

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

THURSDAY, 2 JUNE 2005
9.50 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Sharelle Aitchison Ms Rhoda Kargbo
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Mohamed Bangura Mr Kevin Tavener Ms Adwoa Wiafe Mr Mohamed Stevens
For the Principal Defender:	No appearances
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Ibrahim Yillah 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

[HN020605A-SGH]

2 Thursday 2nd June 2005

3 [Open Session]

4 [The Accused Fofana and Kondewa present]

09:28:21 5 [Witness entered court]

6 [Upon commencing at 9.50 a.m.]

PRESIDING JUDGE: Good morning, counsel. Good morning, Madam
8 Witness. Yesterday we adjourned at the stage of cross-examination by
9 the accused persons and we were at the cross-examination of the first
09:54:04 10 accused. Are you ready to proceed now?

11 MR YILLAH: Very well, Your Honour.

12 THE INTERPRETER: The witness's mic is not on.

13 MR BANGURA: The witness's mic is not on.

14 WITNESS: TF1-187 [continued]

09:54:15 15 CROSS-EXAMINED BY MR YILLAH:

16 Q. Good morning, Madam Witness?

17 A. Good morning.

18 Q. Madam Witness, could you assist the Court by stating which
19 period in 1998 you are talking about in Gambia village? Is it
09:55:01 20 the early part, mid or late 1998?

21 A. Towards the end.

22 Q. Towards the end of 1998?

23 A. Yes.

24 Q. In the rainy season?

09:55:24 25 A. Yes.

26 Q. Thank you. Now, Madam Witness, would I be correct to say
27 that some of the Kamajors or most of the Kamajors that you saw in
28 Gambia village were natives of that village? Would I be correct
29 to say that?

1 A. No, no, I wasn't -- I would not be able to tell whether
2 they were all natives of the place.

3 Q. But were some of them natives of Gambia village so far as
4 you know?

09:56:24 5 A. Yes.

6 Q. And they were residing in Gambia village at this time?

7 A. Yes, they were residing there.

8 Q. Madam Witness, you testified yesterday about an incident
9 involving the alleged killing of three pregnant women. Now,
09:57:18 10 Madam Witness, was there a chiefdom authority or a village
11 authority or a chief in Gambia village during this period?

12 A. No.

13 Q. Now, do you know where the chief was during that period?

14 A. The town chief was there, but where he was I didn't know.

09:58:24 15 Q. Madam Witness, could you assist this Court by telling us
16 how big Gambia village is?

17 A. It is a big village. It is not a small village as one
18 would say but it's a big village.

19 Q. Madam Witness, I am informed that Gambia is a small village
09:59:08 20 surrounded by forest; would you accept that description or not?

21 A. It is not a small village, it is a little bit -- it's a
22 little bit bigger.

23 Q. Madam Witness, I am also informed that there is no field --
24 there is no field in Gambia on which a helicopter would land.

09:59:56 25 MR BANGURA: Your Honours, I stand to object to that question.
26 There is no evidence before this Court from this witness that there is a
27 field or there was a field in which a helicopter landed. There is no
28 such evidence before this Court. I don't remember the witness talking
29 about a field.

1 PRESIDING JUDGE: Mr Defence Counsel.

2 MR YILLAH: My Lord, my recollection of the evidence is
3 that the witness testified yesterday that the helicopter landed
4 in Gambia.

10:00:31 5 PRESIDING JUDGE: I do not think there is a dispute about
6 that, it is your use of the word "field".

7 MR YILLAH: Yes, My Lord. It is my contention that the
8 helicopter could only land in a field. Could only land in a
9 field in a village, that is my contention.

10:00:49 10 JUDGE THOMPSON: Well, perhaps you need to put the question
11 differently, because she did not in any way say that the
12 helicopter landed on a field. I don't have that record. She
13 talked about something spinning, spinning and spinning and all
14 that.

10:01:03 15 PRESIDING JUDGE: And landed in the village as such. Where
16 in the village, I don't know. You may be suggesting that it was
17 in a field or not, but that is not in the evidence.

18 MR YILLAH: As My Lord pleases.

19 JUDGE THOMPSON: I vividly recollect that she was
10:01:17 20 emphasising something spinning all the time.

21 PRESIDING JUDGE: Under the --

22 JUDGE THOMPSON: Yes.

23 MR YILLAH: As My Lord pleases.

24 Q. Now, Madam Witness, you said in your evidence-in-chief
10:01:37 25 yesterday that Mr Norman was not present when the alleged
26 killings were being done; is that correct?

