

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO.: SCSL-04-14-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
v.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

10 JUNE 2004
1052H
CONTINUED TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson,
Pierre Boutet

For the Registry:

Mr. Robin Vincent
Mr. Geoff Walker

For the Prosecution:

Mr. Luc Côte
Mr. James C. Johnson
Mr. Charles Caruso

For the Accused Sam Hinga Norman:

Mr. Sulaiman B. Tejan-Sie

For the Accused Moinina Fofana:

Mr. Michiel Pestman
Mr. Arrow Bockarie
Mr. Michael Uiterwaal

For the Accused Allieu Kondewa:

Mr. Charles Margai
Mr. Thomas Briody
Ms. Susan Wright
Mr. Yada Hashim Williams

Court Reporter:

Ms. Susan G. Humphries

I N D E X

EXHIBITS

Defence Exhibit No. 2 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

MR. PRESIDENT:

Mr. Walker, can you call the case, please.

MR. WALKER:

This is Case No. SCSL-2004-14-T, The Prosecutor against Sam Hinga Norman, Moinina Fofana and Allieu Kondewa, which is listed for trial.

MR. PRESIDENT:

The interpreters are reminded that they are still bound by their oath. We would like to take representations, please.

MR. CÔTE:

Luc Côte, James Johnson, Charles Caruso, for the Prosecution.

MR. PRESIDENT:

Mr. Hinga Norman.

THE ACCUSED NORMAN:

Yes, My Lord.

MR. PRESIDENT:

Your representation, please.

THE ACCUSED NORMAN:

My Lord, I beg you to shift a bit to the mike, My Lord.

MR. PRESIDENT:

It's okay, take your time, that's all right.

THE ACCUSED NORMAN:

My Lord, I want to thank you for this opportunity, but after we left court on Tuesday and about 8:45 p.m., I received your written decision. And upon that written decision I concluded that my right of self-defence, self-representation and self-appearance had not been waived nor taken, that it was only qualified and which qualification I responded to and passed the document through the Principal Defender, which I want to take leave of Your Lordship to read.

MR. PRESIDENT:

Mr. Walker – Mr. Walker –

MR. WALKER:

Yes, Your Honour.

MR. PRESIDENT:

Can you give him this document, please.

Mr. Norman, is that the document you are referring to?

THE ACCUSED NORMAN:

Yes, My Lord.

1 MR. PRESIDENT:

2 Can you -- can you -- can you -- it bears your signature?

3 THE ACCUSED NORMAN:

4 This is my signature, My Lord.

5 MR. PRESIDENT:

6 May the Court have the privilege of hearing you read that document, please?

7 THE ACCUSED NORMAN:

8 As it pleases Your Lordship. "To: The Principal Defender of the Special Court for Sierra Leone.
9 From: Chief Samuel Hinga Norman, JP. Re: Self -- Re: Self-defence with assistance of counsel.
10 Date: 9 June 2004.

11

12 "Having provided or having been provided -- having been provided by the Principal Defender at
13 8:45 p.m. last evening a copy of yesterday's written Trial Chamber decision, and having just at
14 2:30 p.m. today (9th June 2004) discussed the same with the Principal Defender, I hereby state that if
15 the Court's written Decision means that my right of self-representation can be exercised with
16 assistance of counsel of my own choosing, however, they may -- they may be referred to (preferably
17 "counsel in the interests of justice"/"amicus counsel"/"stand-by counsel"), I now request that Principal
18 Defender, if my understanding of the Court's written decision is indeed correct, immediately contact all
19 members of my highly esteemed defence team, national and international, to arrive at the Special
20 Court as soon as possible to continue assisting me as counsel, but in a "counsel in the interest of
21 justice"/"amicus counsel"/stand-by counsel" capacity.

22

23 "I expect that my highly esteemed and honourable former team unite together and understand and
24 support my Decision despite any concerns they may have.

25

26 "If, however, any of my former team members are not in accord with the above, I ask to be notified
27 forthwith by the Principal Defender, so that I may provide her with further instruction as to the
28 composition of my team of legal assistance.

29

30 "Assuming the above is executed, I shall of course appear ready for the trial on Thursday, 10 June
31 2004. Sincerely, signed Chief Samuel Hinga Norman, JP. Copy to the Trial Chamber Judges, the
32 Registrar, the Prosecutor, all members of my former team." End, My Lord.

