



SPECIAL COURT FOR SIERRA LEONE

Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone

Adopted on 14 May 2005
Amended on 13 May 2006

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PREAMBLE

The Registrar of the Special Court for Sierra Leone (hereinafter “Special Court”),

Considering Rule 46 of the Rules of Procedure and Evidence (hereinafter “Rules”) adopted on 12 April 2002 as subsequently amended, which authorises the Registrar to set up a Code of Professional Conduct enunciating the principles of professional ethics to be observed by counsel having the right of audience before the Special Court, subject to adoption by the Plenary Meeting;

Considering that being subject to a Code of Professional Conduct is one essential attribute of being qualified as counsel;

Considering that counsel having the right of audience before the Special Court come from various jurisdictions, and that the interests of justice require all counsel to adhere to the same Code of Professional Conduct;

Considering that the Plenary Meeting of the Judges of the Special Court adopted the present Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone on 14 May 2005,

Hereby promulgates this Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone.

GENERAL PROVISIONS

Article 1 – Definitions *(amended on 13 May 2006)*

(A) In this Code, unless a different interpretation is required by the provisions of the Code or the context in which they appear, the following definitions apply:

Agreement The Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, signed in Freetown on 16 January 2002;

Amicus Curiae A State, organisation or person invited or granted leave by a Chamber to make oral or written submissions pursuant to Rule 74 of the Rules;

Client An accused, suspect, detainee, witness or other person who has engaged, been assigned counsel or had counsel appointed by a Judge or Chamber for the purposes of his or her legal representation before the Special Court;

Code The Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone;

Counsel 1) Defence Counsel; 2) Prosecution Counsel; 3) *Amicus Curiae*; and 4) counsel representing a witness or any other person before the Special Court;

Defence	The accused and/or the accused's counsel;
Defence Counsel	Counsel engaged by a suspect or accused pursuant to Rule 44 of the Rules, co-counsel or any legal assistant admitted to practice in a State; duty counsel appointed pursuant to Rule 45 of the Rules; counsel or stand-by counsel assigned by the Principal Defender pursuant to Rule 45 of the Rules; counsel appointed by a Judge or Chamber as either stand-by counsel or court-appointed counsel; and counsel in communication with a suspect or accused as a prospective client;
Directive	The Directive on the Assignment of Counsel issued on 1 October 2003;
Expert	An expert witness as defined in Rule 94 <i>bis</i> of the Rules;
Firm	A law firm or a law office but excluding a Barrister's Chambers;
President	The President of the Special Court as referred to in Article 12 of the Statute;
Principal Defender	The Principal Defender of the Special Court as appointed by the Registrar;
Prosecution Counsel	Counsel acting on behalf of the Prosecutor;
Prosecutor	The Prosecutor of the Special Court appointed pursuant to Article 3 of the Agreement;
Registrar	The Registrar of the Special Court appointed pursuant to Article 4 of the Agreement;
Rules	The Rules of Procedure and Evidence of the Special Court, as subsequently amended;
Special Court	The Special Court for Sierra Leone established by the Agreement and consisting of the following organs: the Chambers, the Office of the Prosecutor and the Registry;
Statute	The Statute of the Special Court for Sierra Leone annexed to the Agreement;
Team	Other persons assisting counsel in the preparation and presentation of a particular case before the Special Court as counsel, legal assistants or investigators; and
Witness	A person who gives or is due to give testimony before a Chamber as a result of being called by the parties; summoned by a Judge or a Chamber under Rules 54 and 90(F) of the Rules; or ordered by a Chamber to give testimony by deposition under Rule 71 of the Rules or via communications media, including video and closed-circuit television,

under Rule 85 of the Rules; and

Witnesses and The Witnesses and Victims Section referred to in Rule 34 of the Rules.
Victims Section

- (B) In this Code, the masculine shall include the feminine and the singular the plural, and vice versa.

Article 2 – Application *(amended on 13 May 2006)*

This Code shall apply to all counsel who appear or have appeared before the Special Court or who otherwise act or have acted on behalf of the Prosecutor, a suspect, an accused, a witness or any other person before the Special Court, and who thereby have the right of audience before the Special Court.

Article 3 – Conflicts

- (A) In the event of any inconsistency between this Code and the Agreement, the Statute or the Rules, the terms and provisions of the Agreement, Statute or Rules, as the case may be, shall prevail.
- (B) In the event of any inconsistency between this Code and any other codes of practice and ethics governing counsel, the terms of this Code shall prevail in respect of counsel's conduct before the Special Court.

