

Case No. SCSL-2004-14-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

WEDNESDAY, 10 MAY 2006
9.46 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Elena Martin-Salgado Ms Roza Salibekova
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Joseph Kamara Ms Bianca Suciu Ms Miatta Samba
For the Principal Defender:	Mr Lansana Dumbuya
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Alusine Sesay Ms Claire da Silva (legal assistant) Mr Kingsley Belle (legal assistant)
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Victor Koppe Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai Mr Yada Williams Mr Ansu Lansana

1 [CDF10MAY06A - SV]

2 Wednesday, 10 May 2006

3 [Open session]

4 [The accused present]

09:46:09 5 [Upon commencing at 9.46 a.m.]

6 PRESIDING JUDGE: Good morning, counsel. Dr Jabbi, when we
7 adjourned yesterday you were asked to review the statement that
8 the witness had given to you or your team, and this is witness
9 Bobor Brima. He's still in the witness stand but he's been
09:48:06 10 retained outside the courtroom for now. So to determine and to
11 assist the Court in making that decision, determine and to inform
12 the Court whether this issue of Bockarie coming out of a vehicle
13 dressed in civilian clothing and pulling a pistol to kill five or
14 seven Kamajors by shooting them in the head at that
09:48:39 15 intersection -- junction, in Koribundu, if there is any
16 information of that nature in the statement.

17 MR JABBI: Thank you, My Lord. My Lord, as I said
18 yesterday, there is no specific mention of Bockarie as an
19 individual doing a particular act. However, there is ample
09:49:17 20 statement about the atrocities of soldiers and rebels and, in
21 particular, the shooting of Kamajors and the disembowelling of
22 Kamajors at the Koribundu junction by soldiers and rebels during
23 the attack. This is reflected in the summary. This is reflected
24 in the summary of the statement of Bobor Brima, as given in the
09:50:31 25 Norman Further Filing Following Consequential Order, that filing
26 being dated 7th April 2006.

27 PRESIDING JUDGE: Witness 7.

28 MR JABBI: Yes, My Lord, on that list.

29 PRESIDING JUDGE: Where does it say that?

1 MR JABBI: Yes, I am coming to show that, My Lords. Just a
2 minute, My Lords. My Lords, the atrocities committed by soldiers
3 and rebels in Koribundu, including those during the attack, will
4 be seen in the following entries in the summaries. First,
09:51:32 5 general introduction of it in bullet 2. Bullet 2 is a general
6 introduction of that topic that after the overthrow of the SLPP
7 government by the soldiers in May 1997 soldiers and rebels were
8 now working together and were based in Koribundu while Kamajors
9 took to the bush. That is the general introduction of that.

09:51:57 10 The next bullet, My Lords, says "The witness will testify
11 as to how rebels" --

12 THE INTERPRETER: Your Honours, learned counsel is reading
13 very fast.

14 PRESIDING JUDGE: Dr Jabbi, please slow down the pace of
09:52:13 15 your reading. The interpreters are unable to follow you.

16 MR JABBI: I'm sorry, My Lord.

17 PRESIDING JUDGE: So could you take the second bullet?

18 MR JABBI: Yes, My Lord. As I said, there is a general
19 introduction of the topic of soldiers and rebels working together
09:52:38 20 at Koribundu after a certain date, when the Kamajors had to take
21 to the bush. Then the third bullet becomes a little more
22 specific and talks about the witness coming to testify about how
23 rebels used to disguise themselves with Kamajor ronkos and
24 committed atrocities so that people would blame Kamajors.
09:53:18 25 Evidence in fact has already been given to that effect.

26 Then even more specifically, in the next bullet dealing
27 with the first attack: "That during the first attack by the
28 Kamajors on soldiers and rebels in Koribundu in 1997, witness's
29 elder sister Jatu Brima's son --"

1 PRESIDING JUDGE: But this is a different issue. The
2 witness has indeed testified to that. This is not in dispute.
3 Let's not get carried away. This is not the issue.

4 MR JABBI: My Lord, I have said that there is statement as
09:54:20 5 to the general atrocities.

6 PRESIDING JUDGE: We're not talking of general atrocities
7 that may have been committed. This is not the issue. You know,
8 Dr Jabbi, I asked a very specific question. The witness
9 testified as to one particular incident that had to do with
09:54:38 10 Kamajors being shot in the head at that junction. That's what
11 we're talking about.

