

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

MONDAY, 29 MAY 2006  
10.00 A.M.  
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Joseph Kamara Mr Mohamed Bangura Ms Miatta Samba Ms Wendy van Tongeren
For the Principal Defender:	Mr Lansana Dumbuya
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Aluseine Sesay
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai Mr Yada Williams Mr Ansu Lansana

1 [CDF29MAY06A - MD]

2 Monday, 29 May 2006

3 [Open session]

4 [The accused present]

5 [Upon commencing at 10.00 a.m.]

6 PRESIDING JUDGE: Good morning, counsel. I see there is no  
7 witness in the witness chair. Dr Jabbi, I will ask you where is  
8 your next witness? I remind you of our direction on Friday of  
9 our intent to proceed today to hear witnesses.

10:00:34 10 MR JABBI: Yes, indeed, My Lord. My Lord, the next witness  
11 who should have been the witness we have now is number 22 on the  
12 core witness list at page 15184.

13 My Lord, as I intimated last week, I was in contact with  
14 this witness throughout the weekend, by telephone, and we sent a  
10:00:41 15 team down there, which arrived there on Saturday. Unfortunately,  
16 My Lord, the vice-president is at present touring the Moyamba  
17 District and all paramount chiefs are required to be present.  
18 More particularly, this witness's chiefdom is the one to be  
19 visited today by the vice-president. Because of that situation,  
10:01:20 20 he has found it advisable, to say the least, not to travel so  
21 that he can attend duly to the vice-president. The  
22 vice-president holds a meeting in this witness's chiefdom at 4.00  
23 today and the witness will travel down after that meeting. So we  
24 expect that he will be travelling down tomorrow.

10:01:55 25 PRESIDING JUDGE: But that's one witness, that witness, and  
26 you had already alluded to this difficulty with respect to that  
27 witness on Friday. So this is --

28 MR JABBI: Yes, My Lord, I am going to explain about the  
29 other witness, I just wanted to explain this first of all so that

1 the Court can receive the information. My Lord, during the same  
2 weekend, this past weekend, we sent a team up to see whether they  
3 could get other witnesses to bring down.

4 PRESIDING JUDGE: When you say "we sent a team," which team  
10:02:37 5 did you send; your lawyers or you're talking of the Witness and  
6 Victims Unit? I want that to be clear on the record.

7 MR JABBI: We sent down the investigators.

8 PRESIDING JUDGE: Okay. From your team?

9 MR JABBI: From the Norman team, My Lord.

10:02:50 10 PRESIDING JUDGE: Fine. Okay.

11 MR JABBI: And they were in the Moyamba District on  
12 Saturday and Sunday, trying to see which of those witnesses they  
13 would be able to get. We are giving notice that we want to get  
14 number 24, but number 24, My Lord, was still inaccessible during  
10:03:15 15 this trip. The trip was under some very severe constraint. We  
16 didn't realise that instructions were that the vehicle would not  
17 go beyond Moyamba Town, whereas, although that is a district  
18 headquarter town, the witnesses are not necessarily based in  
19 Moyamba Town, but in various places in Moyamba District. So by  
10:03:45 20 the time they arrived at Moyamba Town and none of the witnesses  
21 we wanted were in Moyamba Town, it was impossible for the vehicle  
22 to go beyond Moyamba Town.

23 JUDGE ITOE: What was the arrangement? Was the arrangement  
24 that they should be picked up from Moyamba Town or from their  
10:04:13 25 villages?

26 MR JABBI: The arrangement was that they would be picked up  
27 wherever they were in Moyamba District.

28 JUDGE ITOE: Even where the places are inaccessible they  
29 have to be picked up?

1 MR JABBI: We had to find a way of getting to them.  
2 Indeed, this is what happened in one or two cases, on this very  
3 trip, which I would just want to explain in connection with the  
4 witness that has come down from there.

10:04:28 5 PRESIDING JUDGE: I hear you, but I still have a lot of  
6 problems and difficulties with what you are saying. We are on  
7 the eve of the end of your case for the Defence. We are  
8 essentially at the last weekend before you close your case and  
9 you are chasing witnesses. I just cannot understand that. How  
10:04:46 10 come you are making arrangements now to get to witnesses when you  
11 should have done that months ago and these witnesses should have  
12 been down here a week or two weeks ago. I don't understand that,  
13 Dr Jabbi.

14 MR JABBI: My Lord, I myself do not fully understand that.

10:05:03 15 PRESIDING JUDGE: Well, you are the one in charge of the  
16 case, not me, and we are trying to assist you so you can provide  
17 the best possible defence to your client.

18 MR JABBI: Yes, My Lord.

19 PRESIDING JUDGE: But we are still at a loss to understand  
10:05:18 20 how this is happening.

21 MR JABBI: My Lord, we do have practical constraints which  
22 in some cases are completely impossible to overcome. We do not  
23 have total control over the movement of the witnesses, and we  
24 cannot bring large numbers of witnesses into the WVS unit if they  
10:05:45 25 have a long time yet to testify. So we have been bringing small  
26 numbers at a time that will go for about two weeks of evidence  
27 and as that time is coming to a close we send for the others. We  
28 did that the last time before this weekend.

29 PRESIDING JUDGE: If that is the case, what you are saying,

1 Dr Jabbi, I agree with you it is unfair that limits of that  
2 nature be imposed upon you and your witnesses by the Witness and  
3 Victims Unit. If that is the case I will ask the Witness and  
4 Victims Unit to tell this Court why there is this limitation,  
10:06:23 5 because I know Prosecution witnesses that have been here for more  
6 than a few weeks. So if these witnesses are required for your  
7 purpose, they need to be here for a week, two weeks, three weeks,  
8 they should be here and they should be paid for. So if that is  
9 the case, I will pursue this because I want to make sure that the  
10:06:39 10 Witness and Victims Unit is accountable for what they do and will  
11 ask them to come and account to the Court as to why you are being  
12 deprived of that, if that is the case.

13 MR JABBI: My Lord, that is of course the case, but one  
14 other element in the situation to be factored in is the  
10:06:56 15 availability of the witness to be away from his place of --

16 PRESIDING JUDGE: That's a different scenario.

17 MR JABBI: That is normally factored into the attitude of  
18 the WVS, My Lord. When we brought the first set of witnesses,  
19 large numbers of them and they were here for a long time, some of  
10:07:14 20 them decided that they had other engagements at home and they  
21 would want to go back and some of them had to be taken back and  
22 they were not in a position to wait until they gave evidence.  
23 Some of them are farmers, some of them are miners, some of them  
24 are contractors and they all have engagements in their various  
10:07:38 25 places.

