

Case No. SCSL-2004-14-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

FRIDAY, 16 JUNE 2006
10.14 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Elena Martin-Salgado
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Joseph Kamara Ms Miatta Samba
For the Principal Defender:	Mr Lansana Dumbuya
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Kingsley Belle (legal assistant)
For the accused Moinina Fofana:	Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai

1 [CDF16JUN06A - SV]

2 Friday, 16 June 2006

3 [Open session]

4 [The accused present]

10:14:32 5 [Upon commencing at 10.14 a.m.]

6 PRESIDING JUDGE: Good morning, counsel. Mr Dumbuya, I
7 notice that you're still occupying for the second accused this
8 morning. For the record, can you just confirm that this is --

9 MR DUMBUYA: Yes, Your Honour, with instructions from
10:15:43 10 counsel for the second.

11 PRESIDING JUDGE: Thank you very much. Yesterday when we
12 adjourned, Dr Jabbi, we were at a stage where you raised with the
13 Court that you were asking the Court to sit in a closed session,
14 if I'm not mistaken, and that's where we adjourned to this
10:16:09 15 morning to determine how we were to proceed -- if we were to
16 proceed and how we were to proceed about that. So we're
17 listening to you. I take it, before we get there, that you have
18 no witnesses this morning. I see none in the witness chair, but
19 that doesn't mean you don't have any.

10:16:32 20 MR JABBI: No, My Lord.

21 PRESIDING JUDGE: Very well. You suggested yesterday that
22 to hear this application we should be in a closed session. To
23 make that determination, obviously if you are making an
24 application for a closed session, we have to go into a closed
10:16:57 25 session for the application and then we'll make the determination
26 as to whether or not we will hear what you have to say in a
27 closed session. So if this is still your position this morning,
28 I'm just putting it to you as to the procedure we intend to
29 follow if you wish to proceed.

1 MR JABBI: My Lord, my instructions are that the matter we
2 were about to raise yesterday may now be treated in open session
3 with the full approval of the first accused.

4 PRESIDING JUDGE: Very well. So you're prepared to inform
10:17:38 5 the Court of that situation now?

6 MR JABBI: Just before I do that, My Lord, are we coming
7 back to the question of the witness, because I just decided to
8 answer your question directly, but perhaps I have some
9 observations to make, which I can make afterwards, of course.

10:18:00 10 PRESIDING JUDGE: We are still part of your case at this
11 moment.

12 MR JABBI: Thank you very much, My Lord. My Lord, the
13 first accused is concerned about his present state of health and
14 he is desirous that speedy remedial action be taken in respect
10:18:58 15 thereof, preferably during the upcoming recess so as to be
16 completely sure that his condition does not lead to any
17 interruption of the trial proceedings when they shall have
18 resumed in September this year.

19 My Lord, the first accused reports that he has been
10:20:15 20 comprehensively examined by the medical doctor in charge of the
21 detention and that he believes the medical doctor is in a
22 position both to make a report on the medical condition of the
23 first accused and also to recommend action of surgery within the
24 shortest possible time. Furthermore, that the nature of surgery
10:22:19 25 required is such that it is unavailable within Sierra Leone.

26 PRESIDING JUDGE: Can you be more specific, please?

27 MR JABBI: About the nature of surgery?

28 PRESIDING JUDGE: Yes, because you're talking of the nature
29 of surgery. So to avoid any misconception or misunderstanding as

1 to what you are talking about. Although I may know, but I think
2 it is fairly important for the record that you clearly explain
3 what you mean by this.

4 MR JABBI: Yes, My Lord. The said medical condition and
10:23:20 5 surgical action is in respect of a slipped disc factor in the
6 hip, a suspected slipped disc factor in the hip. My Lord,
7 approaches have been made --

8 PRESIDING JUDGE: Am I to misunderstand what you're saying
9 to suggest that this condition may be cured by a hip replacement?

10:24:11 10 MR JABBI: Yes, My Lord.

11 PRESIDING JUDGE: And this is the type of surgery you're
12 talking about that is not available in Sierra Leone, that if it
13 is to be done, will have to be carried out outside of Sierra
14 Leone.