12 MR JABBI: My Lord, if I may just continue with that
13 particular bullet.

14 PRESIDING JUDGE: But that particular bullet has nothing to
09:54:49 15 do with what we're discussing.

16 MR JABBI: My Lord, if I may just continue with it, please.

17 PRESIDING JUDGE: Go ahead.

18 MR JABBI: Thank you very much. So, first of all the, the
19 witness's sister's son who was shot by soldiers, he has given
09:55:05 20 evidence to that, that he was even disembowelled, as it were, and
21 the witness was even called to the scene. My Lord, I believe the
22 next entry is a mistake as to rebels. Where we have that "about
23 23 rebels and 2 soldiers were killed in this attack, but no
24 civilian casualties." Where you have "rebels" there, it is
09:55:46 25 Kamajors. That is --

26 JUDGE ITOE: Are you the one changing it now, or what?
27 These are fundamental issues. When you say it's an error, what
28 do you [overlapping speakers].

29 MR JABBI: The person who did that summary made that error,

1 My Lord.

2 JUDGE ITOE: Who takes responsibility for the legal
3 consequences of such an error?

4 MR JABBI: I can say from the bar that the statement
09:56:25 5 carries 23 Kamajors, but somehow the summary has, in place of
6 "Kamajors", "rebels." I say from the bar that that is the truth.

7 JUDGE ITOE: I do not want to doubt you if you say he has
8 said so, he has said so in his statement.

9 MR JABBI: Yes, My Lord, it is. Now, My Lord, before I
09:57:09 10 talk about them generally, I will go to the third bullet after
11 what I have just read. The one that begins with, "That in
12 another Kamajor attack later on." "That in another Kamajor
13 attack later on, many Kamajors were killed again and one civilian
14 was caught by a stray bullet in the crossfire."

09:57:36 15 So, My Lord, the point I am making is that notwithstanding
16 that a specific name is not mentioned in respect of Mosquito,
17 however, the actual atrocities of the same kind that were
18 perpetrated by the rebels in Koribundu is amply given both in the
19 statement and in the summary. My Lords, the mentioning of a
09:58:25 20 specific name, indeed even of a specific incident, within the
21 nature of the general character of the atrocities mentioned is
22 legitimate amplification by the witness when giving testimony.

23 PRESIDING JUDGE: This is not what we want to deal with at
24 this particular junction, Dr Jabbi. My question again to you,
09:58:58 25 and I understand you have informed the Court that there is no
26 specific reference in the statement to Mosquito --

27 MR JABBI: To Mosquito; yes, My Lord.

28 PRESIDING JUDGE: So we accept that. But my question is:
29 Is there any specific reference to the killing of five or seven

1 Kamajors being shot in the head at that junction, leaving aside
2 the name of Mosquito?

3 MR JABBI: Thank you, My Lord. My Lord, I have said there
4 is specific mention of the killing of 23 Kamajors during that
09:59:38 5 incident and a mode of killing of some of them was just another
6 legitimate amplification by the witness.

7 PRESIDING JUDGE: I'm not asking you for arguments at this
8 time, Dr Jabbi. I'm just asking you if it is described and
9 mentioned in the statement. That's all I'm asking at this stage.

09:59:57 10 MR JABBI: My Lords, the specific mode of killing of some
11 of the Kamajors is not mentioned directly in the statement.

12 PRESIDING JUDGE: Is there a mention of Kamajors, five or
13 seven of them, being killed at that junction? Because that
14 witness testified as to a very specific event, as such, during
10:00:21 15 that attack, which was the killing of Kamajors, leaving aside
16 Mosquito, at that junction.

17 MR JABBI: My Lord, the witness gives a total of 23
18 Kamajors --

19 PRESIDING JUDGE: But does not refer to --

10:00:36 20 MR JABBI: -- killed in that encounter.

21 PRESIDING JUDGE: But does not make any reference in the
22 statement to Kamajors being killed at that junction.

23 MR JABBI: My Lord, that is what I am saying; that he does
24 in the mention of the 23 Kamajors being killed, except that he
10:00:55 25 has combined various things into a subtotal in the statement.

26 PRESIDING JUDGE: But I still don't have an answer to my
27 question. Does he refer in that statement to a junction, that
28 junction. He makes a total of 23, that's fine. But does he
29 refer that Kamajors were killed, executed, shot in the head,

1 whatever words made be used, at that junction.

2 MR JABBI: My Lord, there is no specific mention of that
3 specific incident.

4 PRESIDING JUDGE: That's fine. Thank you, Dr Jabbi.

10:01:28 5 MR JABBI: Thank you, My Lord.

