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SCSL-2003-12-PT.  
(1557-1558)

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**SPECIAL COURT FOR SIERRA LEONE**

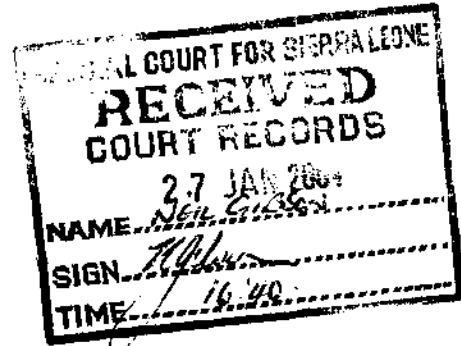
**JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE**

**PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995**

**FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996**

**Case No. SCSL-2003-12**

*The Prosecutor v. Alieu Kondewa*



**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 of the Special Court for Sierra Leone on 1 October 2003, and in particular article 24 thereof;

**CONSIDERING** the request of Mr. James Mac Guill for the withdrawal of the assignment of his Provisional Assignment as Counsel to Mr. Alieu Kondewa, such request made in writing on 19 January 2004 and further discussed with Mr. Kondewa in meetings held on 23 and 26 January 2003, indicating to the A/Principal Defender the position of Mr. Kondewa in relation to the request of Mr. Mac Guill, in that he does not oppose the request of Mr. Mac Guill;

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

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

**CONSIDERING** the right to choice of Counsel by the Accused;

**CONSIDERING** that the Principal Defender may, in exceptional circumstances, at the request of the Suspect or Accused, or his Assigned Counsel, withdraw the assignment of Counsel, as prescribed in article 24 of the Directive;

**CONSIDERING** that, if the request by the Provisionally Assigned Counsel was denied, he would likely not be in a position to be present in Sierra Leone to lead the defence for Mr.

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Kondewa and that this would result in serious prejudice to the Accused rights, as provided under article 17 of the Statute; and

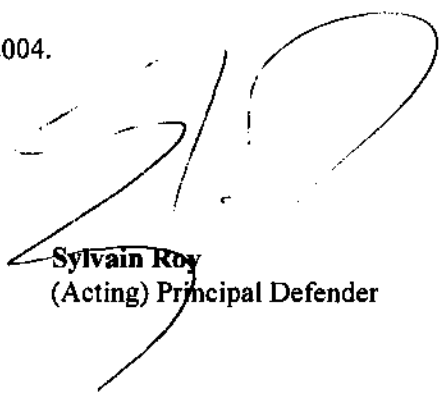
**HAVING DETERMINED** that in this particular case and at that particular stage of the proceedings, such anticipated prejudice constitutes "exceptional circumstances", as envisaged under article 24 of the Directive.

**DIRECTS** that the assignment of Mr. James Mac Guill as Provisionally Assigned Counsel to the accused be withdrawn, effective from the date of this decision;

**FURTHER DIRECTS** that Duty Counsel of the Defence Office shall provide legal assistance to Mr. Kondewa, as provide under article 25 of the Directive, until such time as a new Counsel is assigned to the Accused; and

**FURTHER DIRECTS** that Mr. James Mac Guill delivers, within 15 days of this decision, all original documents in the file to the Counsel who succeed him or to the Defence Office.

Dated at Freetown this 27 day of January, 2004.



**Sylvain Roy**  
(Acting) Principal Defender