10:24:22 15 MR JABBI: Yes, My Lord.

16 PRESIDING JUDGE: I just want to make it clear, because
17 you've been talking of surgery. A slipped disc per se does not
18 necessarily require surgery. I just want to make sure there is
19 no misunderstanding as to what you're stating.

10:24:35 20 MR JABBI: Indeed, My Lord. My Lord, I'm very grateful for
21 your very accurate statement of the required surgery. My Lord,
22 approaches have been made, both by the first accused and his
23 defence team, and both by letter and by oral representations to
24 the detention facility officials and the Registry in respect of
10:25:46 25 the need for external surgical treatment of the first accused.

26 JUDGE ITOE: What do you mean by external surgical
27 treatment? You mean evacuation abroad or so on?

28 MR JABBI: Yes, My Lord.

29 JUDGE ITOE: Yes, because externally it could be on the

1 body.

2 MR JABBI: Except that since I have spoken of a slipped
3 disc --

4 PRESIDING JUDGE: Outside of the country, outside of Sierra
10:26:22 5 Leone?

6 MR JABBI: Outside of Sierra Leone, My Lord. My Lord, the
7 first accused is concerned about his safety and security during
8 that operation, not only if it were to be conducted in Sierra
9 Leone, which we say is not possible, but also if it were to be
10:27:01 10 conducted anywhere else in Africa.

11 So far, however, My Lord, no response or no satisfactory
12 response has as yet been received from either the detention
13 facility officials or indeed from the Registry in respect of the
14 need for treatment of the first accused abroad.

10:28:20 15 My Lord, as I said earlier, the first accused wishes to
16 intimate to the Court that X-rays have been performed on his hip
17 and that the report in respect thereof would be promptly
18 available from the medical doctor, if the Court so wishes.

19 My Lord, in anticipation of the possible decision for him
10:29:24 20 to be taken abroad for that surgical operation, the first accused
21 has already supplied to the authorities the relevant travel
22 authorisations insofar as passport and such travel documents are
23 concerned.

24 In order, therefore, that his medical condition does not
10:30:46 25 occasion any interruption of trial proceedings when they shall
26 have resumed in September this year, the first accused hereby
27 wishes to urge the Court most respectfully, and he does so urge,
28 that the Court give consideration to this situation with a view
29 to urgently determining the need for the first accused to receive

1 surgical treatment for his hip condition as soon as possible
2 during the coming recess of this Court, that is to say, the
3 recess from June to September 2006.

4 My Lords, the first accused also wishes to urge that the
10:34:00 5 medical doctor be immediately requested both to make an oral
6 statement in respect of the first accused's condition to the
7 Court, and also to furnish the Court with a report and a
8 recommendation in respect of the matters outlined in this
9 submission.

10:35:28 10 Finally, My Lord, the first accused wishes it to be
11 emphasised that he's concerned about the timing and the need for
12 urgent immediacy in determining it arising from his own condition
13 as he feels it and, as has been reported to him medically, and
14 also from his genuine concern that that condition does not in any
10:37:01 15 way interfere with or interrupt trial proceedings come
16 September --

17 JUDGE ITOE: Trial proceedings. What of his own health?
18 You are emphasising trial proceedings. I think his health is
19 very capital.

10:37:19 20 MR JABBI: My Lord, that is what I think I stressed.

21 JUDGE ITOE: You have emphasised this three times. You are
22 not talking of the concern for his health, it's trial
23 proceedings?

24 MR JABBI: That is what I stated first, My Lord. I said
10:37:33 25 his concern arises from both his medical condition as he feels it
26 and as has been reported to him, but also from his determination
27 that his condition should not in any way interfere with or
28 interrupt trial proceedings come September 2006. For all of us,
29 of course, and I hasten to add for the whole country indeed, his

1 health condition is paramount and his speedy recovery and total
2 recovery is an absolute immediate necessity. Thank you very
3 much, My Lords.

4 PRESIDING JUDGE: Thank you.

10:38:28 5 JUDGE THOMPSON: Learned counsel, before you sit down, let
6 me make certain inquiries here of you for my own enlightenment.
7 Is there this point in time, in other words, confirm that or
8 deny, as we speak, a comprehensive medical report in existence?
9 At this point in time, a written comprehensive medical report on
10:38:58 10 the condition of the first accused?

11 MR JABBI: My Lord, the first accused believes that that is
12 the case.

13 JUDGE THOMPSON: That there is in existence, at this point
14 in time, a written comprehensive medical report?

10:39:13 15 MR JABBI: Yes, My Lord. The first accused believes that
16 that is the case.

17 JUDGE THOMPSON: In other words, we have on record
18 something from which the Court can make a determination as to
19 what would be the appropriate measures in terms of judicial
10:39:34 20 intervention here?

21 MR JABBI: As immediately as the Court may wish to do so,
22 My Lord.

23 JUDGE THOMPSON: Very well. So then what, in your
24 judgment, are the factors militating against expediting necessary
10:39:53 25 actions here towards having some remedial action, whether within
26 or outside of this country, for the condition which the first
27 accused is experiencing? In other words, are there some
28 bureaucratic obstacles standing in the way of this exercise which
29 you are asking the Court to embark upon?

1 MR JABBI: My Lord, so far as I can say, the only possible
2 obstacle as at present may well be administrative considerations
3 and processes.

4 JUDGE ITOE: Taking the cue from my learned brother, don't
10:40:47 5 you think that the location for the evacuation could also be
6 posing a problem?

7 MR JABBI: The location?

8 JUDGE ITOE: The location for the evacuation; the country
9 to which he has to be located. Because he has excluded the whole
10:41:08 10 of Africa because of concerns. Don't you think that this may be
11 a playing a role in taking a decision on this matter?

12 MR JABBI: My Lord, that is what I'm referring to as the
13 administrative processes.

14 JUDGE ITOE: No, when you say administrative processes, it
10:41:26 15 looks like therefore they are coming from here. It is the
16 Registrar who is not facilitating it.

17 MR JABBI: No, My Lord.

18 JUDGE THOMPSON: Perhaps my learned brother is in fact on
19 target on that. I deliberately avoided the expression
10:41:39 20 "administrative" and I used "bureaucratic", and I used that word
21 advisedly.

22 MR JABBI: My Lord, I adopt both words advisedly, but only
23 in the sense as My Lord Justice Itoe suggested that it is not
24 inconceivable that the relevant arrangements with the country
10:42:16 25 that will receive him for that purpose may well be taking some
26 time. I do not thereby want to cast any aspersions on
27 administrative intentions as such.

28 PRESIDING JUDGE: Don't you think, Dr Jabbi, there is more
29 than administrative matters involved here. There are some legal

1 issues, given the status of the accused at this particular
2 moment. The accused is detained at this particular moment and,
3 therefore, his freedom of movement is limited. Before a person
4 in that situation can move outside, there are some legal
10:43:00 5 impediments to be dealt with and it's more than just
6 administrative issues. There's a lot, I would suggest to you, of
7 legal matters to be dealt with, and it's more than just a few
8 administrative matters to say do you agree or disagree and a
9 paper to be sent away.

10:43:20 10 MR JABBI: My Lord, that is exactly why we thought the
11 matter should be brought to the Court before the session is
12 closed. Obviously there will be legal implications.

13 PRESIDING JUDGE: You were asked if there were any
14 problems, you said administrative problems. I'm saying to you
10:43:37 15 it's more than just administrative problems. Administrative
16 problems are compounded by legal ramifications and
17 considerations. It may be a bit more complicated than you seem
18 to imply in this process, as such.

19 JUDGE THOMPSON: Yes, and perhaps again if that is the part
10:43:56 20 of the difficulty, then it also means that this Court needs to be
21 extremely careful as to how it embarks upon any interventionist
22 policies. I would be quite reluctant to go full scale into
23 recommending any solutions from the Court if you, counsel, are
24 not able to guide us as to precisely what we can do in the
10:44:40 25 peculiar circumstances, having regard to all these problems,
26 administrative, bureaucratic, legal et cetera.