33 MR. PRESIDENT:

34 Thank you, Mr. Norman. You don't mind that letter being admitted in evidence before this Court?

35 THE ACCUSED NORMAN:

36 I have no control, My Lord, you have.

37

1 MR. PRESIDENT:

2 Right. Let us have the letter. Are you saying you have no control or you have no objection because
3 of ---

4 THE ACCUSED NORMAN:

5 Well, maybe it's a statement, but I have no objection because the right is yours.

6 MR. PRESIDENT:

7 Right.

8

9 Counsel for the Prosecution, you know -- show this to the counsel for the Prosecution, please.

10 THE ACCUSED NORMAN:

11 May I take my seat, My Lord?

12 MR. PRESIDENT:

13 Yes, please, sit down, sit down.

14

15 Prosecution, what comments, please? Are there any objections to the admission of this letter in
16 evidence?

17 MR. CÔTE:

18 No, Your Honour, we received a copy of this yesterday.

19 MR. PRESIDENT:

20 Right, okay, thank you. This letter is admitted in evidence and is marked as Exhibit 2.

21 *(Defence Exhibit No. 2 admitted)*

22 MR. PRESIDENT:

23 Mr. Norman, could you please stand? Following the contents of Exhibit 2 and our decision, the Court
24 would like to put you on track as to what it expects of you having regard to a combination of Exhibit 1,
25 Exhibit 2 and the decision which was served on you. And our colleague, Judge Boutet, would handle
26 that issue with you. Please follow him very, very attentively.

27 THE ACCUSED NORMAN:

28 Yes, My Lord.

29 JUDGE BOUTET:

30 Thank you, Mr. Norman

31 THE ACCUSED NORMAN:

32 May I take my seat, please?

33 MR. PRESIDENT:

34 No, please stand. You will hear us better when you stand because the seats are very low there.

35 JUDGE BOUTET:

36 But obviously if you are too tired and you need to be seated, let us know and we will agree to that.

37 Thank you, Mr. Norman.

1 The Exhibit 2 that you have just read to the Court indicates that you would be prepared to accept your
2 former counsel to be assisting you in your self-representation. Do I understand that to be your
3 position? In the Exhibit 2, there appears to be some --

4 MR. PRESIDENT:

5 Mr. Norman, please, follow him very carefully. Where you have some doubts -- where you have any
6 doubts or you don't understand, please, we have all the time to clarify matters to you.

7 THE ACCUSED NORMAN:

8 Thank you, My Lord.

9 JUDGE BOUTET:

10 My questions have to do simply to make sure that we dispel any ambiguity or understanding that may
11 exist at this particular moment. So this is really the purpose of my questions to you at this moment.
12

13 I would like first to refer to the Court's decision that we rendered on Tuesday, the unanimous decision
14 as to your right of self-representation, and I would quote from paragraph 32 of that decision. Do you
15 have a copy in front of you?

16 THE ACCUSED NORMAN:

17 *(Microphone not activated)*

18 MR. PRESIDENT:

19 Yes.

20 JUDGE BOUTET:

21 There is a copy here, Mr. Norman, that we will make available to you.
22

23 If you would look at paragraph 32 and I will read from that paragraph that, "The right to self-
24 representation solicited in this case by the first Accused, Samuel Hinga Norman, can only be
25 exercised with the assistance of counsel to be assigned to the trial and in whatever capacity they are
26 assigned or designated, stand-by or otherwise, without prejudice to the Registrar's discretion to
27 designate, if the Accused so expresses this desire, members of his former team --" I will stop there
28 for the moment. So I take it that this morning you have, and in your letter that has been tendered as
29 Exhibit B *(sic)*, expressed that desire.

30 THE ACCUSED NORMAN:

31 With an exception that is the inclusion of the Registrar's discretion.

32 JUDGE BOUTET:

33 This is why I'm ---

34 THE ACCUSED NORMAN:

35 "Without prejudice to the Registrar's discretion."

36 JUDGE BOUTET

37 This is why we are asking you these questions just to clarify any possibility of a misunderstanding.

1 THE ACCUSED NORMAN:

2 My Lord, I cannot see my right being exercised with a discretion that I have to obtain or assume
3 coming from the Registrar of the Court.

