



Case No. SCSL-2003-08-I
THE PROSECUTOR OF
THE SPECIAL COURT
V.
SAMUEL HINGA NORMAN

21 MARCH 2003
2. 15 P. M

CONTINUED INITIAL APPEARANCE

Before the Judge:

Benjamin Mutanga Itoe

For the Prosecution:

Mr James Johnson
Mr Nicholas Browne-Marke

For the accused Samuel Hinga Norman:

Mr J B Jenkins-Johnston

1 [NOR21MAR03 - MD]

2 Friday, 21 March 2003

3 [Initial Appearance]

4 [The accused entered court]

5 [In Camera]

6 [Upon commencing at 2.15 p.m.]

7 JUDGE ITOE: Well, you are Samuel Hinga Norman? Or Chief
8 Samuel Hinga Norman. Sit down. You look very fit today. Maybe
9 you do not require a special application to be seated today. You
10 look very sure-footed, the way you got up was at lightning speed.
11 Right.

12 THE ACCUSED NORMAN: We are.

13 JUDGE ITOE: We are meeting still in camera, and, as you
14 very well know, we have taken your plea, and we are convened
15 today to understand ourselves and the date of the hearing and, as
16 you very well know, the hearing will be preceded by a pre-trial
17 conference which should take place any time after this.

18 So basically we are here today in order to fix a date or
19 dates wherein we can be able to take the pre-trial formalities
20 and to eventually fix a date for the hearing of your matter so,
21 with this preliminary explanations, I wonder if your counsel has
22 any observations to make.

23 MR JENKINS-JOHNSTON: Not really, My Lord. The only thing
24 that I do have to say is that I had a long interview with my
25 client this morning and he has instructed me to make a formal
26 protest to the Court because he feels that he is being treated
27 differently to the other accused persons in that his own
28 pre-trial and proceedings are being held in camera.

29 So far no good reason has been proffered, in my view, for

1 his being treated differently and, indeed, My Lord, the members
2 of the press were asking so many questions of me as to why Chief
3 Norman is being put in a different category to the other accused
4 persons. So, My Lord, that is my representation.

5 I hope that after today we will also have the benefit of
6 being heard in public like everybody else. Those are my
7 instructions, My Lord.

8 JUDGE ITOE: Thank you. Well, the Court has taken note of
9 the "protest," the way you've put it. This was a provisional
10 order that was made and it could not be ruled out that this order
11 could be retracted at one time or the other but I would like to
12 say here that we do not want to be discriminatory in our
13 treatment to any accused person that appears before us, and any
14 order we have made, particularly in respect of your client, is
15 made in the overall interests, to serve the overall interests of
16 justice, at least the way we perceive it at this time.

17 We know your client to be a responsible person, and we have
18 made this order in full recognition of his status in society and
19 we have addressed our minds, you know, to all the surrounding
20 issues as far as this case is concerned, and we think at this
21 stage that whatever has been done was done in the interest of
22 justice and, I think, having made the order in his own interests.

23 It isn't, very far from being a discriminatory measure, it
24 is a measure that comes within the competence, you know, of the
25 Court and it is made in the overall interests of justice. We
26 have taken note of your observation and, as I said, orders come
27 and go.

28 MR JENKINS- JOHNSTON: Indeed, Mr Lord.

29 JUDGE ITOE: And I am not saying that this one has come and

1 not to go. We have a disease in Cameroon we call "come no go,"
2 when it comes it never goes, so this is not the nature of my
3 order, and I think that any other judge or the Trial Chamber,
4 when the time comes, will examine an application in this regard
5 and we may have to review this order. So I hope that your client
6 understands what I have said. He has been following me very,
7 very well and I hope that he appreciates why this order remains.

8 We, as I said this morning, we were to set a calendar, you
9 know, for the pre-trial formalities and eventually the trial, the
10 date of the trial, and since we cannot possibly advance any date
11 for now, I am sure the Prosecution, and you for the Defence, are
12 with me if I made the same order that I made in previous cases
13 for the Registrar to consult all the parties concerned and to fix
14 the date and inform the Court of when the proceedings, in one way
15 or the other you know, would come for a determination.

16 So this matter stands adjourned to a date that will be
17 fixed by the Registrar in consultation with the Prosecution and
18 the Defence for purposes of fixing a date for the pre-trial
19 conference and eventually a date for the hearing. These dates
20 will be communicated to all parties and we shall all meet either
21 in camera or in open court, as the case may be.

22 MR JENKINS-JOHNSTON: Hopefully no more in camera, My Lord.

23 JUDGE ITOE: The matter is accordingly so adjourned.

24 Mr Norman, you have understood my order?

25 THE ACCUSED NORMAN: I did.

26 JUDGE ITOE: You will be informed by your counsel on the
27 evolution of the dates and on when your appearance, your further
28 appearance would be required. But for the time being you will
29 remain in custody until when the matter finally comes up before

1 another Judge or myself or before the Trial Chamber. So you will
2 remain in custody. But this said you will have continued access
3 to your lawyer to whom you will have to give instructions at all
4 times and who you say you have chosen to defend you. He has
5 coupled your request with an obligation on his part to also
6 defend you all through the proceedings. So this said the matter
7 is accordingly adjourned.

8 MR JENKINS- JOHNSTON: My Lord.

9 JUDGE ITOE: Yes.

10 MR JENKINS- JOHNSTON: There is just one final point I want
11 to make. I dont know whether I should say it now or discuss it
12 with the Registrar; the question of visits by --

13 JUDGE ITOE: Please sit down. Sit down, please.

14 MR JENKINS- JOHNSTON: -- the question of visits by his
15 family. So far he has not been able to receive any member of his
16 family, his wife and children. And they are very anxious to come
17 and see him. The wife was with me yesterday and she has asked me
18 specifically to ask the Court when she will be able to see her
19 husband.

20 JUDGE ITOE: You will be surprised, you know, that we
21 discussed this matter with the Registrar yesterday and today,
22 just a couple of minutes ago. So I think he is looking into that
23 and he would see what measures he can take to make the visit by
24 his wife possible. You will be informed in due course of when
25 this can take place. Of course, you know, it has to be a
26 supervised visit.

27 MR JENKINS- JOHNSTON: Right. Good.

28 JUDGE ITOE: Right. I think -- is there any other matter
29 on the list? Well, this session in camera is adjourned and I

1 think we shall only resume on a date that it will please the
2 Registrar to convene all of us. So, Mr Registrar, we are at your
3 mercy.

4 [Whereupon the initial appearance adjourned
5 at 3.00 p. m.]

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