

Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

FRIDAY, 22 APRIL 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Matthias Reuss
For the Registry:	Mr Geoff walker
For the Prosecution:	Ms Lesley Taylor Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	Mr Abdul Rahman Mansaray
For the accused Alex Tamba Brima:	Mr Kevin Metzger Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Wilbert Harris
For the accused Santigie Borbor Kanuu:	Mr Abibola Manley-Spaine Ms Karlijn van der Voort

1 [TB220405A-SGH]
2 Friday, 22 April 2005
3 [The accused entered court]
4 [The witness entered court]
5 [Open session]
6 [Upon commencing at 9.20 a.m.]

7 MR HARRIS: Your Honours, may it please you. I hold for
8 Mr Metzger, he is unavoidably delayed, transport difficulties.

9 PRESIDING JUDGE: Thank you, Mr Harris. I will remind the
09:23:27 10 witness of his oath and we will continue with cross-examination.
11 We understand that Mr Metzger had completed his
12 cross-examination.

13 Mr witness, you remember that you took the oath to tell the
14 truth on the last time you were in Court. Do you remember that.

09:23:39 15 THE WITNESS: Yes, My Lord.

16 PRESIDING JUDGE: That promise is still binding on you
17 today and you must continue to answer the questions truthfully.
18 Do you understand.

19 THE WITNESS: Yes, My Lord.

09:24:04 20 PRESIDING JUDGE: Thank you. Mr Manley-Spaine, please
21 proceed.

22 WITNESS: TF1-054: [Continued]

23 CROSS-EXAMINED BY MR MANLEY-SPAINE:

24 Q. Good morning, Mr witness.

09:24:04 25 A. Good morning.

26 Q. May I start off by asking you about the SLOIC. Is it a
27 college or university?

28 A. It is an institution.

29 Q. Do they award certificates?

1 A. Yes, My Lord.
2 Q. And do you have your certificate?
3 A. Yes, My Lord.
4 Q. Mr witness, is the SLOIC an NGO; a non-governmental
09:25:20 5 organisation?
6 A. No, My Lord. I know it to be an institution.
7 Q. Where is it situated, the one that you attended?
8 A. It is in Bo Town. Bo District.
9 Q. Mr witness, do you remember the 25th May 1997?
09:26:13 10 A. May 25, 1997. I can remember 25th, but I cannot remember
11 the month.
12 Q. Do you remember that May 25, 1997 was the date that
13 President Kabbah's government was overthrown by the army?
14 A. Well, I told you that I couldn't remember back.
09:27:13 15 Q. Do you remember that President Kabbah's government was
16 overthrown by the Sierra Leone Army in 1997?
17 A. I know that they overthrew Pa Kabbah's government, but to
18 say that I can remember the month and year I cannot. But I know
19 that they overthrew his government.
09:27:45 20 Q. Do you remember the year 1997 at all?
21 A. Well, I have said it. I know about 1997, yes.
22 Q. Do you recall, Mr witness, that after that -- before the
23 overthrow of President Kabbah's government there was a war
24 between the state of Sierra Leone and the RUF?
09:28:35 25 A. Well, I can't remember that, My Lord.
26 Q. Don't you remember that the RUF was fighting against the
27 Government of Sierra Leone?
28 A. Well, as far as my memory can serve me, I got that over the
29 air that the RUF and the soldiers had been fighting. The

1 soldiers had been fighting the RUF in the bush.

2 Q. Would you agree with me that the soldiers were fighting on
3 behalf of the Government of Sierra Leone?

4 MS TAYLOR: Can we have a time? That is a very broad
09:29:28 5 question.

6 MR MANLEY-SPAINE: Your Honour, I prefaced the original
7 question with the before the overthrow of President Kabbah's
8 government.

9 Q. Do you remember that?

09:29:53 10 A. Well, I have been hearing something like that.

11 Q. Do you remember, Mr Witness, that there were attacks on Bo
12 District by the RUF before the overthrow of President Kabbah's
13 government?

14 A. My Lord, I used to hear about that.

09:30:27 15 Q. And would you agree with me that it was the Sierra Leone
16 Army that protected Bo District?

17 A. I used to hear about that, My Lord.

18 Q. Do you know, Mr Witness, that the Kamajors, before the
19 overthrow of the government of President Kabbah, used to fight
09:31:02 20 with the Sierra Leone Army against the RUF?

21 A. I used to hear about that, My Lord.

22 Q. I am putting it to you that you know about that, you know
23 that was the case, you didn't just hear about it, you know that
24 the Kamajors and the army were fighting on the side of the
09:31:23 25 government.

26 A. I did not see them fighting together. So I would not say
27 that they fought together. I used to hear about that, but I did
28 not see them with my own eyes. I used to hear about that.

29 Q. Before the overthrow of the government of President Kabbah,

1 did you ever hear that the army and the Kamajors were fighting
2 against each other?

3 A. No idea, My Lord.

4 Q. Mr Witness, after the overthrow of President Kabbah, did
09:32:30 5 you hear the AFRC government asking both the RUF and the Kamajors
6 and other fighting forces to stop fighting for them to talk
7 peace?

8 A. I only heard about that when the delegation went to
9 Gerihun. That was the time I heard that they should come
09:33:02 10 together, My Lord.

11 Q. Didn't you hear that on the radio?

12 A. I did not have any time to listen to radio, My Lord.

13 Q. But do you know that the RUF stopped fighting then?

14 A. I heard about that, My Lord.

09:33:52 15 Q. Did you also hear that the Kamajors rejected this offer and
16 they declared war -- Okay, let me put it to you one after the
17 other. They rejected this offer from the AFRC.

18 A. No idea, My Lord.

19 Q. Therefore -- never mind therefore. Do you know that the
09:34:29 20 Kamajors declared war on the army after that when they rejected
21 the offer?

22 A. No idea, My Lord.

23 Q. Do you know, Mr Witness, in 1997 of any fighting in and
24 around the district of Bo?

09:35:13 25 A. I used to hear about that, My Lord, from people.

26 Q. Did you hear who was fighting against each other? Who were
27 fighting against each other?

28 A. I heard that it was the government troops that were
29 fighting people that were in various towns.

1 Q. Let us talk about armed people, armed people. Do you know
2 the forces that were fighting against each other?
3 A. Well, at that time the people that I knew about who had
4 been fighting people were the government, My Lord.
09:36:01 5 Q. Were the Kamajors fighting?
6 A. No idea, My Lord, because I was not part of them. I was
7 not where they were.
8 Q. You told this Court -- I stand to be corrected -- when
9 answering my learned friend in cross-examination, that the
09:36:38 10 Kamajors were there to fight against the soldiers.
11 A. Where I was at Gerihun Town, that is where I saw. Where I
12 was not I was not able to see. So it is where I was at Gerihun
13 Town, My Lord, that is where I saw.
14 Q. [Microphone not activated] who were the Kamajors fighting
09:37:08 15 against?
16 A. I did not see where the Kamajors had been fighting against
17 another faction, but I saw where the government troops entered
18 where the Kamajors were. I did not see them fighting face to
19 face, but I saw the government troop came into Gerihun Town where
09:37:29 20 the Kamajors were.
21 Q. Were the Kamajors at peace with the Sierra Leone Army?
22 A. I can't tell, My Lord.
23 Q. Mr Witness, I want you to go to the 26th of the month that
24 you said you cannot remember. You have told this Court that
09:38:11 25 there was a meeting at the school between you, the youths, the
26 Kamajors and the people sent to talk to them. Is that not so?
27 A. I did not tell this Court that. I couldn't remember the
28 26th. I said the month. I remember the 26th. When a delegation
29 entered, when we were in the school room with the Kamajors, that

1 is what I told this Court.

2 Q. On 26th of the month you cannot remember. Is that not so?
3 when this delegation arrived at Gerihun, where did they go?

4 A. They went straight to the paramount chief's house.

09:39:10 5 Q. Did the paramount chief give you any instructions after
6 that?

7 A. They gave instructions to me so as to take the four-man
8 delegation, which was coming to meet him, inside his bedroom and
9 to introduce themselves and to tell him the purpose for which

09:39:29 10 they went. So as to take them to the people that were the youth
11 and the Kamajors that were in town so as to tell them the purpose
12 of their coming.

13 Q. Is it the case that you arranged the meeting?

14 A. It wasn't I that arranged the meeting. I only took them to
09:40:04 15 the people and informed them that these people want to talk to
16 you. They came to the chief, but the chief said he wasn't well.
17 He wasn't able to say anything. "But you are the people that are
18 in town. And it is you that are looking after the town, so these
19 are the people."

09:40:21 20 Q. Okay, am I right to say that you informed the Kamajors?

21 A. I told the young people that were in town these were the
22 ones that went and called. They were the ones supposed to call.

23 Q. Please answer my question. Did you tell the Kamajors?

24 A. I did not tell them.

09:40:51 25 Q. Did you tell the youths?

26 A. Yes, because I saw one of the youths and he was the one
27 that I told and he passed on the message to others.

28 Q. You knew the time of the meeting. Did you know the time of
29 the meeting?

1 A. I cannot recall the time because I did not have a watch on
2 me.
3 Q. That is not what I am asking. I am not asking you to tell
4 me the time of the meeting. I am asking you whether you knew
09:41:25 5 when the meeting was to start.
6 A. I did not know the time that the meeting was supposed to
7 start.
8 Q. Did you know where the meeting was to take place?
9 A. They told me where they were going to hold the meeting.
09:41:49 10 They told me that. They said, "This meeting for who these people
11 came, we are going to have it in that school room."
12 Q. And you attended the meeting, did you?
13 A. Yes. I was with them in the meeting up to 3.00 o'clock.
14 Q. Mr witness, the people who went to the meeting, the
09:42:26 15 strangers, let me put it that way, did they say who sent them?
16 A. Yes, My Lord. As they were introducing themselves as the
17 delegation, they said that they came from Freetown and when they
18 came from Freetown it was the government that was in power, which
19 was the RUF, they were the ones that sent them so as to go and
09:42:52 20 talk to the kamajors so that they could come together as one for
21 peace. So as to come as one.
22 Q. Who did you say was the government that was in power?
23 A. The AFRC.
24 Q. You said it was the RUF.
09:43:17 25 A. The AFRC that were in power.
26 Q. Do you know who the leader of the AFRC was?
27 A. Yes, My Lord.
28 Q. Who was it?
29 A. It was Johnny Paul Koroma.