27 In other words, what I'm suggesting is that I don't
28 consider it my own function to do your job for you. If you can
29 in fact lead us through and ask us to do certain things, then of

1 course if we think those things are feasible from a judicial
2 perspective, then I'll be ready to endorse any such measures.
3 That will be my own position, and I speak for myself.

4 MR JABBI: My Lord, thank you very much. My Lord, I would
10:45:25 5 like to take a leaf out of current reports as at today in respect
6 of another looming trial before the Special Court. My Lord, it
7 is being reported today in the news that Holland is prepared to
8 take on the trial proceedings of Taylor, and that Britain, even
9 long before the event, is prepared to take him into jail if he is
10:46:19 10 found guilty.

11 PRESIDING JUDGE: True, yes.

12 MR JABBI: I believe, My Lord, agreements would have been
13 made with those two countries --

14 PRESIDING JUDGE: Dr Jabbi, I don't want to get drawn into
10:46:35 15 and I don't want to get involved into politics here. I refuse
16 completely to be drawn into this arena. If you are making a
17 submission --

18 MR JABBI: I'm leading to the --

19 PRESIDING JUDGE: Pardon me, Dr Jabbi. As Justice Thompson
10:46:51 20 has told you, if you can guide us what this Court, from a legal
21 perspective can do, we will hear and listen to you. We don't
22 want to be drawn into any politics as to what has been done or
23 not. You're making an application to seek support from this
24 Chamber and, we're asking you, how is it legally that we can
10:47:11 25 support you and/or the first accused in respect to this
26 application. This is what we are --

27 MR JABBI: Thank you, My Lord. That was just an analogy --

28 JUDGE ITOE: If I may follow up with the learned Presiding
29 Judge, are you suggesting that since it has happened that way

1 with Taylor we have the competence of saying that Chief Hinga
2 Norman will be evacuated to London without Blair having been
3 consulted through the normal channels, or to the United States,
4 or whichever country Chief Norman may want to go to.

10:47:46 5 MR JABBI: No, My Lord. I am trying to allude to the
6 possibility that appropriate arrangements by agreement --

7 PRESIDING JUDGE: Dr Jabbi, all I can say to you, I don't
8 control politics and not politics at the world level, as such.
9 When the United Nations, through the Security Council, makes a
10:48:10 10 decision, I have no say in what they do and how they do it. This
11 is a decision that has been made, and I'm told that the Security
12 Council is also about to pass another resolution about Taylor.
13 That's fine. They can govern themselves. I am not here to
14 control the provisions and how they dispense their wisdom at the
10:48:29 15 united council. It's not my role.

16 MR JABBI: My Lord, it is just an analogy. What I want to
17 say is that appropriate arrangements can be made for an agreement
18 with a receiving country.

19 PRESIDING JUDGE: I agree.

10:48:43 20 JUDGE ITOE: We agree.

21 PRESIDING JUDGE: All we are asking you is tell us --

22 JUDGE ITOE: We cannot do it from this Court. Let it be
23 handled elsewhere, not here. We are not involved in the politics
24 of it all.

10:48:57 25 PRESIDING JUDGE: How is this tribunal here, in a position,
26 legally speaking, to do anything in this respect? We all agree
27 with what you're saying and we urge that whatever can be done
28 should be done, that's fine. But you're presumably making this
29 application to this Court, this Chamber, because you are of the

1 view that we have some legal authority to impose something. What
2 is it? I mean, we're asking you to tell us what is it we can do,
3 legally speaking. You have, and the first accused, has all our
4 support to say that he should be given the proper treatment and
10:49:32 5 whatever arrangement should be made shall be made, as such, to
6 make it happen. We agree with this.

7 In addition to that, presumably, you're alerting this Court
8 to this problem and this difficulty because, in addition to
9 receive the moral support of this Court, you're asking for a
10:49:49 10 legal remedy. What is the remedy and how can we legally act to
11 make it happen? We're asking you to provide us with this road
12 map as to how we can do it.

