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SCSL-2003-07-PT
(1215-1217)



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

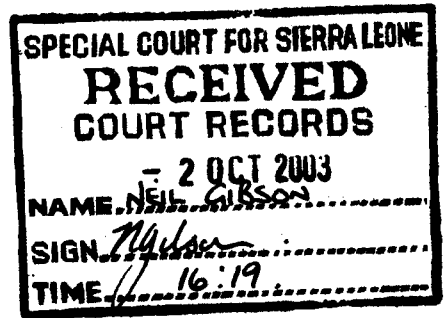
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THE TRIAL CHAMBER

Before: Judge Bankole Thompson, Presiding Judge
Judge Pierre Boutet
Judge Benjamin Mutanga Itoe

Registrar: Robin Vincent

Date: 2nd day of October 2003



The Prosecutor against

Morris Kallon
(Case No.SCSL-2003-07-PT)

**ORDER ON THE APPLICATION BY THE REDRESS TRUST AND LAWYERS
COMMITTEE FOR HUMAN RIGHTS FOR LEAVE TO FILE *AMICUS CURIAE*
BRIEF**

Office of the Prosecutor:
Mr. Luc Côté, Chief of Prosecutions

Defence Counsel:
Mr. James Oury
Mr. Steven Powels

Counsel for the Applicants:
Mr. Richard Hermer

THE SPECIAL COURT FOR SIERRA LEONE (“the Special Court”),

SITTING as the Trial Chamber (“the Chamber”), composed of Judge Bankole Thompson, Presiding Judge, Judge Pierre Boutet, and Judge Benjamin Mutanga Itoe;

SEIZED of the Application by the Redress Trust and Lawyers Committee for Human Rights (“the Applicants”) for Leave to File *Amicus Curiae* Brief and to Present Oral Submissions of the 24th day of July 2003 (“the Application to File as *Amicus Curiae*”);

CONSIDERING the Prosecution’s Response to “the Application to File as *Amicus Curiae*” of the 31st day of July 2003 (“the Response”);

CONSIDERING that the Defence did not file any response to “the Application to File as *Amicus Curiae*” within the prescribed time limits;

CONSIDERING ALSO that “the Applicants” did not reply to the Prosecution “Response” within the prescribed time limits;

CONSIDERING the Defence Preliminary Motion Based on Lack of Jurisdiction/Abuse of Process: Amnesty Provided by Lomé Accord of the 16th day of July, 2003 (“the Preliminary Motion”) in which the Defence objects to the jurisdiction of, and alleges abuse of process on the part of, the Special Court to try **Morris Kallon** (“the Accused”) on the charges contained in the Indictment in violation of the amnesty provisions embodied in the Lomé Accord and signed by the Government of Sierra Leone;

CONSIDERING, in particular, the Order Pursuant to Rule 72 (E) and (F) - Defence Preliminary Motion Based on Lack of Jurisdiction/Abuse of Process: Amnesty Provided by Lomé Accord of the 30th day of September 2003 (“the Order on the Defence Preliminary Motion”);

CONSIDERING that “the Application to File as *Amicus Curiae*” seeks leave from the Chamber to file an *Amicus Curiae* brief and to present oral submissions on the following issues:

1. Whether the Lomé amnesties apply to crimes under consideration by “the Special Court”;
2. Whether “the Special Court” has power to review the legality of the amnesty;
3. The status of the Lomé amnesties in international law;
4. The Lomé amnesties in the context of international and domestic public policy;

CONSIDERING that “the Chamber” is of the opinion that the issues addressed in “the Application for Leave to File *Amicus Curiae*” are similar in their substance and therefore directly linked to the issues as addressed in the Defence “Preliminary Motion”;

CONSIDERING that “the Order on the Preliminary Motion” refers “the Preliminary Motion” to the Appeals Chamber for determination;

CONSIDERING the need to guarantee the fair and expeditious conduct of the proceedings;

NOW THEREFORE, PURSUANT TO RULE 54 OF THE RULES,

THE CHAMBER

TRANSMITS “the Application for Leave to File *Amicus Curiae*” and “the Prosecution Response” thereto to the Appeals Chamber.

Done in Freetown, this 2nd day of October 2003

The Trial Chamber



Judge Bankole Thompson
Presiding Judge, Trial Chamber

