

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

MONDAY, 21 NOVEMBER 2005
9.20 a.m.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg Ms Carolyn Buff
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Desmond Da Silva Mr James C Johnson Ms Maja Dimitrova (Case Manager) Ms Suzanne Mattler (intern)
For the Principal Defender:	Mr Vincent Nmehielle Mr Ibrahim Foday Mansaray
For the accused Alex Tamba Brima:	Ms Glenna Thompson Mr Kojo Graham
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanu:	Mr Amadu Koroma

1 [AFRC21NOV05A - CR]
2 Monday, 21 November 2005
3 [Open session]
4 [The accused Kamara and Kanu present]
09:18:37 5 [The accused Brima not present]
6 [Upon commencing at 9.20 a.m.]
7 PRESIDING JUDGE: Good morning. I note there are only two
8 accused present in Court. It would appear, Ms Thompson, your
9 client is not in Court. Sorry, Mr Graham.
09:19:01 10 MR GRAHAM: Mr Brima is unwell this morning. He is
11 visiting the clinic this morning.
12 PRESIDING JUDGE: I do recall it happened last week as
13 well. Is it very serious?
14 MR GRAHAM: He's getting better, Your Honour.
09:19:13 15 PRESIDING JUDGE: Thank you. I've just had a signal from
16 the public gallery that there is no sound coming through.
17 Mr Court Attendant, can you please note that.
18 Good morning, counsel for the Prosecution. Can anyone
19 explain the absence of counsel for Mr Kanu?
09:19:46 20 MR GRAHAM: Your Honours, we are expecting them any moment
21 from now. We made a couple of calls this morning when we were
22 about to come to Court and realised that none of them were in the
23 office this morning. I expect them to be in any moment from now.
24 We don't know exactly what the situation is.
09:20:03 25 PRESIDING JUDGE: From that, I presume you have received no
26 instructions from them?
27 MR GRAHAM: That is right, Your Honour.
28 PRESIDING JUDGE: The Court was adjourned this morning for
29 a decision and that decision has been issued. We are now missing

1 representation for one of the accused. Mr Prosecutor and Mr Da
2 Silva, is there anything that will arise this morning that would
3 oblige the Court to consider adjourning temporarily to seek
4 representation for Mr Kanu?

09:20:59 5 MR DA SILVA: Might I, with the leave of the Court, permit
6 my friend Mr Johnson to deal with that?

7 PRESIDING JUDGE: Thank you, Mr Da Silva. Mr Johnson.

8 MR JOHNSON: No, Your Honour, we would have no objection to
9 waiting a few minutes. We, of course, would like to go forward
09:21:17 10 this morning. We have no objection to waiting a few minutes for
11 counsel.

12 PRESIDING JUDGE: The rules of this Court have always been
13 maintained: We start at 9.15. I will anticipate an explanation.
14 None of you counsel in Court are in any way to blame and
09:21:35 15 therefore it would be impolite for me to comment. We will
16 adjourn briefly to ensure that there is representation for
17 Mr Kanu.

18 Mr Court Attendant, I would be grateful if you contact the
19 Principal Defender's office and inquire as to why there is a
09:21:58 20 delay and adjourn Court temporarily in anticipation of their
21 arrival.

22 [Break taken at 9.23 a.m.]

23 [Upon resuming at 9.26 a.m.]

24 PRESIDING JUDGE: Mr Koroma.

09:35:39 25 MR KOROMA: Yes, Your Honour.

26 PRESIDING JUDGE: This Court starts at 9.15, why are you
27 turning up at 25 to 10?

28 MR KOROMA: I am terribly sorry. I live in the east end of
29 Freetown. My car broke down and I was also held up in traffic.

1 I tried to call my colleagues this morning, but I realised you
2 were already in Court, so I could not get them on the phone.

3 PRESIDING JUDGE: well if you called when we were already
4 in Court, you must have left it very late.

09:36:07 5 MR KOROMA: I am sorry, My Lord. I am terribly sorry, My
6 Lord. I want to show you that this kind of conduct will not
7 repeat itself.

8 PRESIDING JUDGE: Mr Johnson. I have already noted that
9 this Court was stood over this morning for decision. That
09:36:28 10 decision was issued on Friday. You are all aware of that
11 decision. Mr Johnson, in the light of that decision, documents
12 that have been annexed to the decision have to be put into Court.
13 They have been tendered, but they haven't actually reached us.