1 Q. Mr Witness --

2 JUDGE SEBUTINDE: Could you please spell that second name,
3 the surname?

4 MR MANLEY-SPAINE: The surname, it is K-O-R-O-M-A, Your
09:43:56 5 Honour.

6 Q. Mr Witness, do you know of any other occasion during
7 1997 when the AFRC had talks with the government for peace?

8 MS TAYLOR: Your Honour, I think that that question is a
9 little confusing. The question was the AFRC had talks with the
09:44:45 10 government. The witness's previous answer was the AFRC was the
11 government and I am not quite sure what my learned friend is
12 getting at.

13 MR MANLEY-SPAINE: I am much obliged.

14 Q. With the ousted government of President Kabbah. I am
09:44:51 15 much obliged.

16 A. That particular day, when the four-man delegation entered
17 on the 26th, which I can always remember, I cannot remember the
18 month, I did understand that they had peace talks in Conakry
19 between the soldiers and the ousted government, which is
09:45:28 20 President Kabbah.

21 Q. Mr Witness, although you cannot remember the month, I just
22 want you to help us. How long after the overthrow of President
23 Kabbah did this thing happen? Was it a month, two months, three
24 months?

09:45:54 25 A. I said that I cannot remember. I cannot remember the
26 month. I cannot remember. I always remember the 26th.

27 Q. Yes, Mr Witness, that wasn't my question. I said if you
28 can remember whether it was one month after, two months after. I
29 am not asking you about the name of the month. I am asking

1 you --
2 A. I cannot --
3 Q. -- how long after the overthrow?
4 A. I cannot recall. I cannot recall. I cannot recall the
09:46:25 5 month.
6 Q. You don't remember how long after the coup?
7 A. Yes, My Lord.
8 Q. This meeting that you say you heard about, was it in
9 Conakry or Abidjan, if you can remember?
09:47:07 10 A. I cannot recall, but I know that they had it. If my memory
11 can serve me well, they had a meeting, the first meeting which
12 they had in Conakry.
13 Q. You are talking about the first meeting.
14 A. The meeting that I know about. I don't know whether it is
09:47:27 15 the first or second, but that is the meeting that I know about.
16 Q. But you do know that this meeting took place out of
17 Sierra Leone?
18 A. Yes, My Lord.
19 Q. Mr Witness, I am putting it to you that there was only one
09:47:56 20 meeting between the AFRC and the ousted government in 1997 in
21 Conakry.
22 PRESIDING JUDGE: Mr Manley-Spaine, what is the relevance
23 of this line of questioning?
24 MR MANLEY-SPAINE: My Lord, the relevance is that there are
09:48:15 25 parts of the indictment to the effect that the AFRC were just
26 war-mongering and they caused destruction in many places. This
27 is another face we are trying to put forward to the Court in
28 defence of our clients. That it were not just people out there
29 waging war.

1 PRESIDING JUDGE: But the witness has given evidence of a
2 meeting in May and has been cross-examined on it. How is it
3 relevant to put questions about a location of a meeting in either
4 Abidjan or Conakry that there was no indication he was a party to
09:48:54 5 or?

6 MR MANLEY-SPAINE: The evidence came from him, Your Honour,
7 that there was a meeting in Conakry. My learned friend
8 Mr Metzger referred him to his statement, his first statement and
9 he said that the meeting between the Kamajors -- let me say the
09:49:16 10 day of the killing of the paramount chief was the same day that
11 the AFRC was meeting with the ousted government in Conakry. The
12 relevance there, Your Honour, is that the Conakry meeting was at
13 a particular date. So we are trying to locate the time. We have
14 had problems with the date of this killing. And the information
09:49:47 15 from the witness that it was on the day of the Conakry meeting
16 would give us a lead as to the date of the meeting. That is why
17 I am putting these questions to him because the date of the
18 Conakry meeting is common knowledge and there were other meetings
19 before that.

09:50:06 20 PRESIDING JUDGE: Yes, please continue.

21 MR MANLEY-SPAINE: As your Lordship pleases.

22 Q. Mr witness, please help us. I am just trying to get the
23 dates right. Do you know that there were two meetings between
24 the AFRC and the ousted government in Abidjan?

09:51:00 25 A. No idea, My Lord, on that particular incident.

26 Q. Are you certain that the meeting you are referring to took
27 place in Conakry?

28 A. The day when they killed the paramount chief, the 26th, if
29 they had any talks in Conakry I hear about that.

1 Q. Mr witness, I am putting it to you that the date of the
2 talks in Conakry was October 23rd, 1997.
3 A. Well, I don't have any idea about that, My Lord.
4 Q. Do you know, Mr witness, that at the end of that meeting in
09:52:08 5 Conakry a peace agreement was signed between the AFRC and the
6 ECOWAS state representing the government of Sierra Leone?
7 A. No idea, My Lord.
8 Q. Did you ever hear, Mr witness, that the peace agreement was
9 signed in 1997 between the AFRC and the government of
09:52:41 10 Sierra Leone -- ex-government of Sierra Leone?
11 A. No idea, My Lord.
12 Q. Let us go to this meeting now which you attended on the
13 day -- on that day at Gerihun. You have referred to one of the
14 people as Mike Lamin. I just want to jog your memory. Was the
09:53:17 15 person not Lawrence Lamin?
16 A. Well, Lawrence Lamin, Mike Lamin, I know that it was a
17 Lamin. It was a Lamin person.
18 Q. So you agree with me that it is possible that it was
19 Lawrence Lamin?
09:53:48 20 A. Well, I can't tell.
21 Q. You say you could not remember the name of the doctor that
22 went. Was it called Doctor Jah?
23 A. No idea, My Lord.
24 PRESIDING JUDGE: Spelling, Mr Manley-Spaine, please.
09:54:22 25 MR MANLEY-SPAINE: It is J-A-H, My Lord.
26 Q. When you say there was this attack on Gerihun, do you
27 know what happened to Dr Jah?
28 MS TAYLOR: Your Honour, the witness hasn't accepted that a Dr Jah
29 was present.

1 MR MANLEY-SPAIN: As your Honour please. I am sorry.
2 Q. Do you -- thank you. Do you know what happened to the
3 doctor that went to this meeting?
4 A. No idea, My Lord.
09:55:04 5 Q. Witness, I am putting it to you that you do know that this
6 doctor was killed by the Kamajors.
7 A. No idea, My Lord.
8 Q. Mr witness, do you know what the role of the Secretary of
9 State under the AFRC government?
09:55:49 10 A. No idea, My Lord.
11 Q. Would you agree with me that it was a political role, not a
12 military role?
13 A. No idea, My Lord.
14 Q. Was there, Mr witness, an army, a Sierra Leone army,
09:56:29 15 brigade at Bo in 1997?
16 A. There was a brigade commander.
17 Q. I am asking whether there was a brigade of soldiers.
18 A. Well, no idea, My Lord, because --
19 Q. Is it the case that you know that there was a brigade
09:57:11 20 commander, but you do not know whether there was a brigade?
21 A. I don't know what is meant by brigade in military terms.
22 So all I knew was that there was a brigade commander. I don't
23 know about the military terms.
24 Q. Were there Sierra Leone Army soldiers stationed in Bo?
09:57:43 25 A. There were a lot of them. A lot of them.
26 Q. Was that the case before the coup?
27 A. No idea, My Lord.
28 Q. You do not know whether there were soldiers in Bo before
29 the coup?

- 1 A. I can't tell, My Lord. I knew that there was a brigade
2 commander.
- 3 Q. Mr witness, please, did you ever see Sierra Leone Army
4 soldiers in Bo before the coup d'etat?
- 09:58:38 5 A. Before the coup took place, I was not around in Bo. So I
6 cannot tell you that before the coup there were soldiers in Bo.
7 But I knew that there was a brigade commander. But after the
8 coup there were a lot of soldiers. I used to see a lot of
9 soldiers in the street.
- 09:59:10 10 Q. Where were you before the coup?
11 A. I told this Court that I was in Gerihun Town. The day that
12 the coup took place I was in Gerihun Town. I was in Gerihun
13 Town.
- 14 Q. How far is Gerihun Town from Bo Town?
- 09:59:48 15 A. About seven miles, My Lord. About that. Roughly seven
16 miles from Bo to Gerihun.
- 17 Q. In a vehicle how long would it take from Gerihun to Bo?
- 18 A. Well, I can't tell, My Lord, because I have never driven a
19 vehicle from Bo to Gerihun. And I have not calculated the
10:00:12 20 mileage, My Lord, so I can't tell.
21 Q. Mr witness, please be serious about these answers you are
22 giving. You have told us that it is seven miles. Now you say
23 you cannot calculate -- you have not calculated the mileage. All
24 I am asking you is, how long does it take from Gerihun to Bo?
- 10:00:31 25 It's a simple question, if you don't know, you don't know.
26 A. I don't know, My Lord.
- 27 Q. You have travelled that route many, many times, have you?
- 28 A. Yes, My Lord.
- 29 Q. One month before the coup, did you go to Bo Town?

1 A. I was in Gerihun, My Lord.
2 Q. Do you remember the last time you were in Bo Town before
3 the coup?
4 A. I can't remember, My Lord.
10:01:25 5 Q. Well, let me ask you again that question, Mr Witness.
6 Before the coup, did you go to Bo at any time?
7 A. I used to go to Bo. But it had taken a long time.
8 Q. Did you go there on several occasions?
9 A. Once in a while.
10:01:57 10 Q. So, Mr Witness, on those once in a while, did you see
11 soldiers in Bo?
12 A. I used to see a few soldiers. Even with the brigade
13 commander as they patrolled in their vehicle.
14 Q. Thank you very much. You saw soldiers before the coup; am
10:02:23 15 I right?
16 A. Yes, yes. The last time I went to Bo, I saw soldiers. I
17 saw a soldier who was a brigade commander and the others, his
18 bodyguards, were also soldiers.
19 Q. Mr Witness, would you agree with me that this brigade
10:03:01 20 commander Bo was not appointed by the AFRC to be brigade
21 commander because he had been there before the AFRC?
22 A. I can't tell, My Lord.
23 Q. Mr Witness, before the AFRC, who ran the government of
24 Sierra Leone?
10:03:47 25 MS TAYLOR: Your Honour, this has already been -- this
26 particular issue has already been cross-examined by Mr Metzger.
27 I believe the witness's knowledge of the prior government.
28 MR MANLEY-SPAINE: May it please, Your Honour. The issues
29 are different. This is not because Mr Metzger has asked the

1 question what was the government before the AFRC, I cannot -- my
2 reasons are completely different. This witness is telling this
3 Court that he does not know who appointed the brigade commander
4 who had been there before the existence of the AFRC. I am only
10:04:25 5 reminding him that there was a government before the AFRC and I
6 will put a further question to him. And he has admitted several
7 times that the brigade commander has been there before the AFRC.
8 Now he is saying he does not know. It is completely different
9 from what he was answering. It is a matter of clarity to
10:04:49 10 test his --

11 PRESIDING JUDGE: [Microphone not activated] the line of
12 questioning was allowed, but you cannot ask exactly the same
13 questions as other counsel in cross-examination. You must put
14 different questions, particularly if you are putting a different
10:05:02 15 line.