4 JUDGE BOUTET:

5 The decision, as a result of your request for self-representation, is the one that I have just read to you,
6 and that decision is intending to appoint, to assist you, stand-by counsel or --

7 THE ACCUSED NORMAN:

8 Of my deliberate choice, My Lord?

9 JUDGE BOUTET:

10 I repeat, the intent is to have stand-by counsel assigned to you by the Court. The decision was and is
11 -- and I quote to you again -- "It can only be exercised with the assistance of counsel to be assigned
12 to the trial and in whatever capacity assist, they are assigned, stand-by or otherwise, without the
13 prejudice to the Registrar's discretion to designate members of your former team." What it means is
14 you have expressed a desire to still being assisted by your former team, and that is essentially the
15 essence of your -- of Exhibit B (*sic*). I understand your comment, Mr. Norman, I am not disputing that
16 you have not said that, but this is why we are trying to understand clearly what your position is and to
17 make sure that what you have stated in Exhibit B is really what you meant. So we are trying to
18 reconcile that with the decision that was rendered on Tuesday.

19
20 The stand-by counsel for your guidance, if appointed by the Court, once designated by the Registrar,
21 then it could be in these circumstances your former team, because you have so -- you have said so in
22 Exhibit B (*sic*), they will be under the supervision of the Court. You would have a stand-by counsel,
23 you have no right, no authority, to decide not to do business with them any more. They are Court-
24 appointed from that moment on. They are there to assist you. You have the right of self-
25 representation, they are there to provide advice to you. They are there to ensure that the conduct of
26 the proceedings are fair and that your rights are protected. You are the one doing your own
27 representation within the confines of what I am describing. So they are there to assist you.

28 THE ACCUSED NORMAN:

29 My Lord, I think the essence of having the right of self -- expressively set is of one's own deliberate
30 choice and not the one choosing for. I am sure, My Lord, that I cannot be perceived to be insane,
31 unable to choose for myself, or mute, unable to speak and choose for myself. The exercise of self-
32 defence, self-reputation, self-appearance, is only with the qualification that I am not called to the Bar
33 and so I am not a lawyer. But that does not bar me from choosing a lawyer of my own choice.

34 JUDGE BOUTET:

35 I can only say at this particular moment that such is not the decision of the Court that was rendered on
36 Tuesday. The role of a stand-by counsel is, generally speaking, to assist you in the exercise of your
37 right of self-representation, they would assist you in the preparation and presentation of your case

1 during the trial phase. They would receive on your behalf all court documents, filings, disclosure of
2 materials. They would be present in the courtroom during the proceedings to assist you whenever
3 required. They will offer legal advice to you and they will address the Court whenever you request
4 them to address the Court, if it is your choosing at that time. So this is essentially what they will be
5 doing, but the difference is that it just happens that we were prepared to have the Registrar to
6 designate your former members as such because it is obvious in this particular case, if they are
7 acceptable to you at this stage, to have them so designated because it would be in your best interest
8 at this time and it would be certainly in the interest of a fair proceeding and expeditious proceeding at
9 this particular moment. So this is why we thought it was an avenue that should be explored. But
10 again, I repeat, it just happens that you seem to be agreeing that they should be and could be
11 representing and assisting you at this particular moment, but it is within the confine of what I am
12 describing.

13 THE ACCUSED NORMAN:

14 But, My Lord, I want to understand that the Bench -- the Bench, if you so choose to choose for me,
15 may in the very end be responsible for consequences where I may find myself being found guilty by a
16 Defence being chosen for me by the Bench and which I believe is a serious miscarriage of my justice.

17 JUDGE BOUTET:

18 For the moment I have no further questions. Thank you, Mr. Norman.

19 MR. PRESIDENT:

20 Yes. I think our colleague, Honourable Judge Thompson, has a few remarks as a follow-up to this.
21 They are still directed to you, Mr. Norman. If you feel tired you should indicate, but if not, you know,
22 we prefer to see you acting and standing. It just shows us that you are in very good health.

