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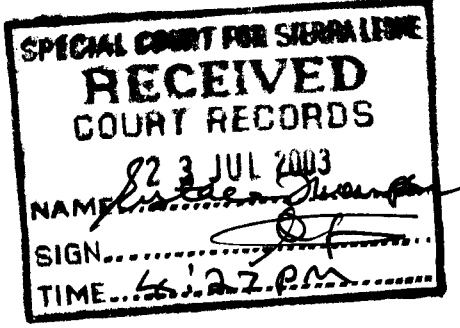
THE SPECIAL COURT FOR SIERRA LEONE

BEFORE THE PRESIDENT OF THE TRIBUNAL:

President: Judge Geoffrey Robertson

Registrar: Robin Vincent

Date filed: 23rd July 2003



THE PROSECUTOR

V.

SAM HINGA NORMAN

Case No. SCSL-2003-08-PT

MOTION FOR MODIFICATION OF THE
CONDITIONS OF DETENTION

Office of the Prosecutor

David Crane
Luc Coté

Defence Counsel

James Blyden Jenkins-Johnston
Sulaiman Banja Tejan-Sie

Pursuant to Rule 64 of the Rules of Procedure and Evidence (the “Rules”) of the Special Court for Sierra Leone (the “Court”), Sam Hinga Norman (the “Accused”) hereby moves the President of the Court for an Order Modifying the Conditions of his Detention, pursuant to the Rules of Procedure and Evidence.

I. INTRODUCTION

1. The Indictment against the Accused was confirmed on 7 March 2003 and kept confidential until he was arrested on 10 March 2003. Therefore, the accused was not aware of the arrest warrant until he was arrested in his office while performing his duties as Minister of Internal Affairs. He was arrested by a combined team of the Sierra Leone Police and Special Court officials on the aforesaid date and transferred to the detention facility in Bonthe the same day. At his initial appearance on 14th March 2003, the accused pleaded not guilty to all Counts of the indictment.

II. APPLICABLE LAW

1. Rule 64 ("*Detention on Remand*") of the Rules provides:

"Upon his transfer to the Special Court, the accused shall be detained in the facilities of the Special Court, or facilities otherwise made available pursuant to Article 22 of the Statute. The President may, on the application of a party or the Registrar, order special measures of detention of an accused."

III. MODIFICATION OF DETENTION TO PERMIT HOUSE ARREST: THE *BLAŠKIĆ* CASE

4. In the case of *The Prosecutor v. Tihomir Blaškić*, IT-95-14-T, the President of the ICTY ordered house arrest under his powers to modify the conditions of the Accused's detention pursuant to Rule 64. See the *Decision of the President on the Defence Motion Filed Pursuant to Rule 64* rendered by the ICTY President on 3 April 1996. In that Decision, the President ordered that Blaškić be detained under house arrest in a location other than the United Nations Detention Unit in The

Hague. The conditions laid down for the Accused's detention under house arrest were as follows:

- (1) that the residence of Blaškić be in the confines of a place designated by the Netherlands authorities in consultation with the Registrar;
- (2) that Blaškić be permitted to leave this place of residence only to meet his Counsel, the diplomatic and consular representatives of the Republic of Croatia accredited in the Netherlands, his family and friends, such meetings to take place in the Detention Unit;
- (3) that contacts with the media be prohibited;
- (4) that orders or requests of the Tribunal be promptly responded to;

- 5. On 17 April 1996, the ICTY President ordered further modifications to the condition of Blaškić's detention to permit him to meet his wife, children and counsel in any place deemed appropriate by the Registrar and once a month he would be entitled to spend the night with his wife and children. Furthermore, Blaškić was permitted to have a television, radio and to make outgoing telephone calls from his place of detention, subject to the provisions of the Rules of Detention. All costs relating to the special conditions of detention were to be borne by Blaškić.
- 6. Although for practical reasons Blaškić's house arrest had to be discontinued, this case illustrates that house arrest may legitimately be ordered pursuant to Rule 64 of the Rules.
- 7. In a *Decision* on this matter further modifying the conditions of detention rendered by President Cassese on 9 January 1997, President Cassese set out the factors to be considered on application to modify the conditions of detention. In that *Decision*, the President weighed two factors: on the one hand, the right of all detainees to be treated in a humane manner in accordance with the fundamental

principles of respect for their inherent dignity and of the presumption of innocence and, on the other hand, “*the imperatives of security and order.*”