16 MR MANLEY-SPAINE: I will do that, Your Honour.

17 PRESIDING JUDGE: Yes.

18 MR MANLEY-SPAINE: I am aware of that, Your Honour. All I
19 am saying is that I am asking a certain question to remind him
10:05:13 20 and then I put my question to say was there a government before
21 the AFRC. And what was that government and I put it to him the
22 actual question I want to ask about a brigade commander.

23 PRESIDING JUDGE: I think you could put the question you
24 want to ask.

10:05:33 25 MR MANLEY-SPAINE: I am much obliged.

26 Q. Mr witness, I am putting it to you that the brigade
27 commander was appointed by the government that was in power
28 before the AFRC?

29 A. Well, I don't know about that.

1 Q. You told this Court, Mr witness, that you are giving
2 evidence before against Boysie Palmer, AF Kamara and AB Kamara;
3 is that so?
4 A. I did not tell the Court. It was the Court that asked me
10:06:24 5 the question.
6 Q. You accepted it, did you, that that was the case?
7 A. Yes, My Lord.
8 Q. When you were at the scene of the killing of the late
9 paramount chief, Mr witness, did you see anybody give the command
10:06:49 10 to Boysie Palmer?
11 A. Nobody gave a command Boysie Palmer, but Boysie Palmer gave
12 a command.
13 Q. Did you see anybody give a command to AF Kamara?
14 A. I did not see anybody give a command to AF Kamara, but AF
10:07:22 15 Kamara gave a command.
16 Q. Did you see anyone give a command AB Kamara?
17 A. I did not see anybody give a command to AB Kamara. I did
18 not see anybody give a command AB Kamara and he did not do
19 anything in that particular room.
10:07:45 20 Q. Mr witness, would you agree with me that what these people
21 did to the chief, the paramount chief, was exactly opposite to
22 what the delegation had gone there for?
23 PRESIDING JUDGE: Just clarification, this is the delegation of
24 the four people that went to the meeting?
10:08:09 25 MR MANLEY-SPAINE: Yes, the AFRC.
26 Q. Do you agree with me?
27 A. Repeat.
28 Q. You said that these four people came and you said that it
29 came from the AFRC Johnny Paul Koroma to go and talk to the

1 kamajors for peace; is that so?

2 A. Yes, My Lord.

3 Q. Then whilst they were talking this other group of AF Kamara
4 and others came and went to the chief's house and killed the
10:08:44 5 chief. I am saying to you that you should agree with me that
6 what AF Kamara and others did was contrary to what the delegation
7 went there for.

8 MS TAYLOR: Your Honour, I object to that question. The
9 witness has said that the meeting in the school room between the
10:09:04 10 delegation, the Kamajors and the youths was to seek peace with
11 the Kamajors. And contrary to or exactly the opposite, the
12 phrases that my learned friend has used in his questions, were
13 being premised upon the assumption that the paramount was somehow
14 connected with the Kamajors. And I think in that situation it is
10:09:20 15 an unfair question.

16 MR MANLEY-SPAINE: Okay. I will clarify it. I will
17 clarify it.

18 Q. When this delegation went -- in the first place they
19 went to was to talk to the chief; is that not so? The
10:09:42 20 delegation of four?

21 A. Yes, My Lord.

22 Q. And they showed him respect; is that not so?

23 A. They asked for him, they entered his bedroom.

24 Q. [Microphone not activated] showed him respect?

10:10:06 25 A. Yes, they entered -- they entered his bedroom and met him
26 in his room.

27 Q. They showed him respect, that is what I asked?

28 A. Well, I don't know. I don't know about that. I was -- I
29 was not at the scene. I don't see no other. The only thing they

1 entered the room and they talked.

2 Q. They told him why they went there?

3 A. Yes, My Lord.

4 Q. What did they say?

10:10:46 5 A. They said, "We came to you, chief."

6 Q. To do what?

7 A. "We want to come and we want to come and talk to you, to

8 the people -- to talk to the people in town so that the

9 government that is in power, which is the AFRC, so as to come to

10:10:59 10 one so we can get peace.

11 Q. [Microphone not activated]

12 A. The paramount chief said, "I am not well, I cannot do

13 anything."

14 Q. What I am putting to you, when AF Kamara came, according to

10:11:19 15 you, they did exactly the opposite of what the delegation went to

16 the chief for; is that not so?

17 A. It was against because what they did was bad.

18 MR MANLEY-SPAIN: Your Honour, I will record that, I don't

19 want to go on and on in this light. I will be guided by what you

10:11:39 20 have down.

21 PRESIDING JUDGE: I am not quite sure what you are asking

22 us, Mr Manley-Spaine. The witness has answered.

23 MR MANLEY-SPAIN: This one delegation, the delegation went

24 to talk peace and the other group went to kill him. These were

10:12:14 25 two different things. That is all I am asking.

26 PRESIDING JUDGE: Yes, I understand that line of

27 questioning. Yes.

28 MR MANLEY-SPAIN: I am much obliged. I am much obliged.

29 Q. Mr witness, after that day, have you seen any of the

1 four people who were in that delegation?
2 A. After what?
3 Q. After that day, the day when you said the chief was killed.
4 A. One of the them as I am talking now is in Bo town. I do
10:13:07 5 see him there.
6 Q. Do you know his name?
7 A. I cannot recall his name.
8 Q. Mr witness, do you know one Kamo Lahai?
9 A. No idea, My Lord.
10:13:32 10 PRESIDING JUDGE: [Microphone not activated]
11 MR MANLEY-SPAINE: It is K-A-M-L-A-H-A-I from the previous
12 witness.
13 Q. Mr witness, I want to take you to the chief's house. Is
14 there a house on the opposite side -- let me first of all ask
10:14:20 15 you, is it situated by a road?
16 A. I want you to clarify that road. Is it the main road or
17 within the town.
18 Q. [Microphone not activated] by a road?
19 A. Yes. In the middle of the town there is a road that goes
10:14:47 20 towards the market and other places.
21 Q. Is the chief's house by that road?
22 A. Yes, the chief's house is before our road.
23 Q. Is it fenced?
24 A. No, My Lord.
10:15:12 25 Q. Is there a house opposite the chief's house?
26 A. Yes, My Lord.
27 Q. Are you able to tell us how far away it is from the chief's
28 house?
29 A. The house that is opposite is -- I think the distance -- I

1 think the distance would be from where I am sitting here and
2 where the people are sitting up there. The house is -- the house
3 is before.

4 Q. I mean, I don't know whether the Registrar --

10:16:03 5 A. No, no. The high table.

6 [TB220405B-JM]

7 PRESIDING JUDGE: I think we've already got an estimate of
8 that distance on --

9 MR MANLEY-SPAINE: Yes.

10:16:40 10 Q. Mr witness, at the time the six soldiers went into the
11 chief's room, was there firing going on in Gerihun town?

12 A. Yes. In parts of the area, there was a lot of firing
13 towards the junction part, and even within the town.

14 Q. There was firing by the chief's house?

10:17:17 15 A. No. There was no firing around the chief's house; but
16 around the area, there was firing. The only firing that took
17 place near the chief's house, towards the chief's area, which was
18 a first, was the RPG which was sent to the former
19 vice-president's house, which I saw.

10:17:41 20 Q. Mr witness, during this time of firing, was the town quiet?

21 A. The town was quiet. To see an ordinary soldier was
22 difficult.

23 Q. I'm asking you, when the guns were being fired, was it
24 quiet?

10:18:18 25 A. It was only the noise of the gun.

26 Q. Was it very noisy, the noise from the guns? Was it very
27 noisy?

28 A. It was very noisy.

29 Q. Mr witness, do you know what a wash yard is?

1 A. Yes, My Lord.
2 PRESIDING JUDGE: A what?
3 MR MANLEY-SPAINE: A wash yard, w-a-s-h y-a-r-d. Two
4 words.
10:19:11 5 Q. Can you explain to the Court what it is.
6 A. Wash yard, it's a place where you go and wash and where you
7 urinate.
8 JUDGE SEBUTINDE: Sorry, I for one haven't understood what
9 washing means in this instance. Does it mean washing your
10:19:46 10 clothes? Does it mean washing your body? It's a little
11 ambiguous.
12 MR MANLEY-SPAINE:
13 Q. Mr Witness, is it a place where people go -- is it a place
14 situated apart from the house where people go to wash their
10:20:00 15 bodies?
16 A. No. A wash yard is something that some people call a
17 bathroom.
18 Q. I agree with you a bathroom, but it is situated away from
19 the house?
10:20:25 20 A. It is inside the house. It is self-contained.
21 Q. When the soldiers went, were you hiding in the wash yard?
22 A. No, My Lord.
23 Q. Mr Witness, do you know what is meant by CDF?
24 A. No idea, My Lord.
10:21:24 25 Q. Do you know what is meant by CDU?
26 A. No, My Lord.
27 Q. In 1997, Mr Witness, did you ever hear any of those terms?
28 A. Which between them?
29 Q. CDU and CDF.

