

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

BEING SEIZED of the Accused Kanu’s Motion for Dismissal of Counts 15 to 18 of the Indictment Due to an Alibi Defence and Lack of Prima Facie Case, filed on 20 January 2005 (“the Motion”);

NOTING the Prosecution’s Response to the Motion on 31 January 2005 and the Defence Reply on 4 February 2005 thereto;

NOTING the Order on Expedited Filing and Scheduling Order, dated 7 February 2005 scheduling a hearing for the Motion;

NOTING the Accused’s Request for an Extension of Time for the Hearing of the Defence Motion for Dismissal of Counts 15 to 18 of the Indictment Due to an Alibi Defence and Lack of Prima Facie Case of 20 January 2005, filed 11 February 2005 (“the Request”);

NOTING the Prosecution’s Response on 15 February 2005 to the Request;

NOTING the Decision of this Trial Chamber granting leave to the Prosecution to amend the Amended Consolidated Indictment by withdrawal of the counts 15, 16, 17, and 18 filed 15 February 2005;

UPHOLDS the objections by the Prosecution to the Defence Application in the Request to present its arguments in written form;

CONSIDERS that both aforementioned Defence applications were filed on the premise that counts 15 to 18 of the Amended Consolidated Indictment would continue to be part of the indictment;

NOTING that the withdrawal of Counts 15, 16, 17, and 18 have rendered it unnecessary to decide either of the defence motions and that any determination thereof would be purely academic and theoretical;

HOLDS that the Motion is now moot and an argument thereon is not called for;


FOR THESE REASONS

DISMISSES the Motion;



VACATES the hearing date of 16 February 2005 for the Motion.

Done at Freetown this 15th day of February 2005



Judge Teresa Doherty

Presiding Judge

Trial Chamber II