IV. IT IS APPROPRIATE TO ORDER HOUSE ARREST FOR THE ACCUSED

- 8. Applying the above test, it is submitted that modifying the conditions of the Accused’s detention so as to allow him to be detained under house arrest, is an appropriate measure to order in this case.
- 9. The Defence has located an address which could appropriately serve as the location for house arrest. For security purposes, this address will be kept under seal and disclosed to the Judges, Registry and Prosecutor on a strictly confidential basis. The Defence would propose the following conditions to ensure that safety and security concerns are met:
 - (a) To reside only at the above-named address at all times;
 - (b) To surrender his passport to the Sierra Leonean authorities;
 - (c) To consent to having Sierra Leonean officials verify his presence and to occasional unannounced visits to the Accused by these officials or by a person designated by the Registrar of the Court;
 - (d) Not to have any contacts whatsoever or in any way interfere with victims or potential witnesses or otherwise interfere in any way with the proceedings or with the administration of justice;
 - (e) Not to seek access to documents and archives;
 - (f) Not to discuss his case with anyone, including the media, other than his Counsel and immediate members of his family;

(g) Not to occupy any official position in Sierra Leone;

(h) To comply strictly with any requirements of the authorities of Sierra Leone necessary to enable them to comply with their obligations under the order for provisional release and their guarantees;

(i) To return to the Court at such time and on such date as the President may order;

(j) To comply strictly with any order of the President further modifying the conditions of detention of the Accused.

9. The Defence have consulted with the Government of Sierra Leone pursuant to Rule 65 B of the Rules of Procedure and Evidence. Attached as **Annex 1** is the defence letter to Government and as **Annex 2** is the letter from the Government in which they did not expressly opposed bail or an application for the modification of the conditions of detention; and fully acknowledged that the accused is merely "an indicttee before the Special Court based on allegations, which are still to be proved" and "until then he is presumed innocent of the charges laid against him". His excellency the President of Sierra Leone on behalf of his government in **Annex 2** also expressed his consciousness of the needs of the family of the accused and his willingness to help which was manifest in the financial assistance he rendered to the wife of the accused and her family. This gesture by the President, the accused contends was based on his selfless service to the government and people of Sierra Leone and an indication of the respect the President still have for the accused who served him until his arrest, and before that served in the army and also served as a Regent Chief in his home town. Also government's position not to be drawn into the legal issues before the Court which they think will "derogate from the dignity and independence of the Court" is by implication a desire that the Court or in this case it's presidency solely decides the issue of modification of the conditions of detention. Also apparent in **annex 2** is Government's inherent respect for the independence of

the Special Court and its desire not to interfere in anyway other than co-operating with its orders pursuant to its Statute, Agreement, Rules and the Special Court Agreement (Ratification) Act 2002. The accused therefore submits that the Government of Sierra Leone in the absence of any contrary view expressed in **Annex 2** will co-operate with any modification of the present conditions of detention of the accused and when called upon provide the necessary security guarantees.

V. OTHER FACTORS FAVOURING MODIFICATION OF DETENTION

A. HEALTH

10. The Accused is an elderly man, with a history of health problems. Attached, as **Annex 3** is a medical report by Dr. J. N. Kandeh who attest to the fact that the accused went through surgery twice in 2000 and 2002 for recurrent inguinal hernia. The accused still complains of pain around both the area that was operated on and his prostrate and needs a comprehensive physiological examination in this regard. Taking cognisance of his age, medical history, his young family, his stature in society and his avowed determination to defend himself and clear his good name in Court, the accused craves the indulgence of the President to modify the conditions of his detention.

B. CONDITIONS IN BONTHE/ UNIQUE FEATURES WHICH RELATES TO THE ACCUSED

11. The conditions and continued detention of the accused in Bonthe are having a negative psychological effect on the accused who needs the right environment to prepare his defence. These conditions includes irregular visits by family, friends and counsel because of logistical problems as a result of the location of the Detention Facility; delays in getting prompt instructions to facilitate the investigative and pre trial phases of the defence and the emotional stress of been

incarcerated far from home even though the prosecutor is yet to prove his case while the accused is presumed innocent. The accused contends that added to these conditions are the unique features, which relates to the accused. These includes his age, health history, years of dedicated service to the army, the Government and people of Sierra Leone and the fact that the accused has a lot more to loose by this indictment vis a vis the good name and stature he has carved for himself in this nation. The accused therefore submits that the cumulative effect of the above-mentioned factors makes it necessary to modify the conditions of detention and balance the scale of justice at this initial stage.

