Dear Mr Vincent,

Appearance of Chief Samuel Hinga Norman before the TRC

We refer to the meeting held on 4th September 2003 at your offices with yourself and members of your staff which was attended by our Messrs Ojielo and Varney and two TRC staff members.

We also refer to earlier correspondence in this matter which is set out hereunder:

1. Letter dated 28th August 2003 from the TRC to Chief Hinga Norman and copied to the Registrar of the Special Court. This letter confirmed receipt of the Chief’s request, dated 28th August 2003, directed through his lead counsel, to appear before the TRC. A copy of this letter is annexed hereto marked “A.”

2. Letter dated 30th August 2003 from the TRC to Mr Sulaiman Banja Tejan-Sie II, counsel for Chief Hinga Norman and copied to the Registrar of the Special Court. A copy of this letter is annexed hereto marked “B.”

3. Letter dated 3rd September 2003 to the Registrar of the Special Court requesting the Registrar to facilitate an interview between Chief Hinga Norman and certain staff members from the TRC. A copy of this letter is annexed hereto marked “C.”
We confirm that you advised at the meeting referred to above that you would let us have the Special Court’s “Practice Direction” (which you also referred to as the “Protocol”) as early as possible. According to you this Protocol would regulate the procedure by which external parties might gain access to detainees in the custody of the Special Court. You stated further that once you had signed off on the Protocol, the TRC would be welcome to submit an “application” to see Chief Hinga-Norman. We advised you that since the TRC lifespan was a limited one we required access to Chief Hinga Norman as early as possible. It was indicated that the protocol would be made available as soon as possible, perhaps as early as Friday, 5th September 2003. As to date the protocol has not been made available to us.

Section 6 of the Truth and Reconciliation Act, 2000 (“the Act”) provides that the object of the Commission is to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone. Section 8(1)(c) of the Act empowers the Commission to interview any individual, group or members of organisations or institutions and, at the Commission’s discretion, to conduct such interviews, in private. The Commission is authorised to compel attendance at any such interview. No exception or qualification is contained in the Act. Section 9 of the Act further enjoins “all persons,” again without qualification, to cooperate with and provide unrestricted access for the Commission and its staff for any purposes necessary in the fulfilment of the Commission’s mandate.”

Chief Hinga Norman has, through his legal representatives, specifically asked to appear before the TRC. He is of course entitled to exercise his right under the Act to appear before the TRC and no person or institution may deny him that right. The TRC is of the view that Chief Hinga Norman can assist the Commission in fulfilling its mandate as referred to above and has agreed to his request. In the circumstances the Special Court, apart from stipulating measures to ensure proper security and administrative convenience, has no discretion to deny Chief Hinga Norman his right to be interviewed by the TRC.

As we have not received your protocol we have no choice but to insist that your office facilitate an interview between the TRC and Chief Hinga Norman by no later than 10.00 am on 11th September 2003. We would suggest that representatives from your office, the TRC and Chief Hinga-Norman’s legal counsel meet during the week to make arrangements that would meet any concerns the Special Court may have in relation to security and administration.

Should the Special Court refuse the TRC access to Chief Hinga Norman as requested, the TRC reserves its rights to take appropriate steps in this matter.

Yours faithfully

Franklyn Kargbo
Executive Secretary

cc: Mr Sulaiman Banja Tejan-Sie II,
Chief Samuel Hinga Norman JP