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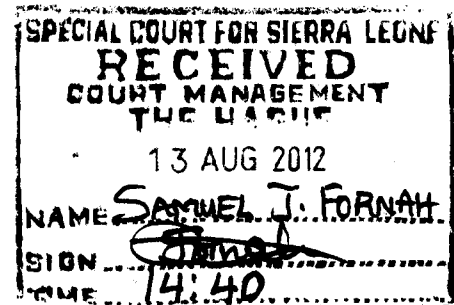
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SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

Before: Justice Teresa Doherty, Single Judge  
Registrar: Binta Mansaray  
Case No.: SCSL-2011-02-T  
Date: 10 August 2012



INDEPENDENT COUNSEL

v.

Hassan Papa BANGURA  
Samuel KARGBO  
Santigie Borbor KANU  
Brima Bazzy KAMARA

PUBLIC

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DECISION ON DEFENCE MOTIONS ON BEHALF OF HASSAN PAPA BANGURA, SANTIGIE  
BORBOR KANU AND BRIMA BAZZY KAMARA FOR  
JUDGEMENT OF ACQUITTAL PURSUANT TO RULE 98

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Independent Counsel:  
Robert L. Herbst

Counsel for Bangura:  
Melron Nicol Wilson  
Counsel for Kargbo:  
Charles Taku  
Counsel for Kanu:  
Kevin Metzger  
Counsel for Kamara  
Abdul Serry Kamal  
Office of the Principal Defender  
Claire Carlton-Hanciles

I, Justice Teresa Doherty, Single Judge of the Special Court for Sierra Leone (“Special Court”);

**SEISED** of the “Motion on Behalf of Santigie Borbor Kanu for Judgement of Acquittal Pursuant to Rule 8 [sic] of the Rules of Evidence and Ruling of Justice Doherty on 4 July 2012,” filed by Defence Counsel for Santigie Borbor Kanu on 18 July 2012;<sup>1</sup>

**SEISED** of the “Defence Motion for Judgement of Acquittal on Behalf of Brima Bazzy Kamara Pursuant to Rule 98 of the Special Court Rules of Procedure and Evidence,” filed by Defence Counsel for Brima Bazzy Kamara on 18 July 2012;<sup>2</sup>

**SEISED** of the “Motion for Judgement of Acquittal for Hassan Papa Bangura,” filed by Defence Counsel for Hassan Papa Bangura on 18 July 2012;<sup>3</sup>

**NOTING** the “Prosecutor’s Brief in Opposition to Defence Motions for Judgement of Acquittal,” filed by Independent Counsel on 30 July 2012;<sup>4</sup>

**MINDFUL** of the provisions of the Statute of the Special Court for Sierra Leone (“the Statute”), in particular Article 17 thereof and Rules 73, 73*ter*, 77 and 98 of the Rules of Procedure and Evidence of the Special Court (“the Rules”);

**RECALLING** the “Authorisation Pursuant to Rule 4,” filed on 29 June 2012, allowing Justice Teresa Doherty to exercise her functions away from the seat of the Special Court as necessary for the contempt proceedings;<sup>5</sup>

**HEREBY DECIDES AS FOLLOWS** based solely on the written submissions of the parties pursuant to Rule 73(A) of the Rules:

#### PROCEDURAL HISTORY

1. Hassan Papa Bangura, Samuel Kargbo, Santigie Borbor Kanu and Brima Bazzy Kamara, (the Accused), are jointly indicted by an Order in Lieu of Indictment of the following counts:

- Hassan Papa Bangura, Samuel Kargbo, Santigie Borbor Kanu and Brima Bazzy Kamara are each charged with one count of knowingly and wilfully interfering with the Special Court’s administration of justice by offering a bribe to a witness who has given testimony before a Chamber in violation of Rule 77(A)(iv) and one count of

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<sup>1</sup> SCSL-11-02-35-T.

<sup>2</sup> SCSL-11-02-36-T.

