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SCSL-2004-15-PT  
(414 - 415)

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**SPECIAL COURT FOR SIERRA LEONE**

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

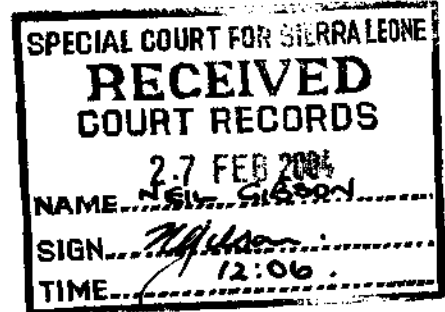
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Case No. SCSL-2004-16  
*The Prosecutor v. Morris Kallon*

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. Morris Kallon for the withdrawal of the assignment of his Assigned Counsel, Mr. James Oury, such request made in writing on 16 February 2004 and further discussed with Mr. Kallon in meetings held that day, on 17, 21 and 26 February 2004, indicating to the A/Principal Defender the reasons for this request as being the emergence of a conflict between Mr. Kallon and all members of his Defence Team, including the Assigned Counsel;

**CONSIDERING** that an opportunity was provided for the Assigned Counsel to reply to the request made by Mr. Kallon and to further confer with Mr. Kallon in view of resolving their differences, such opportunity resulting in a reply being presented by Mr. Courtenay Griffiths QC, on behalf of Mr. James Oury, to the A/Principal Defender, on 23 February 2004, and conversations having taken place, between Mr. Kallon and members of the Defence Team, over this period;

**CONSIDERING** that Mr. Oury recognises that a conflict does exist with Mr. Kallon, regardless of the responsibility behind the emergence of the conflict;

**CONSIDERING** that an independent Counsel was requested to meet with Mr. Kallon in order to provide him with information and advice that could assist him in resolving the conflict and that meetings took place, between Mr. Kallon and the independent Counsel, on 24 and 25 February 2004;

**CONSIDERING** that Mr. Kallon maintains his request, as expressed to the A/Principal Defender in a conversation on 26 February 2004;

**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 Accused was rejected, the Assigned Counsel could continue to represent Mr. Kallon to the conclusion of the trial but that the conflict between the Accused and Counsel would continue to exist; and

**HAVING DETERMINED** that a conflict of this nature, arising at this stage of the proceedings and continuing throughout the remainder of the proceedings would result in serious prejudice to the Accused, in the enjoyment of his rights as provided under article 17 of the Statute;

**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 Oury as 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. Kallon, 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 Oury 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 February, 2004.



Sylvain Roy  
(Acting) Principal Defender