kamara Final Trial Brief, filed on 1 December 2006 ("Kamara Final Trial Brief");

RECALLING the Trial Chamber's Order for Filing of Final Trial Briefs and Presentation of Closing Arguments, dated 30 October 2006 ("Order"), wherein Order 4 states as follows:

"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."

NOTING that in various places the Brima Final Trial Brief and the Kamara Final Trial Brief do not provide transcript page references;¹

NOTING Article 7(A) of the Practice Direction on Filing Documents Before the Special Court for Sierra Leone;

NOTING that in various places in the Brima Final Trial Brief authorities are cited without reference to the relevant page or paragraph;²

CONSIDERING therefore that the Brima and Kamara Final Trial Briefs do not comply with the Order, and that the Brima Final Trial Brief does not comply with the said Article 7(A);

PURSUANT to Rule 54 of the Special Court Rules of Procedure and Evidence;

HEREBY ORDERS as follows:

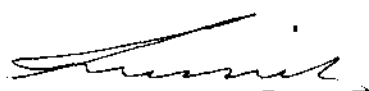
That the Brima and Kamara Defence teams re-file their Final Trial Briefs, ensuring that every reference to the testimony of witnesses is supported by the date and transcript page reference of the testimony in question and that authorities are properly cited, by 10.00 a.m. on 11 December 2006.

¹ SCSL-04-16-T-597, Confidential - Kamara Final Trial Brief, 1 December 2006; see for example footnotes 25, 26, 27, 28, 29, 30, 31, 32, 33, 34; SCSL-04-16-T-595, Confidential - Brima Final Trial Brief, 1 December 2006; see for example footnotes 52, 53, 54, 112, 113, 114, 115, 117, 125.

² SCSL-04-16-T-595, Confidential - Brima Final Trial Brief, 1 December 2006; see for example footnotes 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32.




Done at Freetown, Sierra Leone, this 6th day of December 2006.


Justice Richard Lussick
Presiding Judge




Justice Teresa Doherty