

TRIAL CHAMBER I (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”) composed of Hon. Justice Benjamin Mutanga Itoe, Presiding Judge, Hon. Justice Bankole Thompson and Hon. Justice Pierre Boutet;

NOTING the Order Re-Scheduling Judicial Calendar, issued by the Chamber on the 28th of February 2008, where the Chamber ordered that the trial session of this case would run from the 10th of April 2008 and will then proceed continuously until its completion save for judicial recess;[\[1\]](#)

NOTING that Rule 86 “Closing Arguments” of the Rules of Procedure and Evidence of the Special Court (“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 Practice Direction on Filing Documents before the Special Court for Sierra Leone, adopted on the 27th of February 2003, amended on the 1st of June 2004, the 10th of June 2005 and the 16th of January 2008 (“Practice Direction”);

NOTING that in accordance with the Practice Direction, the length of the “final trial submissions shall not exceed 200 pages or 60,000 words, whichever is greater”,[\[2\]](#) “[t]he typeface shall be 12 point, ‘Times New Roman’ font, with 1.5 line spacing. An average page shall contain a maximum of 300 words”[\[3\]](#) and “[h]eadings, 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.”;[\[4\]](#)

NOTING that the Defence case for the First Accused was closed on the 13th of March 2008 with an option of re-opening the said Defence case for the testimony of Ex-President Kabbah;[\[5\]](#)

NOTING that the Defence case for the Second Accused is likely to be closed on or about the 30th of May 2008;[\[6\]](#)

NOTING that the Defence case for the Third Accused will start upon the completion of the Defence case of the Second Accused and will be completed on or before the 24th of June 2008[\[7\]](#) or even shorter, as further reduction in the number of witnesses to be called on behalf of the Third Accused is reported to be undertaken by Court Appointed Counsel for the Third Accused (“Counsel for Gbao”);

NOTING the submissions made by the Parties at the Status Conference held on the 12th of March 2008 (“Status Conference”) on the issue of the filing of the final trial briefs and the presentation of their closing arguments;

NOTING that at the aforesaid Status Conference, Counsel for the First Accused (“Counsel for Sesay”), Counsel for Gbao and the Office of the Prosecutor (“Prosecution”) requested a period of six weeks within which to file their final trial briefs, whilst (“Counsel for Kallon”) on its part requested a period of eight weeks;[\[8\]](#)

NOTING that at the Status Conference, Counsel for Sesay requested the Chamber to allow the Defence of Sesay to present a final brief of 500 pages reflecting the larger size of its case, that Counsel for Kallon also requested at least 500 pages, Counsel for Gbao on its part requested 300 pages and the Prosecution requested 500 pages for its final briefs;[\[9\]](#)

CONSIDERING all relevant factors which may be taken into account when determining the procedure for the filing of the final trial briefs and the presentation of the closing arguments and having reviewed the practice of other international tribunals on this issue;

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 directives for the filing of the final trial briefs by the Parties and for the presentation of their closing arguments;

PURSUANT TO Rules 26 *bis*, 54 and 86 of the Rules;

HEREBY ORDERS AS FOLLOWS:

1. Counsel for each Accused and the Prosecution shall file their respective final trial briefs on or before but not later than 29th of July, 2008;
2. The length of the final trial brief filed by Counsel for each Accused shall not exceed four hundred (400) pages, including any headings, footnotes and quotations;
3. The final trial brief by the Prosecution shall be filed as one document, 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;
4. The length of the final trial brief filed by the Prosecution shall not exceed five hundred (500) pages, including any headings, footnotes and quotations;
5. 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 it shall include references to the names of the witnesses and exhibits with transcript page references made either in footnotes or in brackets;
6. The final trial briefs by the Parties shall comply with all the requirements of the Practice Direction, including those relating to font and line-spacing;
7. The Prosecution and Counsel for each Accused may present their respective closing arguments on the 4th and 5th of August 2008;
8. The Prosecution shall be the first to present its closing arguments followed by Counsel for the First, Second and Third Accused respectively;

9. The Parties during the presentation of their closing arguments may respond orally to the other Parties' written submissions and may bring any other final matters before the Chamber, as they consider to be essential for their respective cases;

10. The Parties shall inform the Chamber of the anticipated length of their closing arguments, which, thereafter, may be limited by the Chamber in the interests of justice.

Done at Freetown, Sierra Leone, this 29th day of April 2008

Hon. Justice Pierre Boutet

Hon. Justice Benjamin Mutanga
Itoe

Hon. Justice Bankole
Thompson

Presiding Judge
Trial Chamber I

[Seal of the Special Court]

[1] *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-2004-15-T, Order Re-Scheduling Judicial Calendar, 28 February 2008.

[2] Article 6(B).

[3] Article 4(G).

[4] Article 6(F).

[5] See Oral Ruling on Motion for Issuance of a Subpoena to H.E DR. Ahmad Tejan Kabbah, Former President of the Republic of Sierra Leone, 13th March 2008.

[6] At the Status Conference held on the 27th of November 2007, the Kallon Defence informed the Chamber that its case would last 3 months. At the Status Conference held on the 12th of March 2008, the Chamber requested a proposed shorter length from the Kallon Defence. The Kallon Defence submitted it can complete its case in 50 working days. The Chamber ordered the Kallon Defence close its case by the 30th of May 2008. See Transcript of 27th of November 2007, p. 24, lines 22-28. See also Transcript of 12th March 2008, p. 38, lines 13-18.

[7] The Chamber observed the number of Gbao Defence witness is too long and in disharmony with the time frame presented by the Gbao Defence. At the Status Conference held on the 12th of March, 2008, the Gbao Defence requested 4 weeks to be sure they have ample time to present its case. The Chamber ordered the Gbao Defence to complete its case or before the 24th of June 2008. See Transcript of 12th March 2008, p. 25, lines 13-20.

[8] Transcript of the 12th of March 2008, pp. 48-59.

[9] Transcript of the 12th of March 2008, pp. 48-59.