14 MR JOHNSON: Your Honour, I understand. We had previously
09:36:59 15 filed them with the Court and I thought that they came to you in
16 that way, but we will proceed --

17 PRESIDING JUDGE: very well. If they have actually been
18 put in, we will treat them as tendered and numbered.

19 MR JOHNSON: Thank you, Your Honour. I note that your
09:37:14 20 decision did number those documents. Thank you, Your Honour.
21 Before we proceed with an important matter this morning, I would
22 like to bring up two housekeeping issues.

23 The first one being, in your decision on Friday, you had
24 directed that the Prosecution file some additional documents or
09:37:33 25 complete documents associated with that decision. That has
26 happened this morning. We have accomplished that and we filed
27 those this morning.

28 The second thing that we filed this morning, Your Honour,
29 in a prior session some time ago, the Prosecution had offered or

1 tendered for admission an audio tape and some associated exhibits
2 with that audio tape. At that time, those exhibits were not
3 accepted into evidence for concerns of authentication on that
4 tape. This morning, the Prosecution filed a declaration and some
09:38:16 5 other documents that we believe would provide the necessary
6 authentication for that tape. I provided two of the Defence
7 counsel a copy of what we filed this morning. I have not yet to
8 the third one. Of course they will be getting it with that. We
9 have nothing else to offer with regard to those exhibits and we
09:38:37 10 would have nothing else to say except for what we provided in
11 that filing with regard to those exhibits, and we will accept
12 your decision once you have had a chance to review that. We
13 accept that Defence, based on our filings -- we understand and
14 certainly appreciate the Defence may like to file some kind of
09:38:56 15 response to that filing and that is certainly appreciated.
16 Again, as I said, we would have nothing additional to file or no
17 request or reply in any way to what they file. It is our hope
18 that that filing will in no way affect what we would like to
19 proceed and do now, Your Honour.

09:39:21 20 JUDGE LUSSICK: I seem to remember the tape was actually
21 identified by oral evidence from a witness. There was an
22 objection. The Court never at any stage ruled on its
23 admissibility one way or the other. I think it was Ms Pack at
24 the time for the Prosecution who said as far as authentication
09:39:42 25 goes, there is a document that can be produced. I seem to
26 remember counsel for Mr Kanu, who was Mr Knoops at the time, said
27 that if that documentation is produced, there would be no
28 objection to the admission of that document. That is my
29 recollection of this particular part of the trial.

1 PRESIDING JUDGE: I agree with that. Defence counsel have
2 seen the document that Mr Johnson is referring to?

3 MS THOMPSON: Yes, Your Honour. As Mr Johnson said, two of
4 us were served with it this morning. We haven't actually looked
09:40:26 5 at it in any great detail to make up our minds whether this is
6 the authentication which we sought at the time. From a scant
7 look at it, it appears to be something from a stenographer to say
8 she transcribed it, nothing to say she knows it was Foday Sankoh.
9 She says she transcribed it. I don't want to actually go into
09:40:53 10 the document itself. As I say, we haven't read it in great
11 detail. It was given to me this morning when I came into Court.

12 of course, Your Honour, we would need time to look at it
13 and time to decide whether we accept this as the authentication
14 we sought at the time. Obviously if it is done, we will have to
09:41:17 15 reply to it. How that affects the Prosecution's closing, I don't
16 know. I think that's a matter for the Court and we'll seek your
17 guidance on that. May I respectfully say to the Court what will
18 effectively happen, if it's admitted into evidence and the
19 Prosecution closes today, it would mean admitting evidence
09:41:40 20 retrospectively. The evidence is mainly in Court now on
21 identification evidence and has not been admitted into evidence
22 at all. Of course, it carries some weight so far as the
23 Prosecution's case is concerned. Those are the thoughts I offer
24 at the moment. As I say, I haven't read it in great detail.

09:42:01 25 PRESIDING JUDGE: Any other Defence have any reply?

26 MR GRAHAM: Your Honour, I think that is the common
27 position of the Defence.

28 PRESIDING JUDGE: Thank you.

29 JUDGE LUSSICK: where can we get a hold of this,

1 Mr Johnson? We haven't seen it at all.

2 MR JOHNSON: I have one extra copy here, Your Honour. Of
3 course, it was filed this morning with Court Management so it
4 will be coming very quickly in that way as well, I assume.