6 PRESIDING JUDGE: Mr Kamara.

7 MR KAMARA: Yes, My Lord.

8 PRESIDING JUDGE: Justice Thompson had asked you to provide
9 some answers to some specific questions that he had for you.

10:02:07 10 MR KAMARA: Yes, My Lord. I understand that the learned
11 justice was asking for the prejudice that the Prosecution will
12 suffer if the statement is not made available to the Prosecution.
13 If that is so, My Lord, the Prosecution submits that the effect
14 of that episode going in and forming part of the record puts the
10:02:44 15 Prosecution in a position not to be able to effectively
16 cross-examine this witness as to his credit and that
17 cross-examination is a formidable tool for both sides to put its
18 case before the Court. To be deprived of the effective use of
19 that formidable tool makes the Prosecution powerless.

10:03:39 20 Further, also, My Lords in as much as we are prosecuting, we are
21 officers of the Court in search of the truth, and that the
22 inability to have access to that statement foreshadows the quest
23 for the truth.

24 My Lord, if I may cite the very decision of the Court
10:04:08 25 of 21st February. The very last sentence says:

26 "However, the Chamber does not rule out the possibility of
27 ordering production of Defence statements if such action
28 were appropriate to satisfy the interests of justice in the
29 future."

1 THE INTERPRETER: My Lords, could counsel read that area
2 slowly so that we can interpret it.

3 PRESIDING JUDGE: Mr Kamara, the interpreters are asking
4 that you read this last portion when you quoted the decision
10:04:41 5 slowly because they have been unable to follow you.

6 MR KAMARA: I'm sorry, My Lord.

7 PRESIDING JUDGE: Please take it back again and slowly,
8 please.

9 MR KAMARA: The decision of this Trial Chamber dated 21st
10:04:53 10 February 2006, the last sentence reads:

11 "However, the Chamber does not rule out the possibility of
12 ordering the production of Defence witness statements if
13 such action were appropriate to satisfy the interests of
14 justice in the future."

10:05:25 15 It is the submission of the Prosecution, My Lords, that the
16 application before this Court is in the interests of justice and
17 that in the quest and search for the truth, the Court and the
18 Prosecution and all sides to this trial should have an exhaustive
19 opportunity in that regard.

10:06:03 20 Finally, My Lords, the Prosecution has led evidence before
21 this Court as regards to the killing of five people in that
22 junction in Koribundu --

23 PRESIDING JUDGE: You say the Prosecution or the Defence?

24 MR KAMARA: The Defence, yes, My Lord.

10:06:19 25 JUDGE ITOE: You said Prosecution.

26 MR KAMARA: Yes, My Lord, the Prosecution, yes. The
27 Prosecution, we did lead evidence as to that junction and the
28 killing of five people. It is my submission, My Lord, I may be
29 wrong, but it is my submission that this is a substitution of the

1 evidence coming from the Defence. We led evidence -- I believe
2 it's that of the testimony of TF2-159, the killing of five people
3 at the same intersection. If the Defence witness is coming
4 forward to suggest that the five people according to his evidence
10:06:53 5 were Kamajors, when it is our case that they were ordinary
6 civilians, it goes to the core of the Prosecution's case,
7 My Lord. Therefore, we should be given ample opportunity to
8 cross-examine this witness as to his veracity of the story and as
9 to his credit, whether he's saying the truth. That is the
10:07:31 10 position of the Prosecution.

11 PRESIDING JUDGE: I'll come back to that. I still have
12 some problems with what you're positioning at this time because
13 the position of the Court has been quite clear up to now. We
14 will exercise and we may exercise our discretion to order the
10:07:47 15 disclosure of statements, provided certain basic requirements are
16 met. Your position seems to be this morning that we should order
17 the disclosure in all cases. We made it very clear we will not.
18 You have to establish prima facie requirements before we go
19 there.

10:08:01 20 MR KAMARA: It is in this particular case, My Lord.

21 PRESIDING JUDGE: The effectiveness of the Prosecution
22 shall not rely only exclusively on the ability to have a
23 statement or not.

24 MR KAMARA: It is on this particular case, My Lord, and
10:08:13 25 that is why I'm referring to the context of the evidence in
26 issue. That is why I am referring, My Lords, to the evidence of
27 TF2-159.

28 PRESIDING JUDGE: That's why I had to make the statement
29 because in your submission this morning it would appear to me to

1 be quite wide in scope and not necessarily focused on this
2 particular issue.

