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SPECIAL COURT FOR SIERRA LEONE

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THE REGISTRY

Registrar: Robin Vincent

Date: 20 day of January, 2004

Prosecutor against

Sam Hinga Norman
(Case No.SCSL-2003-08-PT)

DECISION PROHIBITING COMMUNICATIONS AND VISITS

Office of the Prosecutor:

David M. Crane

Defence Counsel for Sam Hinga Norman:

James Blyden Jenkins- Johnson
Sulaiman Banja Tejan-Sie
Quincy Whitaker
Timothy Owen



THE REGISTRAR,

CONSIDERING the Resolution 1315 of 14 August 2000, whereby the Security Council requested the Secretary-General to “negotiate an agreement with the Government of Sierra Leone to create an independent special court to prosecute persons who bear the greatest responsibility for the commission of serious violations of international humanitarian law and crimes committed under Sierra Leonean law”;

CONSIDERING the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone (“Agreement”), signed in Freetown on 16 January 2002, and the Statute of the Special Court for Sierra Leone annexed to the Agreement (“Statute”);

CONSIDERING the "Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Special Court or otherwise Detained on the Authority of the Special Court" ("Rules of Detention") as adopted on 7 March 2003, and subsequently amended on 25 September 2003;

CONSIDERING Rule 3 of the Rules of Detention which provides that the Special Court "shall retain the ultimate responsibility for all aspects of detention pursuant to these Rules [of Detention]" and that all Detainees shall be "subject to the sole jurisdiction of the Special Court at all times that they are so detained, even though physically absent from the Detention Facility, until final release or transfer to another institution";

CONSIDERING that whilst the Rules of Detention ensure the continued application and protection of individual rights of persons in detention, the application of its provisions relating to communication and visits also require that the interests of the administration of justice and the purposes of the Agreement and Statute of the Special Court be considered;

CONSIDERING that the Rules of Detention envisage that a balanced weighing of a detainee’s individual rights with that of the institutional duties and obligations of the Special Court may be called for in certain situations where conflicting interests become apparent;

NOTING that Mr. Sam Hinga Norman (the “Detainee”) is presently awaiting trial before the Special Court and is being detained in Detention Facility of the Special Court (“Detention Facility”), situated at Jomo Kenyatta Road, Freetown, Sierra Leone;

NOTING the Prosecutor’s Request for Active Monitoring of the Detainee’s Telephone Calls, dated 20 October 2003, and the Registrar’s decision of 25 October 2003 to the effect that all telephone calls made or received by the Detainee, with the exception of

those made to or received from the his Defence Counsel, be “actively monitored” (i.e. recorded and listened to);

NOTING PARTICULARLY that the Registrar has received reports that the Detainee has recently made statements inciting his supporters to public unrest, using communication facilities provided by the Detention Facility and with the intention of having these statements subsequently being reported in the media;

CONSIDERING the Prosecutor’s “Urgent request according to Rule 48 of the Rules of Detention to prohibit any contact between Hinga Norman and any other person”, dated 20 January 2004, stating that the transcript of a telephone conversation between the Detainee and an unidentified person on 19 January 2004 “demonstrates that Hinga Norman may be prepared to call various factions to arms”;

CONSIDERING the Prosecutor’s Urgent Request that “all contact (visits and telephone calls) between Hinga Norman and any outsider, including members of his family” is prohibited;

CONSIDERING that Rule 48(A)(ii) of the Rules of Detention provides that “[t]he Prosecutor may request the Registrar or, in cases of emergency, the Chief of Detention, to prohibit, regulate or set conditions for contact between a Detainee and any other person if the Prosecutor has reasonable grounds for believing that such contact [...] could prejudice or otherwise affect the outcome of the proceedings against the Detainee or any other investigation” and that it follows from this Rule that communications and visits between a detainee and any other person may be prohibited if there are reasons to believe that such communications and visits would lead to a detainee’s statements appearing in the media with the effect of undermining the mandate of the Special Court;

CONSIDERING that the facilities provided by the Detention Facility are intended for the well-being of the Detainee and not for purposes that frustrate the mandate of the Special Court;

DECIDES pursuant to Rule 48(A)(ii) of the Rules of Detention, for a period of fourteen (14) days following this Decision, which decision shall then be reviewed, to:

(i) Prohibit communication, via telephone between the Detainee with any person(s) (particularly with the media), such prohibition shall not apply to telephone communication with his Defence Counsel on condition that this facility shall not be used in any manner to contact the media;

(ii) Prohibit all visits between the Detainee with any person(s) (particularly with the media), such prohibition shall not apply to visits with his Defence Counsel on condition that this facility shall not be used in any manner to contact the media;

(iii) The aforesaid restrictions will not apply to written communications wherein the current practices shall be maintained and the Detention Facility's regulations concerning correspondence shall be adhered to.

A handwritten signature in black ink, appearing to read "Robin Vincent", written over a horizontal line.

Robin Vincent
Registrar

Dated this 20th day of January 2004
Freetown
Sierra Leone