OBLIGATIONS OF COUNSEL

Article 4 – Non-discrimination

Counsel shall not in relation to any other person discriminate directly or indirectly of race, colour, ethnic or national origin, nationality, citizenship, sexual orientation, marital status, disability, religion or political persuasion.

Article 5 – Competence, Independence and Integrity *(amended on 13 May 2006)*

Counsel shall act with:

- (i) competence, honesty, skill and professionalism in the presentation and conduct of the case;
- (ii) independence in the performance of his functions, and shall not accept nor seek instructions from a Government or any other source, nor engage in any activity which compromises his independence or which reasonably creates the appearance of such compromise; and

- (iii) integrity to ensure that his actions do not bring the administration of justice into disrepute.

Article 6 – Integrity of Evidence

- (A) Counsel shall not introduce evidence which he knows to be false or which he reasonably believes was obtained through recourse to unlawful methods or any method which constitutes a grave violation of the human rights of any person, in particular methods which constitute torture or cruel, inhuman or degrading treatment or punishment.
- (B) Counsel shall ensure that appropriate action is taken against those responsible for using such unlawful methods as defined in paragraph (A).

Article 7 – Professional Courtesy

Counsel shall act courteously and respectfully towards all persons with whom they have professional contact, including but not limited to Judges, other counsel, Special Court staff members, suspects and accused, witnesses, victims and clients.

Article 8 – Duty towards the Special Court

- (A) Counsel has an overriding duty to the Special Court to act with independence and in the interests of justice and must assist the Court in the administration of justice.
- (B) Counsel shall not deceive or knowingly or recklessly mislead the Special Court. Counsel shall take all necessary steps to correct an erroneous statement made by Counsel or his team as soon as possible after becoming aware that the statement was erroneous.
- (C) Counsel shall not submit any request or document with the aim of delaying the proceedings or harming any participants to the proceedings.

Article 9 – Contact with Judges

Counsel shall not, unless permitted by the Rules, this Code or the Judge or Chamber hearing the matter:

- (i) make contact with a Judge or Chamber concerning the proceedings in which counsel is involved, except within the proper context of the proceedings; or
- (ii) submit to a Judge or Chamber evidence, notes or documents concerning the proceedings in which counsel is involved, except through the Registry.

Article 10 – Conduct toward Victims and Witnesses

- (A) In dealing with victims and witnesses, counsel shall:
 - (i) subject to the Rules of Procedure and Evidence, preserve confidentiality, and not disclose information which may jeopardise the privacy, safety and security of victims and witnesses, in particular, those witnesses who have been afforded protective measures under Rule 69 or Rule 75 of the Rules;
 - (ii) make reasonable efforts to minimise inconvenience to witnesses;
 - (iii) consider the views, legitimate interests and concerns of witnesses; and
 - (iv) ensure that witnesses are informed of their rights and obligation, including their right to request protective measures, and the progress of the case.
- (B) Counsel shall not offer or give any monetary or other incentive to any person for the purpose of unduly encouraging or influencing the testimony of a witness. This paragraph shall not apply to the payment of fees to expert witnesses.
- (C) Counsel shall not coerce, threaten, intimidate, humiliate or harass a witness or his relatives or acquaintances.
- (D) Counsel shall not communicate or meet with a witness during his testimony once the witness has made the solemn declaration under Rule 90 (B) of the Rules, except with leave of a Judge or a Chamber.

Article 11 – Conduct toward Others

- (A) Counsel shall not communicate with a suspect or accused who is represented by other counsel except through or with permission of such person's counsel, unless the suspect or accused has voluntarily waived his right to counsel.
- (B) Counsel communicating with a person who is not represented by counsel shall inform such person of the role counsel plays in the matter, the person's right to counsel under the Rules if applicable, and the nature of legal representation in general.

Article 12 – Counsel as Witness

- (A) Counsel shall not act in a matter in which there is a substantial probability that counsel will be a necessary witness except where:
 - (i) the testimony relates to an uncontested issue;
 - (ii) the testimony relates to the nature and value of legal services rendered in the case; or
 - (iii) substantial hardship would be caused to a client if counsel does not so act.

- (B) Counsel shall not call opposing counsel as a witness unless there is a compelling need for that testimony. If opposing counsel is called as a witness, counsel shall ensure that confidentiality and privilege is preserved, unless counsel is ordered to testify to a confidential or privileged matter by a Judge or a Chamber.