1. Length of Detention

13. The Accused has already spent four months in detention with no indication whatsoever that the trial will commence this year. With the Court's facility still under construction and the construction of the main Court Structure still pending it is more than unlikely that trial will start in earnest this year. This submission is therefore premised on the notion of presumption of innocence of an accused person, and the natural justice principle of an accused right to a fair and speedy trial.

2. Conditions of Detention

14. The Defence submits that the conditions of detention of the Accused are inappropriate and/or do not comply with international standards in that it fails to take heed of the following Rules of detention namely: -

- 1. That the detention facility fails to meet all requirements of health and hygiene in that due regard is not given to Climatic Conditions and Ventilation - Rule 16 of the rules of detention.

2. That the Accused does not receive food which is suitably prepared and presented and which satisfies in quality and quantity the standards of dietetics and modern hygiene and also fails to take into account the age, health and cultural requirements of the detainee - Rule 20 of the rules of detention.
 3. The Accused is not allowed the usual one-hour of walking or other suitable exercise in the open air on a daily basis -rule 21 (A); the Accused is not provided with any programme of recreational activities to ensure physical fitness, adequate exercise and recreational opportunities. Also no arrangement is made, under medical direction, for remedial or therapeutic treatment for the accused in case he is unable to participate in these regular programmes because of his old age or other health reasons - Rule 21 (B) and (C).
 4. The Accused has not been provided with adequate and modern toilet facilities, which are necessary for his health and cleanliness, and his cell unit lacks the facilities that are necessary for his personal hygiene.
15. Finally the defence will submit that some of these various breaches of the Rules of detention were communicated to the Registrar. The letter is attached here as **Annex 4(a)** and **4 (b)**. Also the accused will argue that conditions were so terrible that he had to go on hunger strike to protest these onerous conditions and regime that was in place.

VI. THE PRINCIPLE OF PROPORTIONALITY

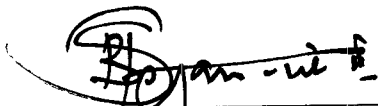
16. In deciding upon this Application, due regard must be had to the principle of proportionality. Relying on the observation by the ICTY Trial Chamber in the *Hadžihasanović et al* decision granting provisional release dated 19 December 2001, it can be argued by analogy that interpreting Rule 64, the

general principle of proportionality must be taken into account. A measure in public international law is proportional only when it is:

- (1) suitable;
- (2) necessary; and when
- (3) Its degree and scope remain in a reasonable relationship to the envisaged target. Procedural measures should never be capricious or excessive. If it is sufficient to use a more lenient measure, it must be applied.

17. It is therefore submitted that for the reasons above, it is disproportionate to continue to detain the Accused on remand at the Special Court detention facility pending trial when more lenient measures, namely house arrest, would achieve the same result of ensuring the Accused's presence at trial. The President may be satisfied that if the conditions of detention of the Accused are modified, he will always be available for his trial, will respond to all orders of the Court and will be in a better position to prepare his case and put forward an effective defence to the heinous offences with which he is currently charged, thus guaranteeing the principle of the equality of arms in this Case.

Dated this 23rd day of July 2003.



 James Blyden Jenkins-Johnston and Sulaiman Banja Tejan-Sie
 Counsel and Co-Counsel for Sam Hinga Norman

for

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- Annex 1** - Defence letter to Government dated the 19th day of June 2003.
- Annex 2** - Letter from Government to Defence on the Issue of bail and related matters dated the 24th day of June 2003.
- Annex 3** - Medical report on the Health history of the Accused.
- Annex 4 (a)** - Letter to the Registrar dated 11th April 2003 complaining about conditions of detention.
- Annex 4 (b)** - Letter to the Registrar dated 26th May 2003 complaining about Conditions of detention.
- Annex 5** - Reply by Registrar to defence complaint about conditions of Detention dated 17th day of April 2003.
- Annex 6** - Press statement by J.B. Jenkins – Johnston for and on behalf of Chief Sam Hinga Norman.

ANNEX 1

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1598

J. B. JENKINS-JOHNSTON

B. A. (HONS) (DUNELM)
BARRISTER-AT-LAW, SOLICITOR,
COMMISSIONER FOR OATHS,
AND NOTARY PUBLIC

AYOTUNDE CHAMBERS

4 Percival Street,
P. O. Box 1164
Freetown,
Sierra Leone.

My Ref: JBJJ/CHK

Your Ref:

Date: 19th June 2003.