09:43:48 5 PRESIDING JUDGE: We are informed that the electronic
6 version has not reached us yet. We have now received this copy.
7 Thank you, Mr Johnson. We will adjourn for 30 minutes to read
8 and consider the contents of this document and also to allow
9 Defence counsel to consider the contents of this document. In
09:44:05 10 the meantime, for the purposes of record, I note the appearance
11 of the Prosecutor and the Principal Defender in Court. We will
12 adjourn for 30 minutes to enable us to consider this document.

13 [Break taken at 9.45 a.m.]

14 [Upon resuming at 10.20 a.m.]

10:19:17 15 PRESIDING JUDGE: Counsel for the Defence, you have now had
16 an opportunity to read the document?

17 MS THOMPSON: Thank you, Your Honour. We're grateful for
18 the time. Your Honour, we have looked at the document. We have
19 come up with a number of objections. We have, in fact,
10:19:33 20 highlighted some authorities which we would need to consider. I
21 can, for the sake of expediency, tell the Court some of the
22 objections that we have. What I pray in aid --

23 PRESIDING JUDGE: No, we would like to hear them now,
24 Ms Thompson, please proceed with your objection.

10:19:53 25 MS THOMPSON: Your Honour, what I was going to say, we do
26 have some authorities, but we need to consider those authorities
27 further. I can give some objections now, but I would ask for
28 some time to consider the authorities.

29 PRESIDING JUDGE: Ms Thompson, what is the nature of these

1 objections? This matter has been outstanding since 7 October.

2 MS THOMPSON: Your Honour, I can give the nature of those
3 objections now.

4 PRESIDING JUDGE: I would be grateful.

10:20:27 5 MS THOMPSON: We have two annexes. Annex one is a
6 declaration by a XXXXXXXXX called XXXXXXXXXXXX and the second one is
7 what purports to be a transcript of the record of the High Court
8 of Sierra Leone. In paragraph 2 of XXXXXXXXXXXXXXXXXX sworn
9 declaration, XXXXXXXXX says that XXXXXXXXX transcribed an audio tape, an
10:20:47 10 audio cassette, which was played during the case of The State v
11 Corporal Foday Saybana Sankoh. XXXXXXXX is not able to identify, in
12 fact, whether that is in fact Foday Sankoh, merely, XXXXXXX
13 transcribed it. Paragraph 6, which is on the next page, XXXXXXXXX
14 identifies the recording as the same which she transcribed, but
10:21:18 15 nothing else. XXXXXXXX cannot actually state whether it was
16 Foday Sankoh or not.

17 Annex 2 is the Court of Appeal file. Can I say,
18 Your Honour, records from the law courts of Sierra Leone have to
19 be certified and this one has to be certified by the Registrar of
10:21:44 20 the Court of Appeal or, in the absence of the Registrar, the
21 Master Registrar of the High Court, who sometimes doubles up as
22 the Registrar of the Court of Appeal and of the Supreme Court as
23 well. That certification is absent here. Yet, this purports to
24 be a copy of part of the records of those proceedings.

10:22:14 25 Even within the local jurisdiction, there are procedures
26 for obtaining and copying records of court proceedings before
27 certification. Nothing like that appears in this annex. What we
28 have is what purports to be a typing of certain statements which
29 are said to have been made in Court proceedings. On that basis,

1 Your Honour, solely, I think, annex 2 should be rejected. I go a
2 little further to take annex 2 piece by piece.

3 On page 8283 -- for expediency, Your Honours, I will skip
4 out the four zeroes when I refer to the page numbers. 8283,
10:22:58 5 someone called XXXXXXXXXXXX who was PW2, Prosecution
6 witness 2 said, "The voice I heard" -- the penultimate sentence
7 on that page, "The voice I heard was that of Corporal Foday
8 Sankoh." He does not say how he knew that to be the voice of
9 Corporal Foday Sankoh.

10:23:29 10 The next page, he goes on to say how he came to the court,
11 this message and how he kept this message for posterity, for
12 historical reasons, I think. He gave it to the XXXXXXXX. When he
13 heard the XXXXXXXX asking for people with documents to do with the
14 junta period, he then went to the XXXXXXXX, showed him this
10:24:02 15 cassette and the XXXXXXXX did not take custody of this cassette, but
16 gave it back to him and told him to keep it.