26 PRESIDING JUDGE: It's possible to make the necessary  
27 arrangements. I don't understand why the Prosecution is able to  
28 make these arrangements and you are not. These are the same  
29 people coming from the same country. I agree that a farmer that

1 is at the time of harvesting cannot be away and should not be  
2 away from his farm for three months. But between that and two  
3 weeks, why is it that you are not able to make the proper and  
4 suitable arrangement to say, "We are going to call you for these  
10:08:06 5 two weeks," and you can tell them that two months ago or three  
6 months ago.

7 MR JABBI: My Lord, I don't know what arrangements there  
8 are to take care of the fact that a witness has to leave his  
9 place of employment, or other life-sustaining activity.

10:08:21 10 PRESIDING JUDGE: You have heard my comments, Dr Jabbi. I  
11 just want to hear what you have to explain.

12 MR JABBI: My Lord, however, we were able to obtain two  
13 witnesses who are now in court, although obviously unready to  
14 testify, from the Moyamba end.

10:08:46 15 JUDGE THOMPSON: Why "obviously"? Why do you emphasise  
16 that?

17 MR JABBI: If I may just give their names and then explain  
18 that, My Lord.

19 JUDGE THOMPSON: I mean if you emphasise "obviously," it's  
10:08:55 20 so important that -- I mean, why the exercise in futility?

21 MR JABBI: When I give the particulars about each of them  
22 it will be clear.

23 JUDGE THOMPSON: Okay.

24 MR JABBI: Thank you, My Lord. My Lord, from the Moyamba  
10:09:07 25 end, we have been able to obtain witness number 41.

26 PRESIDING JUDGE: On the back-up list.

27 MR JABBI: Yes, on the back-up list, My Lord.

28 PRESIDING JUDGE: Instead of who?

29 MR JABBI: Instead of -- well, even Bawote, My Lord.

1 Instead of number --

2 PRESIDING JUDGE: 24.

3 MR JABBI: 24, yes, My Lord, on the court list.

4 PRESIDING JUDGE: So you are suggesting now that it is --  
10:09:44 5 you say 41 on the back-up list?

6 MR JABBI: 41 on the back-up list is the one we have been  
7 able to get.

8 PRESIDING JUDGE: So it is your intent to now call witness  
9 number 41 which is Kini Torma instead of witness 24?

10:10:04 10 MR JABBI: My Lord, I would not want to put it so directly  
11 because we are still making efforts to get witness number 24.

12 PRESIDING JUDGE: Yes, but you are not getting me right  
13 here. You are not allowed to go to the back-up list to call  
14 witnesses unless you tell me that this witness is coming instead  
10:10:20 15 of witness X, Y, Z on your core list. So if you are taking a  
16 witness from the back-up list it's because there is a witness on  
17 your core list that is unable to come and you are not calling.  
18 So there should not be any ambiguity. That's why I'm asking you  
19 if you're calling 41, fine. Who is he coming to replace and  
10:10:41 20 which one of the witness on your core list are you not calling  
21 any more?

22 JUDGE THOMPSON: Perhaps in answering that, you might just  
23 want to be clear, is 41 to replace 24? 41 in your CL, not in  
24 your BL, replacing 24 in your CL? Has the decision been taken to  
10:11:16 25 have 41 replace 24?

26 MR JABBI: No, My Lord.

27 JUDGE THOMPSON: That is the difficulty.

28 MR JABBI: My Lord, I just want to make an observation or  
29 ask a question.

1 JUDGE THOMPSON: Yes.

2 MR JABBI: The rationale for calling up a witness from the  
3 back-up list. My understanding, My Lord, is that the back-up  
4 list is there so that if there are any reasons why it is  
10:11:48 5 necessary from the state of the evidence given so far --

6 PRESIDING JUDGE: No, Dr Jabbi, this is not what have I  
7 said and, in fact, I can refer you to my comments at the Status  
8 Conference and I told you at the time. What I have said today is  
9 what I have said in the past. If a witness that you have on your  
10:12:04 10 core list of witnesses is unavailable, unable to attend, you may  
11 replace that witness by a witness that you will call from the  
12 back-up list. Only that and these are the very limited  
13 circumstances where you can go to the back-up list.

14 JUDGE THOMPSON: The analogy here is the jury list. You  
10:12:20 15 are empanelling a jury, there is a deficiency and you pull up one  
16 to replace. I think that's the appropriate analogy.

17 MR JABBI: With respect, My Lords, the jury list is not a  
18 testimonial list.

19 JUDGE THOMPSON: No, but it's a list there from which you  
10:12:38 20 have already prepared that you will pool your jurors from.

21 MR JABBI: The analogy, My Lord, would not seem to be  
22 perfect between a jury list and a witness list.

23 JUDGE THOMPSON: There is no perfect analogy, it's just  
24 that one is there, your list there which is there to -- your jury  
10:12:53 25 list always has a supplementary group of jurors. When you find  
26 that there is deficiency in your main pool you pull up one.

27 JUDGE ITOE: Dr Jabbi, I don't want to belabour this point.  
28 I mean, if we take your viewpoint it would mean that there would  
29 be no end to the exercise by this Court of its discretion to



1 curtail your number of witnesses. If we go by your principle, to  
2 say that you would have recourse to the back-up list depending on  
3 the evolution of your case, I would say no to this because it  
4 would contribute in delaying the process, and I think that the  
10:13:50 5 position as a back-up list is concerned, vis-a-vis the core list,  
6 has been ably stated by my brothers and I go with that.

7 MR JABBI: If I may refer Your Lordships to Rule 73ter(D),  
8 which reads as follows, My Lords:

9 "The Trial Chamber or a Judge designated from among its  
10:14:52 10 members may order the Defence to reduce the number of  
11 witnesses, if it considers that an excessive number of  
12 witnesses are being called to prove the same facts."

