

SPECIAL COURT FOR SIERRA LEONE
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TRIAL CHAMBER I

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

Interim Registrar: Mr. Lovemore Munlo SC

Date: 8th of December, 2005

PROSECUTOR **Against** **SAM HINGA NORMAN**
MOININA FOFANA
ALLIEU KONDEWA
(Case No.SCSL-04-14-T)

**ORDER ON THE APPOINTMENT OF ADDITIONAL COUNSEL
FOR THE NORMAN DEFENCE TEAM**

Office of the Prosecutor:

Luc Côté
James Johnson
Kevin Tavener

**Court Appointed Counsel for Sam Hinga
Norman:**

Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.
Clare da Silva (*Legal Assistant*)

Court Appointed Counsel for Moinina Fofana:

Victor Koppe
Arrow Bockarie
Michiel Pestman
Andrew Ianuzzi (*Legal Assistant*)

Court Appointed Counsel for Allieu Kondewa:

Charles Margai
Yada Williams
Ansu Lansana
Martin Michael (*Legal Assistant*)

TRIAL CHAMBER I (“the Chamber”) of the Special Court for Sierra Leone (“Special Court”) composed of Hon. Justice Pierre Boutet, Presiding Judge, Hon. Justice Bankole Thompson and Hon. Justice Benjamin Mutanga Itoe;

SEIZED of a Letter and its appendices to the Hon. Justice Pierre Boutet, Presiding Judge from Vincent Nmehielle, Principal Defender, dated the 28th of November 2005 (“Request”), in which the Principal Defender informs Trial Chamber I that he recommends that Mr. Alusine Sani Sesay, who was called to the Bar in 1991 and specialises in criminal law and procedure, be appointed as additional Counsel for the Norman Defence Team in light of the departure of Mr. Ibrahim Yillah and outlines his reasons for this recommendation;

MINDFUL OF the “Decision on the Application of Samuel Hinga Norman for Self Representation Under Article 17(4)(d) of the Statute of the Special Court”, delivered by the Chamber on the 8th of June 2004;

MINDFUL OF the “Consequential Order on Assignment and Role of Standby Counsel”, delivered by The Chamber on the 14th of June, 2004, where the Registrar was ordered to assign Standby Counsel for the First Accused;

CONSIDERING the “Order for Assignment of Standby Counsel for Samuel Hinga Norman” of the Registrar of the 15th of June, 2004, where the Registrar assigned:

(1) Dr. Bu-Buakei Jabbi of Sierra Leone, Mr. John Wesley Hall of the United States, Ms. Quincy Whitaker of England and Mr. Tim Owen, Q.C. of England as Standby Counsel for the assistance of the Accused;

(2) the temporary assignment of Mr. Ibrahim Yillah, Counsel in the Defence Office as Standby Counsel pending the effective presence at the proceedings of the Standby Defence Team;

CONSIDERING that the Chamber appointed Mr. Tim Owen as Court Appointed Counsel for the First Accused on the 21st of September, 2004;

CONSIDERING the “Ruling on the Issue of Non-Appearance of the First Accused Samuel Hinga Norman, the Second Accused Moinina Fofana, and the Third Accused, Allieu Kondewa at the Trial Proceedings”, delivered on the 1st of October, 2004;

CONSIDERING the “Consequential Order on the Role of Court Appointed Counsel”, rendered by the Chamber on the 1st of October, 2004;

MINDFUL OF the Oral Ruling on the withdrawal of Ms. Quincy Whitaker as Court Appointed Counsel for the First Accused delivered by the Trial Chamber on the 11th of November, 2004, and the “Consequential Order on the Withdrawal of Ms. Quincy Whitaker as Court Appointed Counsel for the First Accused” filed on the 19th of November, 2004;

MINDFUL OF the “Ruling on Request for Withdrawal of Mr. Tim Owen, as Court Appointed Counsel for the First Accused” and the “Separate and Concurring Opinion of Hon. Justice Pierre Boutet on Ruling on Request for Withdrawal of Mr. Tim Owen, as Court Appointed Counsel for the First Accused” filed on the 1st of March, 2005, which granted the request of Mr. Tim Owen that he be withdrawn as Court Appointed Counsel for the First Accused;

MINDFUL OF the departure of Mr. Ibrahim Yillah, Associate Legal Officer and Duty Counsel in the Office of the Principal Defender who was assigned to the Norman Defence Team;

CONSIDERING that it is in the interests of justice that an additional Counsel be appointed to the Norman Defence Team;

MINDFUL OF Article 17 of the Statute of the Special Court for Sierra Leone (“Statute”) and Rules 54 and 26*bis* of the Rules;

NOTING Rule 44(B) of the Rules which provides that:

In the performance of their duties counsel shall be subject to the relevant provisions of the Agreement, the Statute, the Rules, the Rules of Detention and any other rules or regulations adopted by the Special Court, the Headquarters Agreement, the Code of Professional Conduct and the codes of practice and ethics governing their profession and, if applicable, the Directive on the Assignment of Defence Counsel;

NOTING Rule 45(E) of the Rules which provides that:

Counsel will represent the accused and conduct the case to finality. Failure to do so, absent just cause approved by the Chamber, may result in forfeiture of fees in whole or in part. In such circumstances the Chamber may make an order accordingly. Counsel shall only be permitted to withdraw from the case to which he has been assigned in the most exceptional circumstances. In the event of such withdrawal the Principal Defender shall assign another Counsel who may be a member of the Defence Office, to the indigent accused;

NOTING Articles 23, 24 and 25 of the Directive on the Assignment of Counsel;

THE TRIAL CHAMBER THEREFORE:

DETERMINES that the recommendation of the Principal Defender regarding the appointment of additional Counsel should be accepted; and

INSTRUCTS the Registrar, in consultation with the Principal Defender, pursuant to Article 24 of the Practice Directive, to include Mr. Alusine Sani Sesay in the Defence Team of the First Accused as Court Appointed Counsel for the said First Accused and to take the necessary measures to give effect to this Decision.

Done at Freetown, Sierra Leone, this 8th day of December, 2005.

Hon. Justice Benjamin Mutanga
Itoe

Hon. Justice Pierre Boutet
Presiding Judge,
Trial Chamber I

Hon. Justice Bankole
Thompson

[Seal of the Special Court for Sierra Leone]
