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SCSL-04-15-T  
(23926-23928)

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**SPECIAL COURT FOR SIERRA LEONE**

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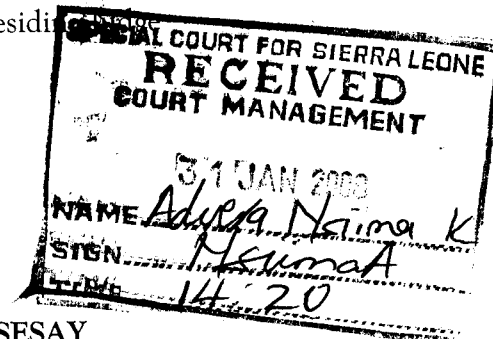
**TRIAL CHAMBER I**

Before: Hon. Justice Benjamin Mutanga Itoe, President  
Hon. Justice Bankole Thompson  
Hon. Justice Pierre Boutet

Registrar: Mr. Herman von Hebel

Date: 31<sup>st</sup> of January 2008

PROSECUTOR **Against** **ISSA HASSAN SESAY**  
**MORRIS KALLON**  
**AUGUSTINE GBAO**  
(Case No. SCSL-04-15-T)



**Public Document**

**ORDER RELATING TO KALLON MOTION CHALLENGING DEFECTS  
IN THE FORM OF THE INDICTMENT AND ANNEXES A, B AND C**

Office of the Prosecutor:  
Peter Harrison  
Reginald Fynn

Defence Counsel for Issa Hassan Sesay:  
Wayne Jordash  
Sareta Ashraph

Defence Counsel for Morris Kallon:  
Charles Taku  
Kennedy Ogeto  
Lansana Dumbuya

Court Appointed Counsel for Augustine Gbao:  
John Cammegh  
Scott Martin

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

**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 28<sup>th</sup> 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 29<sup>th</sup> 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 27<sup>th</sup> 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 14<sup>th</sup> 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;

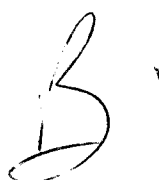
**CONSIDERING** that the Motion effectively contains 38 pages of submissions and legal arguments, 28 pages in excess of the ten pages or 3,000 words permitted by the Practice Direction and the Order of this Trial Chamber;

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

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31<sup>st</sup> January 2008



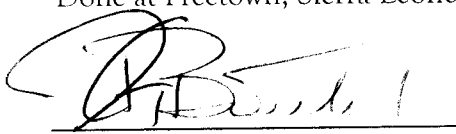
HEREBY FINDS that the Motion constitutes an unacceptable violation of the Practice Direction and of an Order of this Trial Chamber and amounts to an abuse of process; and

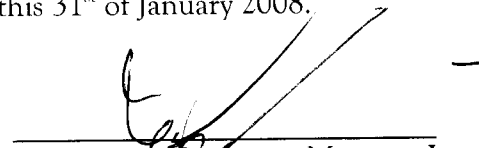
REJECTS the filing of the said Motion; and

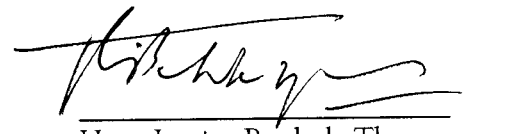
**CONSEQUENTIALLY ORDERS**

- 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 31<sup>st</sup> of January 2008.

  
\_\_\_\_\_  
Hon. Justice Pierre Boutet

  
\_\_\_\_\_  
Hon. Justice Benjamin Mutanga Itoe  
Presiding Judge  
Trial Chamber I

  
\_\_\_\_\_  
Hon. Justice Bankole Thompson