13 PRESIDING JUDGE: That has no application to the issue  
14 here. You have produced a list of core witnesses. We are  
10:15:16 15 telling you, and we have told you, and I have told you, how that  
16 works. You produce your list of core witnesses you intend to use  
17 to support your position, and this is what you filed with the  
18 Court together with a back-up list of witnesses. And the  
19 mechanics to use witnesses from the back-up list to fill up a  
10:15:38 20 vacuum in your core witness list is the one I have described.  
21 But it is only once that one of these witnesses is unable to  
22 attend, for whatever reason, that you can go to the back-up list.  
23 This is the procedure we are following.

24 JUDGE THOMPSON: So following from that, what is status of  
10:16:00 25 24 in the core list, as at present?

26 MR JABBI: Well, My Lord, as --

27 JUDGE ITOE: Or to put it more directly, Dr Jabbi, is 41  
28 coming to testify essentially on matters on which 24, in the core  
29 list, was supposed to testify on?

1 MR JABBI: Yes, My Lord, but it is --

2 JUDGE ITOE: You do admit, then, that we do not need more  
3 than one?

4 MR JABBI: Not necessarily. We made provision in the total  
10:16:39 5 list for four witnesses for the Moyamba crime base area, and we  
6 have not succeeded in obtaining the first of those witnesses. So  
7 we do have four we could have used -- we could have put them on  
8 the core list right from the beginning, but because we wanted to  
9 be as economical as possible.

10:17:09 10 JUDGE ITOE: As focused as possible, I would imagine.

11 MR JABBI: Yes, indeed, My Lord. That is why we divided  
12 the list in two.

13 PRESIDING JUDGE: That is fine.

14 MR JABBI: We had thought that by doing so, if on actually  
10:17:24 15 giving evidence, there were loopholes we perceived here and  
16 there, and certain loopholes could be filled by evidence from  
17 somebody from the back-up list, then we could use the back-up  
18 list. We did not conceive the back-up list as strictly replacing  
19 only a witness who was not available on the core list.

10:17:45 20 JUDGE THOMPSON: But that is merely a defence strategy.  
21 It's not the Bench perspective of things. That's a defence  
22 strategy which is entirely within your prerogative.

23 PRESIDING JUDGE: At the same time, we wouldn't allow  
24 repetitive evidence of the same scenario over and over and over.

10:18:05 25 MR JABBI: Indeed.

26 PRESIDING JUDGE: We appreciate that you've told us on  
27 Friday that witness 27 is now removed from your core list because  
28 there is no need to call this witness anymore, you have called  
29 sufficient evidence in this respect. So it goes both ways. You

1 say you have tried to make the best possible assessment of your  
2 witness that you feel are required to support the position of  
3 your client. Fine, and you had on your core list 27. You have  
4 now reassessed your position to say we don't need 27 because we  
10:18:35 5 have more than sufficient evidence on this aspect. It's not  
6 because now you have taken 27 out and you don't need him any more  
7 that you can call another witness just in case.

8 JUDGE THOMPSON: Remember it's on two levels. You make  
9 your own judgments based on your own assessments as your defence  
10:18:56 10 and your evidence unfolds. Then under 73(D), we the Judges can  
11 make our own assessment, in terms of whether you are bringing  
12 witnesses merely to multiply or just to duplicate facts. So it's  
13 on two levels, but our prerogative is separate and distinct from  
14 yours.

10:19:19 15 MR JABBI: My Lord, we are submitting that presenting more  
16 than, or at least two witnesses on a certain crime base doesn't  
17 necessarily amount to repetitive evidence. Because the crime  
18 base is not a unitary event and various aspects of it may need to  
19 be testified to.

10:19:41 20 JUDGE THOMPSON: I can see that. That is why we are very  
21 careful not to be in a hurry to exercise our discretion under  
22 73(D). That is why I say it is a defence strategy. If we think  
23 you are moving beyond what is permissible then we call you to  
24 order.

10:20:00 25 MR JABBI: So that is why I would want to plead with  
26 Your Lordships that having 24 in abeyance, but still presenting  
27 one witness for the Moyamba crime base --

28 PRESIDING JUDGE: Which means you are adding to your core  
29 witness list and we are not prepared to do that.

1 MR JABBI: Well, we may not add to the core witness list  
2 thereby, because as Your Lordships have just said, for instance  
3 27 is completely out.

4 PRESIDING JUDGE: No, no. Dr Jabbi, let me just read to  
10:20:29 5 you here. I have been given a copy of some part of a transcript  
6 of the status conference that we had on 5th April, and I am  
7 talking to you at that particular moment.

8 "Counsel further submits that they will endeavour to do its  
9 utmost to dispense with in the actual testimonies for  
10:20:45 10 Norman by the time annex A is exhausted."

11 Annex A was your core list.

12 "The Chamber would like to remind counsel that according to  
13 the practice set by this Chamber, a back-up witness is  
14 'designed to make up list for the deficiency in a core  
10:21:02 15 list'" - ie. - "'that counsel may call a witness from the  
16 back-up list only if some of the core witnesses are not  
17 available to testify.'"

18 And this refers to this ruling we have given in RUF trial  
19 and the decision of Sesay of 5 April. So this is not something  
10:21:24 20 new. This has been the practice that has been clearly stated by  
21 this Court and this Bench in the RUF trial and I told you so at  
22 that status conference. So this is not something that should  
23 come to you as news this morning.

24 MR JABBI: It is not coming to me at all as news, but I  
10:21:41 25 believe we are entitled to apply to the Court for a review of a  
26 statement of practice that has been made by the Court itself in  
27 the light of the needs of the evidence for the Defence.

28 PRESIDING JUDGE: No, we have stated our position. If you  
29 want to call a witness from the back-up list, you may do so now,

1 but you have to tell us which witness will be removed from the  
2 core witness list, and do not talk about 27. 27 was not coming  
3 to talk about Moyamba.

4 MR JABBI: With that restriction having been explained, I  
10:22:24 5 wish to inform the court that we contemplate moving 41 from the  
6 back-up list.

7 PRESIDING JUDGE: So this is the witness that I mentioned  
8 before; his name is Kini Torma?

9 MR JABBI: Yes My Lord.

10:22:58 10 PRESIDING JUDGE: And he is witness 41. So you want to  
11 move this witness from the back-up list to the core list, instead  
12 of whom?

13 MR JABBI: Instead -- My Lord, by constraint, really.

14 PRESIDING JUDGE: Whatever you understand.

10:23:19 15 MR JABBI: Instead of 24 on the core list.

16 PRESIDING JUDGE: Very well, thank you. Now that solves  
17 only part of the problem. This witness you are saying is now  
18 here and available?