Article 13 – Contact with the Media

- (A) Counsel shall not publish or assist in the publication of any material concerning any current proceedings which:
- (i) is false; or
 - (ii) discloses any confidential information.
- (B) Counsel shall not comment on any matter which is *sub judice* in any case in which he is involved.

OBLIGATIONS UPON DEFENCE COUNSEL

Article 14 – Scope of Representation

- (A) Subject to paragraph (B), when representing a client, Defence Counsel shall:
- (i) consult with the client regarding the objectives of the representation and the means by which those objectives are to be pursued;
 - (ii) abide by a client's decisions concerning the objectives of representation if not inconsistent with counsel's duties under the Code and with Defence Counsel's best professional judgement; and
 - (iii) prepare and file all required motions and take any other required and lawful actions in order to fulfil the objectives of the representation.
- (B) Where Defence Counsel has been appointed by a Judge or Chamber as stand-by counsel or court-appointed counsel, when representing a client such Defence Counsel shall:
- (i) abide by any orders of a Judge or Chamber that prescribe the scope of representation to be provided;
 - (ii) discuss with his client the conduct of the case, endeavour to obtain his instructions thereon and take account of views expressed by the client, while retaining the right to determine what course to follow;
 - (iii) act throughout in the best interests of the client.
- (C) Defence Counsel shall not advise or assist a client to engage in conduct which Defence Counsel knows is in breach of the Agreement, the Statute, the Rules, the Directive or this Code.

Article 15 – Conflict of Interest

- (A) Defence Counsel shall at all times act in the best interests of the client and shall put such interests before his own interests or those of any other person, organisation or State. Where there is doubt as to the existence of such conflict, it shall be resolved against Defence Counsel’s own interest. Where a conflict arises between the duty of Defence Counsel to act in the best interests of the client and the interests of justice, the latter shall prevail.
- (B) Defence Counsel shall not represent a client in connection with any matter in which Defence Counsel participated as an official or staff member of the Special Court or in any other capacity before the Special Court, unless the Registrar approves after consultation with the parties.
- (C) Defence Counsel or his firm shall not represent a client with respect to a matter if:
 - (i) a conflict or a potential conflict exists between the interests of the client and any other client(s); or
 - (ii) the matter is the same or substantially related to another matter in which Defence Counsel or his firm had formerly represented another client (“former client”), and the interests of the client are materially adverse to the interests of the former client, unless the client and the former client consent; or
 - (iii) Defence Counsel’s professional judgement on behalf of the client will be, or may reasonably be expected to be, adversely affected by Defence Counsel’s own interests or his interests in a third party.
- (D) Where a conflict of interest arises, Defence Counsel shall promptly and fully inform each potentially affected client of the nature and extent of the conflict and:
 - (i) take all steps necessary to remove the conflict; or
 - (ii) obtain the full and informed consent of all potentially affected clients to continue their representation, but only if such consent, in the judgement of Defence Counsel, is unlikely to prejudice the administration of justice.
- (E) In the case of Defence Counsel appointed by a Judge or Chamber, where a conflict of interest arises such Defence Counsel also shall promptly and fully inform the Judge or Chamber of the nature and extent of the conflict and may only continue the representation with the leave of the Judge or Chamber.

Article 16 – Communication with Clients

- (A) Subject to any order of a Judge or Chamber, Defence Counsel shall keep a client informed about all developments in the case and strategies to be used in the matter before the Special Court in which the client is an interested party and shall promptly comply with all reasonable requests by the client for information.

- (B) Defence Counsel shall explain a matter to a client to the extent reasonably necessary to permit the client to make informed decisions regarding his representation.

Article 17 – Confidentiality

- (A) With the exception of information which is already part of the public record, Defence Counsel shall respect the confidentiality of all information which has been entrusted to him in connection with his representation of a client, even after Defence Counsel has ceased to represent such client.
- (B) Whether or not the relationship of counsel and client continues, Defence Counsel shall preserve the confidentiality of his client’s affairs and shall not:
 - (i) reveal to any other person information that has been entrusted to Defence Counsel in confidence, provided that Defence Counsel may reveal such information to his team; or
 - (ii) use such information to the client’s detriment or to the advantage of Defence Counsel or another client of Defence Counsel.
- (C) Notwithstanding paragraph (B) and subject to Article 13 of this Code, Defence Counsel may reveal information which has been entrusted to him in confidence in any one of the following circumstances:
 - (i) when the client has been fully consulted and knowingly consents in writing;
 - (ii) when essential to establish a defence to a criminal or disciplinary charge or civil claim instituted against Defence Counsel or Defence Counsel’s team; or
 - (iii) when necessary to prevent an act which Defence Counsel reasonably believes:
 - (a) is a criminal offence within the territory in which it may occur; and/or
 - (b) may result in death or substantial bodily harm to any person unless the information is disclosed.