13 MR JABBI: My Lord, the Court can certainly invite the
14 medical doctor --

10:50:19 15 PRESIDING JUDGE: But that doesn't solve the problem.

16 JUDGE THOMPSON: Counsel, I think that if this is quite a
17 complicated and big assignment for you, you can treat this Court
18 with candor and take advisement on it. I was not expecting you,
19 thinking on your feet, to come out with some of the kind of
10:50:40 20 answers, because this is a very serious matter. It concerns the
21 health of one of the accused persons and we know that the
22 safeguards are all there, presumed innocent, and the Court has
23 been invited to intervene in a very important matter. It would
24 seem to me that you should be able to do some research and
10:51:05 25 brainstorming yourself professionally at some point in time and
26 then come up with some important initiatives which are judicially
27 feasible. In other words, as the learned Presiding Judge has
28 said, we're not here to in fact endorse political initiatives.
29 That's not our role.

1 What is judicially feasible in terms of how we can assist,
2 is making sure that the difficulty now experienced by your client
3 is in fact minimised by some appropriate medical action. That's
4 all I was asking for and I don't think that we were looking for
10:51:52 5 some kind of random thoughts on your side. Why not, if you think
6 you can provide something to us at some point in time, later on
7 than today, go and think about it. I'm not putting you on the
8 spot.

9 PRESIDING JUDGE: You can certainly do it in writing,
10:52:12 10 Dr Jabbi. As my brother Justice Thompson has just said to you,
11 we know that you might not have come prepared for these kind of
12 questions this morning and we're not asking you necessarily to
13 produce a list of authorities in support of an application your
14 making in this respect. What we're asking you, if you're asking
10:52:31 15 this Court to help your client, we're quite prepared, and we're
16 telling you to try to assist him, but tell us how we can do it,
17 legally speaking. What's our authority to do this and what is it
18 that you think that this Court can legally do to do that? From a
19 legal perspective.

10:52:48 20 The other aspect, Dr Jabbi, we've told you, and I think I
21 can speak on behalf of the Bench, we hope and we strongly urge
22 the administration to do the utmost to try to come to a
23 satisfactory solution to solve the problem of the first accused
24 and find means to provide this surgery as soon as possible. That
10:53:08 25 we can do. That's all.

26 MR JABBI: Thank you very much, My Lord. As a matter of
27 fact, that is the note on which I intended to end. That is to
28 say, that the Court may in fact request the Registrar to use all
29 the means available to him to determine --

1 PRESIDING JUDGE: I can tell you, Dr Jabbi, based on your
2 previous intervention, as such, I have communicated with the
3 Registrar in asking them what action they are -- because what
4 you're raising this morning is sort of a follow-up to what you
10:53:42 5 have raised before. I want to tell you that what you have raised
6 before was not left without any action, as such. I asked to be
7 informed as to what steps have been taken and are being taken to
8 solve that situation.

9 This is a public record this morning. I've just told you
10:53:59 10 what the views of the Bench are in this respect and we certainly
11 hope that appropriate solutions could be found to satisfy -- and
12 to respond to the medical condition of the first accused and see
13 that he is given the treatments that he needs to have to solve
14 his problem.

10:54:17 15 MR JABBI: Thank you very much, My Lord. With reference to
16 the recess period as an appropriate time within which that can be
17 done.

18 PRESIDING JUDGE: Yes, but this is part of obviously --
19 that's why I say, in this respect, if at all possible, we would
10:54:36 20 certainly and, for the record, urge the Registry and the
21 Registrar to do his utmost to try to find a solution in the
22 upcoming period when we are not sitting in Court and when the
23 accused is not to report for hearing in Court. We hope that it
24 is possible and achievable during that period of time.

10:54:48 25 MR JABBI: Thank you very much, My Lord.

26 PRESIDING JUDGE: That's the best we can do. As I say, the
27 accused has our entire support, morally speaking, but legally, if
28 you want to push that further, as such, then you have to make a
29 submission in writing to tell us what our legal authority is.

