

SPECIAL COURT FOR SIERRA LEONE
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THE TRIAL CHAMBER

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

Registrar: Robin Vincent

Date: 14 June 2004

PROSECUTOR	Against	Sam Hinga Norman Moinina Fofana Allieu Kondewa (Case No.SCSL-04-14-T)
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**STATEMENT BY THE TRIAL CHAMBER ON THE STATE OF THE PROCEEDINGS
IN THE TRIAL OF THE CDF GROUP OF INDICTEES**

1. The Trial Chamber has received from the Registrar, a comprehensive Report as to the source of the eleven days of delay and interruptions since the opening of this Trial on the 3rd of June, 2004.
2. From that report, it is The Chamber's view, that the facts underlying the delays encountered at the beginning of this trial should be clearly stated for the records considering the right of all accused person's to be tried without delay. The following facts on this matter are borne out from that report and from the Records.
3. The 1st Accused was arrested on the 10th of March, 2003. His defence team which comprised Mr. James Blyden Jenkins-Johnston, Mr. Sulaiman Banja Tejan-Sie, Ms. Quincy Whitaker and Mr. Tim Owen, was initially formed in March, 2003, and finalised in July 2003.
4. On the 24th of November, 2003, Mr. Jenkins-Johnston, entered into a Legal Services Contract with the Special Court and executed a "Statement of Availability" wherein he undertook to ensure that himself and members of his defence team: "will represent Mr. Norman to the finality of the case at trial."
5. On the 28th April, 2004, and on the 3rd of June, 2004, Pre-Trial Conferences were held on this case. On both occasions, Mr. Tejan-Sie and Mr. Jenkins-Johnston, indicated their readiness to proceed with the trial.
6. On the 3rd of June, 2004, the first day of trial, the 1st Accused suddenly, and to the surprise of the entire Chamber, informed the Court that he was opting for self-

representation and that he no longer wanted to be represented by his designated Counsel. This necessitated an adjournment of the trial to Tuesday, the 8th of June, 2004, for a reasoned decision to be delivered by The Chamber on the 1st Accused's application to represent himself.

7. On the 8th of June, 2004, the Trial Chamber ruled that the 1st Accused's right to self-representation under Article 17(4)(d) of the Statute, is qualified and not absolute and that it could only be exercised with the assistance of Stand-by Counsel. The 1st Accused immediately objected to the idea of Stand-by Counsel and threatened to boycott Court attendance since his application was not granted. This ruling once again, necessitated an adjournment of the proceedings until Thursday, the 10th June, 2004, in order to designate Stand-by Counsel for the 1st Accused.

8. On this issue, Mr. Tejan-Sie responded by writing a letter dated the 8th of June, 2004, now marked as 'Exhibit 4', to Officials of the Special Court, confirming that he would indeed continue to represent Mr. Norman, albeit in a stand-by capacity.

9. The 1st Accused has now reconsidered his position and accepted the Trial Chamber's Decision on representation by Stand-by Counsel composed of Counsel in his previous legal team and comprising both national and international Counsel.

10. On the 10th of June, 2004, Mr. Jenkins-Johnston sent a letter to the Registrar dated 10th of June, 2004, now marked as 'Exhibit 5', indicating that he and Mr. Tejan-Sie unanimously decided that they will not represent the 1st Accused in any capacity.

11. We would like to observe here, in the light of the above, that even though the events of the 3rd of June, 2004, have delayed the proceedings in this case, The Chamber very confidently affirms that no time spent in ensuring that the rights of the defence are fully protected and the integrity of the proceedings preserved, should, by any stretch of any reasonable imagination or judgment, be considered as wasted or lost, or that it indeed constitutes a delay of the judicial process.

12. Having now sorted out this important preliminary issue of legal representation to enable the 1st Accused to properly and credibly conduct his defence, The Chamber is as set as it indeed was on the 3rd of June, 2004, to proceed with this trial without any further delay.

13. In order therefore to ensure the right of all three accused persons to a fair and expeditious trial without further delay and following the decision of the Trial Chamber of the 8th of June, 2004, and the Consequential Order of this Chamber of today, the 14th of June, 2004, on this issue, the Trial Chamber has been informed by the Registrar that the 1st Accused's Stand-by Counsel team shall comprise the following Stand-by Counsel: Dr. Bu-Buakei Jabbi of Sierra Leone, Mr. John Wesley Hall, of the United States, Ms. Quincy Whittaker of England, Mr. Tim Owen, Q.C. of England. In the interim, Mr. Ibrahim Yillah Counsel in the Office of the Principal Defender of the Special Court, shall serve in Mr. Norman's Stand-by Counsel team.

14. In the light of the foregoing, it is clear that neither the Court nor the Prosecution, nor the Registrar nor the Registry, bears any responsibility whatsoever for the delay that has occurred in commencing the proceedings in this case.

15. The Chamber counts on all the Counsel to assist The Chamber and to work towards contributing to ensuring the fairness and expeditiousness of this trial and protecting the integrity of the proceedings.

Done at Freetown this 14th Day of June 2004

Judge Benjamin Mutanga Itoe
Presiding Judge,
Trial Chamber

[Seal of the Special Court for Sierra Leone]