His Excellency The President,
Alhaji Dr. Ahmad Tejan Kabbah,
State Lodge,
Hill Station, Freetown.

Your Excellency,

Re: CHIEF SAMUEL HINGA NORMAN.

I act for and on behalf of Chief Sam Hinga Norman, who until 10th March 2003 was your Minister of Internal Affairs, and is now an indictee before The Special Court for Sierra Leone.

As Your Excellency is aware, my Client was arrested in his office on 10th March 2003 and has since been detained at the Bonthe Detention Centre. He complains that since his arrest, detention and indictment he has had no official communication from Your Government, particularly with regard to his Salary, allowances and other emoluments, notwithstanding the fact which is known to Government that he has a young family (a wife still in her twenties and two(2) young girls under 10 years old), and a host of other dependants all of whom look up to him for sustenance, and all of whom have suffered greatly since his incarceration.

According to Rule 5 of the "Rules Governing the Detention of Persons awaiting Trial", Chief Norman is "presumed innocent until proven guilty, and must be treated as such at all times".

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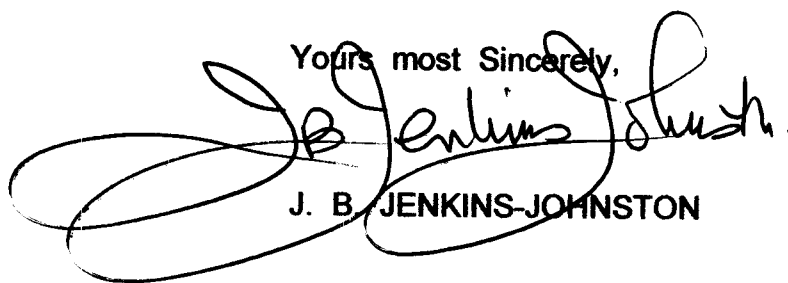
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Consequent upon the foregoing, I am respectfully making this appeal to Your Excellency for Government to pay my Client's normal salary, allowances and other emoluments (or some part thereof,) while he is awaiting trial, because in the eyes of the Law he is presumed innocent so far, and he and his family ought not to be made to suffer even before his trial commences.

I sincerely hope that Government will give this appeal urgent consideration having due regard to my Client's record of service to the State, and his patriotism and loyalty to the Party and the Government over several years.

I look forward to Your Excellency's urgent response and thank you for your time and attention.

Yours most Sincerely,



J. B. JENKINS-JOHNSTON

- C.C. (1) The Vice President
Vice President's Office,
Spur Road, Freetown.
- (2) The Attorney-General and Minister
of Justice,
Attorney-General's Office,
Guma Building,
Freetown.
- (3) The Norman Family,
C/o Mrs. Mamie Norman,
and Miss Juliet Hawa Norman,
Freetown.
- (4) Sulaiman Banja Tejan-Sie Esq.,
36 Bathurst Street,
Freetown.

ANNEX 2



1601

SIERRA LEONE GOVERNMENT

Office of the President

24 June 2003

Mr J B Jenkins-Johnston
Barrister-at-Law
Ayotunde Chambers
4, Percival Street
FREETOWN

Dear Sir,

RE: CHIEF SAMUEL HINGA NORMAN

I am instructed by His Excellency the President to acknowledge receipt of your two letters both referenced JBJJ/CHK and dated 19th June 2003, on the above-mentioned subject, and to reply in the terms following.

His Excellency acknowledges that Mr Sam Hinga Norman is merely an indictee before the Special Court based on allegations, which are still to be proved. Until then he is presumed to be innocent of the charges laid against him. It is for this reason that his position as Minister of Internal Affairs in the Government has not yet been filled but only an acting appointment has been made to that office. For the same reason, no instructions have yet been given to discontinue the payment of Mr Norman's salary as Minister of Government. He is still entitled to be paid all entitlements due him while in post.

His Excellency wishes to convey to you that he too had been conscious of the needs of Mr Norman's family and it was because of this that he gave audience to Mr Norman's wife and rendered personal financial assistance to her and her family after the detention of her husband.

As regards your statement relating to the condition of Mr Norman's detention and the absence of adequate facilities, I should only ask that you refer your queries to the Special Court, which alone can properly deal with such matters. However, the information received by

His Excellency the President from authoritative sources about the conditions under which your client is held is quite different from what you have stated in your letters under reference. The information which has reached His Excellency the President is that Mr Norman is held under conditions acceptable in respect of all indictees of international tribunals. He is supplied with a proper bed with a mosquito net, a fan and he is served meals of his choice three times a day and he is entitled to request for and be served tea and biscuits any hour of the day. He is also allowed family visits and telephone calls to members of his family. Mr Norman is even entitled to and allowed exercises for a number of hours a day. He has been visited by a number of independent persons including Human Rights Bodies and Parliamentarians and it is understood that their findings are not different from what is stated here.