Article 18 – Declining, Terminating or Withdrawing Representation

- (A) Subject to sub-paragraph (B), Defence Counsel shall not represent a client if Defence Counsel’s representation is:
 - (i) terminated by the client;
 - (ii) withdrawn by the Principal Defender if counsel is assigned by the Principal Defender; or
 - (iii) ordered to be terminated or withdrawn by a Chamber as the case may be.

- (B) Where Defence Counsel is appointed by a Judge or Chamber as Stand-by or Court-Appointed Counsel, representation may only be withdrawn or terminated with leave of a Judge or Chamber upon demonstration of good cause and where withdrawal or termination is in the interests of justice;
- (C) Subject to Article 24 of the Directive and any order of a Judge or Chamber, Defence Counsel may terminate or request withdrawal of his representation of a client if such termination or withdrawal can be achieved without material adverse effect on the interests of the client, or if:
- (i) he believes that the client has used Defence Counsel's services to perpetrate a crime or fraud, or persists in a course of action involving Defence Counsel's services that Defence Counsel reasonably believes is criminal or fraudulent;
 - (ii) the client insists upon pursuing an objective that Defence Counsel considers unlawful, improper or an abuse of process before the Special Court;
 - (iii) the client fails substantially to fulfil an obligation to Defence Counsel regarding Defence Counsel's services and has been given reasonable warning that Defence Counsel will terminate or request withdrawal of his representation unless the obligation is fulfilled; or
 - (iv) other good cause for termination or withdrawal exists.
- (D) If representation by Defence Counsel is to be terminated or withdrawn, unless otherwise ordered by a Chamber such termination or withdrawal shall not take effect until a replacement Defence Counsel is engaged by the client or assigned by the Principal Defender, or the client has notified the Registrar in writing of his intention to conduct his own defence.
- (E) Upon termination or withdrawal of representation by Defence Counsel, Defence Counsel shall take steps to the extent reasonably practicable to protect the client's interests, including but not limited to giving sufficient notice to the client, surrendering papers and property to which the client or the Special Court is entitled and refunding any advance payment of fees that have not been earned.

Article 19 – Prospective Clients

Defence Counsel shall not:

- (i) contact a prospective client, his relatives or acquaintances in an attempt to solicit work from such prospective client;
- (ii) make false, misleading or deceptive communications about Defence Counsel's services to a prospective client, his relatives or acquaintances.

Article 20 – Remuneration of Defence Counsel

- (A) Defence Counsel engaged by a client in accordance with Rule 44 of the Rules shall provide an estimate, in advance, of fees to be charged to a client, the basis for calculating the costs, the billing arrangements and the client's right to receive a bill of costs. Such fees shall be fair and reasonable.
- (B) Defence Counsel engaged by a client in accordance with Rule 44 of the Rules shall not accept remuneration for representing a client from a source other than that client unless:
 - (i) that client consents after consultation; and
 - (ii) there is no interference thereby with Defence Counsel's independence of professional judgement or with the client-counsel relationship.
- (C) Defence Counsel assigned by the Principal Defender in accordance with Rule 45 of the Rules or appointed by a Judge or Chamber shall not accept remuneration for representing a client from a source other than the Special Court.
- (D) Defence Counsel shall maintain detailed records of time spent and expenses incurred on behalf of a client in the manner directed by the Registrar or the Principal Defender.

Article 21 – Financial Arrangements between Defence Counsel and Clients

- (A) Defence Counsel shall not mix funds of a client with his own or with the funds of Defence Counsel's employer or law firm.
- (B) Defence Counsel shall not borrow monies or assets from a client.

Article 22 – Fee Splitting

- (A) Fee-splitting arrangements, including but not limited to the transfer or loan of all or part of the fees received by Defence Counsel for the representation of a client or any other assets or monies to a client, the client's relatives and/or any other person or organization in which the client has a personal interest, shall be prohibited.
- (B) Defence Counsel shall inform the Principal Defender if:
 - (i) Defence Counsel is requested, induced or encouraged by a client to enter into a fee splitting arrangement, in which case Defence Counsel shall also inform the client on the unlawfulness of the practice; or
 - (ii) Defence Counsel becomes aware of any alleged fee splitting arrangement by a member of his team.
- (C) Following receipt of information regarding possible fee splitting arrangements between Defence Counsel and his clients, the Principal Defender shall investigate such information in order to determine whether it is substantiated.