<sup>3</sup> SCSL-11-02-37-T.

<sup>4</sup> SCSL-11-02-41-T.

<sup>5</sup> SCSL-11-02-32-T.

knowingly and wilfully interfering with the Special Court's administration of justice by otherwise interfering with a witness who has given testimony before a Chamber, in violation of Rule 77(A)(iv); and

- Brima Bazzy Kamara is charged with one count of knowingly and wilfully interfering with the Special Court's administration of justice by disclosing information relating to proceedings in knowing violation of an order of a Chamber, in violation of Rule 77(A)(ii).
2. The Trial Chamber heard evidence of five witnesses for the Prosecution. On the closure of the Prosecution case on 4 July 2012, Counsel for Brima Bazzy Kamara, Santigie Borbor Kanu and Hassan Papa Bangura submitted that the Defendants intended to file a Motion for Judgement of Acquittal. The Trial Chamber issued an oral Scheduling Order on 4 July 2012 directing the parties to file written motions for reason of judicial expediency notwithstanding the provisions of Rule 98 of the Rules.
  3. Counsel for Hassan Papa Bangura, Brima Bazzy Kamara and Santigie Borbor Kanu filed motions for Judgement of Acquittal on 18 July 2012;<sup>6</sup> and the Independent Counsel filed a Response on 30 July 2012.<sup>7</sup>

#### APPLICABLE LAW

4. Rule 98 of the Rules, as amended on 14 May 2005, provides as follows:

#### **"Motion for Judgment of Acquittal**

If after the close of the case for the prosecution, there is no evidence capable of supporting a conviction on one or more counts of the indictment, the Trial Chamber shall enter a judgment of acquittal on those counts."

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<sup>6</sup> Defence Motion for Judgement of Acquittal on Behalf of Brima Bazzy Kamara Pursuant to Rule 98 of the Special Court Rules of Procedure and Evidence, SCSL-11-02-36; Motion for Judgement of Acquittal, SCSL-11-02-37-T; Motion on Behalf of Santigie Borbor Kanu for Judgement of Acquittal Pursuant to Rule 8 [sic] of the Rules of Evidence and Ruling of Justice Doherty on 4 July 2012, SCSL-11-02-35-T.

<sup>7</sup> Prosecutor's Brief in Opposition to Defence Motions for Judgement of Acquittal, SCSL-11-02-41-T.

5. Trial Chamber II considered that this provision is similar to Rule 98bis of the Rules of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and held: “In our view, there is no contextual difference between ‘no evidence capable of supporting a conviction’ and ‘evidence insufficient to sustain a conviction,’ which was the wording used in the ICTY Rule 98bis (B) prior to the above-mentioned amendment (and is still the wording used in ICTR Rule 98bis), and in respect of which a considerable body of jurisprudence has been developed. The plainer language of the amended form of the Rule leaves no doubt that what must be considered by the Trial Chamber is not the reliability or credibility of the evidence, but merely its capability of supporting a conviction.”<sup>8</sup>
6. In the following passage from the *Jelusic* Appeal Judgement, the ICTY Appeals Chamber enunciated the applicable standard of proof, which has since been applied by numerous international tribunals.<sup>9</sup>

“The reference in Rule 98bis to a situation in which ‘evidence is insufficient to sustain a conviction’ means a case in which, in the opinion of the Trial Chamber, the prosecution evidence, if believed, is insufficient for any reasonable trier of fact to find that guilt has been proved beyond reasonable doubt. In this respect, the Appeals Chamber follows its recent holding in the *Delalic* appeal judgement, where it said: “[t]he test to be applied is whether there is evidence (if accepted) upon which a reasonable tribunal of fact could be satisfied beyond reasonable doubt of the guilt of the accused on the particular charge in question.” The capacity of the prosecution evidence (if accepted) to sustain a conviction beyond reasonable doubt by a reasonable trier of fact is the key concept; thus the test is not whether the trier would in fact arrive at a conviction beyond reasonable doubt on the prosecution evidence (if accepted) but whether it could. At the close of the case for the prosecution, the Chamber may find that the prosecution evidence is sufficient to sustain a conviction beyond reasonable doubt and yet, even if no evidence is subsequently adduced, proceed to acquit at the end of the trial, if in its own view of the evidence, the prosecution has not in fact proved guilt beyond reasonable doubt.”<sup>10</sup>

