

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

THURSDAY, 9 JUNE 2005
9.27 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding
For Chambers:	Mr James Tamba Kamara
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Ms Lesley Taylor Mr Jim Hodes Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Osman Keh Kamara
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray Mr Justin Ledden
For the accused Santigie Borbor Kanu:	Mr Ajibola E Manly-Spain Ms Viola Trebicka

1 [HN090605A - EKD]

2 Thursday, 9 June 2005

3 [The accused not present]

4 [Open session]

09:27:43 5 [Upon resuming at 9.27 a.m.]

6 PRESIDING JUDGE: Good morning, counsel. You will notice
7 that I am on my own. I regret to say that we have not finalised
8 the two decisions that have to be delivered prior to the Court
9 recommencing. As you are aware, there was an extremely urgent
09:31:05 10 motion dealing with the Bench. Last pleading on that closed
11 yesterday. We had in fact drafted something only to find a new
12 pleading. The pleadings on Witness 150 closed on the 2nd of June
13 but did not reach two of the judges until the 7th of June.

14 Again, a draft of that had been prepared and a draft on a related
09:31:36 15 point of law had been prepared, but none of those three drafts --
16 well, one of those drafts is ready for publication; the other two
17 are not to the satisfaction of the judges ready for publication.

18 I therefore regret - very much regret - but we will have no
19 choice but to adjourn this case again to finalise those decisions
09:31:59 20 before the case can proceed properly. We are, of course, very
21 aware that the Prosecution has brought a witness from overseas
22 and I have not lost sight of what happened on a previous
23 occasion. Therefore, we will most definitely ensure that that
24 witness is not allowed to go back unheard. I regret that we
09:32:25 25 cannot sit again until Monday and we apologise as a bench to
26 counsel and to witnesses.

27 Ms Taylor?

28 MS TAYLOR: Your Honours, the particular witness that you
29 are speaking of, Witness TF1-150, actually must leave on Monday.

1 I understand everything that Your Honour has said. It may be
2 that the Prosecution is not now in a position to call that
3 witness on Monday. If that is the case, we will make
4 arrangements to have him brought back --

09:32:58 5 PRESIDING JUDGE: Ms Taylor, in the light of what you said,
6 I will revert to my learned colleagues and if there can be any
7 change - if there can be any change - we will communicate to you
8 through the legal officer.

9 MS TAYLOR: I am grateful for that indication, Your Honour.
09:33:21 10 As I said, if this does not work -- I will start again. If the
11 position can't be changed before Monday, then the Prosecution
12 will organise to bring this witness back on another occasion. I
13 can say that the witness has given evidence in the CDF trial
14 before Trial Chamber I.

09:33:40 15 PRESIDING JUDGE: I see.

16 MS TAYLOR: He will also be giving evidence in the RUF
17 proceedings before Trial Chamber I and therefore would have to
18 come back to Sierra Leone on another occasion in any event.

19 PRESIDING JUDGE: I understand.

09:33:50 20 MS TAYLOR: We were simply trying to avoid having to bring
21 him three times. We were just trying to marry up with one or
22 other of those proceedings.

23 PRESIDING JUDGE: Obviously one obvious question that must
24 arise if I am to change these times is can you give us any
09:34:07 25 indication of how long this witness will be in the witness box
26 first in chief and then, Defence, of course, will be also having
27 to cross-examine.

28 MS TAYLOR: Your Honours, the witness will be led by my
29 learned friend Mr Hodes. He indicates that he believes he will

1 be a day in chief with the witness. So it is probably not
2 feasible that the witness can be called even at this stage. And
3 there is a further preliminary application to be made in relation
4 to that witness in relation to an application for a closed
09:34:43 5 session. My learned friends are aware of that but there is some
6 argument to be heard in relation to that. I just bring those
7 matters to Your Honour's attention.

8 PRESIDING JUDGE: Thank you indeed, Ms Taylor, for that
9 indication. Counsel for the Defence, Ms Taylor has indicated
09:35:01 10 that the witness will be one day in chief possibly. Have you any
11 idea how long in cross-examination? I don't ask you to speculate
12 unrealistically.

13 MS THOMPSON: Your Honour, not wishing to put any time on
14 it, I would estimate that it would be more than a day for all
09:35:19 15 three of us. Having heard what my learned friend has said, I
16 don't think really the witness can be called even today. He
17 would not be able to finish by Monday for him to leave. So I
18 think in the light of what you have said, it may be prudent for
19 us to adjourn to Monday and for arrangements to be made for the
09:35:37 20 witness to be brought back at some later stage.

21 PRESIDING JUDGE: Thank you for that indication, Ms
22 Thompson. In the light also of what Ms Taylor has indicated
23 about a preliminary application, there is a similar decision
24 pending. Again, that decision has been completed and I will
09:35:52 25 ensure that that decision is published to allow counsel on both
26 sides to consider it so as to have it before them when they come
27 to make their submissions. I would be grateful if counsel would
28 convey to the witness our apologies.

29 MS TAYLOR: We will do so, Your Honour.

1 PRESIDING JUDGE: I note the absence of the accused and I
2 presume that that absence is of their own volition.

3 MS THOMPSON: Yes, Your Honour.

4 PRESIDING JUDGE: Thank you, Ms Thompson. In the light of
09:36:25 5 what has been said, it appears to be common ground that the most
6 sensible thing is to adjourn until Monday and not tomorrow.
7 Again, it is very regrettable. You can rest assured none of us
8 have been idle. If there is no other matters I will ask Madam
9 Court Attendant to adjourn the Court to Monday.

09:36:57 10 [Whereupon the hearing adjourned at 9.37 a.m.,
11 to be reconvened on Monday, the 13th day of
12 June 2005, at 9.15 a.m.]

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