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SCSL-2003-10-PT
(1145-1146)

1145

THE SPECIAL COURT FOR SIERRA LEONE

Before: Judge Benjamin Itoe
Judge Bankole Thompson
Judge Pierre Boutet

Registrar: Mr Robin Vincent

Date Filed:

THE PROSECUTOR

V.

BRIMA BAZZY KAMARA also known as
IBRAHIM BAZZY KAMARA also known as ALHAJI IBRAHIM KAMARA

Case No. SCSL-2003-10-PT

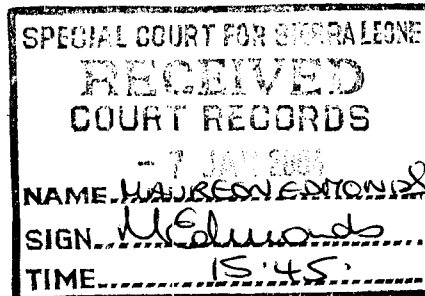
RELIEF FOR THE MOTION
ON DEFECTS IN THE FORM OF THE INDICTMENT

Office of the Prosecutor:

Mr Luc Côté
Ms Brenda J. Hollis
Mr Robert Petit
Ms Boi-Tia Stevens

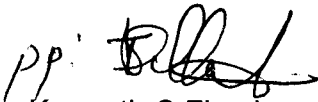
Defence Counsel:

Mr Ken Fleming Q.C.



The Defence seeks the following relief:

1. *The Indictment be set aside*: It is submitted that such relief is not precluded by virtue of the fact that the Indictment was reviewed and approved by a Designated Judge under Rule 47. The role of the Designated Judge is to approve the Indictment on the basis that the crimes charged are within the jurisdiction of the Court and that the allegations, if proven, would amount to the crimes as particularised in the indictment. It is submitted that this function therefore involves the examination of the sufficiency of the evidence rather than a concern with the form of the Indictment. It is therefore further submitted that this Trial Chamber's review of the *form* of the Indictment is a distinct and separate function from that of the Designated Judge approving the indictment.
2. Alternatively
 - the Trial Chamber order the Prosecution to file an Amended Indictment and accompanying case summary, which provides the material facts necessary to establish the substantive elements charged and indicate precisely the nature of the responsibility alleged in relation to each individual count and to strike out from the Indictment the vague terms "between about" and "included, but not limited to."
3. Alternatively
 - the Trial Chamber order the Prosecution to provide additional facts to resolve the ambiguities referred to above.
4. The Prosecutor then make complete disclosure as required by the Rules, upon the provision of the relief in 1, 2 or 3 above.

pp: 
Kenneth C Fleming
Lead Counsel

Done this 23rd day of December 2003