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<sup>8</sup> *Prosecutor v. Alex Tamba Brima et al.*, Decision on Defence Motions for Judgement of Acquittal Pursuant to Rule 98, 31 March 2006, SCSL04-16-469-T, para. 8.

<sup>9</sup> See for example *Prosecutor v. Simic et al.*, ICTY IT-95-9-T, Written Reasons for Decision on Motions for Acquittal, 11 October 2002, para. 8; *Prosecutor v. Naletelic and Martinovic*, ICTY IT-98-34-T, Decision on Motion for Acquittal, 28 February 2002, para. 10; *Prosecutor v. Galic*, ICTY IT-98-29-T, Decision on the Motion for the Entry of Acquittal of the Accused Stanislav Galic, 3 October 2002, para. 10.

<sup>10</sup> *Prosecutor v. Jelusic*, ICTY IT-95-10-A, Judgement, 5 July 2001, para. 37.

7. As stated by the International Criminal Tribunal for Rwanda (ICTR), in the *Prosecutor v. Bagasora*: “In assessing whether there is sufficient evidence upon which a reasonable trier of fact could, at the end of the trial, enter a conviction, the Chamber must assume that the prosecution’s evidence [is] entitled to credence unless incapable of belief. Accordingly, the object of the inquiry under Rule 98bis is not to make determinations of fact having weighed the credibility and reliability of the evidence; rather, it is simply to determine whether the evidence – assuming that it is true – could not possibly sustain a finding of guilt beyond reasonable doubt. That will only be the case where there is no evidence whatsoever which is probative of one or more of the required elements of a crime charged, or where the only such evidence is incapable of belief. To be incapable of belief, the evidence must be obviously incredible or unreliable; the Chamber should not be drawn into fine assessments of credibility or reliability. Needless to say, a finding that the evidence is not obviously incredible does not foreclose the Chamber, at the end of the trial, from finding that the evidence is, in fact, neither credible nor reliable.”<sup>11</sup>
8. In applying the above-mentioned test, it is not necessary under Rule 98 for the Trial Chamber to inquire into the sufficiency of the evidence in relation to each paragraph of the indictment. There is no need, at the Rule 98 stage, to examine whether each paragraph of the indictment is supported by the Prosecution evidence. Rather, the evidence should be examined in relation to the counts. Rule 98 requires the Trial Chamber to determine only whether “there is no evidence capable of supporting a conviction on one or more counts of the indictment” and to enter a “judgment of acquittal on those counts.”<sup>12</sup>

#### SUBMISSIONS OF THE PARTIES

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<sup>11</sup> *Prosecutor v. Bagasora et al.*, ICTR-98-41-T, Decision on Motion for Judgement of Acquittal, 2 February 2005, para. 6, quoting *Prosecutor v. Jelusic*, ICTY IT-95-10-A, Judgement, 5 July 2001, para. 37.

<sup>12</sup> *Prosecutor v. Bagasora et al.*, ICTR-98-41-T, Decision on Motion for Judgement of Acquittal, 2 February 2005, para. 8; *Prosecutor v. Kamuhanda*, ICTR-99-54A-T, Decision on Kamuhanda’s Motion for Partial Acquittal Pursuant to Rule 98bis of the Rules of Procedure and Evidence, 20 August 2002, para. 17; *Prosecutor v. Nahimana et al.*, ICTR-99-52-T, Reasons for Oral Decision of 17 September 2002 on the Motions for Acquittal, [“*Nahimana* Reasons for Oral Decision 17 September 2002”], para. 16; *Prosecutor v. Rwamakuba*, ICTR-98-44C-R98bis, Decision on Defence Motion for Judgement of Acquittal, 28 October 2005, paras 8, 14, 15.