- (D) Where Defence Counsel is found to have engaged in fee splitting, the Principal Defender shall take action in accordance with the Statute, the Rules and this Code.
- (E) In exceptional circumstances, and only with the leave of the Principal Defender, Defence Counsel may provide his clients with equipment, materials and other items of *de minimis* value necessary for the preparation of their defence.

CONDUCT OF PROSECUTION COUNSEL

Article 23 – Scope of Prosecution

Prosecution Counsel shall:

- (i) conduct investigations and analyses with the central aim of providing the factual and evidentiary basis for an accurate assessment of criminal responsibility;
- (ii) conduct fair and firm prosecutions of crimes within the jurisdiction of the Special Court, when well-founded upon evidence reasonably believed to be reliable and admissible.

Article 24 – Impartiality

- (A) Prosecution Counsel shall respect the presumption of innocence of all suspects and accused, and in particular, shall refrain from expressing a public opinion on the guilt or innocence of a suspect or an accused in public or outside the context of proceedings.
- (B) Prosecution Counsel shall assess the materiality of facts and the probative value of evidence according to all relevant circumstances and irrespective of whether they are to the advantage or disadvantage of the suspect or accused.

Article 25 – Conflict of Interest

- (A) Prosecution Counsel shall remain unaffected by individual or sectional interests and public or media pressures, and shall have regard only to the public interest.
- (B) Prosecution Counsel shall not act in connection with any matter in which Prosecution Counsel participated as an official or staff member of the Special Court or in any other capacity before the Special Court, unless the Registrar approves after consultation with the parties.

Article 26 – Confidentiality

With the exception of information which is part of the public record, Prosecution Counsel shall respect the confidentiality of all information which has been entrusted to him in

connection with a case, even after Prosecution Counsel has ceased to act as Prosecution Counsel.

DISCIPLINARY PROCEEDINGS

Article 27 – Misconduct *(amended on 13 May 2006)*

Counsel commits misconduct when he:

- (i) violates or attempts to violate this Code; or
- (ii) knowingly assists or induces another person to violate or attempt to violate this Code or does so through the acts of another person; or
- (iii) refuses or fails to conform with any order or sanction of a Disciplinary Panel.

Article 28 – Responsibility for Other Team Members

- (A) Counsel shall be responsible for the misconduct of other members of his team when counsel:
 - (i) orders or, with knowledge of the specific misconduct, approves the misconduct involved; or
 - (ii) has direct supervisory authority over the team member, and knows of the misconduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.
- (B) Counsel shall be bound by this Code notwithstanding that counsel acted at the direction of other counsel.

Article 29 – Disciplinary Panel

- (A) There shall be a Disciplinary Panel to hear complaints against counsel and shall consist of three members:
 - (i) a judge of a Trial Chamber designated by the President of the Special Court;
 - (ii) a lawyer appointed by the the Principal Defender;
 - (iii) a lawyer appointed by the the Prosecutor;
- (B) The judge of the Trial Chamber shall be the chairperson of the Disciplinary Panel.
- (C) The Disciplinary Panel shall adopt decisions by majority vote.

Article 30 – Rights of Counsel

Counsel subject to disciplinary proceedings shall be entitled to:

- (i) assistance by another counsel;
- (ii) refuse to make any statement which might tend to incriminate him;
- (iii) adequate time to prepare his defence; and
- (iv) examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

Article 31 – Records of Disciplinary Proceedings

The Registrar shall maintain all documents and records of any disciplinary proceedings conducted pursuant to this Code.

Article 32– Complaints

- (A) Complaints regarding the misconduct of counsel may be submitted to the Registrar by any person and such complaints shall be treated confidentially.
- (B) The complaint shall be in writing or, if the complainant is unable to do so, orally before the Registrar or a member of the Registry. The complaint shall identify the complainant and counsel against whom the complaint is made, and shall describe in sufficient detail the alleged misconduct.
- (C) The complaint shall be submitted no later than six months after the alleged misconduct is brought to the attention of the complainant or six months after the complainant should have reasonably known about the existence or occurrence of the alleged misconduct.
- (D) The Registrar shall send the complaint fulfilling the requirements set out in paragraph (B) to the counsel concerned and shall, if he is of the opinion that the complaint is genuine and raises a serious issue of a breach of this Code, request him within 20 days of receiving the complaint to submit to the Registrar a response to the complaint.
- (E) The Registrar shall submit the complaint and counsel's response to the complaint to the President without delay.
- (F) Upon receiving the complaint and counsel's response to the complaint, the President shall:
 - (i) reject the complaint if it is manifestly vexatious, misconceived or unfounded based on the information at its disposal;
 - (ii) offer mediation to the complainant and counsel, if appropriate;