1 A. Yes, I used to hear those words.
2 Q. CDF. Was that the name the Kamajors used in Bo, CDF?
3 A. Yes, My Lord. So I used to hear.
4 Q. Do you agree with me that it was a fighting force?
10:22:50 5 A. Well, I don't know about the fighting force, My Lord.
6 Q. Mr Witness, the Kamajors or CDF, did they carry arms?
7 A. I used to see -- I used to see knives in their hands, and
8 some used to have guns in their hands.
9 Q. And do you remember how they dressed?
10:23:39 10 A. They had their own clothing that they used to wear,
11 My Lord.
12 Q. Can you please describe it for us.
13 A. Well, I would not be able to describe that because there is
14 nothing here with which I can describe it.
10:24:02 15 Q. Did they wear a lot of charms on their bodies?
16 A. Yes, My Lord. Some of them.
17 Q. And they wore headdress with charms?
18 MS TAYLOR: Your Honour, what is the relevance of the way
19 that the Kamajors were dressed?
10:24:30 20 PRESIDING JUDGE: [Microphone not activated]
21 MR MANLEY-SPAINE: Your Honour, it is 100 per cent relevant
22 to the case. My Lord, we have statements given to us, and
23 the -- we know what they are going to say. We are going to lay a
24 foundation for future questions because certain allegations,
10:24:50 25 certain offences or certain things have been alleged -- alleged
26 to have been done by the accused persons or people under their
27 command. If we can know how they dress, we all know that they
28 have been asking questions, how were the rebels dressed? How
29 were the rebels dressed? were they in civilian dress, military

1 dress? My Lord, what is wrong with knowing how the kamajors were
2 dressed? So that when we have evidence as to what happened, we
3 can ask questions of those that did it.

4 [Trial Chamber deliberates]

10:25:41 5 PRESIDING JUDGE: In the light of your submission, we will
6 allow that question, Mr Manley-Spaine. However, we will be
7 keeping our eye on the relevance of the line of questioning.

8 JUDGE SEBUTINDE: Mr Manley-Spaine, I'm not sure that we
9 all understand what charms are, wearing charms. I'm not sure
10:25:59 10 that we understand that. Maybe you can establish what charms
11 are.

12 MR MANLEY-SPAIN: It is a little difficult for me also,
13 but I will be trying little by little. Maybe one of these days,
14 I'll get a witness who will explain.

10:26:14 15 JUDGE SEBUTINDE: I know, for instance, what cowrie shells
16 are, and I know what animal skins are. But beyond that, I cannot
17 tell you what a charm is.

18 MR MANLEY-SPAIN: I will try, Your Honour. Thank you very
19 much.

10:26:29 20 Q. You know, Mr Witness, that they wear clothes with a lot of
21 cowrie shells on them, what you call, "jeke".

22 A. Yes. I know what cowrie shells are.

23 PRESIDING JUDGE: I'm not sure if that is an -- the yes is
24 an answer to your question or the yes is an answer to cowrie
10:27:00 25 shells are jeke.

26 MR MANLEY-SPAIN:

27 Q. Do you know what cowrie shells are?

28 A. Yes, yes. Cowrie shells are small, small things. They are
29 white. These are the ones that I know actually as cowrie shells.

1 Q. Do you agree with me that the Kamajors wear -- they have a
2 lot of these on their dress?
3 A. Some. I used to see some on their clothes.
4 MR MANLEY-SPAINE: I just have one more question on that.
10:27:41 5 Q. You know what we refer to locally as country cloth?
6 A. Yes. Our old grannies used to make them in the village.
7 Q. Cloth that are made locally in Sierra Leone?
8 A. Yes. Yes. Our grandmothers sometimes would prepare them
9 in the village.
10:28:14 10 Q. Were the dresses of the Kamajors made out of country cloth?
11 A. Some of them.
12 Q. Would you agree with me, Mr witness, that some Kamajors
13 wore military uniforms?
14 A. No idea, My Lord.
10:28:55 15 Q. Do you know, Mr witness, what kinds of guns you saw with
16 the Kamajors?
17 A. Yes, My Lord. It was the single-barrel guns.
18 Q. You mean hunting rifles?
19 A. Yes, My Lord.
10:29:23 20 Q. Do you know the gun that is called AK-47?
21 A. Well, I can't tell, My Lord. But I used to see it. I used
22 to see it, when people used to point at it that there it is. I
23 don't know whether it was true what the person was telling me.
24 Q. Did you see the Kamajors carrying that kind of gun?
10:30:09 25 A. No, My Lord, to my knowledge.
26 Q. Do you know what an RPG is?
27 A. Yes, My Lord.
28 Q. Did you see the Kamajors carrying RPGs?
29 A. Not to my knowledge, My Lord.

- 1 Q. Mr witness, do you remember telling the Office of the
2 Prosecution that when ECOMOG removed the AFRC, you went to live
3 in Pujehun?
- 4 A. No, My Lord. When the ECOMOG repelled the AFRC?
- 10:31:25 5 Q. Yes, yes, that is what I'm asking you.
- 6 A. No, I had not spoken about ECOMOG repelling AFRC.
- 7 JUDGE SEBUTINDE: Excuse me, counsel. What was -- what's
8 the spelling of that place that you just mentioned he's supposed
9 to have moved to?
- 10:31:46 10 MR MANLEY-SPAIN: P-u-j-e-h-u-n.
11 Excuse me for a moment.
12 [Defence counsel confer]
13 MR MANLEY-SPAIN: Your Honour, I wish to refer to the
14 interview notes, page 7849.
- 10:32:53 15 Q. I want to ask you again, Mr witness. Let me put it another
16 way: Did you ever leave Gerihun to go to Pujehun, to stay in
17 Pujehun?
- 18 A. Yes, My Lord.
- 19 Q. Did you tell anyone that you returned to Bo after ECOMOG
10:33:16 20 drove the junta out of Freetown?
- 21 A. I came to Bo when they installed the government of the day
22 again.
- 23 Q. Please listen and answer my question. My question is did
24 you tell anyone from the Prosecution that you returned to Bo
10:33:39 25 after ECOMOG drove out the junta in Freetown -- out of Freetown?
- 26 A. Well, to my knowledge, yes, because when they were already
27 in Bo Town, when the ECOMOG were already in Bo Town, that is the
28 time that I returned. That's the Nigerians.
- 29 Q. Do you know whether the junta were driven out of Bo Town?

1 A. Well, I heard about that because I was far away. I used to
2 hear about that by hearsay.

3 Q. Do you know, Mr witness, whether there was any
4 fighting -- please, let me ask you first of all, do you remember
10:34:38 5 the dates or around what time the junta were driven out of Bo
6 Town?

7 A. No idea, My Lord.

8 Q. Mr witness, I am putting it to you that what you've told
9 this Court from what you saw is that AF Kamara, Boysie Palmer,
10:35:17 10 and the group that they went with were the ones responsible for
11 the killing of the paramount chief.

12 A. Yes, they were the ones that I saw. I was present.

13 Q. And you have given evidence on that, that they're the ones
14 responsible.

10:35:59 15 A. Yes, they were the ones that I saw. They were the ones
16 that were in the government. They were the ones that were in
17 authority.

18 MR MANLEY-SPAIN: That will be all, Your Honours.

19 PRESIDING JUDGE: Yes, Mr Harris.

10:36:37 20 MR HARRIS: May it please you.

21 CROSS-EXAMINED BY MR HARRIS:

22 Q. Now, help me about a number of things, would you. The
23 hotel, the Demby Hotel, that you were saying was what some
24 distance from Bo, is that right, or was it in Bo? Was it in Bo
10:37:20 25 Town?

26 A. It is located in Bo Town, My Lord.

27 Q. And you were staying there for how long?

28 A. I was coming on and off, but I was resident in Gerihun.

29 THE INTERPRETER: Your Honours, the attorney is far away

1 from the mic. We cannot get him clearly.

2 PRESIDING JUDGE: Did you hear that, Mr Harris?

3 MR HARRIS: Yes. I have adjusted it. Thank you very much.

4 Q. Now, when the soldiers arrived in -- at the hotel, the
10:38:26 5 first thing they did, you say, was to ask others to leave so that
6 they could -- and then they searched the hotel. Is that right?

7 MS TAYLOR: Your Honour, I rise only because this has been
8 gone over extensively by Mr Metzger. And unless my learned
9 friend wishes to pursue some different line, I would submit that
10:38:48 10 this cross-examination is repetitive.

11 MR HARRIS:

12 Q. Did you understand the question I just asked you?

13 PRESIDING JUDGE: Mr Harris, there has been an objection,
14 and I haven't heard your reply, nor have we ruled on it.

10:39:02 15 MR HARRIS: Well, with respect, I have to put my case. A
16 display of juvenile behaviour from any part of this -- from
17 either my learned friends on this side or on the other side is no
18 substitute to good advocacy.

19 PRESIDING JUDGE: I do not understand that reply.

10:39:23 20 MR HARRIS: I need to put my case. If Your Honour is
21 ruling that I cannot ask the question, then I'll take my seat.

22 PRESIDING JUDGE: Mr Harris, I have made no ruling at all.
23 I've merely asked you to reply to counsel for the Prosecution's
24 objection to enable my learned sister and brother and I to make a
10:39:42 25 decision on the objection.

26 MR HARRIS: With respect to those who made the objection,
27 it carries no substance.

28 PRESIDING JUDGE: Allow me to look at my record, please.

29 Please pause.

1 JUDGE SEBUTINDE: Could I say something, Mr Harris, as my
2 colleagues on the Bench look up the record.

3 MR HARRIS: Your Honour, yes.

4 JUDGE SEBUTINDE: I have on occasion requested counsel on
10:40:12 5 both sides to treat each other courteously.

6 MR HARRIS: Yes.

7 JUDGE SEBUTINDE: Now, in my opinion using adjectives like
8 "juvenile" when addressing a fellow practitioner does not fall
9 within the description of "courtesy."

10:40:30 10 MR HARRIS: Yes.

11 JUDGE SEBUTINDE: Let me finish. And that also
12 interrupting a judge when a judge is making a point is a sign of
13 disrespect. So could I request yet again that we witness
14 courtesy around the Court, the well of the Court, please.

10:40:48 15 MR HARRIS: Well, yes. Of course, of course.

16 [Trial Chamber confers]

17 PRESIDING JUDGE: Mr Harris, I cannot find that exact
18 question in my record, although there is a similar line of
19 questioning. I will allow that question. But bear in mind, a
10:42:46 20 lot of this has been traversed.

21 MR HARRIS: Yes. May I just say, we're dealing with a
22 witness who said he couldn't read or write. I'm simply laying a
23 foundation for a question which hasn't been covered by those --

24 PRESIDING JUDGE: That is acceptable. Please proceed.

10:43:05 25 MR HARRIS:

26 Q. The question I asked you on the -- let me start all over
27 again. You described your sleep being disturbed in the middle of
28 the night by the army attending Demby Hotel. Is that right?