As regards Mr Norman's hunger strike, the understanding is that he submitted himself to a religious fast which he had completed and resumed taking his food.

As regards your request that His Excellency the President concurs in your application for a bail for Mr Norman and that he should state that he has no objection to bail being granted to your client, His Excellency the President wishes to draw your attention to the Rules of Procedure and Evidence of the Special Court which you have quoted verbatim in your letter under reference and also to the Statute of the Court and the Agreement between the Government and the United Nations establishing the Court together with the Ratification Act enacted by the Sierra Leone Parliament. From all these it is clear that no role is assigned to His Excellency the President or his Government in such matters, the Court having been established as an independent judicial body not subject to the direction of any person or body. It is in this way that His Excellency the President and his Government would wish this Court to proceed and there is no desire whatsoever for the Government to be drawn into matters of this nature which are wholly outside its competence and which may tend to derogate from the dignity and independence of the Court. For these reasons, His Excellency the President is in no position to accede to your request and asks that you deal directly with the Court on all such matters pertaining to your client.

It has been noted with surprise that the Special Court was not among those to whom you copied the correspondence addressed to His Excellency the President.

In the light of the foregoing, His Excellency the President is of the view that no useful purpose will be served by his granting you an audience to further explain and/or clarify any of the points you raised in your two letters under reference.

Yours faithfully,



**SHEKA MANSARAY
SECRETARY TO THE PRESIDENT**

- Copy to:**
- (1) *The Vice-President
Vice President's Office
Spur Road, Freetown***
 - (2) *The Attorney-General & Minister of Justice
Attorney-General's Office
Guma Building
Freetown***
 - (3) *The Registrar,
Special Court***
 - (4) *The Norman Family,
C/o Mrs Mamie Norman
& Ms Juliet Hawa Norman
Freetown***
 - (5) *Sulaiman Banja Tejan-Sie Esq. ✓
36 Bathurst Street,
Freetown***

ANNEX 3

1605

DR. J. N. KANDEH

MOYAMBA

TO WHOM IT MAY CONCERN

RE: CHIEFDOM SAM HINGA NORMA

In the year 2000, Chief Sam Hinga Norma was operated for recurrent inguinal hernia. Unfortunately, this again recurred.

In 2002, he was again operated for the same recurrent inguinal hernia.

This brings to the total of three inguinal herniorrhaphies on the same side.

At that time, the prostate was thought of and examined. There were signs of some kind of hypertrophy but proper establishment was necessary.

Apart from the above, there was at that time nothing of medical/ surgical importance.

DR J N KANDEH
DR J N KANDEH

No. 7 Sir Milton Street
Moyamba.

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ANNEX 4(a)

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J. B. JENKINS-JOHNSTON

B. A. (HONS) (DUNELM)
BARRISTER-AT-LAW, SOLICITOR,
COMMISSIONER FOR OATHS,
AND NOTARY PUBLIC

AYOTUNDE CHAMBERS

4 Percival Street,
P. O. Box 1164
Freetown,
Sierra Leone.

My Ref: JBJJ/CHK

Your Ref:

Date: 11th April 2003.

The Registrar,
Special Court for Sierra Leone,
125 Jomo Kenyatta Road,
Freetown.

Dear Sir,

Re: COMPLAINT ABOUT PRISON CONDITIONS.

As you know I act for and on behalf of Chief Samuel Hinga Norman, one of the indicted persons to be tried by the Special Court.

Over the past three (3) visits he has been complaining to me about various things which we discussed, always hoping that things would change, particularly as the Court has made "Rules of Detention" while we expect all Officials of the Court responsible for detainees to observe and abide by. My Client informs me that he has complained to the officials at the Detention Unit but so far there has been no reaction.

The specific complaints are as follows:

- (1) That the Cell is too hot, with very poor ventilation, and no lighting, nor is it swept and cleaned regularly or properly, contrary to Rule 16.
- (2) That he is locked up in his cell for 23 hours and 40 minutes of each day, with barely 20 minutes to get a bath and return to his cell, contrary to rule 24.
- (3) That there is no properly organized programme of physical education, sports and other recreational activities to ensure his physical fitness, adequate exercise and recreational opportunities contrary to rule 25.