1 MR JABBI: As Your Lordship pleases.

2 JUDGE ITOE: I just wanted to draw your attention to the
3 fact that the detention facilities are under the direct
4 administration of the Registrar.

10:55:22 5 MR JABBI: Indeed, My Lord.

6 JUDGE ITOE: We can only maybe make some recommendations
7 and it is for him to ensure the follow-up of those
8 recommendations by passing through whatever channels he needs to.
9 I do not know what your information is or whether you indeed

10:55:44 10 might have been told that the Registrar maybe is doing nothing
11 about it. I do not think so.

12 MR JABBI: Not at all, My Lord.

13 JUDGE ITOE: I do not think so.

14 MR JABBI: That isn't what I want to imply at all.

10:56:00 15 PRESIDING JUDGE: I can assure you, Dr Jabbi, that as soon
16 as the transcript of these proceedings this morning are
17 completed, I will personally make sure that a copy of it is
18 forwarded to the Registrar for his attention.

19 MR JABBI: Thank you very much, My Lord.

10:56:15 20 PRESIDING JUDGE: And he has more to do in this situation
21 than we have. This is the way I look it.

22 MR JABBI: Yes, My Lord.

23 PRESIDING JUDGE: Do you have anything else to bring to the
24 attention of the Court this morning?

10:56:29 25 MR JABBI: My Lord, just to update Your Lordships and the
26 Court on the witness situation, although we already know now from
27 my answer to the first question earlier on that the witness is
28 not available for being led in testimony this morning, My Lord,
29 after yesterday's session I proceeded straight to Parliament and

1 endeavoured to ascertain from the clerk the likelihood of his
2 being available to testify this morning.

3 Two things were done: First of all, he informed me that
4 this morning they also have their final session sitting and that
10:57:52 5 there were very crucial things that had to be done and had to be
6 done before 2 o'clock today. So that was one impediment.
7 However, he was also able to finally determine what documents he
8 thinks he can make available to us either to be tendered by him
9 in giving evidence or, indeed, as I explained to him, to be
10:58:32 10 alternatively used in a Rule 92bis application. Except that on
11 the documents, there is need for a formal certification which he
12 has requested me to pursue later in the day. I will be going
13 there for that purpose.

14 In those circumstances, we have decided that there is no
10:59:02 15 absolute need for him to be called to the Court for oral
16 testimony, but that those documents be obtained and the
17 certification attached thereto to be processed by the 92bis
18 means. That is the present situation about our witness number 26
19 on the core list.

10:59:30 20 JUDGE THOMPSON: This decision is firm?

21 MR JABBI: And final, My Lord.

22 JUDGE THOMPSON: Okay.

23 PRESIDING JUDGE: Thank you, Dr Jabbi. Yes, Dr Jabbi.

24 MR JABBI: Finally, My Lord, in relation to that, we have
11:00:19 25 considered the order of the Court for us to file our 92bis
26 application against 4 p.m. today.

27 My Lord, we wish to advert to another aspect of the order
28 that was published yesterday in respect of your leave to the
29 first accused's team to defer further evidence in respect of

1 witness number 21 to September, and that the case of the first
2 accused be closed only after that testimony in September.

3 PRESIDING JUDGE: Dr Jabbi, I told you yesterday, and I
4 will repeat to you today, I am not prepared to discuss the
11:01:37 5 decision. I think the decision speaks for itself. It's quite
6 clear.

7 MR JABBI: No, My Lord, it's not to discuss it. I'm just
8 referring to it in order to give some information.

9 PRESIDING JUDGE: Very well.

11:01:50 10 MR JABBI: Yes, those are the points of reference in the
11 decision in respect of which I wish to give a certain
12 information, My Lord. My Lord, having looked at those points and
13 our own practical situation, we have filed --

14 JUDGE ITOE: We are aware that you have filed a motion. I
11:02:14 15 don't think I want us to discuss that motion.

16 MR JABBI: It's just to inform Your Lordships.

17 JUDGE ITOE: You have filed that motion. We are not
18 prepared to discuss that motion, not before the parties reply to
19 that.