3 MR KAMARA: That is understandable.

4 PRESIDING JUDGE: When you say the Prosecution is
10:08:34 5 powerless, I am --

6 MR KAMARA: My Lord, I was speaking in the context of the
7 evidence before the Court.

8 PRESIDING JUDGE: Thank you. Justice Thompson would like
9 to ask a few questions.

10:08:45 10 JUDGE THOMPSON: Mr Kamara, clearly following from what the
11 learned Presiding Judge has said, paragraph 14 of our decision
12 has to be read in a total context. You read merely the last
13 sentence. Paragraph 14 says:

14 "Guided by the foregoing principles, the Chamber finds that
10:09:12 15 no prima facie showing of undue or irreparable prejudice
16 has been demonstrated by the Prosecution to justify the
17 exercise by the Chamber of its discretion in the matter."

18 In other words, the ratio of that decision is that for the
19 Prosecution to succeed in any application for the disclosure of
10:09:39 20 witness statements in the possession of the Defence, there must
21 be a prima facie showing of undue or irreparable prejudice.

22 Clearly that is part of the whole concept of the interests of
23 justice. So the interests of justice is not just a kind of empty
24 abstraction, so to speak. It must be linked to the idea of
10:10:07 25 prejudice of an irreparable or undue nature. So I don't think
26 it's fair to read our decision out of context. We are not
27 setting up two different sets of criteria.

28 MR KAMARA: Yes, My Lord.

29 JUDGE THOMPSON: Let me just ask you some important

1 questions so that I satisfy myself that I understand correctly
2 the position of the Prosecution on this matter. Now that we know
3 from the response of learned counsel for the first accused that
4 there is no specific mention of this particular episode or
10:10:52 5 incident of alleged atrocity by the rebels in Koribundu, would
6 you agree, therefore, that the production of the document is of
7 no value to the Prosecution, but what seems now of the moment
8 would be that the evidence has gone in by way of the oral
9 testimony of this witness. I don't want any hasty response, but
10:11:26 10 I raise that as a problem. We now hear that the statement and
11 the summary contain no specific reference to this particular
12 specific incident of alleged atrocity. Let me shift a little on
13 the law and want to be satisfied. Is it your contention that
14 this piece of evidence which is now on record is new, and I
10:11:56 15 emphasise new? Is it your contention that it's new?

16 MR KAMARA: My Lord, it is new --

17 JUDGE THOMPSON: I mean, that's what I just want to know.

18 MR KAMARA: From the context it is new.

19 JUDGE THOMPSON: It is new.

10:12:12 20 MR KAMARA: Yes, My Lord.

21 JUDGE THOMPSON: Right. Is it also your contention that it
22 could not reasonably have been anticipated or foreseen by the
23 Prosecution?

24 MR KAMARA: Not in the sense it was presented.

10:12:26 25 JUDGE THOMPSON: Right. Then is it also your submission
26 that the Prosecution has been taken by surprise, as we say ex
27 improviso.

28 MR KAMARA: Yes, My Lord.

29 JUDGE THOMPSON: Is it then your final submission that the

1 evidence contradicts the Prosecution's theory, specifically in
2 respect of the Koribundu incident?

3 MR KAMARA: Yes, My Lord.

4 JUDGE THOMPSON: If that is the case, how do you respond to
10:12:54 5 my own appreciation of the law that perhaps the proper remedy or
6 legal option in a situation like this is to seek leave of the
7 Chamber at the appropriate juncture to call evidence in rebuttal?
8 I'd like to be guided on that.

9 MR KAMARA: Yes, My Lord, I agree with that, but we could
10:13:21 10 well avoid that approach by merely getting that statement and
11 finish that issue now.

12 JUDGE THOMPSON: The point really is this: you see, since
13 the specific episode is not in the statement, then your
14 alternative is effective and aggressive cross-examination. Of
10:13:43 15 course, my own appreciation of the law is that whatever you
16 achieve or do not achieve by effective cross-examination, you
17 still have the option under the law to seek leave of the Chamber
18 to call evidence in rebuttal.

19 Given those conditions that here you have a new piece of
10:14:02 20 evidence, you're taking him ex improviso, it contradicts your
21 theory - these are all the ingredients where, as far as I know,
22 the case law authorities justify some kind of application to call
23 evidence in rebuttal. That's my position.

24 MR KAMARA: My Lord, the utterance of lead counsel for the
10:14:26 25 first accused this morning mentioning that in fact in the summary
26 it reflects rebels when, in actual fact, the statement is
27 suggesting Kamajors, it goes furthermore to show the importance
28 of the need for this Court to see the statement.