23 THE ACCUSED NORMAN:

24 Thank you, My Lord.

25 JUDGE THOMPSON:

26 Thank you, Mr. President.

27
28 Mr. Norman, my own appreciation of the decision of this Court is that you were clearly granted by this
29 Chamber the right of self-representation. The only qualification which the Court has put on that is that
30 in the exercise of that right the Court will make available a stand-by counsel who you will be at liberty
31 to consult, if you want to do so, in respect of the proceedings. In other words, we are saying that the
32 existing jurisprudence with regard to the issue of self-representation claimed in international tribunals,
33 and even in the national systems, permit courts to ensure that the integrity of their proceedings are
34 not in any way compromised by granting to accused persons an absolute right of self-representation .

35
36 The whole concept of a stand-by counsel is to protect the rights of the Accused, that at some point in
37 time during the judicial process there may arise some matters of legal complications which, if the

1 Accused is not a lawyer, he may not be able to unravel, and which the Chamber may not want to take
2 on the responsibility of unravelling since the Chamber has to hold the balance between the two sides.
3 And so the right is not being taken away. All the Chamber is doing is to say, "Out of an abundance of
4 caution, we would like you to have at your beck and call an adviser in the law," and when we crafted
5 the idea of the Registrar having a discretion, it was not a discretion as to how you will exercise your
6 right of self-representation, it's a discretion giving him the latitude from a whole category of possible
7 candidates for stand-by counsel to include, if you so desire, members of your former team.

8
9 So I do not think we are here at variance with your wishes. Of course the imperfections of language
10 sometimes make it difficult for us to express things as clearly as we would want to. And those are the
11 comments I wish to make.

12 MR. PRESIDENT:

13 Yes. Mr. Norman, you have heard these two explanations. Do you have any further comments on
14 this? Do these explanations call for any further comments from you? Because we want to leave this
15 court hall with a clear idea as to where we are moving with the issue -- the very important issue of
16 your representation.

17 THE ACCUSED NORMAN:

18 Thank you, My Lords. We are presently here concerned with a very serious issue, the issue of
19 liberties of three people; myself and my co-defendants. And this concerns the rest of our life behind
20 bars or out in the open, which I believe Your Lordships should consider that a man must have the
21 opportunity if he is deemed not unable to decide in the area of representation and defence. That is
22 my only comment.

23 MR. PRESIDENT:

24 Well, I think you have gotten the message. From your last comments, it seems that you've gotten the
25 message, you know, right; that is, that the Court has not deprived you of your right to self-
26 representation. It is your right. It is absolutely your right, Mr. Norman, but for purposes of preserving
27 the integrity of the proceedings the Court will assign stand-by counsel -- will appoint stand-by counsel
28 who have been identified by the Registrar to assist you in this process whilst you are ensuring your
29 right to self-representation.

30
31 I would like us to have an answer to this question for the records. Are you, in Exhibit 2, saying or
32 accepting the fact that in the designation of stand-by counsel by the Registrar for the Courts to
33 appoint, that you do not mind the stand-by counsel to include members of your former team?

34 THE ACCUSED NORMAN:

35 My Lord, that is not my answer. And it is not my intention, nor did I intend to let you understand it that
36 way. What I am saying here is that my choice of stand-by, with respect, will have to be respected by
37 the Bench and not to choose for me. If the Bench feels that it is -- again, with extreme caution -- it is

1 the right and in the interests of justice to choose against my own choice, then the decision is left to the
2 Bench.

3 MR. PRESIDENT:

4 The Court would like to explain yet another detail to you. Mr. Norman, under the Statute, and more
5 precisely under the provisions of Section 17, sub-section 4, sub-section (d) of the Statute -- it is
6 entirely your right, which you exercised a long time ago, to have counsel of your choice. Under
7 17(4)(d) they are counsel of your choice and this is what your former team, you know, was. As a
8 result of Exhibit 1 they are no longer in the scene, and the Court, because of Exhibit 1, decided, you
9 know, that it would appoint stand-by counsel whilst at the same time recognising your right to self-
10 representation. So the issue here is that they do not necessarily need at this stage to be counsel of
11 your choice. These are counsel who are appointed by the Court, but you have a discretion at this
12 time, Mr. Norman, to express the view, which we perceive in Exhibit 2, that these counsel could also
13 constitute members of your former team.

14
15 Does that call for any further reply from you on the understanding on this -- on your understanding of
16 this issue?