9. The Accused Kanu submits that it must be established that an accused acted with a specific intent to interfere with the administration of justice and hence the Prosecutor must prove that Kanu “either had actual knowledge, was recklessly indifferent or was wilfully blind to any attempt to interfere with the Special Court’s administration of justice”<sup>13</sup> and that there is no evidence capable of supporting the allegations in counts 1 and 2.<sup>14</sup>
10. In support of this proposition, he submits that there are inconsistencies in the evidence of Samuel Kargbo in relation to the phone calls received from the third and fourth Accused, and the meeting with Mr. Mansaray, the lawyer. He also submits that Kargbo gave no evidence that Kanu directed him (Kargbo) to issue a threat to TFI-334.<sup>15</sup>
11. Kanu further contends that specific issues, including the provisions of a subsistence allowance for the Witness from the Victims and Witnesses Section of the Court, affect Kargbo’s credibility.<sup>16</sup> Kanu contends that TF1-334’s version of the content of the telephone calls from the third and fourth Accused differs and is inconsistent from that of Kargbo and included matters not in his prior statements. These inconsistencies include the dates of the alleged phone calls made by the third and fourth Accused and differences and omissions from the oral evidence and his prior statements.<sup>17</sup>
12. Having recited the inconsistencies on the procedure for the recording of TF1-334’s statements by investigators, Kanu submits that “there is no evidence capable of supporting the allegation made by Independent Counsel” in respect of Counts 1 and 2.<sup>18</sup>
13. It is clear from these submissions that Kanu’s grounds in support of this application rely on the credibility of the witnesses, in particular Kargbo and TF1-334, supported by alleged

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<sup>13</sup> SCSL-11-02-35-T, paras. 7-8, 10.

<sup>14</sup> SCSL-11-02-35-T, paras. 45-47.

<sup>15</sup> SCSL-11-02-35-T, paras. 13-16.

<sup>16</sup> SCSL-11-02-35-T, paras. 11, 13, 17-25.

<sup>17</sup> SCSL-11-02-35-T, paras. 17-25.

<sup>18</sup> SCSL-11-02-35-T, paras. 45-47.

inconsistencies and, in the case of TF1-334, matters not recorded in prior statements to investigators.

14. The Accused Kamara submits that the telephone records tendered by the witness Hillary Sengabo “do not bear of a telephone call to the cell phone of the witness (Kargbo) in November or December 2010.”<sup>19</sup> He further contends that “no mobile record evidence was produced to prove that the other mobile conversation took place.”<sup>20</sup> Kamara argues that “the evidence of 334 ought to stand alone” and points to a lack of official records of calls from Kamara to Kargbo or Bangura.<sup>21</sup> It is unclear if Counsel is referring to the receiving telephones of Kargbo and Bangura or the transmitting telephone of Kamara. He submits that no link has been established between the calls alleged to have been made by Kamara and Kargbo and that the “only means of communication is through the mobile phone in the prison.” He also states that since the Prosecutor did not produce log cards of the telephone numbers of Kargbo and TF1-334, the Prosecution had failed to discharge the burden of proof.<sup>22</sup>

15. The Accused Bangura submits that the legal standard provided by Rule 98 is that the evidence must be such that a reasonable trier of fact could convict, not that it would or should convict.<sup>23</sup> He submits that the evidence of witnesses Daniels and Sengabo did not mention Bangura; and that the evidence of TF1-334 in relation to an alleged conversation with Bangura does not show payment or promise of a bribe.<sup>24</sup> He further submits that the evidence of TF1-334 concerning the alleged conversation with Bangura is inconsistent with his earlier statement and that the evidence of Kargbo does not show particularised facts.<sup>25</sup> He also raises issues that go the credibility of Kargbo, stating that Kargbo’s evidence is “shrouded with a lot of doubt.”<sup>26</sup> He points to the fact

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<sup>19</sup> SCSL-11-02-36-T, para. 8.