17 Your Honours, this person, who appears to be the maker of
18 the original recording has not been brought to this Court. We
19 don't know if he's available. He appears to be living in
10:24:26 20 Freetown somewhere, certainly in Sierra Leone. We don't know if
21 efforts were made to trace him, but he's not here for him to be
22 cross-examined. Then there's someone called PW1 from this same
23 purported transcript. That appears on page 8286. He says, "I
24 know the voice of the accused very well," the accused in this
10:24:59 25 case being Foday Sankoh. He does not, however, say how he comes
26 to know the voice of Foday Sankoh very well.

27 PRESIDING JUDGE: But there was a witness in this Court who
28 also said he recognised the voice; is that not so?

29 MS THOMPSON: Yes, but that witness did not produce the

1 tape. The Prosecution is trying to do is produce the tape via
2 these statements. We also know that XXXXXXXXXXXX, who appears in
3 these statements, says XXXXXX made the audio cassette. That cassette
4 has not been made available to this Court. What is sought to be
10:25:40 5 tendered is a CD recording of what appeared on that cassette.

6 The whereabouts of that original cassette is unknown and there is
7 no explanation as to what happened to it. The original cassette
8 appears to have been transcribed several times over, which, in my
9 respectful submission, leaves room for distortion and the quality
10:26:04 10 is bound to suffer each time this tape is played and transcribed.

11 Furthermore, we do not know the qualifications of XXXXXXXXXXXX
12 as the transcriber of this tape. XXXXXXXXXXXX not here -- XXXXXX was
13 available for a solemn declaration to be taken from XXXXXXXXXXXX, but XXXXXX
14 has not been brought to Court for her to be cross-examined. We
10:26:31 15 don't know what qualifications and experience XXXXXXXX has so far as
16 transcription and stenography is concerned.

17 The alleged recorder, XXXXXXXXXXXX is not here, cannot be
18 cross-examined. Again, we do not know XXXXXXXX qualifications and
19 experience. Also, on page 8285, XXXXXXXX says, five lines down, "I am
10:27:07 20 not a businessman, nor a technician, neither a broadcaster. I
21 don't specialise in broadcasting messages. I am a XXXXXXXXXXXX
22 XXXXXXXXXXXX." In my respectful submission, Your
23 Honour, that is in fact contradictory, but we don't know what
24 qualifications and experience he has in order for him to record
10:27:31 25 this and we don't know -- in fact, that even brings up more
26 questions about the authenticity of this tape. It was said to
27 have been relayed by the XXXXXXXX but they were not there. I think
28 it was PW1 who says, on the following page 8286, "I have listened
29 to exhibit C" - which is the tape. "It was the accused's voice I

1 heard on exhibit C. The broadcast over the BBC is slightly
2 different, but the substance is the same as in the cassette
3 exhibit C." So we know there is another version. We don't know
4 which version of this tapes we have, in fact, of these recordings
10:28:15 5 we have. We note there is one slight difference.

6 There is also the issue of jurisdiction. Annex 2 is what
7 transpired in the local court. We have been reminded time and
8 time again that the Special Court is different and is of a
9 different jurisdiction from the local court, that the local court
10:28:42 10 has nothing to do with this Court and vice versa. I am not sure
11 now how my learned friends intend to use something which was
12 apparently tendered in the local court, or something which has
13 been transcribed by something else which was apparently tendered
14 in the local court as a basis for tendering something here.

10:29:10 15 PRESIDING JUDGE: I don't quite understand that. I
16 understood that original tender was made from through a witness
17 in this Court, and he was sworn under oath in this Court and that
18 this matter was stood over because of requiring an
19 authentication.

10:29:22 20 MS THOMPSON: Your Honour, it wasn't tendered. It was
21 identified by that witness in this Court. The tender is supposed
22 to be done by additional evidence -- with some additional weight
23 behind the recording for it to be tendered. That was
24 authentication. That was the reason why it was put over and
10:29:43 25 merely identified. That authentication is now being obtained
26 from something that happened in the local court, which, in my
27 respectful submission, we're told has nothing to do with this
28 Court. What has been filed this morning, and what has been
29 served on us this morning is a statement by someone who

1 transcribed it for use in the local court and annex 2 is what --
2 and I said purports to be because that is not certified. It
3 purports to be a transcript of what happened in the local court.
4 That is what is being used to authenticate this recording. In
10:30:32 5 any event, even if we were holding those two at the moment, what
6 was played in the local court and what these people are giving
7 evidence about is not what has been put before us. What was put
8 before the local court was a cassette. It has been transcribed
9 several times down the line and been reduced to a CD form and
10:30:55 10 served on us. That's the point I'm making about
11 authentication, Your Honour.