27 A. Yes.

28 MR YILLAH: My Lords, that will be all for this witness.

29 PRESIDING JUDGE: Thank you, Mr Yillah. Counsel for the

1 second accused. Mr Bockarie.

2 CROSS-EXAMINED BY MR BOCKARIE:

3 Q. Madam Witness, in your evidence-in-chief you said you were
4 abducted at XXXXXXX XXXXX Chiefdom by the rebels in 1991; am I
5 correct?

6 A. Yes.

7 Q. Is it XXXXXXX XXXXXXX Chiefdom in Bo District?

8 A. Yes.

9 Q. Madam Witness, will you be surprised to know that in 1991
10:03:32 10 the RUF rebel war was only confined in Kailahun and Pujehun
11 districts?

12 JUDGE ITOE: Is that a fair question for this witness? Is that a
13 very fair question for this witness, Mr Bockarie?

14 MR BOCKARIE: Yes, My Lord, because she has emphatically
10:03:55 15 said that she was abducted in Bumpah Ngao in 1991.

16 JUDGE ITOE: Your question is put as if she was monitoring
17 the war and knew what was happening in other sectors of the war
18 and in the geographical distribution of war. That is why I am
19 asking whether this is a very fair question.

10:04:20 20 PRESIDING JUDGE: She could say they were abducted and
21 there was no war in that particular area [Overlapping speakers]

22 JUDGE ITOE: But --

23 MR BOCKARIE: We want her to say that.

24 JUDGE ITOE: Anyway, go ahead.

10:04:31 25 PRESIDING JUDGE: It is the way you have asked your
26 question.

27 MR BOCKARIE:

28 Q. Madam Witness, you said you were abducted by the rebels in
29 XXXXXXX in 1991; am I correct?

1 A. Yes.

2 Q. So in actual fact you are telling this Court that in 1991
3 the rebels reached XXXXXXX; correct?

4 A. Yes.

10:05:10 5 Q. Madam Witness, I am putting it to you that Bumpah was never
6 attacked in 1991. In 1991 XXXXXXX was rebel free.

7 A. I was captured during that time. I would not lie.

8 Q. Thank you, Madam Witness. Madam Witness, have you heard of
9 the name Regent Chief Orlando Walters of XXXXXXX Chiefdom?

10:06:13 10 A. Yes.

11 PRESIDING JUDGE: Orlando?

12 MR BOCKARIE: Walters, Regent Chief of XXXXXXX Chiefdom.

13 Q. Madam Witness, are you aware that when rebels attacked
14 XXXXXXX the Regent Chief got drowned whilst crossing the Tabe
10:07:07 15 river, allegedly?

16 A. Yes.

17 Q. Madam Witness, you will agree with me that that was the
18 first attack by the rebels on Bumpah Town; isn't it?

19 A. Yes.

10:07:59 20 Q. Madam Witness, will you be surprised that this particular
21 attack where the Paramount Chief, the Regent Chief Orlando
22 Walters got drowned occurred in January 1995? Just after
23 Christmas?

24 A. I wouldn't tell the year. I cannot remember the year. But
10:08:38 25 all what he has said is true. The very time that that attack was
26 made, that was the time he got drowned.

27 Q. Thank you. Madam Witness, I am putting it to you that the
28 attack occurred in January 1995.

29 PRESIDING JUDGE: She has said she does not know the year.

1 MR BOCKARIE: Yes, yes, I have just put it in evidence, My Lord.
2 Q. Now, Madam Witness, you said from XXXXXXX you were taken
3 to Kailahun; am I correct?
4 A. Yes.
10:09:30 5 Q. Madam Witness, during that time you were in Kailahun Town
6 itself or in a town in Kailahun District?
7 A. I was in a district.
8 Q. Which town?
9 A. Jojoima.
10:10:09 10 Q. Thank you. Madam Witness, you will agree with me that
11 Jojoima that was one of the strongholds of the RUF in the
12 Kailahun District; am I correct?
13 A. Yes.
14 Q. Further, in Jojoima young girls of your age were either
10:10:54 15 conscripted into the RUF fighting force or joined in voluntarily;
16 isn't it?
17 A. Yes.
18 Q. Madam Witness, did you join the RUF fighting force?
19 A. No.
10:11:43 20 Q. You did not?
21 A. No.
22 Q. Throughout your stay in Jojoima, were you with your
23 husband?
24 A. Yes.
10:12:05 25 Q. Throughout?
26 A. Yes, I was together with him in one place.
27 Q. Madam Witness, I recall you told this Court yesterday that
28 your husband died whilst you were in Kailahun. Did you say that?
29 A. Yes.

