

SCSL - 2003-08-I-005  
( 29-36 )



**SPECIAL COURT FOR SIERRA LEONE**

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

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**THE PROSECUTOR**

v.

**SAM HINGA NORMAN**

CASE NO. SCSL - 2003 - 08 - I

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**REGISTRAR'S REQUEST TO THE AUTHORITIES OF SIERRA LEONE FOR  
THE EXECUTION OF ARREST WARRANT  
PURSUANT TO RULE 55(C)**

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**SPECIAL COURT FOR SIERRA LEONE**  
JOMO KENYATTA ROAD • NEW ENGLAND • FREETOWN, SIERRA LEONE

The Attorney General and Minister of Justice  
Government of Sierra Leone  
Guma Building  
Freetown

*7 March 2003.*

Dear Sir,

**SAM HINGA NORMAN**  
**Case number: SCSL-2003-08-I**

Considering Article 17(2) of the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone,

Considering the Special Court Agreement 2002 (Ratification Act), Section 20,

and also considering Rule 8 (A) of the Special Court Rules of Procedure and Evidence, which state that an order of the Special Court shall have the same force or effect as if it had been issued by a Judge, magistrate or Justice of the Peace of Sierra Leone,

Pursuant to Rules 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone,

I transmit to you a Warrant for Arrest and Order for Transfer and Detention, signed by Judge Thompson on 7 March 2002, in response to an indictment filed by the Prosecutor of the Special Court under Rule 47.

I respectfully request the appropriate instructions be issued to the relevant authorities for the execution of this Warrant of Arrest and Order for Transfer and Detention.

The documents listed overleaf are being transmitted to you and a copy of all documents is available for the relevant authorities for service upon the accused.

We appreciate your best co-operation in this matter.

Yours sincerely,

R VINCENT  
REGISTRAR





**SPECIAL COURT FOR SIERRA LEONE**  
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**The Rights of the Accused – Article 17 of the Statute and Rules 42 & 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone**

**Article 17 of the Statute**

**Article 17: Rights of the accused**

1. All accused shall be equal before the Special Court.
2. The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Court for the protection of victims and witnesses.
3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, he or she shall be entitled to the following minimum guarantees, in full equality:
  - a. To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;
  - b. To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
  - c. To be tried without undue delay;
  - d. To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;
  - e. To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
  - f. To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the Special Court;
  - g. Not to be compelled to testify against himself or herself or to confess guilt.

**Rules 42 & 43 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone**

**Rule 42: Rights of Suspects during Investigation**

(A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands:

- (i) The right to legal assistance of his own choosing, including the right to have legal assistance provided by the Defence Office where the interests of justice so require and where the suspect does not have sufficient means to pay for it;
- (ii) The right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning; and
- (iii) The right to remain silent, and to be cautioned that any statement he makes shall be recorded and may be used in evidence.

(B) Questioning of a suspect shall not proceed without the presence of counsel unless the suspect has voluntarily waived his right to counsel. In case of waiver, if the suspect subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the suspect has obtained or has been assigned counsel.

#### **Rule 43: Recording Questioning of Suspects**

Whenever the Prosecutor questions a suspect, the questioning shall be audio-recorded or video-recorded, in accordance with the following procedure:

- (i) The suspect shall be informed in a language he speaks and understands that the questioning is being audio-recorded or video-recorded;
- (ii) In the event of a break in the course of the questioning, the fact and the time of the break shall be recorded before audio-recording or video-recording ends and the time of resumption of the questioning shall also be recorded;
- (iii) At the conclusion of the questioning the suspect shall be offered the opportunity to clarify anything he has said, and to add anything he may wish, and the time of conclusion shall be recorded;
- (iv) The content of the recording shall then be transcribed as soon as practicable after the conclusion of questioning and a copy of the transcript supplied to the suspect, together with a copy of the recording or, if multiple recording apparatus was used, one of the original recorded tapes; and
- (v) After a copy has been made, if necessary, of the recorded tape for purposes of transcription, the original recorded tape or one of the original tapes shall be sealed in the presence of the suspect under the signature of the Prosecutor and the suspect.