<sup>20</sup> SCSL-11-02-36-T, para. 9.

<sup>21</sup> SCSL-11-02-36-T, para. 10.

<sup>22</sup> SCSL-11-02-36-T, paras. 10, 18.

<sup>23</sup> SCSL-11-02-37-T, para. 8.

<sup>24</sup> SCSL-11-02-37-T, paras. 13-16, 19.

<sup>25</sup> SCSL-11-02-37-T, paras. 10-11, 19-20.

<sup>26</sup> SCSL-11-02-37-T, para. 25.

that TF1-334 was not a protected witness at the relevant time but does not elaborate on the relevance of this fact.<sup>27</sup>

16. Independent Counsel has responded to each of the Accused's submissions. In response to the Bangura motion Independent Counsel submits that Bangura does not address the evidence but relies on what is perceived as gaps or minor inconsistencies. He rebuts Bangura's submission relating to the evidence of events outside the "time frame of 27 November to 16 December 2010."<sup>28</sup>
17. In response to the Kanu motion, Independent Counsel submits that it "fails to contend fully and fairly with the Prosecution evidence" and relies on alleged minor inconsistencies and issues of credibility. He also contends that Kanu is mistaken when he submits that the evidence in respect of Count 2 is limited to the threat made by Bangura, as Rule 77(A)(iv) is not limited to threats.<sup>29</sup> Independent Counsel details matters of evidence that he submits Kanu ignored or misapprehended.<sup>30</sup>
18. In response to the Kamara motion Independent Counsel contends that the evidence summarised in paragraphs 6-7 of Kamara's motion suffices to require the denial of his motion on Counts 1 and 2 and other submissions relating to evidence are incorrect. He further submits that Kamara does not specifically address the evidence in relation to Count 3.<sup>31</sup>

#### DELIBERATIONS

#### PRELIMINARY ISSUES

19. As each of the Accused has made the same prayer for relief I consider it expedient and in the interests of justice to issue a joint decision in respect of all the motions.

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<sup>27</sup> SCSL-11-02-37-T, para. 19.

<sup>28</sup> SCSL-11-02-41-T, paras. 32-33.

<sup>29</sup> SCSL-11-02-41-T, paras. 38-40.

<sup>30</sup> SCSL-11-02-41-T, paras. 38-40.

<sup>31</sup> SCSL-11-02-41-T, paras. 41-43.



20. The Independent Counsel submits that “Rule 98 motions have no place in the hearing of contempt cases like this one and should be dismissed out of hand” because “it is not appropriate given the many levels of review of the evidence already conducted prior to this hearing.”<sup>32</sup>
21. Rule 77(E) clearly states that the provisions of Part IV - XIII apply “as appropriate” to contempt trials notwithstanding that contempt is not a crime provided for in Article 2 of the Statute. The Rules are to be applied “as appropriate,” meaning according to the procedures appropriate to each particular rule. The Rules are stated to be applicable “if appropriate,” thereby giving a Trial Chamber discretion to determine if a Rule is applicable in any particular case. As Rule 98 is a rule specified in Part IV -VIII of the Rules it must follow that Rule 98 also applies to a trial for contempt and I do not dismiss the applications on this ground.
22. The Independent Counsel appears to also refer me to the evidence compiled pursuant to the Registrar’s request for an investigation prior to the issuance of the Order in Lieu of Indictment.<sup>33</sup> My decisions will be based solely on the evidence adduced orally or admitted as exhibits before me as I find that it is not proper to have regard to extraneous material not adduced in the course of the hearing.