1 Q. Then where are we?

2 A. He was killed. He was killed there.

3 Q. When was that, Madam Witness?

4 A. When we went, they used to loot, all the things they used
10:12:59 5 to loot they used to give them to us to keep. So there was a
6 time they brought articles that were too heavy, but by then he
7 was sick. Then he told them that he was not able to carry
8 anything and so he was killed.

9 Q. Okay. So after the death of your husband you were alone at
10:13:13 10 Jojoima, weren't you?

11 A. By then I was together with my child. I had a child.

12 Q. Fine. You were together with your child at Jojoima,
13 weren't you?

14 A. Yes.

10:13:42 15 Q. Madam Witness, at this time all the young men in Jojoima
16 were either RUF fighters or sympathisers of the RUF; am I
17 correct?

18 JUDGE THOMPSON: How would she know the second part?

19 MR BOCKARIE: Sorry, I will withdraw that, My Lord.

10:13:54 20 JUDGE THOMPSON: Yes.

21 MR BOCKARIE:

22 Q. At this time all the young men in Jojoima were RUF
23 fighters; am I correct?

24 A. Yes.

10:14:46 25 Q. Madam Witness, did you fall in love with any RUF fighters
26 in Jojoima?

27 A. No, I cannot lie about it.

28 Q. Madam Witness, you recall the coup that overthrew the SNP
29 government in 1997, don't you?

1 A. Yes, but not much. I would not be able to tell much about
2 it.

3 Q. Yes. Madam Witness, is it not true that after the coup
4 most RUF fighters left Jojoima and came to either Bo, Kenema or
10:15:53 5 Freetown to join the AFRC government. Isn't it true?

6 JUDGE THOMPSON: Problematic question, second part. How does she
7 get all this knowledge? She can probably talk about whether she
8 observed at some length [Overlapping speakers]

9 MR BOCKARIE: Yes, I will take the cue, Your Honour.

10:16:12 10 JUDGE THOMPSON: The second part is really --

11 MR BOCKARIE: Yes.

12 Q. Isn't it true that after the coup most RUF fighters left
13 Jojoima and came to either Bo, Kenema or Freetown?

14 MR BANGURA: I think it is the same point. Counsel has repeated
10:16:27 15 the question again in the same terms.

16 JUDGE THOMPSON: Yes, the meaning -- in the context of the
17 evidence that this witness has given, unless there is something
18 in the disclosed witness statements which said that she really
19 knew a lot about, where they left and she was not, like my
10:16:49 20 brother said, she wasn't monitoring this process and their
21 movement. She probably would know something generally, whether
22 the left Jojoima or carried on or whatever. But whether they
23 came to Freetown or elsewhere --

24 MR BOCKARIE: Okay.

10:17:04 25 Q. Now, Madam Witness, do you know that after the coup most
26 RUF fighting forces left Jojoima?

27 A. No.

28 Q. Thank you. Madam Witness, Gambia is a very small
29 community; am I correct?

1 A. It is not a small village. Not too much of a small
2 village.

3 Q. But there is a lot of personal interaction that goes on
4 within the inhabitants of that community; am I correct?

10:18:01 5 A. Yes.

6 Q. Now, tell me, the pregnant women that were allegedly
7 killed, did you know their names?

8 A. No, I wouldn't tell their names. I wouldn't know their
9 names.

10:18:26 10 Q. You didn't know their names. Do you know whether they were
11 married or not or had boyfriends?

12 A. At that time I would not know because they were captured in
13 my presence. I didn't know. But I -- but I believed that they
14 were all married, but I didn't know.

10:19:38 15 Q. Madam Witness, did you know their parents?

16 A. No.

17 Q. Madam Witness, I am putting it to you that you didn't know
18 the names, you didn't know the names of the husband, you didn't
19 know the names of their parents because such incident never
10:20:10 20 occurred.

21 A. Go back to that.

22 Q. I am putting it to you that you didn't know their names,
23 the names of the victims, you didn't know the names of the
24 husbands, you did not know the names of the parents, because such
10:20:39 25 incident never occurred.

26 A. How could I say that it did not happen. How would you
27 prove that it did not happen? It was during the war, I only saw
28 them capture them, but I don't know their parents. What I saw is
29 what I am saying.