**SPECIAL COURT FOR SIERRA LEONE**  
 JOMO KENYATTA, NEW ENGLAND • FREETOWN, SIERRA LEONE

**ACKNOWLEDGEMENT OF RECEIPT BY AN ACCUSED**  
**CASE NO. SCSL-2003-08-1**  
**THE PROSECUTOR VS. SAM HINGA NORMAN**

I, the undersigned, **SAM HINGA NORMAN**, hereby confirm that I have received on this day, 10 MARCH, 2003, certified true copies of the following documents:

- 1) Warrant of Arrest and Order for Transfer and Detention under Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone, signed by Judge Thompson on 7 March 2003, for the transfer of Sam Hinga Norman.
- 2) A copy of the Rights of the Accused (Article 17 of the SCSL Statute, Rules 42 and 43 of the SCSL Rules of Procedure).
- 3) A copy of the Statute of the Special Court
- 4) A copy of the approved indictment
- 5) An acknowledgement of Receipt by an Accused Form (pursuant to Rule 55C)

Name: SAM HINGA NORMAN refused to sign  
 Date:  
 Signature:

Seal

I certify that I served the above listed documents on Sam Hinga Norman at Bonthe Island detention facility in the presence of Senior Assistant Commissioner of Police MR Francis Munu on 10th March 2003 at 1445 hours.

TAMBA PUJEH GREIVE

Francis Munu SAC  
 FRANCIS ALIEU MUNU  
 SN. ASST. COMM OF POLICE  
 10/03/03

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**SPECIAL COURT FOR SIERRA LEONE**  
125 JOMO KENYATTA ROAD • NEW ENGLAND • FREETOWN, SIERRA LEONE

**STATEMENT RELATING TO THE TRANSFER OF AN ACCUSED TO THE CUSTODY OF THE SPECIAL COURT FOR SIERRA LEONE PURSUANT TO RULE 47.**

On the 10<sup>th</sup> day of the month of MARCH, in the year two thousand and three,

I FRANCIS A. MUNU (full name), Senior Asst. Commissioner representative of the police / ~~ministry of justice~~ of Sierra Leone.

In ~~my office~~ / a holding cell, at BONTHE ISLAND, have summoned:

Mr. **SAM HINGA NORMAN**, born 1 January 1940, in Ngolala Village, Mongeri (or Monghere), Valunia Chiefdom, Bo District, Republic of Sierra Leone, (occupation) Minister of Internal Affairs currently in detention at the Bonthe Island, and in possession of the following items of identification known personally to me.

I have ensured that the party has been served with the following documents:

- 1) Warrant of Arrest and Order for Transfer and Detention under Rule 55 of the Rules of Procedure and Evidence of the SCSL, signed by Judge Thompson on 7 March 2003.
- 2) A copy of the Rights of Suspects and Accused, duly admonished
- 3) A copy of the ~~Agreement~~ <sup>Trust</sup> and Statute establishing the Special Court

And has acknowledged receipt thereof by signing the Acknowledgement of Receipt Form, dated 10 March 2003. (Refused to sign)

The interested party has been cautioned, informed of his rights, and in particular his right to remain silent and to be assisted by a lawyer under the Special Court legal aid scheme.

Signature [Signature] Date 10 March 2003

**CAUTION UPON TRANSFER INTO THE CUSTODY  
OF THE COURT**

TRANSFERRED BY THE NATIONAL AUTHORITIES OF THE ARRESTING STATE TO THE CUSTODY OF THE SPECIAL COURT ACCUSED OF CRIMES UNDER THE JURISDICTION OF THE COURT UNDER RULE 47 OF THE RULES OF PROCEDURE AND EVIDENCE OF THE SPECIAL COURT

1. You are now being transferred to the custody of the Special Court for Sierra Leone suspected of having committed a crime within the competence of the Special Court.
2. You are entitled to all rights applicable under the Statute and the Rules of Procedure and Evidence of the Special Court for Sierra Leone.
3. You have the right to be assisted by a counsel of your choice or to have legal assistance assigned to you if you do not have sufficient means to pay for it.
4. You have the right to free assistance of an interpreter in case you cannot understand or speak the language to be used for your questioning.
5. You have the right to remain silent. Anything that you say shall be recorded and may be used in evidence.
6. You have nothing to hope from any promise of favour and nothing to fear from any threat which may be made to induce you to make an admission or confession of guilt.