19 MR JABBI: Yes.

10:23:51 20 PRESIDING JUDGE: When do you intend to call him to  
21 testify? This morning?

22 MR JABBI: My Lord, I met this witness only this morning.  
23 He came in last night, and we need to talk with him in respect of  
24 the testimony he is going to give. We also need, of course, to  
10:24:25 25 supply the summary of his statement to the Prosecution and we  
26 have not done that yet. So, My Lord, I am coming to some other  
27 witness later on. I am contemplating that, perhaps, Thursday is  
28 the earliest time when this witness can testify.

29 PRESIDING JUDGE: Which witness; the one that came in last

1 night; 41?

2 MR JABBI: 41, yes, My Lord.

3 JUDGE ITOE: What are we doing tomorrow and Wednesday?

4 MR JABBI: My Lord, I am coming to it.

10:25:03 5 JUDGE ITOE: Okay. That is my worry. Unless you want to  
6 send us on a holiday.

7 MR JABBI: I spoke about witness 22, for whom all  
8 preliminaries have been completed apart from his actual arrival.

9 PRESIDING JUDGE: He will be arriving tomorrow.

10:25:23 10 MR JABBI: He will be arriving tomorrow.

11 PRESIDING JUDGE: Yes.

12 MR JABBI: So, My Lord, maybe he can testify on Wednesday.  
13 22, My Lord. We are not quite sure when he is arriving tomorrow,  
14 so we don't want to suggest that he might testify tomorrow and  
10:25:43 15 then we have to again ask for some deferment. So 22 for  
16 Wednesday, and 41 will then be ready. Even if 22 is finished on  
17 Wednesday, he can testify. 22.

18 JUDGE THOMPSON: Remember that Wednesday is a one-session  
19 day. That's okay, don't bother. Go ahead.

10:26:14 20 MR JABBI: My Lord, maybe by the time when I have finished,  
21 Tuesday and Wednesday may be put in the balance to determine what  
22 happens on either of those days.

23 PRESIDING JUDGE: Carry on.

24 MR JABBI: My Lord, we have another witness, 18 on the  
10:26:30 25 back-up list.

26 PRESIDING JUDGE: Before you go to the back-up list, can we  
27 just look at your core list first to see what is happening with  
28 the witnesses now still to be called, 25 and 26?

29 MR JABBI: Well, My Lord, 25 and 22, they are in the same

1 situation in terms of their time for availability.

2 PRESIDING JUDGE: But why is 25 not available? Is it  
3 because of the --

4 MR JABBI: The same reason. He is the senior district  
10:27:11 5 officer for the district.

6 PRESIDING JUDGE: When is he arriving?

7 MR JABBI: Unfortunately we were not able to get in touch  
8 with him on this visit.

9 PRESIDING JUDGE: You still don't know when he will be  
10:27:24 10 available?

11 MR JABBI: No, My Lord.

12 PRESIDING JUDGE: Don't you think it may be time to look at  
13 some back-up witnesses to replace him? As I say, you are coming  
14 to the end of your case now, and if these are witnesses that are  
10:27:39 15 not available, you have to look seriously as to alternatives. I  
16 mean, we are Monday now and the witness you are talking about,  
17 the paramount chief, is likely to arrive tomorrow some time and  
18 you are proposing that he testify on Wednesday. You see, it  
19 means it is Wednesday the first opportunity we have to hear him  
10:28:07 20 and then your witness 25, we don't even know. So one can imagine  
21 if and when you can reach him it may take another week before we  
22 know --

23 MR JABBI: If we are going to have witness 25, I am hoping  
24 that it will be this week, some time this week. Because when  
10:28:26 25 once the vice-president finishes in the district, I am told that  
26 he finishes there today, when once he finishes there, we will get  
27 in touch with the district officer.

28 PRESIDING JUDGE: Yes, but you have not even been in touch  
29 with him so how can you expect him to be here this week.

1 MR JABBI: No, we were not in touch with him this weekend,  
2 but we have been in touch with him previously and he is willing  
3 to come. So, My Lord, I don't want to be over-specific about the  
4 timing of his availability, but I believe some time this week he  
10:29:06 5 will either be available or we take a decision in respect of him.

6 PRESIDING JUDGE: What about witness 26?

7 MR JABBI: Witness 26, My Lord, we are pursuing at present  
8 with Parliament whether he gives evidence or whether material  
9 will be obtained for Rule 92bis presentation.

10 PRESIDING JUDGE: Again, we urged you to look at that and  
11 make that determination a while ago, Dr Jabbi. This is not  
12 something that we have asked you yesterday or last Friday. We  
13 said we agreed to add this witness to your witness list because  
14 this is one of those witnesses that you sought to add to your  
10:29:45 15 witness list and we agreed to it, as such, but with the caveat at  
16 the time to say if he comes, it has to be very focused and we  
17 don't want a debate in court as to how the parliamentary system  
18 functions in Sierra Leone. This witness is coming for a specific  
19 purpose, it is to file with the Court and establish in Court the  
10:30:05 20 role of Parliament during the conflict and table with us, if  
21 anything, the debate that may have taken place in Parliament.  
22 That is, about the CDF. So that's all. The debate in  
23 Parliament, this is a public document that can be filed,  
24 presumably.

10:30:20 25 MR JABBI: We are already, in fact, in interaction with  
26 them, the Speaker and the clerk. I am sure we will get a  
27 definite position within the next two days, My Lord.

28 JUDGE ITOE: I think 92bis may serve you better than  
29 getting these witnesses here.



1 MR JABBI: Yes, My Lord, that is very actively being  
2 considered but we still need to go back to them to see what  
3 happens in that direction. We are not keen on calling him so  
4 long as we have the 92bis material.

10:30:54 5 JUDGE THOMPSON: The 92bis material would be really  
6 essentially, if I am not being presumptive here -- it would be  
7 something to do with the resolution or something. The  
8 resolutions, not the debates, not the records, not Hansard.

9 MR JABBI: Indeed, My Lord.

10:31:11 10 JUDGE THOMPSON: Just resolutions, and I know what  
11 parliamentary resolutions look like.

12 MR JABBI: Certainly, My Lord. I only slightly modify what  
13 Your Lordship has said. Resolutions and/or any visited  
14 publication resulting there from.

10:31:33 15 JUDGE THOMPSON: All right, all right, that's accepted.