17 THE ACCUSED NORMAN:

18 With all due respect to Your Lordship, yes, My Lord, it does. This much I will want to say, that in a
19 situation of extreme danger, if I should run away from you, perceiving that you may not be able to
20 protect me, and in the middle of my cause I decide that you are afterwards able, when I have the
21 discretion, which is solely at my own very deliberate disposal, to run back to you.

22 JUDGE BOUTET:

23 Mr. Norman, I would like, if I may, to try to understand a little bit more of your position. Your request in
24 Exhibit A -- Exhibit 1, pardon me, was that you asked the Court and you informed the Court that from
25 now on that you would appear for yourself, represent yourself, defend yourself. That was the
26 essence. So this is Exhibit 1 that we have in front of the Court. At that particular moment you
27 indicated that effective today, and to state further that, "Any presentation by any counsel on my behalf
28 does not represent nor carry my consent." So this is what you indeed filed with the Court and
29 informed the Court of at that moment. So at that moment your request to the Court was unconditional
30 self-representation; that was your request.

31
32 Our decision has been to accede to your request, but with some conditions to say, "Yes, you may do
33 such representation, but there will be some limits to it because we want to make sure that you will be
34 provided guidance in doing so." So this is exactly the purpose of what we are doing today, so we
35 have acceded with some conditions to your request for self-representation. Now you appear to say,
36 "Well, I want some self-representation, but at the same time I want to retain counsel." Well, you
37 cannot have that both ways, it is either self-representation or it is not. So this is the dilemma we are in

1 at this moment, because you appear to be saying to us, "Yes, I want to do my own self-
2 representation, but at the same time I would like to retain counsel," so it is not compatible in that
3 sense. So this is why we felt compelled to assign counsel to help you and to assist the Court in the
4 proceedings. So this is where we are. So if you are telling us today, "Well, really, I don't want to do
5 any more self-representation, I want to have my counsel," well, as I say, you cannot have both ways,
6 you cannot have self-representation and at the same time have counsel. We have acceded to your
7 request, but with certain conditions, and now we are trying to understand what it is you are asking.

8 Thank you. Yes, you may respond.

9 THE ACCUSED NORMAN:

10 My Lord, the underlying factor of Exhibit 1 culminated in the word "consent". If Your Lordships feel
11 that that the Bench can choose for me without my consent, and it is the right in the interests of justice,
12 this is what I am saying to Your Lordships, that the choice is not my own, but I believe that I am not,
13 you know, in our local parlance, a *borbor*, the man who does not talk and somebody has to talk for
14 him. Nor am I saying that I cannot think logically, somebody has to think for him (*sic*). I believe that
15 these two qualities are outside of the area of Chief Samuel Hinga Norman. He can talk and he can
16 think and he has to give his consent to whoever that may ultimately end up defending him in a trial of
17 this magnitude.

18 JUDGE BOUTET:

19 Thank you.

20 JUDGE THOMPSON:

21 Mr. Norman, could you explain to me why you copied Exhibit 2 to all members of your former team?

22 THE ACCUSED NORMAN:

23 Yes, My Lord, it is for them to be fully aware of what I am doing. Even Exhibit 1 was also copied to
24 them and this was out of extreme caution.

25 JUDGE THOMPSON:

26 So, let me further pose the question: on the basis of what you stated in Exhibit 2, what reactions were
27 you expecting from members of your former defence team?

28 THE ACCUSED NORMAN:

29 My Lord, I look at you with very serious interest and I am sure that Your Lordship will spare me that
30 answer.

31 JUDGE THOMPSON:

32 I will not press the point.

33 THE ACCUSED NORMAN:

34 Thank you, Your Lordship.

35 JUDGE BOUTET:

36 You may be seated, Mr. Norman.

37

1 THE ACCUSED NORMAN:

2 Thank you.

3 MR. PRESIDENT:

4 May we call on the Registrar of the Special Court, Mr. Robin Vincent, to give us -- to give the Court a
5 briefing as to what he indeed has done, very briefly, very succinctly, on the execution of the decision
6 of the Court.

