



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

IN THE TRIAL CHAMBER

Before: Judge Pierre Boutet,
Designated Judge

Registrar: Robin Vincent

Date: 26 April 2004

PROSECUTOR	Against	Issa Hassan Sesay Morris Kallon Augustine Gbao (Case No.SCSL-04-15-PT)
-------------------	----------------	--

**KALLON - DECISION ON THE DEFENCE MOTION FOR EXTENSION OF
TIME TO FILE RESPONSE TO THE PROSECUTION MOTION FOR JUDICIAL
NOTICE AND ADMISSION OF EVIDENCE**

Office of the Prosecutor:

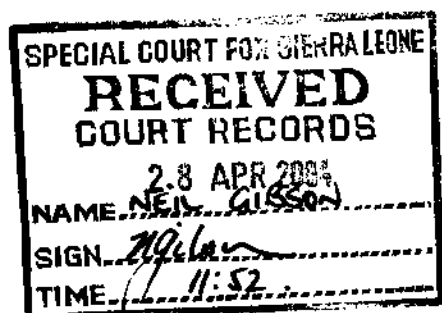
Luc Côté
Robert Petit

Defence Counsel for Morris Kallon:

Shekou Touray

Defence Office:

Simone Monasebian



THE SPECIAL COURT FOR SIERRA LEONE (“Special Court”)

I, JUDGE PIERRE BOUTET, sitting as Designated Judge pursuant to Rule 28 of the Rules of Procedure and Evidence (“Rules”);

NOTING the Motion for Judicial Notice and Admission of Evidence (“Judicial Notice Motion”) filed on 2 April 2004 by the Office of the Prosecutor (“Prosecution”);

SEIZED OF the Defence Motion for Extension of Time for Counsel to File a Response to “Prosecution Motion for Judicial Notice and Admission of Evidence (“Motion”), filed on 19 April 2004 on behalf of Morris Kallon (“Accused”);

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

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

NOTING the provisions of the Directive on Assignment of Counsel of 1 October 2003 (“Directive”) and in particular Article 25(B) thereof, as recalled in the Withdrawal Decision;

NOTING, in particular, that the Motion seeks extension of time to file a response to the Judicial Notice Motion on the basis that neither Counsel for the Accused nor the Defence Office are currently in possession of relevant materials (“Materials”) pertaining to the case against the Accused, such Materials being still in possession of the Previous Counsel;¹

NOTING the Scheduling Order for In Camera Hearing of 23 April 2004 (“Scheduling Order”);

WHEREAS the Scheduling Order, recognizing the urgency of the matter and, consequently, the requirement to proceed as expeditiously as possible, provided that the Motion will be determined essentially on the basis of oral submissions of the parties;

HAVING HEARD the parties’ oral submissions on the Motion at a hearing held in Chambers and *in camera* on 26 April 2004;²

WHEREAS, following these oral submissions, there is no requirement for any written submissions by the Prosecution or any further written submissions by the Defence;

HAVING ALSO HEARD the submissions of the Principal Defender as to the reasons for the questionable delay in the transfer of the Materials from the Previous Counsel to the Defence Office;

WHEREAS the Principal Defender submitted that the Previous Counsel has now specifically undertaken to send the Materials by means of express courier and said Materials will be at the disposal of the new Counsel on Saturday 1 May 2004;

¹ Motion, paras 8 and 32.

² The Motion has been filed publicly. Although the *in Chamber* hearing thereof has been held in closed session, I now find that there is no more requirement for it to be considered as confidential. I therefore hereby lift the confidentiality on the transcript of the *in Chambers* hearing.



WHEREAS the new Counsel has agreed now that his request for extension of time contained in the Motion should be reduced from 21 to 10 days;

MINDFUL of the rights of the Accused, and in particular of the provisions of Article 17 of the Statute of the Special Court on the right to have adequate time and facilities for the preparation of his defence;

CONCERNED with the conduct of the Previous Counsel with respect to the prompt fulfilment of his duty to return the Materials in compliance with the Directive following the Withdrawal Decision and the compliance with this Court's orders about protective measures;³

FINDING that in the present circumstances there exists good and sufficient cause and exceptional circumstances to grant, in the interest of justice, an extension of time to prepare a response, if any, to the Judicial Notice Motion;

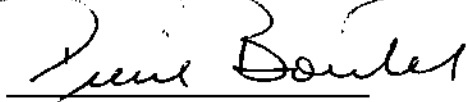
PURSUANT TO Rule 7(C) and Rule 54 of the Rules;

GRANT THE MOTION, as amended, and consequentially,

ORDER that the new Counsel shall have a time limit of 10 days from Saturday 1 May 2004 within which to file his response, if any, to the Judicial Notice Motion; and

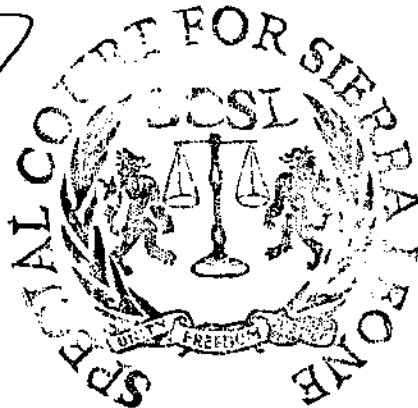
FURTHER REQUESTS the Principal Defender to investigate the conduct of the Previous Counsel and to prepare, within 10 days from the day of receipt of the present Order, a detailed report outlining the findings of such investigations as well as all actions undertaken by the Defence Office in connection with the transfer of the Materials.

Done in Freetown, this 26th day of April 2004



Judge Pierre Boutet

Designated Judge



[Seal of the Special Court]

³ *Prosecutor v. Morris Kallon*, SCSL-2003-07-PT, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 23 May 2003; *id.*, Annex to the Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure: Orders for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure.