



SPECIAL COURT FOR SIERRA LEONE

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Freetown, 11 June 2004

To: The Judges of the Trial Chamber**Subject:** Memorandum of suggested procedures related to the case of Samuel Hinga Norman *et al*, Case no. 2004-14-T

In view of recent developments and the repeated delays suffered throughout the course of this trial thus far, the Prosecution would like to share with the Trial Chamber some of its concerns and proposed suggestions.

By memorandum dated 10 June 2004, it appears that Counsel for the 1st Accused, Samuel Hinga Norman have unilaterally taken it upon themselves to withdraw from this case. Because the Prosecution has now exposed the names of 19 of its witnesses through the discovery process and has thereby placed them in jeopardy as evidenced by this Court's issuance of witness protection measures; because it will be virtually impossible to continue to protect these witnesses over any period of delay beyond that to which they have been subjected thus far; because the Accused Samuel Hinga Norman shares the dock with two Co-Accused whose rights to an expeditious hearing is likewise being jeopardized by these delays; in view of the fact that such a withdrawal threatens yet once again the orderly process of this Tribunal in the above-captioned matter, I would like to take this opportunity to suggest the adoption of one of the following alternative measures put forward hereinafter to insure that the trial of this matter proceeds as soon as possible.

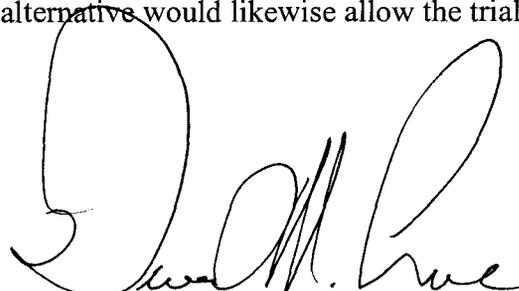
First Alternative: In accord with the Decision on the Application of Samuel Hinga Norman for Self Representation Under Article 17 (4)(d) of the Statute of the Special Court, SCSL -2004-14-T, 8 June 2004, Decision on Defence Counsel Motion to Withdraw, *The Prosecutor v Barayagwiza*, ICTR-97-19-T, "Decision on defence counsel motion to withdraw", 2 November 2000 and Rules 45 (D) & (E), of the Rules of Procedure and Evidence, Special Court for Sierra Leone it is suggested that this withdrawal not be permitted. In short, none of the prerequisites permitting such withdrawal pursuant to the cited rules have been recognized by this Court and despite the stated wishes of either the Accused or his Assigned Counsel, no such withdrawal is permitted until these prerequisites have been met. Thus it is suggested that Counsel who have so capably represented the Accused to this point be required to fulfil their mandate in the capacity of Standby Counsel through the conclusion of this case as counselled and

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NAME	M. A. R. S. S. (C. D. M. O. N. G.)
SIGN	<i>M. A. R. S. S.</i>
TIME	17:00

permitted by the afore-cited authority. This course would thus allow for the uninterrupted progress of this trial.

Second Alternative: It is alternately suggested that in accord with the above-cited authority Counsel for the 1st Accused not be permitted to withdraw from their mandated representation and that they be assigned as Standby Counsel only until other counsel can be so appointed and are prepared to assume such duties at which time present Counsel may be relieved. This alternative has the advantage of allowing the trial to go forward without further undue delay while at the same time ultimately acceding to the wishes of present Counsel.

Third Alternative: That in accord with Rule 45 (E), Rules of Evidence and Procedure, SCSL, a member of the Principal Defender's Office, presently familiar with the case, be assigned as Standby Counsel until a more permanent member of the bar can be appointed to such a position. This alternative would likewise allow the trial to continue as presently scheduled



David M. Crane
The Prosecutor