11:02:27 20 MR JABBI: Indeed, My Lord. I am just informing Your
21 Lordships because the time frame in the order in respect of
22 filing the 92bis application is so short that we thought we
23 should inform you about that motion, and only to inform you this
24 morning about that motion, My Lord.

11:02:48 25 PRESIDING JUDGE: We will assess the merit of your motion
26 in due course when we have all the information and we'll dispose
27 of it accordingly at the time. So we are not to dispose of it
28 this morning, obviously.

29 MR JABBI: No, no, My Lord. I just thought perhaps you may

1 not have been told about it.

2 PRESIDING JUDGE: We've been informed that you've filed a
3 motion seeking an extension of time. So we'll deal with it in
4 due course when we have all the responses and replies and you
11:03:21 5 will be duly informed of our decision then.

6 MR JABBI: Thank you, My Lord. That is all I wanted to say
7 in respect of that.

8 JUDGE ITOE: I think I would like to say that we will be
9 adopting an accelerated procedure in the exchange of replies in
11:03:37 10 this motion. The parties will be duly informed because I think
11 we want to clarify these issues properly before the session in
12 September.

13 MR JABBI: Thank you very much, My Lord.

14 PRESIDING JUDGE: Dr Jabbi, do you have anything else?
11:04:16 15 That's it? I want to tell you that we will take a short break to
16 just consult on the matter that you've raised and we'll come back
17 in about 10 minutes before we adjourn the proceedings.

18 MR JABBI: Thank you very much, My Lord.

19 PRESIDING JUDGE: Thank you, the Court will recess.

11:05:01 20 [Break taken at 11.05 a.m.]

21 [Upon resuming at 11.26 a.m.]

22 PRESIDING JUDGE: After consultation and in further
23 consideration of the comments that you've made this morning,
24 Dr Jabbi, on behalf of your client, the first accused Mr Norman,
11:27:02 25 we've decided to issue the following ruling:

26 The Chamber, while recognising that the Registrar in
27 the discharge of his duties and responsibilities to oversee and
28 supervise the administration of the detention centre and the
29 detainees of the Special Court, do urge the Registrar to

1 intensify the action that he has already undertaken to provide
2 remedial solution to the medical problems of the first accused,
3 Mr Sam Hinga Norman.

4 With this, we hope they will provide some assistance
11:27:47 5 to the Registrar as well to proceed in the most expeditious
6 manner to solve this situation. Yes, Dr Jabbi.

7 MR JABBI: Yes, My Lord. I can only say thank you very
8 much and we will also do our best to pursue the matter further.

9 PRESIDING JUDGE: As I said earlier this morning, we will
11:28:25 10 ensure that as soon as the transcript of these proceedings this
11 morning is completed, a copy of it will be forwarded to the
12 Registrar for his information and action.

13 MR JABBI: Thank you very much, My Lord.

14 PRESIDING JUDGE: Thank you. Before we adjourn, is there
11:28:40 15 anything in particular that you wish to raise with the Court?

16 MR KAMARA: No, My Lord.

17 PRESIDING JUDGE: Counsel for second accused?

18 MR DUMBUYA: None.

19 PRESIDING JUDGE: Mr Margai?

11:28:50 20 MR MARGAI: None, My Lord.

21 MR KAMARA: None, My Lord.

22 PRESIDING JUDGE: Thank you. In those circumstances we
23 will adjourn the proceedings of this trial to the session in
24 September to the Status Conference which is to be held on 12th
11:29:07 25 September.

26 I should inform those in attendance this morning that this
27 is my last official duty as the Presiding Judge. The
28 responsibilities of the Presiding Judge to this Chamber will be
29 assumed by my brother Justice Thompson, as of Monday. So when we

1 resume in September there will be a new president. Thank you
2 very much. We'll see you in September. Thank you. Court is
3 adjourned.

4 [Whereupon the hearing adjourned at 11.30 a.m.,
11:30:24 5 to be followed by a Status Conference on
6 Tuesday, the 12th day of September, 2006]

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