16 MR JABBI: Thank you, My Lord. So, My Lord, as I said, we  
17 do have another witness, number 18 from the back-up list.

18 PRESIDING JUDGE: Instead of whom? You know the procedure  
19 now, Dr Jabbi.

10:31:47 20 MR JABBI: My Lord, they say a bird in the hand is better  
21 than two in the bush.

22 JUDGE THOMPSON: I hear it's "worth". It's not better,  
23 it's "worth". A bird in hand is worth two in the bush. Of  
24 course these days these things undergo transformation, so they  
10:32:27 25 might have changed over the last 15 years or more. [Overlapping  
26 speakers]

27 MR JABBI: That is the general adage, My Lord, that  
28 undergoes transformation for this special context.

29 PRESIDING JUDGE: So what is the alternative, please?

1 JUDGE ITOE: You are giving up a battalion commander?

2 PRESIDING JUDGE: This is witness, from what I can see, 18  
3 on the back-up list who is to come to testify about Tongo; am I  
4 right?

10:33:22 5 MR JABBI: Tongo and other areas.

6 PRESIDING JUDGE: Other areas around Tongo? I don't know,  
7 I am just looking at the comments that you have on your back-up  
8 list for this witness.

9 MR JABBI: My Lord, he will testify for a range of places  
10:33:40 10 between Gendema and Tongo.

11 PRESIDING JUDGE: It would be in the larger Tongo area?

12 MR JABBI: Yes, My Lord.

13 JUDGE THOMPSON: You are not yet satisfied with the  
14 evidence you have adduced so far on Tongo; you still want to  
10:33:57 15 clarify certain issues, I suppose.

16 MR JABBI: There is also a very important piece of  
17 information that supplies a present lacuna.

18 JUDGE ITOE: That's all right. That's fine.

19 JUDGE THOMPSON: I can see that it covers counts 1, 2, 3,  
10:34:17 20 4, 5, 6, 7.

21 MR JABBI: Yes, My Lord. My Lord, under the constraint of  
22 the restrictive relevance of the back-up list, we will offer  
23 witness number 18 on the back-up list, in place of witness number  
24 23.

10:35:01 25 PRESIDING JUDGE: That is Hassan Feika.

26 MR JABBI: Yes, My Lord.

27 PRESIDING JUDGE: And when is witness 18 on the back-up  
28 list available to give evidence?

29 MR JABBI: My Lord, either Thursday or Friday.

1           PRESIDING JUDGE: Of this week?

2           MR JABBI: Yes, My Lord. In the case of witness 18,  
3 My Lord, we are ready to prepare him against Wednesday, just in  
4 case we have a problem with witness number 22.

10:36:17 5           PRESIDING JUDGE: So this witness is available. That is,  
6 he is here in Freetown.

7           MR JABBI: Yes, he is already in court, as a matter of  
8 fact. But in his own case, he could come on Wednesday, if we had  
9 a problem with witness number 22 so that we don't waste  
10:36:43 10          Wednesday, My Lord.

11          PRESIDING JUDGE: So it would appear from everything you  
12 are suggesting this morning, that you have no witnesses available  
13 before Wednesday?

14          MR JABBI: No, My Lord. It's because number 22, who  
10:37:03 15          otherwise would be the next witness, and all preliminaries have  
16 been satisfied in respect of him -- we are not sure whether he  
17 will be available on Tuesday, because he travels down on Tuesday,  
18 My Lord.

19          PRESIDING JUDGE: We are not making any decision, we are  
10:37:28 20          just listening to you. We will have to confer on these matters,  
21 and I would like to know, looking at your witness list as well,  
22 leaving aside the witness on your witness list number 1, an issue  
23 that should be resolved fairly soon, you still have by Wednesday  
24 to inform the Court -- in fact, you were to inform the Court  
10:37:51 25          tomorrow about your witness number 21, I think.

26          JABBI: 21. My Lord, I have the relevant information.

27          PRESIDING JUDGE: Yes.

28          MR JABBI: My Lord, the legal assistant who travelled has  
29 met General One and General One has definitively said that he

1 will not be available this session because he is going for  
2 medical treatment in Germany from middle of June and will be  
3 there until the end of July, and he is requesting to be allowed  
4 to come in September. That is the specific information.

10:38:43 5 PRESIDING JUDGE: If it is middle of June, we are sitting  
6 until the middle of June. Why isn't it possible for him to come  
7 between now and 16th June?

8 MR JABBI: His medical condition does not allow him to  
9 come. That is why he is going for treatment in Germany. I spoke  
10:39:02 10 to them on Saturday and yesterday and that is what --

11 PRESIDING JUDGE: Well, we will have to think about that.  
12 There is one possible option for you as well, because we have  
13 systematically told you that we clearly intend to have you to  
14 close your case in this session. Not next session, this session.

10:39:29 15 MR JABBI: My Lord, I want to ask a few questions.

16 PRESIDING JUDGE: Let me finish, please. But I do know  
17 that this witness is also a common witness to you and the second  
18 accused. Obviously if this witness is not available now, and the  
19 second accused have clearly indicated that this witness is on  
10:39:45 20 their witness list, they are prepared to open their case in  
21 September, that's what we have directed them to do, then this  
22 witness will come in September if he says he is available to come  
23 and then you can cross-examine him for your own purposes then.  
24 That is certainly an option that is available to you.

10:40:05 25 MR JABBI: Yes, indeed, that option is available, My Lord.

26 PRESIDING JUDGE: I would suggest you look at it very  
27 seriously as an option.

28 MR JABBI: My Lord, but I can make a few comments on it  
29 now.

1           PRESIDING JUDGE: No, we will wait for your comments on  
2 this when we get to the end of this session. But I am thankful  
3 for the information you have provided up to now. We were  
4 awaiting this answer, so at least we know the status of this  
10:40:30 5 witness on your witness list and we will have to discuss that and  
6 think about it.

7           MR JABBI: Thank you, My Lord. My Lord, whilst waiting for  
8 my comments on that may I draw attention of the Court to a few  
9 rules, so that it is also actively considered against whatever  
10:40:45 10 observations I will be making in that regard?

11           PRESIDING JUDGE: Yes.

12           MR JABBI: I would like to draw attention of the Court to  
13 the following Rules in respect of the timing of the closing of  
14 the evidence of the first accused. The said rules are as  
10:41:18 15 follows: Rule 82(A), Rule 85(A) and Rule 86(A). Rule 82(A),  
16 Rule 85(A) and Rule 86(A). I am sure I don't even need to read  
17 them at this stage out.

18           JUDGE THOMPSON: We will read them.

19           MR JABBI: Yes, indeed, My Lord. But when I will be  
10:42:01 20 required to talk about both the option in respect of General One,  
21 and the general question of the closing of the evidence of the  
22 first accused, I want to begin with those rules I have just  
23 cited, My Lord, among others.

24           PRESIDING JUDGE: That's fine.

10:42:34 25           MR JABBI: Just before Your Lordships go to consider all  
26 the points I have made, if I may just briefly summarise, My Lord?

27           PRESIDING JUDGE: Yes. Before you do, Dr Jabbi, I have one  
28 more question, if I may. Have you informed all of the parties of  
29 what you are intending to do? Have you disclosed information

1 required to the other parties? I note that the summary of the  
2 evidence of these two witnesses from the back-up list, they are  
3 in the format that we said was not acceptable before and  
4 therefore, obviously, only by that you need to supplement  
10:43:09 5 information to comply with our requirements for summary.

6 MR JABBI: Yes, My Lord.

7 PRESIDING JUDGE: And if you want one of those witnesses to  
8 be called on Wednesday, you appreciate that it should have been  
9 done yesterday because then we may have an application by either  
10:43:24 10 parties to say we are not ready because.

11 MR JABBI: Yes, My Lord. I have already discussed with  
12 Prosecution the constraints we have had in this regard. The  
13 witnesses in question, the ones from the back-up list, came in  
14 only last night and we met them only this morning. So I have  
10:43:44 15 already explained to the Prosecution that summaries of their  
16 statements will be made available to the Prosecution some time  
17 today.

18 PRESIDING JUDGE: And the other parties for the Defence as  
19 well.

10:44:02 20 MR JABBI: Yes, the other defence teams will also get the  
21 same information. So if I may now just summarise.

22 PRESIDING JUDGE: Yes, please.

23 [CDF29MAY06B - CR]

24 MR JABBI: My Lord, from all the circumstances, it seems we  
10:44:22 25 would be unable to provide witnesses to testify on Monday and  
26 Tuesday, and that the earliest possible time for our next set of  
27 witnesses would be Wednesday this week. There is a possibility  
28 that, on Wednesday, the witness who will testify first will be  
29 number 22 on the core list. However, in view of the possibility

1 that he may not come in early enough, we would want to have  
2 witness number 18 on the back-up list to testify in place of him  
3 on Wednesday, My Lord. In any case, however, witness number 18  
4 from the back-up list will be available to testify on Wednesday  
10:45:44 5 or Thursday.

6 PRESIDING JUDGE: If 22 testifies on Wednesday, 18 will  
7 follow?

8 MR JABBI: Yes, My Lord. Eighteen is there if 22 is not  
9 immediately available. Witness number 41, from the back-up list,  
10:46:01 10 will testify after either 18 or 21, whichever of 18 and 21 comes  
11 second.

12 PRESIDING JUDGE: Forty-one will be --

13 MR JABBI: Forty-one will be the third witness.

14 PRESIDING JUDGE: So all of these witnesses, as of  
10:46:21 15 Wednesday, will be here and available; 22 may not be immediately  
16 available on Wednesday, you're suggesting, but there will be  
17 someone else if he is not available?

18 MR JABBI: Yes, My Lord.

19 JUDGE THOMPSON: Have you changed your position in relation  
10:46:36 20 to 41? You initially said he would be available on Thursday.

21 MR JABBI: Yes, My Lord.

22 JUDGE THOMPSON: That's what you said initially.

23 MR JABBI: Yes, My Lord.

24 JUDGE THOMPSON: Would he now be available on Wednesday?

10:46:52 25 MR JABBI: No, My Lord, 41, I think, will most probably be  
26 available only on Thursday.

27 JUDGE THOMPSON: Only on Thursday. Okay.

28 MR JABBI: Of course, if the evidence of the others is such  
29 that they finish quite early --

1 JUDGE THOMPSON: Well, Wednesday is a one-session day.

2 MR JABBI: That is why I think Thursday is the most likely  
3 [overlapping speakers].

4 JUDGE THOMPSON: It is a one-session day. They will have  
10:47:20 5 to be cross-examined.

6 MR JABBI: Well, there is always a possibility that there  
7 will be no cross-examination.

8 JUDGE THOMPSON: Conceded.

9 PRESIDING JUDGE: The possibility we haven't seen yet.

10:47:35 10 MR JABBI: My Lord, that is briefly the situation. I wish  
11 to apply for leave to Your Lordships for that scenario to  
12 substitute the situation that we would otherwise have had to  
13 obtain in respect of witnesses on behalf of the first accused.

14 PRESIDING JUDGE: Thank you, Dr Jabbi. We still need to  
10:48:02 15 hear from your colleagues. After that, we will confer briefly  
16 and come back.

17 MR JABBI: Thank you, My Lord.

18 PRESIDING JUDGE: Counsel for the second accused, do you  
19 have any comments?

10:48:15 20 MR BOCKARIE: Not much. All we are saying is if we can be  
21 afforded the opportunity of having access to the statement of the  
22 witnesses, we would be grateful.

23 PRESIDING JUDGE: We have not ordered the disclosure of  
24 statements, as you know, up to this moment. We don't intend to  
10:48:33 25 change that because there are only a few witnesses left. We  
26 hope, and request, that counsel for the first accused provides a  
27 detailed summary, and as detailed as possible -- an accurate,  
28 detailed summary of the information. You have been in Court.  
29 They have undertook to do that this afternoon. If this is done



1 this afternoon, this is not a common witness, presumably, so you  
2 will be ready for cross-examination on Wednesday of that witness,  
3 whoever it may be, 22 or 18.

4 MR BOCKARIE: Yes, of course, Your Honour.

10:49:16 5 PRESIDING JUDGE: Thank you, very much. Mr Margai?

6 MR MARGAI: No comments, My Lord.

7 PRESIDING JUDGE: Mr Prosecutor?

8 MR KAMARA: Yes, My Lord, just a few comments. The  
9 Prosecution will not allow the Defence to hoodwink us into hasty  
10:49:32 10 cross-examinations. My Lord, the witnesses 18 and 41 are  
11 commanders and the Prosecution needs proper preparation to  
12 cross-examine effectively these witnesses. The choice of these  
13 two witnesses is deliberate, and My Lord, we found ourselves  
14 constrained not to conduct any hasty cross-examinations of them.

