

SPECIAL COURT FOR SIERRA LEONE
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IN THE TRIAL CHAMBER

Before: Judge Pierre Boutet,
Designated Judge

Registrar: Robin Vincent

Date: 14 May 2004

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

**KALLON – ORDER ON EXTENSION OF TIME FOR THE PRINCIPAL DEFENDER
TO FILE REPORT**

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 Decision on the Defence Motion for Extension of Time to File Response to the Prosecution Motion for Judicial Notice and Admission of Evidence (“Decision”) of 26 April 2004, requesting, *inter alia*, the Principal Defender to prepare, within 10 days from the service of the Decision, a detailed report (“Report”) on the issue of the overall delay in the transmission of

certain materials (“Materials”) from the previous to the new assigned Counsel for Morris Kallon (“Accused”);

SEIZED OF a request^[1] from the Defence Office for extension of time until 18 May 2004 for the Principal Defender to file the Report on the basis, *inter alia*, of her absence from Sierra Leone until 17 May 2004;

RECALLING the submissions of the Principal Defender during an oral hearing, held in Chamber before me on 26 April 2004, as to the reasons for the questionable delay in the transfer of the Materials from the previous Counsel for the Accused to the Defence Office;

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;

RECALLING my concerns on the conduct of the previous Counsel with respect to the prompt fulfilment of his duty to return the Materials in compliance with the Directive on Assignment of Counsel of 1 October 2004 following his withdrawal of such counsel and the compliance with this Court’s orders about protective measures;^[2]

MINDFUL of the need to obtain more specific and detailed information in order to clarify this issue and determine any eventual responsibilities;

FINDING THEREFORE that in the present situation, albeit lacking sufficient good cause or exceptional circumstances, it is in the interest of justice to grant an extension of time to the Principal Defender to prepare the Report;

PURSUANT TO Rule 54 of the Rules,

GRANT the request of the Defence Office, and consequentially,

ORDER that the Principal Defender shall file the Report by no later than close of business on Tuesday, 18 May 2004;

Done in Freetown, this 14th day of May 2004

Judge Pierre Boutet
Designated Judge

[Seal of the Special Court]

[1] Defence Office's Motion for Permission to Respond by 18 May 2004 to the Hon. Judge Pierre Boutet's 26 April 2004 Request of the Principal Defender in Regards to the Kallon Matter, 13 May 2004. It has to be noted that the Rules allow a party of the proceeding, and only such party, to address the Court by means of a motion. In some occasion, for instance when exercising functions of duty counsel, also the Defence Office can act in this capacity. However, in the instant case the Principal Defender has only been requested to report on a specific issue pertaining to the case against the Accused and should not be deemed for this reason only as being a party thereof. Accordingly, I will consider the filing from the Defence Office as a mere request for extension of time.

[2] *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.