

SEIZED of the Application for Bail pursuant to Rule 65 filed on 27 January 2004 (“Motion”), whereby the Accused Moinina Fofana seeks to be granted bail pursuant to Rule 65 of the Rules;

CONSIDERING the Prosecution Response to the Motion, filed on 9 February 2004 (“Response”);

CONSIDERING Rule 65 of the Rules, and more precisely Rule 65(B), which provides that “bail may be ordered by a Judge or a Trial Chamber after hearing the State to which the accused seeks to be released and only if it is satisfied that the accused will appear for trial and, if released, will not pose a danger to any victim, witness or other person”;

PURSUANT TO RULE 54 OF THE RULES,

DO HEREBY

ORDER the Registrar of the Special Court to serve the Motion, the Response thereto, together with the present Order, and any subsequent reply to the Response, to the Attorney-General of the Government of Sierra Leone;

REQUEST the Government of Sierra Leone to file, if it wishes to do so, any submissions under Rule 65(B) of the Rules within ten (10) days of the service of the Motion, pursuant to Rule 7 of the Rules;

Done in Freetown, this 12th day of February 2004

Judge Benjamin Mutanga Itoe
Designated Judge

[Seal of the Special Court]