

HAVING RECEIVED the Motion Challenging Defects in the Form of the Indictment and Annexes A, B and C, filed by Defence Counsel for the Second Accused, Morris Kallon (“Defence”) on the 28th of January 2008 (“Motion”);

HAVING RECEIVED the Urgent Motion for Relief in Respect of the Kallon Motion Challenging Defects in the Form of the Indictment filed by the Office of the Prosecutor on the 29th of January 2008;

RECALLING that Article 6(C) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone adopted on the 27th of February 2003 (as amended) (“Practice Direction”) provides that “[p]reliminary motions, motions, responses to such motions and replies to such shall not exceed 10 pages or 3,000 words, whichever is the greater”;

RECALLING that in its Confidential and *ex parte* Decision on Kallon Application for Leave to Make a Motion in Excess of the Page Limit rendered on the 14th of December 2007, the Trial Chamber ordered that “any Motion filed by the Defence concerning defects in the form of the Indictment should not exceed the page limits proscribed by Article 6(d) (as it then was) of the Practice Direction”;

NOTING that the Motion is accompanied by Annexes A, B and C, all of which contain submissions and legal arguments which should properly be contained within the body of the Motion;

CONSIDERING that the Motion effectively contains 38 pages of submissions and legal arguments, 28 pages in excess of the ten pages or 3,000 words permitted by the Practice Direction and the Order of this Trial Chamber;

PURSUANT to Rules 46(C) and 54 of the Rules of Procedure and Evidence (“Rules”) and Article 6(C) of the Practice Direction;

HEREBY FINDS that the Motion constitutes an unacceptable violation of the Practice Direction and of an Order of this Trial Chamber and amounts to an abuse of process; and

REJECTS the filing of the said Motion; and
CONSEQUENTIALLY ORDERS

1. that the Court Management Service remove the Motion from the official court record of this case; and
2. that the Defence be not paid the fees or costs associated with the Motion by the Defence Office.

Done at Freetown, Sierra Leone, this 31st 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]