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SCSL-2004-15-PT
(1287-1289)

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SPECIAL COURT FOR SIERRA LEONE

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THE TRIAL CHAMBER

Before: Judge Bankole Thompson, Presiding Judge
Judge Benjamin Mutanga Itoe
Judge Pierre Boutet

Registrar: Robin Vincent

Date: 19 March 2004

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|------------|---------|---|
| PROSECUTOR | Against | Issa Hassan Sesay Morris Kallon Augustine Gbao (Case No.SCSL-04-15-PT) |
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**KALLON - DECISION ON THE DEFENCE MOTION FOR EXTENSION OF TIME TO FILE
REPLY TO "PROSECUTION RESPONSE TO DEFENCE MOTION FOR QUASHING
CONSOLIDATED INDICTMENT"**

Office of the Prosecutor:

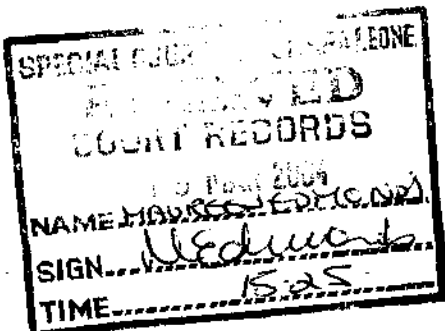
Luc Côté
Robert Petit

Duty Counsel for Morris Kallon:

Haddijatou Kah-Jallow
Rupert Skilbeck

Defence Office:

Simone Monasebian



THE TRIAL CHAMBER ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court");
SEIZED of the Motion for Extension of Time for Counsel to File Defence Reply to "Prosecution Response to Defence Motion for Quashing Consolidated Indictment" filed by Duty Counsel of the Defence Office on behalf of Morris Kallon on 5 March 2004 ("Motion");

NOTING the Motion for Quashing of Consolidated Indictment filed by Counsel for Morris Kallon ("Accused") on 10 February 2004 ("Motion for Quashing") and the response thereto of the Office of the Prosecutor ("Prosecution") filed on 13 February 2004 ("Response to the Motion for Quashing");

NOTING the Decision of the Acting Principal Defender of 27 February 2004 ("Decision"), withdrawing the assignment of Mr. James Oury ("Assigned Counsel") for the Accused on the basis of conflict of interest;

NOTING the Response to the Motion filed by the Prosecution on 12 March 2004;

NOTING the Reply to the Prosecution Response filed by Duty Counsel of the Defence Office on 16 March 2004;

CONSIDERING that, following the withdrawal of the Assigned Counsel and pending the assignment of the new Counsel, the Defence Office provides legal assistance to the Accused pursuant to Rule 45 of the Rules of Procedure and Evidence ("Rules");

CONSIDERING that, in the Motion, Duty Counsel seeks extension of time to file a reply to the Prosecution Response to the Motion for Quashing following the withdrawal of the Assigned Counsel for the Accused and this until new Counsel is assigned;

NOTING the Decision from the Principal Defender of 17 March 2004, provisionally assigning Mr. Shekou Turay as new Counsel for the Accused;

CONSIDERING that any reply to the Motion for Quashing was due or on before 18 February 2004;

NOTING that, despite the submissions of Duty Counsel in the Motion that the Accused requested withdrawal of his Assigned Counsel by means of letter on 16 February 2004, it emerges from the Decision that further discussions among the Acting Principal Defender, the Accused and his Assigned Counsel were held up to 26 February 2004;

FURTHER NOTING that the Decision provides for the withdrawal of the Assigned Counsel "effective from the date of this Decision";

COGNISANT of the Rules and, in particular, of Rule 45(E), providing that "Counsel will represent the accused and conduct the case to finality" and that such conduct should apply until either the termination of the case or the termination of the provision of legal representation;

NOTING that the Motion for Quashing was filed publicly, with notice given to the Defence Office, and that all records of that Motion were available;

NOTING ALSO that the Motion has been filed well after the Decision withdrawing the Assigned Counsel for the Accused;

FINDING THAT, in assuming the role and responsibility of acting on behalf the Accused in this matter, the Defence Office had the duty to ensure that the Accused indeed was not deprived of any of his rights and that, therefore, at no time was the Accused deprived of adequate legal representation;

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CONSIDERING that there has been no lack of effective legal representation during the relevant period and that there are no circumstances amounting to good cause justifying the granting of an extension of time to file any reply to the Prosecution Response to the Motion for Quashing;

FINDS from the above that the Motion is devoid of any merits to warrant its being granted;

AND

HEREBY DISMISSES the Motion in its entirety

Done at Freetown this 19th day of March 2004

[Handwritten signature of Judge Bankole Thompson]

Judge Bankole Thompson
Presiding Judge.

[Handwritten signature of Judge Benjamin Mutanga Itoe]

Judge Benjamin Mutanga Itoe

[Handwritten signature of Judge Pierre Boutet]

Judge Pierre Boutet

