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SCSL-2003-10-PT
(1142-1144)

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SPECIAL COURT FOR SIERRA LEONE

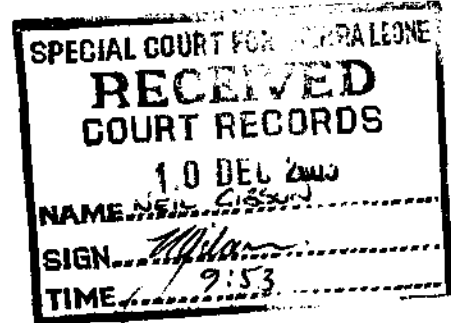
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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Case No. SCSL-2003-10

The Prosecutor v. Brima Bazzy Kamara



DECISION

THE PRINCIPAL DEFENDER,

CONSIDERING the Statute of the Special Court for Sierra Leone and in particular Article 17 thereof;

CONSIDERING the Rules of Procedure and Evidence as adopted by the Plenary meeting of the Special Court for Sierra Leone on 7 March 2003, and modified on 1 August 2003 and 30 October 2003, and in particular Rules 45 thereof;

CONSIDERING the Directive on the Assignment of Counsel as adopted by the Registrar on 1 October 2003, and in particular Article 10 thereof;

CONSIDERING the request of Mr. Brima Bazzy Kamara for the appointment of counsel on 30 May 2003;

CONSIDERING that the Principal Defender may, in the interests of justice, assign counsel to represent the accused;

CONSIDERING that Mr. Kenneth C. Fleming of Australia meets the requirements for the assignment of counsel to an indigent accused;

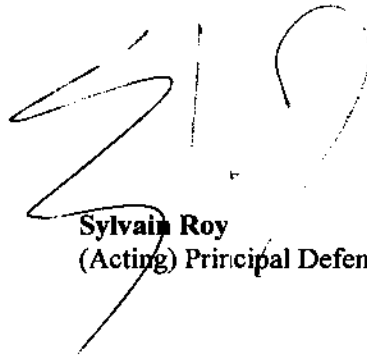
CONSIDERING that the accused may not have sufficient means at the present time to retain counsel on his own;

CONSIDERING that Mr. Kenneth C. Fleming has agreed to represent the accused under the terms of a Legal Services Contract with the Defence Office of the Special Court for Sierra Leone for the provision of legal services to the accused; and

CONSIDERING that Mr. Kenneth C. Fleming has stated that he is available to represent the accused to the finality of the case at trial, as stated in the Statement of Availability attached herewith.

DIRECTS the assignment of Mr. Kenneth C. Fleming as Assigned Counsel to the accused, effective from the date of his Provisional Assignment of 18 June 2003, under the terms of the Legal Services Contract with the Defence Office of the Special Court for Sierra Leone for the provision of legal services to the accused, for the duration of the trial, except in so far as a decision under article 23 or 24 of the Directive on the Assignment of Counsel may direct.

Dated at Freetown this 10 day of December, 2003.

A handwritten signature in black ink, appearing to read 'S. Roy', is written over the typed name and title.

Sylvain Roy
(Acting) Principal Defender



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STATEMENT OF AVAILABILITY

I, the undersigned, **KENNETH CHARLES FLEMING**, a member of the BAR ASSOCIATION of QUEENSLAND, having my practice at Level 13, 239 George Street, Brisbane, Queensland, Australia,

Appointed by Mr. Brima Bazy Kamara for the purposes of proceedings before the Special Court for Sierra Leone,

Hereby undertake, pursuant to Rules 45 (C) and (E) of the Rules of Procedure and Evidence:

(i) to ensure that members of my Defence Team will represent Mr Kamara to the finality of the case at trial; (ii) to ensure that members of my Defence Team will be present at the Court whenever given reasonable notice to do so, save in case of serious illness of a temporary nature or attendance of obligations related to the death of a close family member;

Take note that failure to comply with the above undertaking will be grounds for the refusal of audience by the Court or for the imposition of any other sanction by the Chamber concerned or by the DOSCSL.

In witness whereof, this statement shall serve when and where necessary.

Done in **Brisbane** on this 10th day of **December** in the year **2003**.

(Signature)

K.C. FLEMING