

141

6129

SCSL-04-16-PT

(6129 - 6131)



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995
FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

TRIAL CHAMBER II

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

Registrar: Robin Vincent

Date: 15 February 2005

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

DECISION ON THE PROSECUTION APPLICATION TO FURTHER AMEND THE AMENDED CONSOLIDATED INDICTMENT BY WITHDRAWING COUNTS 15 - 18

Office of the Prosecutor:
Luc Côté
Lesley Taylor
Boi-Tia Stevens

Defence Counsel for Alex Tamba Brima:
Kevin Metzger
Glenna Thompson
Kojo Graham

Defence Counsel for Brima Bazy Kamara:
Wilbert Harris
Moamed Pa-Momo Fofanah

Defence Counsel for Santigie Borbor Kanu:
Geert-Jan Alexander Knoops
Carry Knoops
Abibola E. Manley-Spaine

NAME **NEIL GIBSON**
[Signature]
13.14

[Handwritten mark]

TRIAL CHAMBER II (“Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”), composed of Judge Teresa Doherty, presiding, Judge Richard Lussick and Judge Julia Sebutinde;

BEING SEIZED of the Prosecution Application to Further Amend the Amended Consolidated Indictment by Withdrawing Counts 15-18 (‘the Motion’), filed on 7 February 2005 pursuant to Rule 50 (A) and Rule 73 of the Rules of Procedure and Evidence (“the Rules”);

NOTING AND CONSIDERING that the amendment proposed by the Prosecution deletes counts 15 to 18 inclusive of the Amended Consolidated Indictment, filed on 13 May 2004 and in particular the Prosecution submission in paragraphs 7, 10, and 15;

CONSIDERING the Order on Expedited Filing and Scheduling Order of the Trial Chamber on 7 February 2005 shortening the time limits for the Response and Reply to the Motion;

NOTING the Response of the Accused Kanu and that he “has no objections” and the Response of the Accused Brima that he “is content with the proposed amendment”;

NOTING that the Accused Kamara has not filed any Response;

NOTING the Prosecution’s letter dated 14 February 2005 indicating that it would not file a Reply;

CONSIDERING that the Trial Chamber will normally exercise its discretion to permit the amendment, provided that the amendment does not cause any injustice to the accused, or does not otherwise prejudice the accused unfairly in the conduct of his defence;

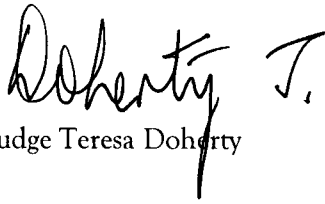
PURSUANT to Rules 50(A), 52(B) and 73(A) of the Rules:

HEREBY GRANTS the Prosecution leave to amend the Amended Consolidated Indictment and orders as follows:

- 1) That Counts 15, 16, 17, and 18 of the Amended Consolidated Indictment filed on 13 May 2004 are hereby deleted;
- 2) That the Prosecution file its amended indictment with the above deletions by 18 February 2005;
- 3) Instructs the Registry to personally serve a copy of the amended indictment on each Accused as soon as possible in accordance with Rule 52(B).



Done at Freetown this 15th day of February 2005



Judge Teresa Doherty

Presiding Judge

Trial Chamber II