7 MR. VINCENT:

8 Yes, Your Honour.

9
10 Following the Court's decision on the 8th of June, the decision regarding the identification and
11 designation of stand-by counsel or otherwise, and in consultation with the Principal Defender, a
12 number of enquiries were made both within Sierra Leone and internationally. And over a dozen
13 lawyers were contacted with the emphasis on looking for lawyers who had international trial
14 experience in front of either the Rwanda Tribunal or the former Yugoslav Tribunal. Unfortunately,
15 because of the shortage of time, not surprisingly, all those counsel contacted, none of them were
16 available. The Principal Defender, again, in consultation with me, then widened her search and in fact
17 identified a very eminent lawyer who had not practised before an international criminal tribunal, but
18 was recognised in his own jurisdiction as a highly accomplished trial lawyer. That gentleman agreed
19 to represent Mr. Norman, subject to him coming to Freetown and, indeed, Your Honours,
20 arrangements have been made for that international counsel to arrive in Freetown on Monday at
21 which time he will be briefed by the Principal Defender. And I have here, Your Honours, the
22 curriculum vitae of the counsel concerned.

23 MR. PRESIDENT:

24 The Court has taken note of the documents submitted to it by the Registrar; just browsing through it
25 and without really going through the details. We would at this stage want to admit this document in
26 evidence as Exhibit 3.

27 JUDGE BOUTET:

28 Will the Prosecution look at the document and the Defence counsel for Mr. Norman? Would you
29 please look at the document and see if you have any comments with respect to this document being
30 filed as an exhibit?

31 THE ACCUSED NORMAN:

32 My Lord, do I need to do that now?

33 JUDGE BOUTET:

34 Yes, because we want to file this document, but if you need time, take the time you need to do it -- to
35 look at it.

36 THE ACCUSED NORMAN:

37 My Lord, with all due respect to this fine person and all the qualities, I still hold the view that it is not

1 my choice.

2 JUDGE BOUTET:

3 We are not -- the purpose of that, Mr. Norman, is not to say to you that the document you have in front
4 of you, with reference to Mr. Hall, is the person that the Court has or will be assigning. This is not the
5 purpose of that at this moment, it is just to put in front of the Court the qualification of this individual.

6 That is all.

7 MR. PRESIDENT:

8 Nobody is saying he is of your choice, Mr. Norman, we want you to get it very, very clearly, because if
9 you have assumed the document is just for you to see it and for your comments --

10 JUDGE BOUTET:

11 Do you have any comments from the Prosecution --

12 MR. CÔTE:

13 I would ask the Court to comment on this or --

14 JUDGE BOUTET:

15 -- on this becoming an exhibit.

16 MR. CÔTE:

17 This becoming an exhibit, no.

18 JUDGE BOUTET:

19 Be seated, Mr. Norman.

20 THE ACCUSED NORMAN:

21 Thank you, Your Honour.

22 MR. PRESIDENT:

23 Addressing myself to Mr. Tejan-Sie, who is in court, and the debate or the argument here, can you
24 please -- the arguments here appear to touch and concern members of his former team of which you
25 are one of them. Exhibit A -- Exhibit 1 was read in this Court to your hearing, Exhibit 2 has been read
26 in this Court to your hearing. Can we have your comments on these two exhibits as a member of his
27 former Defence team -- of Mr. Hinga Norman's former Defence team?

28

29 This matter is being stood down, the Court will rise and we will resume in the next couple of minutes --
30 in the next couple of minutes. The Court will rise.

31 *(The Court recessed from 1138 to 1219H)*

32 MR. PRESIDENT:

33 The Court resumes its sitting, and before we stood down this matter the Court wanted to hear from
34 Mr. Tejan-Sie his reaction to -- there is some development, particularly in terms of Exhibits 1 and now
35 in terms of Exhibit 2.

36 MR. TEJAN-SIE:

37 As My Lord pleases. My Lord, before I do make any comments, Chief Norman, when you rose did

1 say that he just wants to make a two minute comment before I speak and I wish to yield to him before
2 I address Your Lordship, if Your Lordship so pleases, My Lord. I don't think it is anything that is going
3 to set us back or controversial, I think, from the indication --

4 MR. PRESIDENT

5 He made an indication that he wants to say something?

6 MR. TEJAN-SIE:

7 Address Your Lordship for two minutes before I do.

8 MR. PRESIDENT:

9 Before you speak. Yes, perfect.

10 MR. TEJAN-SIE:

11 As My Lord pleases.

12 MR. PRESIDENT

13 Mr. Norman, please, you may address the Court.

14 THE ACCUSED NORMAN:

15 Thank you, My Lords. During the break my attention was called to some slight confusion and I want
16 to make it clear and precise that the choice was not either/or, it was the former team. That's all I said
17 and that is what I am saying now. Thank you, My Lords.