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- (4) That he is kept in isolation and is not allowed to see or mix with or talk to the other detainees, (a situation which is having a very bad effect on him mentally,) and which is contrary to Rules 38, 39 and 41.
- (5) That he had to appear in Court in handcuffs, which is not the case in other International Tribunals, nor even in our Local Courts, and which is contrary to Rule 48.
- (6) That each time he has to leave his cell to use the bath, the guards would hold truncheons above his head, and on one occasion a guard was holding a pistol all of which is unnecessarily intimidatory and contrary to Rules 48 and 51.
- (7) That the food provided is not adequate contrary to Rule 23, which is why he requested his wife to bring food and provisions for him whenever she visits.
- (8) That the food and provisions taken for him by his wife when she last visited were totally rejected by the Prison Authorities when there was no evidence to suggest that these items were in any way "a threat to the security or good order of the detention Unit or to the health or safety of any person therein", as set out in Rule 78(A).

Finally, my Client has instructed me to say that he does not wish, nor is he expecting to receive any special treatment as distinct from the other detainees, but he insists, firstly that he must be presumed innocent until found guilty and is to be treated AS SUCH AT ALL TIMES, (AS IN Rule 5.) Secondly, he expects to be treated JUSTLY, FAIRLY and HUMANELY in accordance with the much trumpeted "international standards of the Special Court", until his trial is concluded.

I therefore sincerely hope that urgent changes will be effected in the methods procedures and operations of the Detention Centre having due regard to our complaints hereinbefore set out.

Yours Faithfully,

J. B. JENKINS-JOHNSTON

- C.C. (1) Chief Samuel Hinga Norman.
(2) Mrs. Mamie Norman.
(3) Miss Juliet Hawa Norman
(4) Defence Unit.

ANNEX 4(b)

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J. B. JENKINS-JOHNSTON

B. A. (HONS) (DUNELM)
BARRISTER-AT-LAW, SOLICITOR,
COMMISSIONER FOR OATHS,
AND NOTARY PUBLIC

My Ref: JBJJ/CHK

Your Ref:

Date: 26th May 2003.

AYOTUNDE CHAMBERS

4 Percival Street,
P. O. Box 1164
Freetown,
Sierra Leone.

The Registrar,
Special Court for Sierra Leone,
125 Jomo Kenyatta Road,
Freetown.

Dear Sir,

Re: CHIEF SAMUEL HINGA NORMAN.

As you know I act for and on behalf of Chief Samuel Hinga Norman one of the Indictees before the Special Court.

I have just been reliably informed, and am deeply distressed to hear that my Client has been on *hunger strike* since Friday 16.5/03, in protest against the conditions at the Detention Centre, and the undue delay in commencing his trial and that the Prison Authorities are aware of this fact.

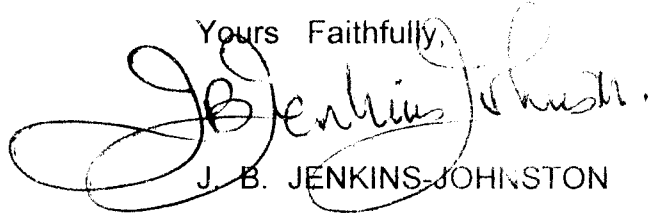
I would like you to confirm whether this is true, and if it is true to let me know why have you not informed either myself as Defence Counsel, or his wife or daughter? I would also request, if it is true that he is on *hunger strike*, that he be immediately examined not only by the Doctor attached to the Detention Centre but also by an Independent Doctor from Freetown to ascertain his present condition and submit a report as a matter of urgency.

Finally, I think the possibility of his being transferred to a Hospital in Freetown under U.N. Security should also be seriously considered. I need not

stress the absolute necessity of ensuring that his health and physical well-being are excellent at all times, and ought therefore to be given urgent attention.

Kindly let me hear from you most urgently.

Yours Faithfully,



J. B. JENKINS-JOHNSTON

- C.C. (1) Mrs. Mamie Norman. (5) Alfred Sam Foray,
U. S. A.
- (2) Miss Juliet Hawa Norman. (6) Sulaiman Banja Tejan-Sie Esq.,
36 Bathurst Street,
Freetown
- (3) Defence Unit
Special Court,
Jomo Kenyatta Road,
Freetown. (7) Chief Samuel Hinga Norman,
C/o Detention Centre,
Bonthe.
- (4) Sam Hinga Norman Jnr.
London.