- (iii) if necessary, request the Registrar to designate an independent counsel to investigate the alleged misconduct; or
- (iv) if necessary, direct the Registrar to convene a Disciplinary Panel;
- (v) direct the Registrar if necessary to appoint counsel to prosecute the complaint.

Article 33 – Procedure of the Disciplinary Panel *(amended on 13 May 2006)*

- (A) The hearing shall be public unless the Disciplinary Panel decides to exclude the public for any reason set out in Rule 79 of the Rules of Procedure and Evidence.
- (B) During the hearing, the Disciplinary Panel may admit any evidence which is relevant or which has probative value, whether oral or written. The Disciplinary Panel shall give counsel an opportunity to present his defence.
- (C) The Disciplinary Panel may decide to dismiss the complaint based on the evidence submitted to it or find that counsel committed the alleged misconduct. The decision shall be pronounced in public. A reasoned decision shall be issued in writing.
- (D) Where the Disciplinary Panel dismisses the complaint, the Disciplinary Panel shall order that counsel be reinstated, if counsel has been temporarily suspended pursuant to this Article.
- (E) The Registrar shall provide copies of the decision to:
 - (i) counsel;
 - (ii) the complainant; and
 - (iii) the Principal Defender in the case of Defence Counsel, and the Prosecutor in the case of Prosecution Counsel and,
 - (iv) the President.
- (F) The standard of proof shall be proof beyond reasonable doubt.
- (G) The Disciplinary Panel may make such orders for the preparation or conduct of hearing of the complaint as it deems appropriate including, but not limited to, the appointment of an independent counsel to assist the Disciplinary Panel, conducting pre-hearing conferences and making orders for disclosure.

Article 34 – Sanctions *(amended on 13 May 2006)*

- (A) Where the Disciplinary Panel finds that misconduct has been established against counsel, it may impose one or more of the following sanctions:
 - (i) admonishment;
 - (ii) public reprimand;
 - (iii) restitution;

- (iv) a fine not exceeding 2 million Leones;
 - (v) temporary refusal of audience before the Special Court; or
 - (vi) permanent refusal of audience before the Special Court.
- (B) In addition to or in lieu of the sanctions set out in paragraph (A), the Disciplinary Panel may also request a Judge or a Chamber, with the approval of the President, to communicate any misconduct of counsel to the professional body regulating the conduct of counsel in his State of admission, pursuant to Rule 46 (D) of the Rules.
- (C) Where the Disciplinary Panel finds that misconduct has been established against counsel, it shall order that the reasonable costs of the proceedings be borne by counsel. Where no misconduct has been found against counsel, the reasonable costs of the proceedings shall be reimbursed by the Special Court.

Article 35 – Disciplinary Appeals Board *(amended on 13 May 2006)*

- (A) There shall be a Disciplinary Appeals Board comprised of three judges of the Appeals Chamber of the Special Court for Sierra Leone designated by the President.
- (B) Sanctioned counsel shall be entitled to appeal the decision of the Disciplinary Panel to the Disciplinary Appeals Board on matters of law only. The decision of the Disciplinary Panel shall be considered final after the time limit for appeal has lapsed.
- (C) The procedure for the appeal shall be by way of written submission.
- (D) (i) Notice of Appeal and written submissions of the sanctioned counsel shall be filed with the Registrar and served on the independent counsel within 7 days of publication of the reasoned decision of the Disciplinary Panel;
- (ii) The independent counsel may file written submissions in response with the Registrar for forwarding to the Disciplinary Appeals Board within 14 days of service of the notice of appeal;
- (iii) Submissions in reply may be filed within 5 days of service of any response.

FINAL PROVISIONS

Article 36 – Amendment

This Code may be amended by the Registrar in consultation with the representatives of the Prosecutor and the Principal Defender pursuant to Rule 46(G) of the Rules, and subject to adoption at the Plenary Meeting. Any amendments made shall not apply retroactively.

Article 37 – Entry into Force

This Code enters into force on Monday 16 May 2005.

Robin Vincent
Registrar
30 May 2005