1 Q. Thank you, Madam Witness. Madam Witness, there is a town
2 chief at Gambia; am I correct?
3 A. Yes.
4 Q. You said -- sorry, do you know his name?
10:21:36 5 A. Yes. I used to know his name.
6 Q. Yes. What is his name?
7 A. Yes.
8 Q. Is he still alive?
9 A. I wouldn't tell whether he is alive.
10:21:48 10 Q. Then tell me the name of the town chief at the time of the
11 alleged incident.
12 A. Mr Lewis.
13 Q. You mean Joe Lewis?
14 A. Yes. Yes.
10:22:17 15 JUDGE ITOE: Did he say Jenny or David.
16 MR BOCKARIE: I said Lewis. Lewis.
17 JUDGE ITOE: You said Lewis or Lois?
18 MR BOCKARIE: Lewis.
19 JUDGE ITOE: Lewis.
10:22:22 20 MR BOCKARIE: L-E-W-I-S.
21 JUDGE ITOE: Yes, Lewis.
22 MR BOCKARIE:
23 Q. Is he not called Joe Lewis?
24 A. Yes.
10:22:35 25 Q. Also, it is a fact that at this time Chief Lewis was the
26 chiefdom speaker of Jong Chiefdom to Chief Koroma -- to Chief
27 Goba. Chief Lewis, he was the chiefdom speaker of Jong Chiefdom.
28 Do you know that?
29 A. No, Mr Goba, not Koroma.

1 Q. Yes, thanks for your correction. Yes, she is correct.
2 Thanks for your correction. And the speaker to Chief Goba was
3 Chief Joe Lewis, am I correct?

4 A. Yes.

10:23:29 5 Q. So, Madam Witness, you are telling this Court that this
6 alleged incident occurred in the presence of Chief Lewis?

7 JUDGE ITOE: What?

8 JUDGE THOMPSON: Did she say that?

9 JUDGE ITOE: She didn't say that.

10:23:37 10 JUDGE THOMPSON: Is that on the record?

11 MR BOCKARIE: I am sorry.

12 JUDGE ITOE: It's not part of the record.

13 MR BOCKARIE: I'm sorry.

14 JUDGE ITOE: That is not part of the record. That is not
10:23:41 15 part of the evidence.

16 JUDGE THOMPSON: You may be making a point of -- you can
17 put your theory anyway.

18 MR BOCKARIE:

19 Q. Now, Madam Witness, you said this alleged killing happened
10:23:51 20 publicly, isn't it?

21 A. Yes.

22 Q. Was Chief Lewis present, the Chief of Gambia? Was he
23 present at the time of the alleged killing?

24 A. No, he was not there at that time. I did not see him.

10:24:17 25 Q. Was any other chief in the town present; do you know?

26 A. No.

27 MR BOCKARIE: Thank you. That will be all, Your Honour. Thank
28 you very much.

29 PRESIDING JUDGE: Thank you, Mr Bockarie. Counsel for the

1 third accused.

2 CROSS-EXAMINED BY MR MARGAI:

3 Q. Madam Witness, you said you were captured by the RUF in
4 1991; is that correct?

10:25:13 5 A. That's what I said.

6 Q. Thank you. And you remained in captivity until 1998 with
7 the RUF?

8 A. Yes.

9 Q. Now, were you released by the RUF or did you hide from your
10:25:52 10 captivity?

11 A. I hid. I escaped from them when they killed my husband and
12 they wounded my child. That's when I escaped. They are the ones
13 that let me go.

14 Q. So after the RUF had killed your husband and wounded your
10:26:21 15 child you hid; is that correct?

16 A. Yes.

17 Q. Thank you. And I take it that was in XXXXXXX Chiefdom
18 in Bo District.

19 A. Yes.

10:26:37 20 MR BANGURA: May it please Your Honour.

21 THE INTERPRETER: Repeat that. Repeat that.

22 MR BANGURA: Counsel is seeking to mislead the witness by
23 that question.

24 [Multiple speakers - Transcript incomplete]

10:27:08 PRESIDING JUDGE: Just one moment, Mr Margai, I will hear what --

26 THE WITNESS: I do not understand the question.

27 MR BANGURA: Your Honour, there is evidence before this

28 Court by the witness that she was captured in XXXXXXX XXXXXXX

29 Chiefdom and taken to Kailahun. And counsel is putting it to the

1 witness that this incident, that is the capture and her eventual
2 escape from the RUF, took place in XXXXXXX XXXXXXX Chiefdom. That is
3 merely confusing the witness.