ANNEX 5



1613

SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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17 April 2003

REF: REG/093/2003

Mr Jenkins-Johnston
Ayotunde Chambers
4 Percival Street
P.O. Box 1164
Freetown
Sierra Leone

Dear Mr. Jenkins-Johnston,

Re: Complaint about Prison Conditions

Thank you for your letter dated 11 April regarding the above, which I received on Monday 14th April.

In your letter you made a number of complaints regarding the conditions of detention and the treatment of your client by the Special Court. I would like to respond to your complaints, in numerical order.

- 1) The heat is the result of prevailing climactic conditions on the island of Bonthe. The construction of the cells provides a cooler environment than its surroundings and the rest of the Detention facility, with ventilation provided by an elevated opening to the outside. Lighting has been installed and is working (subject to the electricity supply for the whole facility). The cleanliness of the cell is the responsibility of the Detainee under Rule 18. Baskets are provided for the storage of clothing and a laundry service has been secured locally.
- 2) Mr Norman is out of his cell on at least three scheduled occasions – morning ablutions, morning exercise and evening exercise as required by Rule 24, which amounts to more than one hour.
- 3) I do agree that the facility at Bonthe does not permit sports, or physical recreation as required under Rule 25. The location and size of the facility are a physical hindrance in this regard. It is our aim to provide recreational activities by way of board games, etc. which have been supplied to the facility today.
- 4) Mr. Norman is not held in isolation (Rules 43-47) but is segregated. As of the week of Monday 14th March the Detainees exercise in two groups and are therefore no longer segregated.
- 5) Mr Norman was handcuffed in accordance with Rule 48 (A) (i).



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SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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- 6) The national Detention staff are issued with truncheons to use in the event of serious disturbance or for self defence. They have received proper instruction in their use. The size of the truncheon means they are carried in the hand at all times. I have observed Detainees being escorted and staff maintain a safe distance and do not hold their truncheon over the detainees head in a threatening manner. In regard to the International guard holding a pistol in the presence of a Detainee, I have seen no evidence to support this allegation.
- 7) The food supplied to the Detainees meets the requirements of Rule 23 and this has been confirmed by the Medical Officer Dr. Gooding, and the new Medical Officer, Dr Harding.
- 8) Rule 78 provides for the safe keeping under Rule 12 of all personal possessions except those permitted to be returned to the Detainee, i.e. clothing, watch, radio etc. and as outlined in our recently issued list of approved items. I believe that in this case you mean to refer to Rule 76 (A), which refers to personal items and possessions. However, Rule 77 (A) specifically identifies that 'any item received from outside including any item introduced by any visitor to a Detainee' shall be subject to separate security controls by the Detention Unit and the Host Prison (as applied in the International Criminal Tribunal for Rwanda, from which our Rules of Detention are adapted). The security controls in the case of the Special Court are clearly the responsibility of the Commanding Officer, and under Rule 77 (B), he/she is given the authority to refuse any item brought into the facility as defined in Rule 77(A).

A list of approved items which visitors may bring for Detainees has been issued through the Defence Office, and you have been provided with a copy. I am sorry if Mr. Norman's family were disappointed in having the food refused. However, they made an assumption food was permitted without first seeking advice from the Court or through you to the Court, which if they had done so, the unfortunate event could have been avoided.

I can assure you Mr. Norman is not treated nor will be treated differently from all other detainees. Mr. Norman is presumed innocent as a basic principle of law, and as you rightly point out, the staff of the Court and Detention facility are instructed to treat all Detainees so by Rule 5 of the Rules of Detention. The Rules of Detention regulate the conduct of the staff, detainees and organisation of the facility in all ways, the presumption of innocence being one of the fundamental aspects of this.