#### DELIBERATIONS ON THE SUBMISSIONS

23. The implication of Bangura’s submission that TF1-334 was not longer a protected witness is not clearly stated but if it is intended to submit that this in some way exonerates Bangura then I do not agree, as Rule 77 (A)(IV) applies to a “witness” whether he is a protected witness or not.
24. Rule 98 provides that a court may enter a judgement of acquittal only if there is “no evidence capable of supporting a conviction” on one or more counts in the indictment. This is not the time to assess credibility of the evidence, or the credibility and/or reliability of the witnesses who

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<sup>32</sup> SCSL-11-0241-T, para. 5.

<sup>33</sup> SCSL-11-0241-T, para. 5.

adduced it.<sup>34</sup> I therefore proceed on the basis that the Prosecution's evidence is entitled to credence unless it is incapable of belief; to be incapable of belief that evidence must be obviously incredible or unreliable, and this is not the stage in the trial to make "fine assessments of credibility or reliability."<sup>35</sup>

25. The evidence shows that phone calls were made by the Accused Kamara and the Accused Kanu from a cell phone in the prison in which they are held in Rwanda to persons in Sierra Leone. Samuel Kargbo gave evidence of receipt of phone calls from Kamara and from Kanu. Without making any finding of fact on the actual recipient of the calls, I note that the evidence show calls were made to a number with a Sierra Leonean country code on dates relevant to the indictment emanating from a cell phone used by the Accused in Rwanda. Kargbo attested that during the first of the calls Kamara instructed him to locate TF1-334, talk to TF1-334, and ask TF1-334 to change the evidence he had given against the convicted persons in the trial of *Prosecutor v. Alex Tamba Brima et al.* ("the AFRC case").
26. Kargbo and TF1-334 both attest to their meeting and to Kargbo asking TF1-334 to "help" by changing his testimony in order that the convictions of the AFRC convicts would be quashed or their sentences reduced.
27. Both Kargbo and TF1-334 testified that TF1-334 did not want to speak to the convicts and did not want to be involved in the scheme, that Kargbo persisted in telling TF1-334 that he must help, that TF1-334 would benefit financially, and that Kargbo himself would benefit financially as the convicted persons were putting "modalities in place" to pay TF1-334.
28. Both Kargbo and TF1-334 attested to Bangura also phoning and speaking to TF1-334 and Bangura telling TF1-334 to help the Rwandan convicts. TF1-334 attested to Bangura's superior status to him and the use of that status to persuade him to comply.

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<sup>34</sup> *Prosecutor v. Alex Tamba Brima et al.*, Decision on Defence Motions for Judgement of Acquittal Pursuant to Rule 98, 31 March 2006, SCSL-04-16-469-T, para. 8.

<sup>35</sup> *Prosecutor v. Alex Tamba Brima et al.*, SCSL-04-16-469-T Decision on Defence Motions for Judgement of Acquittal Pursuant to Rule 98, 31 March 2006, para. 11.

29. Both Kargbo and TF1-334 attested to a further meeting between Kargbo, TF1-334 and Bangura, which involved Kargbo and Bangura urging TF1-334 to help the Rwandan convicts by changing his evidence. There is also evidence that they reminded TF1-334 of his relationship to Bangura, Kanu and Kamara in an attempt to convince him that he had what appeared to be a duty or obligation to conform to their request. The witnesses also testified that the men told TF1-334 that payment would be forthcoming and reminded him that the convicted persons were putting “modalities in place” to pay TF1-334. There was discussion about how much payment any recantation by TF1-334 warranted. Both TF1-334 and Kargbo attest to calls from the AFRC convicts in Rwanda during those conversations. Exhibits and the testimony of Mr. Saffa show that TF1-334 complained of this behaviour to court personnel, including through Ms. Alagendra, a former trial attorney in the AFRC case.
30. I have noted that the court shall not assess reliability and credibility of the evidence in this decision and it is inappropriate to comment on the credibility in the foregoing brief outline. Instead, I look at the objections filed by each of the Accused and the Independent Counsel’s response.
31. Each of the Accused made specific objections to parts of the evidence but in deciding whether there is “no evidence capable of supporting a conviction” I look at the evidence as a whole. This is not the appropriate stage of the proceedings to decide whether an individual witness’s evidence is inconsistent - either inherently or in relation to another witness’s evidence - in minor details as the Trial Chamber should not be “drawn into fine assessments of credibility”<sup>36</sup> when deciding whether there is no evidence capable of supporting a conviction.
32. Kanu relies on alleged inconsistencies in Kargbo’s testimony in relation to the phone calls he allegedly received and the meeting with the lawyer Mansaray. Kanu submits that Kargbo had not