4 PRESIDING JUDGE: Mr Margai.

10:27:33 5 MR MARGAI: Yes, My Lord, before I respond I believe that
6 we have to at least choose our words very guardedly. For learned
7 counsel to say that counsel is trying to mislead the witness, I
8 find that a bit unpalatable. As My Lords please.

9 Q. Be that as it may, where were you captured by the RUF?

10 A. XXXXXXX.

11 Q. Bumpeh?

12 A. XXXXXXX XXXXXXX.

13 Q. Ngao Chiefdom?

14 A. Chiefdom.

10:28:16 15 Q. Now, when you escaped, where did you go to?

16 A. I travelled going through so many her hurdles, my child was
17 suffering because the distance was long from where we had come
18 from and I came as far as to Gambia.

19 Q. That Gambia in the Jong chiefdom?

10:28:39 20 A. Yes.

21 Q. Now, Gambia is a little under 3 miles from Matru Jong; that
22 is the township of Matru.

23 A. No.

24 Q. How far is Gambia from Matru Town?

10:29:15 25 A. It could be about 7 miles, but not 3 miles.

26 Q. Very well. Now, in what year did you go to Gambia after
27 leaving Bumpeh?

28 A. I didn't just come from Bumpeh to Gambia. I just wanted
29 you to know, I didn't just leave Bumpeh for Gambia.

1 Q. When did you ultimately get to Gambia? What year?

2 A. 1998.

3 Q. Thank you. Now, the main source of income for people
4 living in Gambia is oil palm; not so?

10:30:51 5 A. Yes. That's what is there.

6 Q. That is in fact their livelihood?

7 A. Yes.

8 Q. Thank you. And in that year Joe Lewis, of whom you made
9 mention a short while ago, was the town chief of Gambia?

10:31:17 10 A. Yes.

11 Q. And the Paramount Chief of Jong chiefdom was Sam Goba,
12 otherwise known as Basopan. Paramount Chief Basopan.

13 JUDGE ITOE: The Paramount Chief of the Jong?

14 MR MARGAI: Jong chiefdom. Sam Goba, otherwise known as

10:32:05 15 Paramount Chief Basopan. B-A-S-O-P-A-N.

16 Q. I beg your pardon, you were saying something?

17 A. He is no longer alive, that's what I want to tell you.

18 JUDGE THOMPSON: Can counsel please spell it?

19 JUDGE ITOE: Yes, those spellings.

10:32:32 20 MR MARGAI: Sam Goba Basopan, B-A-S-O-P-A-N, Basopan.

21 [HN020605B - CR]

22 Q. In 1998, Sam Goba was paramount chief of Jong chiefdom, was
23 he, or had he died?

24 A. I believe so, but I cannot make a distinction, but I
10:33:13 25 believe so. I don't want to tell lies. I don't want to tell
26 lies.

27 MR MARGAI: She cannot tell, My Lord. I won't press.

28 Q. But Joe Lewis was speaker of Jong Chiefdom?

29 A. Yes.

1 Q. Now, on reflection, in 1998, Jonathan Sama was the regent
2 chief, Jonathan Sama; isn't that correct?

3 A. Yes. He was the regent chief.

4 Q. Now, because of the concentration of oil palm plantation in
10:34:35 5 Gambia, Gambia has a large population.

6 A. Yes. That's our own diamond.

7 Q. Thank you, I know that.

8 A. That's what people are claiming.

9 Q. And Gambia was still populous in 1998? There was a large
10:35:14 10 concentration of people in Gambia in 1998?

11 A. Yes, there were so many people there. Even though it was
12 during the war, but there were many people there.

13 Q. Now, at the time you went to Gambia in 1998, was it at the
14 early part of 1998, mid-1998, or towards the end of 1998?

10:35:49 15 A. At the end.

16 Q. Towards the end of 1998?

17 A. Yes, towards the end.

18 Q. At that time, meaning towards the end of 1998, there was in
19 place the Tejan Kabbah government. In other words, the
10:36:43 20 government had resumed governing Sierra Leone in 1998? Would you
21 agree with me?

22 A. I wouldn't know that. I don't want to tell lies. What is
23 the truth is what I am talking about.

24 MR MARGAI: My Lord, I take it that judicial notice will be
10:37:14 25 taken of the restoration of the democratically elected
26 government.

27 JUDGE THOMPSON: I don't see why this witness can be
28 pressed to that, seeing as she has given evidence in respect of
29 matters which are not so technical.