29 JUDGE THOMPSON: No. The point is -- what I'm saying is

1 that --

2 MR KAMARA: But it's crucial.

3 JUDGE THOMPSON: What I'm saying - I don't know about my
4 other brother judges - but from the answers of learned counsel
10:14:52 5 for the first accused, he's virtually agreed that there is no
6 specific mention of this particular incident which means that
7 what is the value of looking at the statement? Of course, I'm
8 not suggesting that the Prosecution may not be prejudiced. I'm
9 not suggesting that. I'm just saying that there is a legal
10:15:15 10 option, another legal option. That's all I'm saying and that's
11 all I wanted to find out from you; whether you agree or disagree,
12 but you don't even have to answer.

13 MR KAMARA: Thank you, My Lord.

14 PRESIDING JUDGE: Thank you, Justice Thompson. Thank you,
10:15:32 15 Mr Kamara. Dr Jabbi, do you wish to say anything before we make
16 a decision on this matter.

17 MR JABBI: My Lord, I have nothing more to say.

18 PRESIDING JUDGE: Thank you. Mr Kamara, I have one request
19 for you. You did make reference in your submission that it was
10:15:48 20 part of the Prosecution's case that you had led evidence of the
21 killing --

22 MR KAMARA: Killings of five people.

23 PRESIDING JUDGE: At that particular junction.

24 MR KAMARA: At the junction in Koribundu.

10:15:58 25 PRESIDING JUDGE: What's the reference for that?

26 MR KAMARA: It's TF2-159. It's a witness I led in
27 evidence. I recall that even when those names that were
28 mentioned yesterday, Sarah Binkolo and Sarah Lamina and two other
29 ladies --

1 JUDGE ITOE: This is TF2?

2 MR KAMARA: 159, My Lord. I will endeavour to get the
3 actual page transcript. But I do recall I led that witness in
4 evidence when he mentioned the killing of five civilians.

10:16:28 5 MR JABBI: My Lords, I'm sorry, with that specific citation
6 by my learned friend, it would be best if the actual transcript
7 had been produced.

8 JUDGE ITOE: We have already discussed that here on the
9 Bench, that we would need to see the transcript.

10:16:46 10 MR JABBI: Yes, My Lord. It will in fact be discovered
11 that the particular incidents to which he's referring were not
12 specifically at the junction, they were in other parts in
13 Koribundu. Thank you, My Lord.

14 PRESIDING JUDGE: Thank you. We will consult on this
10:17:32 15 matter and we'll come back with our decision shortly. Thank you.

16 [Break taken at 10.18 a.m.]

17 [CDF10MAY06B-RK]

18 [Upon resuming at 11.17 a.m.]

19 PRESIDING JUDGE: This is the ruling of the Court.

11:18:10 20 [Ruling]

21 PRESIDING JUDGE: Having now considered the evidence of
22 Bobor Brima with respect to an incident at the junction of
23 Koribundu when Kamajors, five Kamajors would have been killed,
24 more precisely, shot in the head by rebels.

11:18:29 25 Having considered the summary of the evidence of this
26 witness, as such, as has been filed by counsel for the first
27 accused on 7 April 2006 and found at page 15169 of Court
28 Management page numbering. In particular, the following entry:
29 "That during the first attack by the Kamajors and soldiers

1 and rebels in Koribundu in 1997, witness's elder sister
2 Jatu Brima's son was amongst the attacking Kamajors. He
3 was shot by soldiers and witness was summoned to the scene,
4 but he died upon arrival there. That about 23 rebels and
11:19:22 5 two soldiers were killed in this attack, but no civilian
6 casualties."

7 Having also considered the information provided to the
8 Court this morning by counsel for the first accused as to the
9 content of the statement made by this witness with respect to the
11:19:42 10 aforementioned incident at the Junction.

11 Noting that counsel for the first accused has informed the
12 Court that by mistake the summary of his evidence indicated that
13 "23 rebels and 2 soldiers were killed," whilst it should have
14 read "Kamajors."

11:20:03 15 Considering our previous decision of 21 February 2006 on
16 the issue of disclosure of such statements, more particularly,
17 paragraphs 9, 11, 12 and 13 of that decision, the Chamber finds
18 that the Prosecution might be -- Pardon me. Considering also the
19 arguments and submissions of both Prosecution and Defence on this
11:20:33 20 issue, the Chamber finds that the Prosecution might be prejudiced
21 if the statement is not produced should they try to establish
22 prior inconsistent statements and/or recent fabrication by this
23 witness.