18 MR. PRESIDENT:

19 We want -- Mr. Norman, can you -- we want you to be more precise. I mean, it is the entire former
20 team to do what?

21 THE ACCUSED NORMAN:

22 To act as stand-by in my defence.

23 MR. PRESIDENT:

24 In your defence. Thank you very much.

25

26 Yes, Mr. Tejan-Sie, you may address the Court.

27 MR. TEJAN-SIE:

28 Thank you very much, My Lord, for asking us on this side for our comments on this issue. My Lord,
29 as you can see from developments since last Thursday, our team has made itself present in this Court
30 to show courtesy to Your Lordships and to Your Lordship's Court. We were assigned counsel until we
31 were relieved by your Court. My Lord, we would always make our team -- our team's presence felt in
32 this Court.

33

34 Yesterday evening, My Lord, as you can tell from my voice, which is usually guttural, today is croaky.
35 I have a bad cold and I only got to know about Exhibit 2 last evening when the Principal Defender
36 informed me about it.

37

1 I have not been able to discuss it with other members of my team in detail. We were thinking that
2 after hearing what Your Lordships would rule today as a team we would discuss it, and whatever
3 decision we do make we would discuss it with the client and then we would inform Your Lordship
4 through Your Lordship's registry. That is our position as of now; this thing came to us late last night.
5 Even my lead counsel did not get hold of it until way late into the night and he had made other plans
6 for today, but even -- I had to get up off my sick bed because we have to be present here, we have to
7 be here and apart from myself and my lead counsel no other member of my team present has
8 audience in Your Lordship's Court. So, My Lord, we cannot give any response to Exhibit 2, as I stand
9 here, because I cannot speak for the whole team as we have not met as a team and discussed these
10 issues because, according to Exhibit 2, it would appear that Chief Norman is asking for his full team or
11 his full former team to assist.

12 MR. PRESIDENT:

13 Would you, if you don't mind, take a question or an observation from Honourable Judge Boutet?

14 JUDGE BOUTET

15 Mr. Tejan-Sie, I'm sorry. Are you -- I just want to make sure that I understand what you are saying.

16 You are talking obviously of yourself and your -- the team that was working for Mr. Norman before.

17 MR. TEJAN-SIE:

18 Yes, My Lord.

19 JUDGE BOUTET:

20 But I understand you to say that you would like to consult and discuss the issues with the other
21 members of the team as the team were. But we would like to hear from you as well, personally as a
22 member of the team or as a counsel on your own.

23 MR. TEJAN-SIE:

24 As counsel?

25 JUDGE BOUTET:

26 I am not suggesting that if the team does not agree that you will not agree, or there are various
27 options.

28 MR. TEJAN-SIE:

29 My Lord, I would not like to make any commitment without consultation with my team based on
30 Exhibit 2. I would not make any comments for my team, at least I would want to get the reaction of
31 members of my team. And I would really need to talk to my client, I have not spoken to him since last
32 Thursday on this issue. I have seen him, but we have not dealt with why Exhibit 1, or why now
33 Exhibit 2 issues like that have to be clarified, and I must give my advice and see how he takes them
34 before I can commit myself to this Court.

35
36 We will not delay this Court. If Your Lordships did want our reaction I am sure we would make it after
37 consultation among ourselves and whatever concerns we might have we would pass onto the Chief

1 and then we would come back to you, Your Lordship's.

2 JUDGE BOUTET:

3 There seemed to be, listening to your comments, to be -- I have a cold too, pardon me. There seems
4 to be some confusion because you are now talking of your client.

5 MR. TEJAN-SIE:

6 My?

7 JUDGE BOUTET:

8 You are now talking about your client, you want to consult with your client. These are the words that
9 you have just used.