12 PRESIDING JUDGE: Yes, I'm clear on that point. Proceed.

13 MS THOMPSON: Those are the points I have flagged off in
14 the 30 minutes that we were given. As I mentioned earlier, our
10:31:17 15 authorities which we have identified I haven't really looked at
16 to see if they are on point on this, but they are certainly
17 authorities on authentication and admissibility of documentary
18 evidence.

19 PRESIDING JUDGE: Can we have the name of those
10:31:45 20 authorities, please?

21 MS THOMPSON: First of all, we flagged the case of Musema
22 January 27, 2000. As I said, we haven't read it in great detail,
23 but we flagged it up as one we needed to read to see if it was on
24 point. That was a decision from the ICTR. Also, there was a
10:32:30 25 decision in Naletelic and Martinovic, which is January 31, 2002
26 and Galic, which was July 26, 2002. As I said, we merely flagged
27 them up, but haven't actually read them in any great detail. We
28 also looked at, from International Archbold, paragraph 920,
29 dealing with the ICC, particularly paragraph 921 -- sorry, 920,

1 dealing with prior recorded testimony, Rules of Procedure and
2 Evidence, Rule 68. Your Honour, unless I can help you further,
3 that's all I intend to say.

4 PRESIDING JUDGE: Thank you, Ms Thompson. Any other
10:33:33 5 counsel have a matter to add to what has been said by
6 Ms Thompson?

7 MR GRAHAM: Once again, I think that reflects the common
8 position of the Defence on this matter. That's the position of
9 the Defence.

10:33:43 10 PRESIDING JUDGE: Mr Johnson, you have heard the objection.
11 There seems to be an issue. Well, you have heard the issues
12 raised by counsel. What is your reply?

13 MR JOHNSON: Perhaps the best way for me to proceed is to
14 go down and discuss what we have put before the Court. Yes, of
10:34:05 15 course, this began with seeking to tender this testimony of a
16 witness before this Court. A witness -- first, let me just add
17 that I believe the audiotape has indeed sought to be tendered as
18 well as a CD copy of that audio tape. I suppose we could listen
19 to them both to make the determination if we're listening to the
10:34:29 20 same thing or not, and a written transcript of that. First, of
21 course, we have sought to -- we have presented testimony in this
22 Court of a witness who, I believe, said that he listened to what
23 was on this tape being read over the telephone for the purpose of
24 broadcast. This witness, I believe, of course did not ultimately
10:34:57 25 hear the broadcast made, but did listen to that tape and did say,
26 "This is what I heard being read" or stated over the telephone.
27 We have that first step right there.

28 Now, we have, of course, gone to proceedings before the
29 High Court to link what that witness said in the Court before you

1 to, if this was broadcast over the radio. We have, of course,
2 presented a declaration from this xxxxxxxxxx, who was in the
3 High Court who said this is what xxxxxxxx listened to, this is what
4 xxxxxxxx transcribed, this is what was played in the Court. We have
10:35:38 5 the person's excerpts of the testimony of that person who stated
6 that, indeed, he taped it and where he taped it from, and again
7 played in the Court. Perhaps, most importantly, we have an
8 excerpt from - although unsworn - but an excerpt from
9 Foday Sankoh coming out of that court as well, which was
10:36:06 10 unchallenged as far as what he stated as far as that being indeed
11 that is what he did say. Now, we've got the witness before this
12 Court saying this is what Foday Sankoh said. We've got the
13 testimony, the excerpts before the local court, again reinforcing
14 that, and we have an excerpt of testimony from Foday Sankoh.

10:36:32 15 Granted, that these are not certified excerpts from the
16 High Court, as defence counsel has pointed out. I guess the
17 authenticity if these are indeed transcripts from the High Court,
18 I presume we could proceed to get that certification. The
19 question is really, if there is a question, are these copies or
10:36:58 20 true copies of what was before the court. I think when you put
21 it all together you have it.

