



U.C. BERKELEY WAR CRIMES STUDIES CENTER
SIERRA LEONE TRIAL MONITORING PROGRAM
WEEKLY REPORT

Special Court Monitoring Program Update
Trial Chamber I – CDF Trial

The following is a brief report from Thea Wauters Thyness, Senior Researcher based in Freetown regarding local reaction in the media to the death of Samuel Hinga Norman, indictee at the Special Court.

Special Report: Samuel Hinga Norman Dies, 22 February 2007

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On 22 February 2007 the First Accused in the CDF Case, Samuel Hinga Norman, passed away at a military hospital in Dakar, Senegal. Mr Norman was flown to Senegal on 17 January for medical treatment, and had undergone a successful surgical procedure on 8 February 2007. It is reported that Mr Norman suddenly collapsed in the morning hours of 22 February, and the Registrar of the Special Court for Sierra Leone has ordered an independent investigation by medical experts to ascertain the cause of death.¹ Mr Norman is indicted before the Special Court on eight counts of war crimes and crimes against humanity and has maintained his innocence throughout the proceedings.

Norman's popularity

Mr Norman, the alleged leader of the Civil Defence Forces and commander of the Kamajors during the Sierra Leonian civil war, is still a popular figure among many. He commands a great deal of support, particularly in the southern and eastern regions of the country, and is viewed by many as a war hero who protected civilians from attacks by RUF and AFRC rebels. The coverage in the local media reflects this view. *The Exclusive* reports of 'The Death of a Hero' and refers to Mr Norman as 'the great son of Sierra Leone' who will 'always be remembered by patriotic Sierra Leonians²'. Mr William Juana Smith, National Publicity Secretary of the opposition party the All Peoples Congress (APC) 'regrets that a hero in the person of Chief Norman should die in another

¹ 'Special Court Indictee Sam Hinga Norman Dies in Dakar' Press Release, Office of Press and Public Affairs, Special Court for Sierra Leone (22 February 2007), paragraph 4.

² *The Exclusive*, 'The Death of a Hero!', 23 February 2007

man's land other than his own mother land, for which he had sacrificed so much.³ *Concord Times* maintains that Mr Norman 'is today considered to be a hero by a majority of his countrymen.'⁴

Speculations about Norman's mistreatment at the hands of the Special Court

The death of Mr Norman while in the custody of the Special Court has led to speculation in the local media. Mr Norman has repeatedly complained about his health to Court Officials and has maintained that his health concerns were not seriously addressed⁵. On the day of his travel to Senegal, Mr Norman's daughter told the BBC that her father was gravely ill and was not receiving the medical care he required. Media outlets in Sierra Leone have also reported that Mr Norman found the medical facilities in Dakar 'very much unsatisfactory and not conducive to human living'⁶. Mr Norman reportedly stated that 'I am very much afraid for my life as it is put in the hands of people I do not trust to administer any form of medical treatment'. *Concord Times*' front page on the day following news of Mr Norman's death reads 'I Won't Come Back Alive'⁷ – the sentiment Mr Norman reportedly expressed to his long time cleaner at the Detention Facility at the Special Court before departing for Senegal. The report seems to suggest that the Special Court has not taken Mr Norman's health concerns seriously and that the Special Court is therefore responsible for Mr Norman's death. *Awareness Times* reports that they have had contact with Mr Norman's adopted son Mr Lansana Jawara who was at his father's bedside in Dakar⁸. Mr Jawara reportedly told the newspaper that 'Chief [Norman] did not die of any heart failure as the people of Sierra Leone are made to understand by the Special Court. Chief [Norman] died because of lack of adequate post operative care'. Mr Jawara further claimed that the treatment Mr Norman received in Dakar was sub-standard and that the Special Court is misinforming the public about the circumstances of Mr Norman's death because it 'is trying to play down the neglect [Mr Norman] suffered at the hands of the so-called doctors in whose care he was'. Mr Jawara also claims that security personnel from the Court denied nurses access to Mr Norman.