10 MR. TEJAN-SIE:

11 Yes, My Lord.

12 JUDGE BOUTET:

13 If you are stand-by counsel appointed by the Court, you will be working for Mr. Norman, you will be
14 advising Mr. Norman, but he is not necessarily your client. The client relationship becomes somewhat
15 different because you are, if we go that route, court-appointed counsel. Now, if Mr. Norman is
16 revisiting the whole of his position and is coming back to where we were before he tried to assert his
17 right to self-representation, this is a different scenario. So I want to make sure that we do understand
18 the same thing when we are talking.

19 MR. TEJAN-SIE:

20 Yes, My Lord, yes, My Lord. Well, My Lord, I use the words "my client" very liberally. I do not
21 represent Mr. Norman only before the Special Court for Sierra Leone.

22 JUDGE BOUTET:

23 Thank you.

24 MR. PRESIDENT:

25 Ms. Principal Defender, your presence is recognised for whatever comments you would like to put
26 across to the Court.

27 MS. MONASEBIAN:

28 Yes, I thank Your Honours for allowing to me speak. I would like to simply say that the Principal
29 Defender, and I am sure the Court, thanks Mr. Tejan-Sie for nevertheless appearing over these last
30 days to make himself available to the Court under what must be extra-ordinarily difficult
31 circumstances. And so I just thank Mr. Tejan-Sie and the rest of his team for their professionalism in
32 coming to court today. Thank you, Your Honours.

33 MR. PRESIDENT:

34 Thank you, Principal Defender.

35

36 Mr. Tejan-Sie and Mr. Norman, first to Mr. Tejan-Sie, we do not have much time, you know, to lose.

37 How long will be -- we want to adjourn this matter, you know, within a very short period, not this

1 afternoon, but certainly not later than tomorrow, for you to carry out your consultations. When do you
2 think you will be ready to inform the Court as to what the decision is in your defence team?

3 MR. TEJAN-SIE:

4 My Lord, I was before Your Lordship -- before Your Lordship just commented, I was inclined to asking
5 for an adjournment to Monday so that by tomorrow we would have decided and informed Your
6 Lordships through Your Lordships' Registrar or through the Principal Defender.

7 MR. PRESIDENT:

8 Yes, Mr. Norman, do you have any comments on this?

9 THE ACCUSED NORMAN:

10 Well, My Lord, the choice is your own.

11 MR. PRESIDENT:

12 Mr. Norman, the choice is ours, but as a person -- as an accused person who has the right to self-
13 representation you can also make your own submissions to the Court as to whether, you know, this
14 course of action suits you or not.

15 THE ACCUSED NORMAN:

16 Thank you, Your Lordships, and I happen to be a very far junior member of the Bench, being a JP,
17 and I want to --

18 MR. PRESIDENT:

19 When you say JP, I understand you to mean a Justice of the Peace.

20 THE ACCUSED NORMAN:

21 If it please Your Lordship, I want to recognise --

22 MR. PRESIDENT:

23 It is a very honourable title (*overlapping microphones*).

24 THE ACCUSED NORMAN:

25 (*inaudible*)

26 MR. PRESIDENT:

27 I remember my father was also a JP. So it is a title we are very familiar with, yes.

28 THE ACCUSED NORMAN:

29 Thank you, Your Lordship. With all sincerity I appreciate in every way whatsoever the proceedings
30 this far, and I want to thank Your Lordships for giving me so much opportunity and whatever and
31 whenever it pleases Your Lordships then I am ready.

32 MR. PRESIDENT:

33 Thank you. Can you sit down, please.

34

35 Mr. Norman, this matter stands adjourned to Monday, the 14th of June for the Court to come out with
36 a ruling on the nature of your representation and the obligations of counsel before this Court. The
37 matter is adjourned to the 14th on the understanding, of course, that before then, Mr. Tejan-Sie --

1 before then you would have sorted out what the French call your *cuisine intérieure*, your internal affairs
2 within your Defence team and why not, you know, with the first Accused whose case has necessitated
3 the situation in which we are.

4
5 This matter is accordingly adjourned to Monday, 14th June 2004. The Court will rise.

6 (*Court Adjourned at 1233H*)

7 (*Pages 1 to 16 by Susan G. Humphries*)

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

CERTIFICATE

I, Susan G. Humphries, Official Court Reporter for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*machine writer*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in nowise interested in the result of said cause.

Susan G. Humphries