22 She brought up the concern about jurisdiction between this
23 Court and the local courts. What we're dealing with here are
24 matters of admissibility. We're dealing with matters of
10:37:19 25 substance and have we authenticated what was on that tape? We
26 have got testimony from someone who heard it being read, and a
27 tape that later came from someone else taping it off the radio.
28 I believe that we have satisfied the requirements of
29 authenticating this tape for admissibility. Again, we seek that

1 you admit what has previously been marked as MF1, 2 and 3. We
2 ask that you admit those. All of these are currently in the
3 hands of Court Management. Thank you.

4 PRESIDING JUDGE: Thank you.

10:37:59 5 [Trial Chamber conferred]

6 [Ruling]

7 PRESIDING JUDGE: This is a ruling on an objection to
8 tender of evidence. We have considered the arguments of counsel
9 on both sides. With the issue of authorities, we consider there
10:45:54 10 has been adequate time since the original objection was made on
11 7 October 2005 to prepare authorities and we refuse a further
12 adjournment. We have further considered the objection on
13 jurisdiction and the failure to certify the transcript and we
14 find no merit in these arguments.

10:46:16 15 We are dealing with an issue of admissibility of an exhibit
16 through a witness who was sworn and gave evidence in this court.
17 We have read the solemn declaration of ~~XXXXXXXXXXXX~~ declared on
18 17 November 2005. We have noted the original submissions of
19 Mr Knoop on behalf of all Defence counsel on 7 October 2005
10:46:43 20 that, "If some form of clarification that the tape in the
21 possession of OTP is indeed the original then we should have no
22 objections as to the tendering of the tape as such," and his
23 further statement, "or some form of verification".

24 We reserved a ruling on 7 October 2005 pending the
10:47:13 25 production of the verification. We have read and considered the
26 document titled "Prosecution Filing For Identification of MF1,
27 MF2, and MF3" and we rule that the tape is admissible as
28 evidence. Accordingly, we will admit the tape as Exhibit P80;
29 the CD copy as 80.B; the transcript as 80.C. That was the

1 transcript of the tape that was read on the morning of 7 October
2 for point clarification. I'm not talking about any other
3 transcript and the authenticating document entitled "Prosecution
4 Filing for Identification of MF1, MF2 and MF3" as Exhibit 80.D.
10:48:11 5 Yes, Mr Da Silva.

6 [Exhibit No. P80 was admitted]

7 [Exhibit No. P80.B was admitted]

8 [Exhibit No. P80.C was admitted]

9 [Exhibit No. P80.D was admitted]

10:48:14 10 MR DA SILVA: Your Honour, I'm grateful for that ruling.
11 Subject to any matter upon which the Court may seek the
12 assistance of the Prosecution, I close the case for the
13 Prosecution against the AFRC.

14 PRESIDING JUDGE: Thank you, Mr Da Silva. Counsel for the
10:48:43 15 Defence, you have heard Mr Prosecutor close the case for the
16 Prosecution. You have given us some indications of your
17 intentions. In the light of the closing of the case, what steps
18 will the Defence now take?

19 MS THOMPSON: Your Honour, we had indicated we will be
10:49:06 20 ruling a Rule 98bis motion. I think we were given three weeks
21 from the date of the closing of the Prosecution's case. So we
22 have three weeks from today to have that filed.

23 PRESIDING JUDGE: Again, as always, Mrs Thompson, I ask if
24 you are speaking on behalf of each of the accused teams?

10:49:26 25 MS THOMPSON: I am indeed, Your Honour, yes.

26 PRESIDING JUDGE: Thank you. Mr Prosecutor, you are aware
27 that the original order dealing with the indication that there
28 may be a notice of acquittal gave the Defence and you three weeks
29 to apply.

1 MR DA SILVA: Yes.

2 PRESIDING JUDGE: There has been no application by either
3 side to amend that order in any way and I will therefore take it
4 that that order stands in its original form.

10:49:58 5 MR DA SILVA: Yes, indeed. I'm most grateful to the Court.

6 PRESIDING JUDGE: In light of that, we will adjourn until
7 those documents are filed. Since there are no other matters, we
8 will adjourn the Court for a date to be set.

9 [whereupon the hearing adjourned at 11.58 a.m.
10 sine die]

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EXHIBITS:

Exhibit No. P80	16
Exhibit No. P80.B	16
Exhibit No. P80.C	16
Exhibit No. P80.D	16