10:50:17 15 Furthermore, My Lords, our experience with summaries  
16 provided by the Defence have been wholly inadequate, and we are  
17 not expecting much more than that. Therefore, My Lords, if we  
18 were obliged to even want to cross-examine these witnesses before  
19 Wednesday, anything short of a statement will not enable us to  
10:50:53 20 properly do our work in that direction. Therefore,  
21 realistically, My Lords, the Prosecution may not be able to  
22 effectively cross-examine these commanders before Friday, and  
23 that is if we do have a statement.

24 The nature of our work has been such that we do conduct our  
10:51:24 25 own investigations, because we do not only try to discredit the  
26 witnesses, but we try to make sure that we have the available  
27 facts before the Court. Therefore, My Lords, with statements  
28 from these two witnesses, we may be able to do a proper  
29 examination by Friday. In the absence of statements, we may not

1 be able to do so, My Lords. Secondly, it is our submission that  
2 the request of my learned friend shall be in a written motion  
3 pursuant to Rule 73ter(E).

4 PRESIDING JUDGE: What are you suggesting in this respect,  
10:52:29 5 that because we've asked that they make their presentation, it is  
6 not legal, not possible and inappropriate, and it should not be  
7 acted upon?

8 MR KAMARA: If the Chamber would so wish that requirement,  
9 that is understandable, but my learned friend has made this  
10:52:44 10 position, but the Chamber has not yet ruled on it, I take it,  
11 My Lord.

12 PRESIDING JUDGE: What is your submission about?

13 MR KAMARA: My submission is that these are applications  
14 that properly should be made persuade to 73(E), which is clear it  
10:53:00 15 should be a written motion to the Court. That's our position,  
16 unless the Court so waives it. It doesn't appear to me that  
17 counsel was even moving the Court by way of motion, per se. He  
18 was merely making a request. We are prepared in the interests of  
19 expeditiousness of the trial to go along with witness number 22  
10:53:47 20 on Wednesday. That is all for the Court, My Lord.

21 PRESIDING JUDGE: For your information, Mr Kamara, 73ter  
22 does not talk of any specific mode. It says, "Shall seek leave  
23 of the Court". I think the application being made by counsel for  
24 the first accused, he is seeking leave from the Court to act and  
10:54:22 25 to have these changes. That's the way it has been put to the  
26 Court this morning. I think this is the proper way of doing it,  
27 and can be done orally, and certainly, when time is available, it  
28 is better that it be done in writing. We were prepared to  
29 entertain this application morning, given the scenario we are in.

1 MR KAMARA: I wouldn't press that point. Thank you, My  
2 Lord.

3 JUDGE ITOE: Mr Kamara, this Court has made a ruling on the  
4 conditions precedent on which it would make an order requesting  
10:55:05 5 the Defence to produce a witness statement in the circumstances,  
6 in lieu of, in addition, of course, to a summary.

7 MR KAMARA: Yes, My Lord.

8 JUDGE ITOE: Are you suggesting that we should abandon that  
9 ruling and order here and now that a statement be made available  
10:55:25 10 to you when those conditions so far have not been demonstrated?

11 The only demonstration you had to make is that , "Oh, well, these  
12 witnesses are commanders", and you need to read through their  
13 witness statements because the witness summaries would be  
14 inadequate. It would be insufficient to give you the information

10:55:49 15 that would enable you to have enough facts to cross-examine these  
16 witnesses. But what I'm saying is this: We have laid down  
17 criteria for the production of witness -- defence witness  
18 statements. Are you suggesting that even without fulfilling that

19 criteria we could, on your own submissions, just to satisfy the  
10:56:01 20 Prosecutorial interest order here and now that such a statement  
21 or such statements be made available to you?

22 MR KAMARA: Thank you, My Lord, yes.

23 JUDGE THOMPSON: And just to follow that up, I would like  
24 to ask you to factor in your answer to Justice Itoe why it may be  
10:56:34 25 necessary that pre-emptively to make this request when you  
26 haven't actually heard the examination-in-chief. But I mean, the  
27 Court cannot, under 73ter(B) act pre-emptively with you.

28 MR KAMARA: Again, My Lord, the learned Prosecution is not  
29 making a request for the statements as of now. I was speaking

1 from a practical point of view.

2 JUDGE ITOE: That is how I got you.

3 MR KAMARA: Yes. I stopped short of making a request  
4 before the Court for the production of the statements because I  
10:57:11 5 was speaking from a practical point of view, My Lords, that if we  
6 were to be able to properly cross-examine these witnesses before  
7 Friday, one of the tools that will enable us to do so will be the  
8 statement because in the absence of the statement, then we would  
9 not be able to conduct our investigations, and we have to really  
10:57:32 10 conduct our investigations against these particular witnesses.  
11 We have to find out what they are coming to say and then try to  
12 verify the information they are going to provide to the Court  
13 which would not only be helpful to both sides, but even the  
14 Bench.

10:57:46 15 PRESIDING JUDGE: I am totally unable to agree with you on  
16 this matter because the requirement imposed upon the Defence that  
17 it provide you with a detailed summary of the evidence that their  
18 witnesses are to speak about and when in their detailed summary  
19 some important issues are left out, as such, and we felt that the  
10:58:05 20 Prosecution, or the other parties might have been prejudiced, we  
21 have ordered the production of those statements.

22 MR KAMARA: Yes.

23 PRESIDING JUDGE: But leaving that aside, if you have a  
24 detailed summary, what's the difference then if to conduct your  
10:58:18 25 investigation between a detailed summary and a witness statement?  
26 I don't see if all the essential features of what a witness is to  
27 talk about are in the detailed summary, as such, why is it you  
28 are unable to conduct an investigation and the summary would  
29 allow you to conduct -- pardon me, the statement will allow you

1 to do that investigation? I may be -- something is missing. You  
2 have to explain to me, because I just don't understand what  
3 you're saying.

4 MR KAMARA: Yes, My Lord. What may be missing here is the  
10:58:45 5 presumption from which you're coming from. That is, you are  
6 assuming that we are going to get a detailed statement, a  
7 detailed summary, and we have experiences before this Court of  
8 lack of specificity.

