

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

TRIAL CHAMBER I

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

Interim Registrar: Mr. Lovemore Munlo SC

Date: 3rd of August 2006

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

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

Office of the Prosecutor:

James Johnson

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

Dr. Bu-Buakei Jabbi
John Wesley Hall, Jr.

Court Appointed Counsel for Moinina Fofana:

Victor Koppe
Arrow Bockarie
Michiel Pestman

Court Appointed Counsel for Allieu Kondewa:

Charles Margai
Yada Williams
Ansu Lansana

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

SEIZED of a Memorandum and its appendices to Trial Chamber I from Vincent Nmehielle, Principal Defender, dated the 31st of July 2006 (“Request”), in which the Principal Defender informs Trial Chamber I that he recommends that Mr. Steven Powles, who was called to the Bar in 1997 in the United Kingdom and has extensive experience in the area of international criminal law, be appointed as additional Co-Counsel for the Fofana Defence Team and outlines his reasons for this recommendation;

MINDFUL of 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 and the Consequential Order on the Role of Court Appointed Counsel*, both filed by the Chamber on the 1st of October 2004;

MINDFUL ALSO of our *Decision on Fofana Motion for Adjustment of Status of Counsel* filed on the 9th of December 2005;

CONSIDERING that it is in the interests of justice that an additional Counsel be appointed to the Fofana 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. Steven Powles in the Defence Team of the Second Accused as Court Appointed Counsel and to take the necessary measures to give effect to this Decision.

Done at Freetown, Sierra Leone, this 3rd day of August 2006

Hon. Justice Benjamin Mutanga
Itoe

Hon. Justice Bankole
Thompson
Presiding Judge
Trial Chamber I

Hon. Justice Pierre Boutet

[Seal of the Special Court for Sierra Leone]