29 A. Yes, My Lord, in the middle of the night.

- 1 Q. And the occupants were asked to come outside. Is that
2 right?
- 3 A. Yes. They told us, all of us, to get outside.
- 4 Q. And then the army did conduct a search. Is that right?
- 10:44:11 5 A. Yes, My Lord.
- 6 Q. All right, thank you. Now, one of the persons who didn't
7 come out was the wife of the paramount chief. Is that right?
- 8 A. Yes. Where she was and where we were, it was quite
9 different. She did not come out quickly.
- 10:44:38 10 Q. Is this the same paramount chief as the one who died the
11 following day?
- 12 A. Yes, My Lord. It was his wife.
- 13 Q. And she was staying at the hotel. Is that right?
- 14 A. Yes, My Lord.
- 10:45:05 15 Q. And do you know how long she had been at that hotel?
- 16 A. Since I was born, I met them there.
- 17 MR HARRIS: Might I try again.
- 18 Q. Do you know how long she was staying at that Demby Hotel?
- 19 A. Since I was born, I met them in that Demby Hotel.
- 10:45:44 20 Q. All right. I understand. Just let me go on from there.
21 Now, she, you say, was brought out in her nightclothes. Is that
22 right?
- 23 A. Yes, My Lord.
- 24 Q. And they were treating her in a rather rough manner? My
10:46:11 25 words.
- 26 A. Yes, My Lord.
- 27 Q. And how would you describe -- tell us, how would you
28 describe the way in which she was being treated as she was
29 brought out by the soldiers?

1 A. At the time that she was brought out, when she was brought
2 out -- outside, they were pushing her head this way, continuously
3 pushing her head. Continuously pushing her head.

4 PRESIDING JUDGE: Pause, Mr Harris. I put on record that
10:47:09 5 the witness indicated with the flat of his hand repeated pushing
6 to the side and back of his head.

7 MR HARRIS: Thank you. Thank you, Your Honour.

8 Q. And of course, this is something which sticks in your mind.
9 Am I right?

10:47:40 10 A. Yes. I can recall that particular night.

11 Q. See, I just wondered. You made a statement on the 26th of
12 November 2002.

13 MS TAYLOR: Your Honour, I rise at this stage. If my
14 learned friend is putting recent invention in relation to this,
10:48:06 15 that has already been put by Mr Metzger.

16 MR HARRIS: No, it wasn't. That's why I raised it. This
17 aspect was not put. I'm not here to go over what Mr Metzger put
18 and go over what Mr Metzger did not put. This small aspect was
19 not put.

10:48:24 20 PRESIDING JUDGE: I don't know which small aspect --

21 MR HARRIS: The lady being discovered in the --

22 JUDGE SEBUTINDE: what I recall was that Mr Metzger put to
23 the witness the fact that this incident concerning this lady must
24 have stuck in his mind, to which the witness then replied yes.

10:48:51 25 MR HARRIS: Yes.

26 JUDGE SEBUTINDE: And then he said to him, if so, why
27 didn't you include it in any of your statements?

28 MR HARRIS: This aspect of it --

29 JUDGE SEBUTINDE: So if that's where you want to go, it has

1 been covered. If you want to go elsewhere, you're welcome.

2 MR HARRIS: Then Your Honours' notice is more accurate than
3 mine. Are you able to identify that small aspect? It must mean
4 that I've omitted it from my note, and my discussions with
10:49:22 5 Mr Metzger is faulty. That's the only point I make.

6 PRESIDING JUDGE: Mr Harris, we can ask for the official
7 record. For a point of clarification, are you putting something
8 in a prior statement? And if so, what specific part so we can
9 refer to that specific part to the record?

10:50:05 10 MR HARRIS: Yes. I'm simply asking the witness if indeed
11 that the -- the next question is, if indeed that matter is fresh
12 in his mind up to today, why was it never mentioned in the past,
13 at any time in the past in any statement he has made?

14 PRESIDING JUDGE: I'm fairly sure that was put. Could we
10:50:29 15 be assisted, please.

16 MR HARRIS: I notice -- do you mind me going on? I don't
17 want to get stuck, bogged down on this aspect. Mr Metzger's
18 memory and my note is obviously very faulty if indeed you're
19 saying it was covered.

10:50:56 20 MS TAYLOR: Your Honour, if I can assist, the reference is
21 from the transcript of the 20th of April, which was Wednesday.
22 Mr Metzger cross-examined over two days. It was the Wednesday
23 morning that this incident occurred.

24 JUDGE SEBUTINDE: It would help if the transcriber could
10:51:19 25 read out around that area for everybody's satisfaction.

26 MR REUSS: In the draft transcript of the 20th, there
27 is -- on page 26, line 18, the question:

28 Q. And in your statement, you say you discuss or
29 describe - I'm looking three lines from the bottom,

1 Your Honours - that, and I read, 'We were made to lie down
2 on the ground whilst they were searching the halls. After
3 the search, they left at around 1.00 a.m.' And then you
4 went on to talk about things that you discovered missing
10:51:58 5 after they had left. Is that correct, Mr Witness?

6 A. Yes, My Lord.

7 Q. And at that stage, you made no mention of anyone
8 asking for the paramount chief's wife as you told us
9 yesterday, and in none of your statements that have been
10:52:09 10 served on us do you say that she was brought out in only a
11 nightdress and that people were shoving her head. Have you
12 ever told that part of the incident to the Office of the
13 Prosecution?

14 A. That lies with the person who took the statement. But
10:52:28 15 if I could remember, I included that in the first
16 statement. But it depends on the person who took the
17 statement."

18 MR HARRIS: Okay. Your Honour, thank you for that.

19 PRESIDING JUDGE: That's my note also, Mr Harris. I've
10:52:42 20 located it.

21 MR HARRIS: Thank you very much. Well, my discussions and
22 my note omitted that.

23 PRESIDING JUDGE: would this be a convenient time to
24 adjourn, to have our mid-morning adjournment?

10:52:58 25 MR HARRIS: Of course.

26 PRESIDING JUDGE: In that case, Mr Court Attendant, we
27 would be grateful if you would adjourn for 15 minutes, please.

28 [Recess taken at 10.53 a.m.]

29 [On resuming at 11.07 a.m.]

1 PRESIDING JUDGE: Mr Manley-Spaine, you're on your feet.
2 MR MANLEY-SPAINE: Your Honour, I ask to be excused for the
3 rest of the morning. I have to go to the Defence office to iron
4 some financial matters.
11:09:29 5 PRESIDING JUDGE: We don't need to know your business, I
6 think.
7 MR MANLEY-SPAINE: I'm much obliged.
8 MR HARRIS: Would Your Honour give me a moment, please.
9 PRESIDING JUDGE: Just pause, Mr Harris.
11:09:49 10 Mr Manley-Spaine, my learned sister has correctly pointed
11 out if there's another witness called, we can get in touch with
12 you. Excuse me, not we, the Court attendant.
13 MR MANLEY-SPAINE: I will definitely be here for the
14 afternoon session.
11:10:31 15 [Defence counsel confer]
16 PRESIDING JUDGE: Mr Harris.
17 MR HARRIS: Your Honour, yes. Thank you.
18 Q. Help me about a couple of things. How many chiefs were
19 there in Bo at the time, in May, June, or July of 1997? would
11:11:06 20 you like to tell me?
21 A. My Lord, no idea about these chiefs.
22 Q. All right. There was the paramount chief.
23 MR HARRIS: Your Honours, I'm just looking at your page
24 7848, paragraph 22, six lines down.
11:11:39 25 Q. There was the paramount chief who you told us about.
26 Correct?
27 A. The paramount chief.
28 Q. And there was Chief Norman, Hinga Norman. Is that right?
29 A. No idea, My Lord.

1 Q. You have no idea about him?
2 A. No idea, My Lord.
3 Q. Let me ask you this, then: Do you know him at all?
4 A. Yes, I know him facially.
11:12:36 5 Q. And he lived in Bo?
6 A. No idea, My Lord.
7 Q. You don't know where he lived? Is that what you're saying?
8 A. Yes, My Lord.
9 Q. Do you know whether he had property -- do you know where
11:13:04 10 his house was?
11 A. No, My Lord.
12 Q. Let me ask specifically: Did he own a property near the
13 paramount chief? If you don't know, please say so.
14 MS TAYLOR: Your Honour, there has been a number of
11:13:35 15 questions along this line. I object now on the grounds of
16 relevance.
17 MR HARRIS: Well --
18 PRESIDING JUDGE: The relevance of this line of
19 questioning, Mr Harris? Your reply, please.
11:13:50 20 MR HARRIS: Well, Your Honour, I am just -- I want to refer
21 you to a passage in the statement which would really deal with
22 the objection. Just give me one moment, please. I'm taken a
23 little bit by surprise by the answer that he doesn't know
24 Chief Norman. So if you just give me one moment. I'm not sure
11:14:20 25 whether it's -- the document which I referred to or whether it
26 was a statement. Give me a moment, would you please.
27 If Your Honour would turn to -- thank you. If you would
28 turn to paragraph 16, page 7847, and it is -- if you look at five
29 lines down from the top, this is why I say I was taken a little

1 bit by surprise. But can I just ask the question again. I
2 really need to set the scene.

3 Q. You say you do not know --

4 PRESIDING JUDGE: Mr Harris, we have to make a ruling for
11:16:08 5 the purposes --

6 MR HARRIS: I'm so sorry.

7 [Trial Chamber deliberates]

8 PRESIDING JUDGE: We will allow the question and overrule
9 the objection. Please proceed.

11:16:27 10 MR HARRIS: Thank you.

11 Q. You had told this Court a moment ago that you didn't know
12 Chief Norman, nor did you know whether he had property?

13 MS TAYLOR: Your Honour, that's --

14 JUDGE LUSSICK: He didn't say that, Mr Harris. He said he
11:16:42 15 knows Chief Norman. He knows him facially.

16 MR HARRIS: Thank you, Your Honour.

17 Q. You didn't know about his property in Bo. Do you know
18 whether apart from Chief Norman, whether there was any other
19 chief in the village where your -- where the paramount chief
11:17:08 20 lived?

21 A. Which chief are you referring to?

22 Q. The paramount chief, the one who died. Did you know of any
23 other chief living in that area?

24 A. I don't know about other paramount chief around the area.

11:17:37 25 Q. Let me ask you this question: When the -- when the people
26 who came to make peace spoke to the paramount chief, you've told
27 the Court that you then took them, this group, to see the
28 Kamajors and the youths. I'm summarising it. Do you remember
29 saying that?