9 PRESIDING JUDGE: In some cases. In some cases. It's only  
10:58:57 10 in three cases, if I am not mistaken -- it may have been two, but  
11 no more than three, where statements have been ordered to be  
12 disclosed.

13 MR KAMARA: Yes, My Lord, we have about five such  
14 statements.

10:59:05 15 JUDGE THOMPSON: Let me buttress what the two learned  
16 justices have said.

17 MR KAMARA: Yes, My Lord.

18 JUDGE THOMPSON: My position is clear and it's a matter of  
19 law. There is no a priori entitlement in the Prosecution to have  
10:59:21 20 an order for disclosure of Defence statements. The Rule is quite  
21 clear in its plain and unambiguous sense. We have laid down in  
22 our decision of 21 February this year what the Prosecution needs  
23 to do to be able to move this Court in exercise of its discretion  
24 to order disclosure of witnesses' statements by the Defence as an  
10:59:55 25 exceptional measure, and I rest on that. We said, also, that  
26 this would be done, or may be done on a case-by-case basis. We  
27 haven't reached there yet, from my perspective.

28 MR KAMARA: Yes, My Lord. I agree with you entirely. I  
29 agree with their Lordship's commentary. That is why I've stopped

1 short from making the application now because we are yet to see  
2 these summaries, detailed summaries, and then when we do see  
3 these detailed summaries, that's the time, if we find them  
4 lacking in specificity and their accuracy, we will make the  
11:00:29 5 application. I was merely speaking out of practicality that if  
6 we do have it it will help us. We will know by Friday, if we  
7 come back before this Court, and My Lords will say we have seen  
8 the details and were unable to do anything.

9 PRESIDING JUDGE: As I say to you, on Friday you better  
11:00:44 10 have good arguments, because if the argument you have is the one  
11 you've put forward, I am telling you you will have difficulties  
12 to convince me.

13 MR KAMARA: And we will be forced to cross-examine in the  
14 absence of conducting our investigations, My Lord?

11:00:55 15 PRESIDING JUDGE: Well, no. You are saying you, if it is a  
16 detailed summary, it should allow you, in the same way as if you  
17 had a statement, to conduct investigations. So all the essential  
18 facts that the witness will be testifying about are supposed to  
19 be there. Obvious, if they are not there, we will entertain your  
11:01:10 20 application and we will look at it very seriously. But to say  
21 that because you don't have a statement, you are unable to  
22 conduct an investigation, this is the one that I have problems  
23 with.

24 MR KAMARA: It is not as general as that. We will be, but  
11:01:22 25 we would rather prefer if I may rely on that.

26 PRESIDING JUDGE: Fine, that's better said.

27 MR KAMARA: We would rather prefer the statements.

28 PRESIDING JUDGE: Thank you, Mr Kamara.

29 MR KAMARA: Thank you, My Lord.

1 PRESIDING JUDGE: Dr Jabbi?

2 MR JABBI: My Lord, I don't think it is necessary for me to  
3 make any further comment.

4 JUDGE ITOE: We've heard enough of you.

11:01:41 5 PRESIDING JUDGE: But you have heard the comments. You  
6 have heard my comments. I have said that summaries are to be of  
7 a detailed fashion as such. Not a summary of a summary of a  
8 summary. You have to provide the essential ingredients of the  
9 evidence that this witness is to testify about.

11:02:00 10 MR JABBI: I give you complete assurance that the summaries  
11 are going to be replete and abundant.

12 PRESIDING JUDGE: Very well.

13 JUDGE ITOE: We want you to be very generous in this regard  
14 to your colleagues on the other side.

11:02:11 15 MR JABBI: We shall be.

16 JUDGE ITOE: To avoid applications like the ones we see  
17 coming on the horizon from the Prosecution.

18 MR JABBI: Those applications we have always been inclined  
19 to be resorted to, if I may say so.

11:02:26 20 PRESIDING JUDGE: We are asking your co-operation to try to  
21 avoid unnecessary delays or further delays, if I can put it that  
22 way.

23 MR JABBI: Yes, My Lord. We will.

24 PRESIDING JUDGE: We will recess to confer on this issue  
11:02:40 25 and we will come back with our decision. Thank you.

26 [Break taken at 11.03 a.m.]

27 [CDF29MAY06C - SV]

28 [Upon resuming at 11.35 a.m.]

29 [Ruling]

1           PRESIDING JUDGE: Upon conferring on the application made  
2 by counsel for the first accused seeking leave to proceed with  
3 calling their witnesses only as of Wednesday this week, we have  
4 consulted and reviewed the arguments presented and we will grant  
11:35:35 5 the application and leave is granted to the first accused to call  
6 their witnesses as of Wednesday this week at 9.30.

7           According to the leave sought, at that particular moment it  
8 will be with the first witness being called on Wednesday being  
9 number 22 on the core list, followed by witness 18 and then  
11:35:59 10 witness 41. There is also a possible alternative, should witness  
11 22 not be ready, that they could start with 18 on Wednesday.

12           So this is the decision of the Court; that the application  
13 to proceed on Wednesday rather than today, and for the reasons  
14 submitted, is granted.

11:36:31 15           So, Dr Jabbi, I wish to remind you again of your  
16 undertaking to provide all necessary information and  
17 documentation to the other parties soonest and this means this  
18 afternoon. I mean, by this, the summary of the evidence of these  
19 witnesses.

11:36:43 20           MR JABBI: Yes, My Lord.

21           PRESIDING JUDGE: So, in those circumstances, the Court  
22 will adjourn to Wednesday at 9.30 to proceed with your evidence.

23           MR JABBI: My Lord, just before the adjournment, this is  
24 just information on the waiver on the right of presence which was  
11:37:09 25 meant to be filed.

26           PRESIDING JUDGE: This is the waiver we discussed on  
27 Friday.

28           MR JABBI: Yes, My Lord. My Lord, this is being filed now  
29 but I thought I should make copies available to Your Lordships.



1           PRESIDING JUDGE: Very well. We appreciate that.

2           MR JABBI: I have already made them available to the  
3 Prosecution and the rest of the Defence.

4           PRESIDING JUDGE: Thank you. So that concludes the  
11:37:35 5 proceedings today and the Court is adjourned to Wednesday at  
6 9.30. Thank you.

7                                 [Whereupon the hearing adjourned at 11.38 a.m.,  
8 to be reconvened on Wednesday, the 31st day of  
9 May, 2005, at 9.30 a.m.]

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