These allegations are at this stage entirely speculative and have not been substantiated by any concrete evidence of misconduct on the part of the Special Court. The Court has acted quickly and has, pursuant to Rule 22 of the Rules of Detention, ordered an inquiry into the circumstances surrounding Mr Norman's death. Appeals Chamber Justice Renate Winter of Austria will head the inquiry.⁹

Local media speculation about political involvement in Mr Norman's death

³ *Awareness Times*, 'Death of Hinga Norman; Reactions to his Death', 23 February 2007

⁴ *Concord Times*, 'Chief Norman Died a Martyr, a Hero?', 23 February 2007

⁵ See for example Berkeley weekly monitoring report #94 available on-line at <http://socrates.berkeley.edu/~warcrime/SL-archives.htm>

⁶ *Awareness Times*, 'Chief Hingha [sic] Norman Brasts Special Court for Sierra Leone', 18 January 2007

⁷ *Concord Times*, 'I Won't Come Back Alive', 23 February 2007

⁸ *Awareness Times*, 'Hinga Norman Bled to Death', 23 February 2007

⁹ 'Special Court Orders Inquiry into Death of Hinga Norman' Office of Press and Public Affairs, Special Court for Sierra Leone (23 February 2007), paragraphs 2 and 3.

Mr Norman, who has served as Deputy Minister of Defence and Minister for Interior Affairs in President Alhaji Tejan Kabbah's Government, has remained engaged in politics also while detained at the Special Court. President Kabbah has been a supporter of the Special Court for Sierra Leone and local media has earlier reported that Mr Norman felt betrayed by his former colleagues. There have even been rumours that Mr Norman planned to hunger strike in protest of Mr Kabbah's support for his continued incarceration¹⁰. Until very recently, however, Mr Norman has thrown his weight behind the ruling Sierra Leone Peoples Party (SLPP) of president Kabbah. With elections scheduled for July 2007 Mr Norman has been reported to urge support for the SLPP – most likely for fear that his supporters would disturb the election process. In what appears a sudden change of heart, however, Mr Norman recently joined Charles Francis Margai's opposition party, the Peoples Movement for Democratic Change (PMDC), and thus disassociated himself from the party of the President.

The change in party loyalties has given rise to speculations about political involvement in Mr Norman's death. *The African Champion* reports that many of Mr Norman's supporters believe that sitting Vice President Solomon Berewa was implicated in Mr Norman's death as the SLPP wanted to 'see that Chief Norman dies in jail because he is popular among the people'¹¹. *Awareness Times* prints the reaction of the SLPP's National Secretary General and their National Publicity Secretary who both question the veracity of reports of Norman's death but stress that 'whatever may have happened to Chief Norman as a result of his handling at the Special Court was not the fault of the SLPP'¹². Mr Smith of the APC reportedly expressed sadness at Mr Norman's death and stated that he believed Mr Norman 'was used as a sacrificial lamb and offered to the Special Court as a way of eliminating him from the Presidential race'¹³. Again, these allegations have not at this stage been substantiated with evidence of misconduct.

Consequences for the conduct of proceedings at the Special Court

The judgement in Mr Norman's case has not yet been delivered by Trial Chamber I. It has been the custom in international criminal tribunals not to issue judgements posthumously. This is congruent with Common Law principles where the role of criminal law is limited to producing pronouncements on case-specific issues as they relate to a particular defendant. It is likely that the Special Court will follow this precedent and not deliver a judgement pertaining to Mr Norman.

At a press conference on 22 February Mr Stephen Rapp, Chief Prosecutor at the Special Court, expressed his frustration at the state of affairs. He stated that Mr Norman's death had deprived the people of Sierra Leone of their right to see justice done¹⁴ as the claims against Mr Norman raised in the course of the trial will now not be adjudicated on. An

¹⁰ *The Exclusive*, 'The Death of a Hero!', 23 February 2007

¹¹ *The African Champion*, 'Hinga Norman's Death is Disaster for SLPP', 23 February 2007.

¹² *Awareness Times*, 'Death of Hinga Norman; Reactions to his Death', 23 February 2007

¹³ *Awareness Times*, 'Death of Hinga Norman; Reactions to his Death', 23 February 2007

¹⁴ *The Spark*, 'He is Dead!!!', 23 February 2007 and *Concord Times*, 'Chief Norman Died a Martyr, a Hero?', 23 February 2007

opportunity to clarify Mr Norman's role in the civil war in Sierra Leone has thus been missed.

It is important to remember, however, that as an accused before the Special Court Mr Norman is presumed innocent until any would-be guilty verdict is passed.



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