1 A. I took them to the youths that were in town. The youths
2 then called the Kamajors, My Lord.

3 Q. All right. Did you take them anywhere else before you took
4 them to the youths?

11:18:33 5 A. No, My Lord.

6 Q. All right. Let me see if I can help you. The paramount
7 chief was too sick to speak to them. Is that right?

8 A. Yes.

9 Q. I'm sorry.

11:19:01 10 And -- I'm reading something from a document. It says:
11 "So I led them - this is what you allege to have said - so I led
12 them to the village chief." That's wrong?

13 A. Yes, My Lord. I never said that.

14 Q. Let me go on from there. "So I led them to the village
11:19:32 15 chief, who led them to the Kamajors." That's wrong?

16 JUDGE SEBUTINDE: Mr Harris, could you be so kind as to
17 indicate --

18 THE WITNESS: No, My Lord.

19 MR HARRIS: Your Honour, it's your page 7848, paragraph 22,
11:19:54 20 and it is six lines down from the top of paragraph 22, beginning
21 with the words "so I led them to the village chief..."

22 I'm sorry, Your Honour. would you help and tell me what
23 his answer was?

24 PRESIDING JUDGE: I didn't hear one. Please repeat the
11:20:33 25 question.

26 MR HARRIS: Thank you.

27 Q. Can I just read this. I go back to this: "The paramount
28 chief was also too sick to speak to them." You told the
29 recorder. That's right?

1 A. Yes, My Lord.
2 Q. And then it goes on: "So I led them to the village chief."
3 A. No, My Lord. No idea.
4 Q. "Who led them to the Kamajors."
11:21:15 5 A. No idea.
6 Q. That didn't happen?
7 A. On my own part, it did not happen.
8 Q. So if it is recorded that you said that, that is a mistake?
9 would that be right?
11:21:47 10 A. Yes, My Lord.
11 Q. Help me about something: when you spoke to the people - by
12 that I mean, either man or woman, lady or gentleman from the
13 Prosecution - did they read back to you what they had written?
14 A. Yes, My Lord.
11:22:26 15 Q. And did you understand what was being read back to you?
16 A. Yes, My Lord.
17 Q. And did you accept at that stage that what was read back to
18 you was correct?
19 A. Yes, My Lord. Some.
11:23:01 20 Q. Let me go on to something else. I'm referring now to
21 paragraph 16. That's your page 7847. You have told the Court in
22 answer to me some moments ago that you didn't know Chief Hinga
23 Norman. Is that right?
24 MS TAYLOR: That is not what the witness --
11:23:36 25 MR HARRIS: I've asked a question.
26 MS TAYLOR: -- said, Your Honours. The witness said he
27 knew the Chief Hinga Norman facially.
28 PRESIDING JUDGE: [Microphone not activated]
29 MR HARRIS: Yes, he said, "I know him facially." Yes, all

1 right.

2 Q. And you didn't know, you say, am I right, that -- whether
3 he owned property in Bo. Is that right?

4 A. I don't know anything about that.

11:24:10 5 Q. And you didn't hear anyone say that his property was
6 damaged, did you?

7 A. No idea about that.

8 Q. No idea about that. All right. I just want to read you
9 something and tell me whether you agree with it. All right?

11:24:52 10 well, let me summarise some things first. It would be shorter.
11 "There were some burnings which took place during the days of the
12 junta." Is that right?

13 A. Well, I used to hear that.

14 Q. But you didn't see the burning yourself?

11:25:24 15 A. It was only mine that I saw in Gerihun. I saw that with my
16 naked eyes myself.

17 Q. Thank you. It was my fault. I should have told you what
18 I'm asking about is Bo, rather than anyplace else. What I'm
19 asking you about now is Bo. Do you understand?

11:25:56 20 A. I never live in Bo and saw with my eyes. I only heard
21 about it.

22 Q. Well, let me refer you to something. "I also heard that
23 the house of Chief Hinga Norman was burned." But that's not
24 correct, is it?

11:26:21 25 A. No idea, My Lord. I never said that.

26 Q. If it's recorded that you had said that, that is a mistake.
27 Is that right?

28 A. Yes, My Lord.

29 Q. Now, I just want to ask about something wholly different.

1 You spent, as I understand it - correct me if I'm wrong - most of
2 your time in Freetown. Is that right? In 1997.
3 A. No, My Lord.
4 Q. Where did you spend most of your time?
11:27:33 5 A. Gerihun.
6 Q. And that was an area which was protected by the Kamajors.
7 Is that right?
8 A. Yes, they were there.
9 Q. And they were in an area which supported the SLPP. Do I
11:28:02 10 have it right? The SLPP. Is that right?
11 A. The town itself, it was the home place of the former
12 vice-president, Albert Joe Demby. It stemmed from that town.
13 Q. Then you would agree with me, wouldn't you, that the people
14 in that area supported his party and his government?
11:28:45 15 MS TAYLOR: Your Honour, I do hesitate to rise, but that is
16 a very broad question, and one of which the answer, whatever it
17 is, will necessarily be of very little value.
18 MR HARRIS: Thank you. I'll break it down. I'll break it
19 down.
11:29:03 20 Q. The people in that area supported the government where he
21 was vice-president. Is that right?
22 A. Yes, because that is his hometown.
23 Q. And when they fell from power, the people were very angry,
24 weren't they?
11:29:30 25 PRESIDING JUDGE: A little broad, Mr Harris. Which people
26 are you --
27 MR HARRIS: I'll try again.
28 Q. When government was overthrown, the people from that area
29 where the vice-president was -- came from was angry, weren't

1 they?
2 A. well, they felt sad.
3 Q. And they formed themselves into a civil defence unit,
4 didn't they?
11:30:25 5 A. No, My Lord.
6 Q. Let me try again. Did they form themselves, then, into a
7 civil defence force?
8 A. No, My Lord.
9 Q. I'll put it another way. They resented, didn't they, the
11:30:49 10 change of government? Didn't they?
11 A. Repeat the question once more.
12 Q. Of course, of course.
13 They didn't like the change of government.
14 A. The people of Gerihun Town?
11:31:16 15 Q. Yes.
16 A. Yes. I told this Court that they felt sad.
17 Q. All right. Let me go on from there. The Kamajors were
18 protecting the village, weren't they?
19 A. They were in the village, some of them. They were in the
11:31:51 20 village, the town.
21 Q. Do you understand the meaning of the word "protect"?
22 A. Well, they were there to look after the town so that
23 enemies would not enter the town. Enemies would not enter the
24 town.
11:32:20 25 Q. Thank you. And you were one of the people who was helping
26 to stop enemies from coming into the town?
27 MS TAYLOR: That's a statement, not a question.
28 MR HARRIS: One, two.
29 PRESIDING JUDGE: Mr Harris, I almost intervened earlier.

1 which village or town are we talking about now? Because you've
2 referred both to Bo and Gerihun --

3 MR HARRIS: Gerihun. He said he's from Gerihun. I'm so
4 sorry, yes.

11:32:55 5 JUDGE SEBUTINDE: Please restate your question because we
6 interrupted you.

7 MR HARRIS: Thank you, Your Honour.

8 Q. You were one of the people who were protecting -- I take
9 the word "protecting." You were one of the people who were
11:33:15 10 stopping enemies from coming into the town, weren't you?

11 A. No, My Lord.

12 Q. What were you doing during this time that the commodores
13 [sic] were stopping people, enemies from coming into the town?

14 A. I was doing nothing. I was with the chief.

11:33:51 15 Q. Was the chief concerned about enemies coming into the town?

16 A. The chief cannot see. And he wasn't well. He was always
17 on his bed. He's a blind chief.

18 Q. Thank you. Was he concerned about enemies coming into the
19 town?

11:34:29 20 A. Nothing at all. He wasn't well.

21 Q. I'll go on. But you knew, didn't you, that the
22 youths -- the youths of the area were concerned about enemies
23 coming into the town.

24 A. Repeat once more.

11:34:58 25 Q. I will. The young ones were concerned about enemies coming
26 into the town.

27 A. Yes. They talked about it. Because that particular town
28 is the former vice-president's own town. And they talked about
29 it, expecting that the people must come there.

1 Q. And at that point in 1997, you would regard yourself as a
2 young one, wouldn't you?
3 A. Yes.
4 Q. But you say, do you, that you didn't take part in
11:36:01 5 protecting your town from enemies?
6 A. Yes, My Lord. I was not interested in that. All the time
7 I was with the chief.
8 Q. You know the young ones formed themselves into a group,
9 didn't they?
11:36:38 10 A. My Lord, no idea with regards that.
11 Q. Wasn't from the youths the SSISS was formed?
12 A. No idea, My Lord.
13 JUDGE SEBUTINDE: kindly repeat those letters.
14 MR HARRIS: Your Honour, yes. SSISS.
11:37:13 15 Q. See if you can help me on this: would the youths or the
16 young ones - I shall say "the young ones" - were the young ones
17 who would look and see who was coming into the town and when?
18 A. With regards that, My Lord, no idea.
19 Q. See if you can help me on this: You know, don't you, that
11:38:07 20 -- well, you've told the Court that there was a brigade commander
21 in the area. I'm just summarising. And you knew that there were
22 soldiers in the area. Am I right on that?
23 A. Which area, My Lord?
24 Q. The same one we are talking about where you lived.
11:38:39 25 Gerihun.
26 A. Gerihun?
27 Q. Yes.
28 A. If I knew that the brigade commander was around or either
29 some soldiers? Is that what you're saying?

1 Q. Yes.

2 A. No, My Lord. At that particular time.

3 Q. The time to which I'm referring -- thank you. You're quite
4 right. The town which I am -- thank you.

11:39:11 5 The time which I am referring to is a time after the
6 vice-president was -- the government which he was vice-president
7 was overthrown. Do you follow?

8 A. Yes. My Lord.

9 Q. And did you see soldiers in and around the town after the
11:39:38 10 overthrow?

11 A. I never saw soldiers inside that time. It was only the
12 time they entered there when they attacked and killed the
13 paramount chief.

14 Q. I'll come to that. Let me put it another way, then: Did
11:40:06 15 you see them in the town after the chief had died?

16 A. I was not inside the town again because it was a
17 no-man's-land after the death of the king. I was not inside the
18 town again.

19 Q. You were a member of a special security group, weren't you?

11:40:43 20 A. No, My Lord.

