



**SEIZED** of the Request for Leave to Raise Objections to the Form of the Indictment, filed by Defence Counsel for the Third Accused, Augustine Gbao (“Defence”) on the 23rd of August 2007 (“Request”);

**NOTING** the Response to the Motion filed by the Office of the Prosecutor (“Prosecution”) on the 31st of August 2007 (“Response”) and the Reply thereto filed by the Defence on the 5th of September 2007 (“Reply”);

**MINDFUL** of the Judgment of Trial Chamber II of the Special Court in the case of *Prosecutor v. Brima, Kamara and Kanu* rendered on the 20th of June 2007 and the Notice Concerning Joint Criminal Enterprise and Raising Defects in the Indictment filed by the Prosecution on the 3rd of August 2007;

**MINDFUL** of the Corrected Amended Consolidated Indictment against the First, Second and Third Accused (“Indictment”) filed by the Prosecution on the 2nd of August 2006;

**RECALLING** the Judgment of this Trial Chamber in the case of *Prosecutor v. Fofana and Kondewa* rendered on the 2nd of August 2007;

**RECALLING** the previous Decisions of this Trial Chamber concerning the making of objections to the form of the Indictment, including the Oral Decision on RUF Motions for Acquittal Pursuant to Rule 98 rendered on the 25th of October 2006;

**CONSIDERING** that in all the circumstances it would be more appropriate for the Trial Chamber to address any objections to the form of the Indictment at the end of the case rather than during the course of the trial;

**CONSIDERING** that the fact that the Defence sought to raise objections at this stage ought to be taken into account by the Trial Chamber when it ultimately considers the issue;

**PURSUANT** to Articles 16 and 17 of the Statute of the Special Court (“Statute”) and Rules 26*bis* and 72 of the Rules of Procedure and Evidence (“Rules”);

**HEREBY DISMISSES** the Motion in its entirety.

Done at Freetown, Sierra Leone, this 17th of January 2008.

Hon. Justice Pierre Boutet

Hon. Justice Benjamin Mutanga  
Itoe

Hon. Justice Bankole  
Thompson

Presiding Judge  
Trial Chamber I

[Seal of the Special Court]