Yours sincerely,


for *Officer in charge*
ROBIN VINCENT
REGISTRAR



1615

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

Cc: Defence Office

Chief of Detention

Mrs. Mamie Norman

Miss Juliet Norman

16/6

SCSL DETENTION CENTRE DAILY TIMETABLE

EFFECTIVE 02 MAY 2003

| Serial | Time | Activity |
|--------|-------------|---|
| 1. | 0715 - 0800 | Roll call Ablutions (15 minutes), 2 groups of 2, 1 single <i>45 mins.</i> |
| 2. | 0800 - 0830 | Breakfast |
| 3. | 0830 - 1000 | Exercise (first group of 2 or 3) <i>1 1/2 hrs</i> |
| 4. | 1000 - 1130 | Exercise (second group of 2 or 3) <i>1 1/2 hrs</i> |
| 5. | 1130 - 1200 | Time in cell or visits |
| 6. | 1200 - 1300 | Lunch |
| 7. | 1300 - 1630 | Time in cell or visits |
| 8. | 1630 - 1730 | Late Exercise (first group of 2 or 3) <i>1 hr</i> |
| 9. | 1730 - 1800 | Time in cell |
| 10. | 1800 - 1900 | Supper |
| 11. | 1900 - 2000 | Late Exercise (second group of 2 or 3) <i>1 hr</i> |
| 12. | 2000 - 2130 | Ablutions Tea <i>1 1/2 hrs</i> |
| 13. | 2130 - 2300 | Time in cell |
| 14. | 2300 | Lights out |

Notes:

1. Detainees may use toilet facilities on request between 0715 and 2300.
2. Detainees may use exercise times for additional showers.
3. Detainees will be permitted to receive telephone calls between 1330-1600.
4. Medication will be issued 0830, 1230, 1930 or as directed by Medical Officer or Nurse.
5. Visits to detainees from both family and Lawyers will be permitted between 1000 to 1200 and 1400 to 1600 Monday to Saturday.
6. Detainees' laundry will be picked up Mondays and Thursdays 0730-0800.

→ Today (16/5/03) is my 68th day in Detention under the SPECIAL COURT and I am still under lock for 20 hours a day with any exercise excepting being out for not more than 4 hours for Fresh air, Bath and Toilet.

[Signature]
16/5/03

ANNEX 6

Cables: Jaybee, Freetown

Telex. 3561 JAYBEE S.L

1618
Telephones
Chambers: 223626/227283
(Res): 272305
Fax: 227283/227771
E-mail: ayotunde@sierratel.sl
jaybeejj@hotmail.com

J. B. JENKINS-JOHNSTON

B. A. (HONS)(DUNELM)
BARRISTER-AT-LAW, SOLICITOR
COMMISSIONER FOR OATHS,
AND NOTARY PUBLIC

My Ref: JBJJ/CHK

Your Ref:

Date: 31st March 2003.

AYOTUNDE CHAMBERS

4 Percival Street,
P. O. Box 1164
Freetown.
Sierra Leone.

PRESS STATEMENT

By J. B. Jenkins-Johnston Esq.

For and on behalf of Chief Samuel Hinga Norman.

ON Thursday 27th March 2003 I had a lengthy conversation with my Client **Chief Samuel Hinga Norman** in his cell at the place where he is currently being detained, and he gave me specific instructions to issue this Press Statement on his behalf.

Firstly, he wishes me to express his very sincere thanks and gratitude to all members of his family, his relatives, friends and particularly the members of the Civil Defence Force for the massive support they have shown and expressed since his arrest, indictment and detention. He looks forward to that same support to be given to him in defence of the charges brought against him until the matter is judiciously laid to rest.

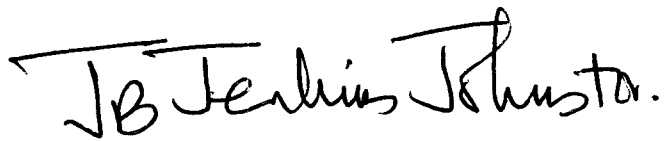
Chief Samuel Hinga Norman wishes me to say also that he has heard that there is fear in some quarters about the reaction of the Kamajors to his arrest and detention, and that this fear is spreading because of national and International interest in this matter.

He has asked me to appeal to all his friends and supporters and particularly to the Kamajors, that since they risked their lives to fight in support of peace, freedom and democracy and as far as he understands the position democracy means

respect for the rule of Law among other things, he is asking everyone to respect what they fought for, and to be calm, quiet and law-abiding and to give a chance to the operation of the rule of Law as he believes that at the end of the day he will be vindicated and acquitted of all charges.

He therefore wishes to enjoin all to desist from any act that may be misconstrued to be disrespect for the rule of Law or an attempt to interfere with the due process of the Law.

Finally, he wishes me to say that you all should continue to pray for him and for our Country, and that with God on our side, we will surely prevail in the end.

A handwritten signature in black ink, reading "J. B. Jenkins-Johnston". The signature is written in a cursive style with a prominent horizontal line above the first few letters.

J. B. JENKINS-JOHNSTON ESQ.
Defence Counsel for Chief Samuel
Norman.