24 Therefore, the Court orders in these circumstances the
11:20:51 25 disclosure of the statement of this witness to the Prosecution.

26 That concludes this matter.

27 Dr Jabbi, given the decision of the court you shall
28 endeavour to disclose to the Prosecution the statement of this
29 witness before we continue the cross-examination of this witness.

1 MR JABBI: As Your Lordships please. Thank you very much,
2 My Lord.

3 PRESIDING JUDGE: Thank you.

4 MR JABBI: My Lords, can we be given some time within which
11:21:38 5 to make the statement available in compliance with Your
6 Lordship's order?

7 PRESIDING JUDGE: Yes.

8 JUDGE ITOE: Are you saying that you don't have the
9 statement here with you?

11:21:50 10 MR JABBI: No, I do not have the original here. I have a
11 heavily marked copy which I have used myself.

12 PRESIDING JUDGE: That is fine, Dr Jabbi. You may be
13 seated.

14 Mr Prosecutor.

11:22:00 15 MR KAMARA: Yes, My Lord.

16 PRESIDING JUDGE: Obviously the statement will be disclosed
17 to you. When and how soon will you be ready to proceed to
18 complete the cross-examination of this witness?

19 MR KAMARA: I am sure the statement is not that lengthy. I
11:22:16 20 will take a look at it and by the time the Court resumes, I will
21 finish my cross-examination. I barely have four more questions
22 for this witness.

23 PRESIDING JUDGE: Four more questions?

24 MR KAMARA: Yes.

11:22:29 25 PRESIDING JUDGE: That's all you have.

26 MR KAMARA: That's all.

27 PRESIDING JUDGE: So you mean to say that we might finish
28 this witness today?

29 MR KAMARA: Yes, My Lord.

1 PRESIDING JUDGE: So if we give you half an hour, would
2 that be sufficient to you, Dr Jabbi?

3 MR JABBI: Yes, My Lord.

4 PRESIDING JUDGE: I saw the signals. So by noon we can
11:22:50 5 come back in court? Would that be --

6 MR KAMARA: That will include me reading the statement, 30
7 minutes?

8 PRESIDING JUDGE: If you think it is enough. The
9 suggestion appears that we will adjourn. We are not sitting this
11:23:09 10 afternoon, as you know, so we will just adjourn the proceedings
11 to tomorrow morning, 9.30 and it will give everybody time to do
12 what they need to do. Thank you.

13 MR JABBI: My Lord, just before the Court rises, I wish to
14 give some information which I have already given to the
11:23:28 15 Prosecution, actually. My Lord, we learned this morning that
16 witness number 8 --

17 PRESIDING JUDGE: Which was to be your next witness?

18 MR JABBI: Yes. Which would have been our next witness
19 after the current witness is bereaved and has had to seek
11:23:56 20 permission to go up immediately, and we have informed the
21 Prosecution to that effect and that witness number 9, Joe Nunie
22 is available. He is already on standby in the Court premises and
23 he will be available any time this witness finishes.

24 PRESIDING JUDGE: You have heard the Prosecution to say
11:24:30 25 they do not have many more questions to ask to the actual witness
26 and, therefore, presumably tomorrow morning fairly early you
27 should be proceeding with your next witness.

28 MR JABBI: Indeed, he was ready to be proceeded with even
29 this morning.

1 PRESIDING JUDGE: Very well, can I ask counsel the next
2 witness, that is witness number 9, was not a common witness, so
3 any problem with the change of the order of calling the
4 witnesses?

11:25:00 5 MR. KOPPE: No, Your Honour.

6 PRESIDING JUDGE: Mr Margai?

7 MR MARGAI: No, My Lord.

8 PRESIDING JUDGE: Mr Prosecutor?

9 MR KAMARA: None, My Lord.

10 PRESIDING JUDGE: So you will be ready as well?

11 MR KAMARA: Yes, My Lord.

12 PRESIDING JUDGE: Thank you very much. So, indeed,
13 Dr Jabbi, you can call your witness, the witness that you had
14 listed as number 9 as soon as the actual witness is finished
11:25:18 15 with.

16 MR JABBI: Thank you very much, My Lord.

17 PRESIDING JUDGE: Thank you. So the Court is adjourned to
18 9.30 tomorrow morning. Thank you.

19 [Whereupon the hearing adjourned at 11.25 a.m.,
11:25:22 20 to be reconvened on Thursday, the 11th day of
21 May, 2005, at 9.30 a.m.]

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