21 Q. Let me put it -- put this to you: Did you hear about
22 soldiers being captured by the youths in your area?

23 A. No idea, My Lord.

24 Q. I'll put it another way. Did you hear about Kamajors
11:41:15 25 capturing soldiers in that area?

26 A. My Lord, no idea.

27 Q. Did you hear about soldiers being burned alive, having been
28 captured in that area?

29 A. My Lord, no idea.

1 Q. You see, I suggest that you took part in that burning of
2 soldiers alive.

3 MS TAYLOR: Your Honour, that very same suggestion was made
4 by Mr Metzger to the witness.

11:42:00 5 PRESIDING JUDGE: Yes, I was about to intervene, Mr Harris,
6 and remind you of that.

7 MR HARRIS: I'll move on.

8 PRESIDING JUDGE: Perhaps a point of clarification. We
9 seem to be moving a little bit between Gerihun and Bo, and it
11:42:16 10 would of assistance if we're clear on the location.

11 MR HARRIS: Thank you. Thank you, Your Honour.

12 Q. See if you can help me: Did you stay in Gerihun alone, or
13 you travelled to Gerihun to Bo from time to time?

14 A. I've told this Court that I used to come to Bo once in a
11:42:49 15 while, that Gerihun was my place of residence.

16 Q. Thank you. So all I ask you is about your place of
17 residence then. You didn't hear about soldiers being burned
18 alive in Gerihun? That was the answer you gave a while ago. Is
19 that right?

11:43:22 20 A. My Lord, no idea.

21 Q. When you travelled to Bo from time to time, would you
22 travel on the road or -- on the main roads or through -- or any
23 other way? Trees or whatever?

24 A. I used to take -- transport the vehicles and travel on the
11:43:59 25 main highway, main road.

26 Q. And during these times that you go to Bo, did you hear
27 about soldiers being burned alive in Bo as well?

28 A. To my knowledge, no idea, My Lord.

29 Q. Well, just let me -- I'll just put my case to you in that

1 way: I suggest that you were a member of the Kamajors --
2 MS TAYLOR: That suggestion has also been put to the
3 witness.
4 MR HARRIS: Yes, I'm putting my case. I'm entitled to put
11:44:50 5 my case. Thank you.
6 Q. I suggest that you were a member of the Kamajors at the
7 relevant time.
8 A. I'm also telling you that I was not a member of them.
9 Q. And I suggest that you took part in the capture and burning
11:45:08 10 alive of soldiers simply because they were soldiers of the AFRC
11 government.
12 A. Never have I partake on that, never. I'm not a part of
13 them.
14 MR HARRIS: And that is how I put my case.
11:45:38 15 PRESIDING JUDGE: Thank you, Mr. Harris.
16 Any re-examination, Ms Taylor?
17 MS TAYLOR: There's no re-examination, Your Honour.
18 PRESIDING JUDGE: Thank you.
19 We have no questions of the witness. Thank you,
11:45:59 20 Mr witness, from the Court for giving your evidence. That is the
21 end of your evidence now.
22 Mr Court Attendant, if you could assist us, please.
23 [The witness withdrew]
24 MS TAYLOR: Your Honours, the next witness is TF1-004. The
11:47:19 25 witness will give evidence in the Mende language, and the witness
26 will be led in chief by Mr Braun.
27 Your Honour, I would ask if I can be excused at this time.
28 Ms Pack will also remain for the Prosecution.
29 PRESIDING JUDGE: Thank you, Ms Taylor. Yes, you are free

1 to leave.

2 MR METZGER: Please, Your Honour, just before Ms Taylor
3 leaves, she may want to listen to the objection I have to part of
4 the evidence of this witness.

11:47:45 5 PRESIDING JUDGE: I'll just find it, Mr Metzger, in my...

6 MR METZGER: Okay.

7 PRESIDING JUDGE: Yes, I have it before me now. Please
8 proceed.

9 MR METZGER: I had indicated, Your Honour, before that we
11:48:16 10 have in the past not taken significant issue but reminded the
11 prosecution of its duty to disclose and to disclose in plenty of
12 time. In relation to this witness, I'm looking at page 7296. On
13 my initial perusal of this witness's evidence, there was
14 absolutely no mention of my lay client's name. Suddenly, by the
11:48:50 15 31st of March, 1st of April 2005, paragraph 2 I refer to in
16 particular is what one might consider to be very important and
17 what the Prosecution would like to say is very damning evidence
18 against my lay client that appears out of thin air.

19 Now, I object to the introduction of this evidence and ask
11:49:21 20 that it be excluded. At this point, it may be that consideration
21 should be given, in fact, to whether this witness ought to give
22 evidence at all. I do this because although there is a motion
23 that is in due course to be dealt with by Your Honours in
24 relation to witnesses generally and how their statements are
11:49:48 25 taken and that sort of thing, if I remember rightly, we are not
26 going to be in a position, if history is proved right, to be able
27 to ask questions of anyone as to the existence of original
28 documentation - that is to say, notes or any other thing - taken
29 when this witness apparently gave the following information,

1 disclosure; totally ignoring it.

2 PRESIDING JUDGE: Now, Ms Taylor, your reply, please.

3 MS TAYLOR: Your Honour, my primary submission is that the
4 comments of my learned friend are rather premature. The witness
11:53:14 5 statements that have been disclosed to the Defence are just that,
6 statements. They are not evidence before this Court. The
7 evidence is what the witness says, both in examination-in-chief
8 and in cross-examination. The witness statements are given to
9 the Defence to put them on notice as to the matters about which
11:53:38 10 the witness will give evidence and to put them on notice as to
11 the case they need to meet.

12 As there has been in the past, where there has been a
13 disclosure that has been made inside the 42 days, that might
14 cause some prejudice to the Defence. The Prosecution has not led
11:54:02 15 that evidence-in-chief and, in this case, the Prosecution will
16 not lead any evidence-in-chief from the witness in relation to
17 paragraph 2 that appears on page 7296. Notwithstanding that, it
18 is an obligation imposed upon the Prosecution by the rules that
19 whenever it obtains information from a witness that is subject to
11:54:30 20 disclosure, it must disclose that information. That obligation,
21 as I have said before, continues until the very moment that the
22 witness enters the witness box.

23 In those circumstances, Your Honours, my submission is that
24 the Defence are not prejudiced at all by the calling of this
11:54:53 25 witness; that the Prosecution will behave responsibly, as it has
26 done in the past, by not putting the Defence in a position
27 whereby they are given difficult information inside a very short
28 period of time. Having said that, the Prosecution does not
29 accept that just because certain information is given inside the

1 42 days, that it must never call that information, and there will
2 be occasions where there has been additional information or
3 clarifying information gained by the Prosecution that it will
4 call, that in the instant case it will not.

11:55:34 5 My learned friend made reference to the additional
6 information provided on 15 April. Your Honours, that document
7 appears at Registry page 7725. That additional information is
8 four lines long.

9 PRESIDING JUDGE: We do not have that document. I will ask
11:56:12 10 for assistance to get it.

11 MS TAYLOR: If it is of assistance, we do have spare copies
12 with the page numbers on them.

13 PRESIDING JUDGE: That would be helpful.

14 MS TAYLOR: Your Honours, as I was saying, the additional
11:57:02 15 information provided is four lines long. All it is is a
16 clarification of two issues raised in the original statement of
17 the witness. In those circumstances, the Prosecution would
18 submit that absolutely no prejudice can flow to the Defence from
19 the disclosure on 15 April of four lines of clarification.

11:57:31 20 Your Honour, my learned friend's application was to strike
21 a paragraph of a statement. In my respectful submission, you
22 have --

23 MR METZGER: Sorry, I just want to correct that so you
24 don't go on the wrong premise. It wasn't to strike the whole
11:57:44 25 paragraph, it was to strike the whole thing, just so that you
26 understand.

27 MS TAYLOR: I heard my learned friend to say that Your
28 Honours should either not allow that paragraph of information to
29 be given in evidence, or not allow the evidence of this witness

1 at all. In my respectful submission, Your Honours have no power
2 to get rid of a paragraph, as it were, in a witness statement
3 because that statement is not evidence before you. It is only at
4 the time that the witness gives evidence that Your Honours would
11:58:15 5 then have the power to either allow or disallow the Prosecution
6 to lead certain evidence. I have indicated that the Prosecution
7 will not positively lead evidence relating to that paragraph of
8 the witness statement.

9 In relation to the idea that the witness should not be
11:58:31 10 allowed to give evidence at all, the Prosecution would submit
11 that there is no prejudice flowing to the Defence to allow the
12 Prosecution to lead evidence from the original witness statement
13 and the clarifications and additions that have been made since,
14 and which the Defence have been in possession of in excess of 42
11:58:53 15 days, and also in a redacted version for much, much longer. In
16 those circumstances, the application should be denied.

17 If I might say, Your Honours, in cases where there has been
18 a disclosure inside 42 days that might cause the Defence some
19 difficulty, and the Prosecution still wishes to lead that
11:59:14 20 evidence, the Prosecution is willing, if it assists the Defence,
21 to drop the witness down the list to allow them additional time
22 to call that evidence. In my respectful submission, that is the
23 appropriate way to deal with these matters, not to tell the
24 Prosecution which witnesses it can and cannot call to prove its
11:59:34 25 case, if Your Honours please.

26 PRESIDING JUDGE: Mr Metzger, in the light of Ms Taylor's
27 statement that the Prosecution will not lead evidence from page
28 7296, have you anything to say?

29 MR METZGER: Your Honour, yes, I still have a lot to say.

1 I am very concerned about the whole attitude by virtue of the way
2 in which those submissions have been put forward. It seems to
3 me, in the interest of fairness -- I repeat the word, fairness --
4 to all parties, that if the Prosecution is going to call a
12:00:24 5 witness and additional information has been obtained for that
6 witness over two years, two and a half years after the first
7 statement was taken, and that in that additional
8 information-taking process the witness happens to mention one of
9 the indictees, well, of course, it's not only going to be
12:00:49 10 prejudicial, but, in my respectful submission, it is placing, if
11 you like, the administration of justice at great risk of being in
12 utter disrepute.