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<sup>36</sup>*Prosecutor v. Alex Tamba Brima et al.*, SCSL-04-16-469-T, Decision on Defence Motions for Judgement of Acquittal Pursuant to Rule 98, 31 March 2006, para. 8.

seen or spoken to Kanu in a long time.<sup>37</sup> Kanu does not specify the import of this lack of contact but it appears to go to identification and therefore to the credibility of Kargbo's evidence. He also disputes details of TF1-334's evidence of the alleged phone calls.<sup>38</sup>

33. As it is not appropriate to assess the credibility of any witness at this stage of the trial, I consider that the foregoing and other inconsistencies referred to by Kanu do not render the entire evidence adduced to the level of "no evidence capable of supporting a conviction."

34. Kamara submits that the evidence of TF1-334 "ought to stand alone."<sup>39</sup> I disagree; as already stated the evidence must be considered as a whole and it is not appropriate to point to a lack of particular telephone records or to speculate as to inferences to be drawn from such a lack of record or from the alleged absence of prior contact between Kamara and Kargbo.<sup>40</sup> These are matters going to reliability and credibility and are not to be assessed or ruled upon at this stage. I consider that these alleged inconsistencies and the alleged failure to adduce specific evidence do not render the entire evidence to the level of "no evidence capable of supporting a conviction."

35. Bangura submits that neither Daniels nor Sengabo mentioned his name;<sup>41</sup> again, the evidence must be considered as a whole and this is not a ground for finding that there is "no evidence capable of supporting a conviction." Bangura also submits that TF1-334 conceded upon cross-examination that Bangura did not give TF1-334 money or personally promise him money.<sup>42</sup> However he is indicted, pursuant to Rule 77(A)(iv), of "offering" and not of "giving" a bribe or personally contributing to a bribe. These and the other issues of credibility raised by Bangura are not sufficient to render the entire evidence adduced to the level of "no evidence capable of supporting a conviction."

#### DISPOSITION

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<sup>37</sup> SCSL-11-02-35-T, para. 20.

<sup>38</sup> SCSL-11-02-35-T, para. 28.

<sup>39</sup> SCSL-11-02-36-T, para. 10.

<sup>40</sup> SCSL-11-02-36-T, paras. 8, 9, 17.

<sup>41</sup> SCSL-11-02-37-T, paras. 13, 15.

<sup>42</sup> SCSL-11-02-37-T, para. 19.

FOR THE FOLLOWING REASONS, THE TRIAL CHAMBER DISMISSES THE:

- (1) “Motion on Behalf of Santigie Borbor Kanu for Judgement of Acquittal Pursuant to Rule 8 [sic] of the Rules of Evidence and Ruling of Justice Doherty on 4 July 2012;” and
- (2) “Defence Motion for Judgement of Acquittal on Behalf of Brima Bazzy Kamara Pursuant to Rule 98 of the Special Court Rules of Procedure and Evidence;” and
- (3) “Motion for Judgement of Acquittal for Hassan Papa Bangura;” and

ORDERS that a Defence Pre-Trial conference be held at 11:00 a.m. (Rwanda time) on Tuesday 21 August 2012 at the International Criminal Tribunal for Rwanda (ICTR) premises in Kigali, Rwanda.

Signed this 10<sup>th</sup> day of August 2012, filed at The Hague, The Netherlands.