13 To say, as my learned friend has just said, there is no
14 prejudice, and I do thank the Prosecution for indicating that it
12:01:14 15 doesn't propose to lead that particular witness, but we are no
16 longer content with having it as a matter of, "well, when it
17 comes along, we won't lead it." In each case, it must be stated
18 and, particularly, the reason we have these concerns is because
19 we have a motion pending about what exactly is a witness
12:01:41 20 statement. I'm seeking the guidance of the Court on that. What
21 weight can be attached to these additional reports; whether we
22 can inquire into the format of these additional reports. It
23 seems to me, if we look at page 7296, and the other one, which I
24 have no page number for, the barest of information is given. The
12:02:10 25 caption that is used, additional information is provided by a
26 witness. It seems to me obviously during some form of proofing
27 or pre-trial meeting. When the Prosecution chooses, it discloses
28 it. When the Prosecution chooses not to, it doesn't disclose it,
29 and it objects to us asking questions of what happened at a

1 pre-trial meeting. In my respectful submission, this is a
2 fundamental issue, and I think it ought to be resolved before we
3 come to deal with any other witnesses of this nature. That's my
4 submission: This witness ought not to be heard. Let's have the
12:02:51 5 argument. Let's deal with it with authority.

6 PRESIDING JUDGE: I'm not clear. Are you saying your
7 application now is not to hear this witness at all?

8 MR METZGER: Until we have had clarification on the issues
9 that are outstanding. What has been happening is we've been
12:03:07 10 taking witnesses, there have been outstanding matters which
11 haven't been resolved, and we've been quite content to carry on.
12 what now happens is the difficulties are being compounded because
13 we've had this difficulty before, but the Defence have sought, in
14 order not to delay this trial, for us to move forward. We've
12:03:31 15 sought to deal with matters and perhaps cross-examine in the best
16 possible way so that we can deal with these matters. When we
17 come up against witnesses whose responses are, "I can't remember
18 it was such a long time ago now," and, "I have no idea," which
19 may also have something to do with proofing, we don't know, then
12:03:56 20 it seems to me that this is an issue that has to be resolved, and
21 it is that application I make for us to have the matter resolved
22 entirely before we move on to deal with witnesses where there are
23 these difficulties.

24 My application, in any event, so far as this witness's
12:04:16 25 evidence is concerned, stands. I would say that this falls
26 within Rule 95, in any event, that to allow this, particularly
27 with the way in which my late client's name is brought up at the
28 end of this matter would seriously to bring the administration of
29 justice into utter disrepute. Those are my submissions.

1 [Trial Chamber confers]

2 PRESIDING JUDGE: Our view is that this issue has arisen
3 before. It involves issues that are likely to recur. In the
4 circumstances, we consider that we must take time to deal with
12:10:32 5 the motion that has been filed and to make a ruling on the law
6 that is involved in that motion before we determine the instant
7 objection. We will therefore adjourn this Court until Tuesday
8 morning and give a ruling on that motion and in the light of that
9 ruling, then counsel will be invited to deal with this one. In
12:10:57 10 the circumstances, we would ask the witness not be called and we
11 adjourn the Court until Tuesday morning.

12 MS TAYLOR: With Your Honour's leave, if I might just
13 inquire as to exactly which motion we are talking about. I am
14 not sure if my learned friend is referring to his written outline
12:11:12 15 of argument that was filed earlier this week; that in itself is
16 not a motion.

17 PRESIDING JUDGE: I think I am using the word motion not
18 correctly, because there was not a formal motion. What, in fact,
19 happened was --

12:11:35 20 [Trial Chamber confers]

21 PRESIDING JUDGE: My learned brother has reminded there is
22 the former motion about disclosure. We will deal with both these
23 issues. I had invited the Prosecution to stand the witness down
24 until Tuesday. Will that witness be ready on Tuesday morning?

12:12:25 25 MS TAYLOR: Yes, Your Honour. There is one matter I will
26 raise with Your Honour's leave. Aside from the actual motion
27 that is in relation to disclosure of investigator's notes, the
28 Prosecution written outline of argument and the Defence response
29 thereto is the other matter that touches upon this before the

1 Court.

2 The Prosecution filed the written argument in the way that
3 Your Honour's asked us to, which was to define the objection
4 precisely and to outline the arguments and authorities in
12:12:55 5 relation thereto. The Defence responds to that, but it also goes
6 further. There are a number of matters raised in it that are not
7 raised in the Prosecution written argument and the Prosecution
8 currently has no forum in which to be able to respond. If we can
9 file a written response, only to those additional information by
12:13:17 10 tomorrow, can we do that with Your Honour's leave?

11 JUDGE LUSSICK: Ms Taylor, also in the formal motion I note
12 that the Defence has filed a reply in which it asks for relief
13 that it hadn't asked for in the original motion.

14 MS TAYLOR: Yes.

12:13:35 15 JUDGE LUSSICK: I think your application should be to be
16 able to respond just to that amended relief sought in the
17 official motion.

18 MS TAYLOR: Thank you, Your Honour, we will do that. If
19 it's of assistance, we can do that by close of business tomorrow
12:13:50 20 afternoon.

21 PRESIDING JUDGE: That will be very helpful.

22 MS TAYLOR: I beg your pardon, today is Friday. If we can
23 file it on Monday morning. We will work on it on the weekend and
24 file it on Monday morning.

12:14:05 25 MR METZGER: I rise merely to remind the Court -- to ask
26 the Court to consider that there might be -- I believe there is a
27 public holiday next week as well.

28 PRESIDING JUDGE: Aren't we lucky it's on Wednesday. We
29 haven't forgotten it and we are looking forward to it with

1 anticipation. Mr Court Attendant, please adjourn the court until
2 Tuesday morning.

3 MR HARRIS: Your Honour, before you do so, can I just
4 ask -- I'm sure you take the view I'm a bit of a pain now.

12:14:47 5 PRESIDING JUDGE: I trust that was not implied in anything
6 I said or did.

7 MR HARRIS: NO, I meant that rather light-heartedly, not
8 seriously. I am struggling to keep those I represent focused
9 because of the unfinished business to which I have already
12:15:12 10 referred. May I invite you just to -- I trust that over the
11 adjourned hearing that you may be able to visit it and help as
12 the best you can during that period.

13 PRESIDING JUDGE: We're aware of the situation. Are you
14 raising a formal objection to be put on the record?

12:16:16 15 MR HARRIS: No, I'm not at all. This is a matter which is
16 in Your Honours' hands. You are in charge with the management of
17 this Court. One of the matters which I invite you to consider is
18 the difficulties which I am at the moment struggling with. It
19 simply involved my words, "unfinished business".

12:16:58 20 PRESIDING JUDGE: Yes, I do recall you telling us this,
21 Mr Harris. We are aware of it.

22 MR HARRIS: I would just like you to -- if it is at all
23 possible, to bring the business to an end on this aspect.

24 JUDGE SEBUTINDE: Mr Harris, I'm sorry, but I have no idea
12:17:14 25 what you are talking about. It seems my colleagues have some
26 idea. I personally have no idea what you are talking about or
27 what you want this Court to do.

28 MR HARRIS: What I'm referring to is the Court made an
29 order sometime ago now denying access -- my words, I'm just

1 summarising the position -- of the family of those I represent to
2 attend the Court. Because I think it was the first or second
3 witness, if my memory serves me right, raised the question as to
4 whether she was disturbed by what was said to her, or may not
12:17:58 5 have been said to her at a moment when she -- when Court rose and
6 she was due to be taken back to wherever it is that they keep
7 them in safety. It is that which I refer.

8 JUDGE SEBUTINDE: Are you referring to the interim order
9 suspending second persons?

12:18:20 10 MR HARRIS: Yes.

11 JUDGE SEBUTINDE: And what is it you want this Court to do
12 at this stage?

13 MR HARRIS: To deal with it. What I am asking is whether
14 the inquiry has been -- I know the inquiry was conducted, whether
12:18:30 15 it has been concluded and has the Court reached its decisions as
16 to the reversal of that exclusion, and I --

17 JUDGE SEBUTINDE: Oh, are you asking us to review the
18 decision?

19 MR HARRIS: Yes.

12:18:46 20 JUDGE SEBUTINDE: To review our decision?

21 MR HARRIS: Yes.

22 JUDGE SEBUTINDE: Don't you think you ought to do that with
23 a proper motion with grounds given?

24 MR HARRIS: I think we have. There is a motion or two
12:18:57 25 which is outstanding. I'm almost certain.

26 JUDGE SEBUTINDE: Did you ask in that motion that we review
27 our decision and give grounds therefore? Or are you simply
28 asking the Court to hurry up with its duties?

29 MR HARRIS: No, no, I'm not asking you to hurry at all. I

1 merely ask you to review it if we've got to the stage of review.

2 PRESIDING JUDGE: Thank you, Mr Harris.

3 MS TAYLOR: Your Honour, I'm sorry to rise to my feet
4 again. It occurs to me the learned Presiding Judge was asking
12:19:30 5 about the availability of this witness on Tuesday. I had told my
6 learned friends previously we have an international witness
7 coming next week, Witness TF1-272. Originally it was our plan to
8 have that witness heard on Wednesday of next week. That, of
9 course, is the public holiday. That witness is also giving
12:19:50 10 evidence in Trial Chamber I. Accordingly, it is necessary for
11 the Prosecution to call that witness on Tuesday. Rather than
12 start with the current witness, if that indeed is the decision of
13 Your Honours, we will need to interpose Witness TF1-272.

14 PRESIDING JUDGE: Thank you, Ms Taylor.

12:20:08 15 MR METZGER: Your Honours, I'm sorry, I will be very brief
16 now. I just wanted to rise to lend some support to the concerns
17 raised by Mr Harris. I think what he is saying, in as gentle a
18 way as possible, is that we are finding cooperation becoming more
19 difficult because our lay clients are not quite able to
12:20:36 20 concentrate on the job. They're thinking that this is all
21 something that is against them. I'm putting this as plainly as I
22 can. The fact that a final decision hasn't been made leaves them
23 in a quandary. We are trying to keep the cooperation going, but
24 Your Honours may have noticed sometime in the past we have had
12:20:59 25 difficulties. I hope it won't continue. We're simply urging the
26 Court to consider that we are operating under some strain here.
27 Thank you.

28 PRESIDING JUDGE: Thank you, Mr Metzger. Mr Court
29 Attendant, please adjourn the Court until Tuesday morning.

1 [whereupon the hearing adjourned at 12.20 p.m., to be reconvened
2 on Tuesday, the 26th day of April 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-054	2
CROSS-EXAMINED BY MR MANLEY-SPAIN	2
CROSS-EXAMINED BY MR HARRIS	27