1 MR MARGAI: Is your Lordship suggesting that the return of
2 the government was technical?
3 JUDGE THOMPSON: Well, technical to certain persons. Of
4 course, technical not to you.
10:37:41 5 MR MARGAI: She went up to Form 1.
6 JUDGE THOMPSON: Yeah, but --
7 MR MARGAI: Never mind. I won't press that as long as
8 judicial notice will be taken.
9 JUDGE THOMPSON: Matters that you know, counsel --
10:37:53 10 MR MARGAI: As My Lords please.
11 JUDGE THOMPSON: -- you wouldn't attribute to her.
12 MR MARGAI:
13 Q. Now, by the end of 1998 when you went to Gambia, the police
14 were functioning in Matru Jong?
10:38:25 15 A. I wouldn't tell that. I didn't know.
16 Q. Now --
17 A. Wait for me, I want to drink some water. All finished.
18 Q. Thank you. Now, by the end of 1998 when you went to
19 Gambia, would you agree with me that the war had completely come
10:39:12 20 to an end in Gambia?
21 A. No, I wouldn't agree to that. At that time, the war had
22 not ended.
23 Q. I'm putting it to you that the war had not only come to an
24 end in Gambia, but the war had come to an end in Bonthe district,
10:40:00 25 of which Gambia is a part.
26 A. During that time, Kamajors were there.
27 Q. No, please don't confuse the issue. I'm not talking about
28 the presence of the Kamajors.
29 A. Okay, okay.

1 Q. I'm saying by the end of 1998, there was no war in Bonthe
2 district.

3 A. Okay.

4 Q. You agree?

10:40:41 5 A. Yes.

6 Q. Thank you. Now, you mentioned a visit to Gambia by Chief
7 Norman; did you not?

8 JUDGE ITOE: The answer is yes, just continue.

9 MR MARGAI:

10:41:18 10 Q. Now, this visit, I take it, was in the latter part of 1998?

11 A. Mmm.

12 Q. Could you speak up, please?

13 A. Yes.

14 Q. And as far as you are concerned, Chief Norman gave only one
10:41:49 15 visit.

16 JUDGE ITOE: This was at the end of 1998?

17 MR MARGAI: 1998, My Lord.

18 Q. As far as you are concerned, Chief Norman paid only one
19 visit to Gambia during that period.

10:42:07 20 A. Yes.

21 Q. Do you know whether at that time, the end of 1998, Chief
22 Norman was deputy defence minister. If you don't know, it
23 doesn't matter; judicial notice will be taken of that.

24 PRESIDING JUDGE: Are you asking the witness, or are you
10:42:33 25 asking the --

26 MR MARGAI: I'm asking the witness, My Lord, I cannot ask
27 the Bench.

28 PRESIDING JUDGE: Don't argue with the witness about
29 judicial notice.

1 MR MARGAI: No, no.

2 PRESIDING JUDGE: Just ask the question.

3 MR MARGAI: As My Lord pleases.

4 THE WITNESS: I don't know.

10:43:04 5 MR MARGAI:

6 Q. You don't know. Thank you. Now, when Chief Norman paid
7 that visit, was he accompanied by soldiers?

8 A. I didn't see soldiers. No. What I saw is what I'm talking
9 about.

10:43:34 10 Q. Was Chief Norman accompanied by police personnel?

11 A. Yes.

12 Q. How many would you say? How many police personnel did you
13 see?

14 A. I saw two of them.

10:43:53 15 Q. And were they in uniform?

16 A. Yes.

17 Q. And these three pregnant women you talked of, had they been
18 captured before the arrival of Chief Norman?

19 A. Yes, they had been captured. When they heard the sound of
10:44:34 20 the thing, that's when they captured them.

21 Q. Thank you. You said all three were killed in the court
22 barri at Gambia?

23 A. Yes.

24 Q. Thank you. I take it one after the other?

10:45:06 25 A. Yes.

26 Q. What is the distance between where Chief Norman's
27 helicopter landed and this court barri, can you approximate,
28 please?

29 A. Yes. It's like from the entrance to this point -- the

1 entrance of the gate -- the entrance into the Court to the courts
2 here. The main gate through which the vehicles enter to this
3 point.

4 Q. To this point. Would you gentlemen accept a distance of
10:46:05 5 about 200 metres, or not up to that?

6 PRESIDING JUDGE: From the entrance?

7 MR MARGAI: The main entrance to this building.

8 PRESIDING JUDGE: 200 metres, no.

9 JUDGE ITOE: It is much more than that.

10:46:20 10 PRESIDING JUDGE: Much more.

11 JUDGE ITOE: Much more than that.

12 MR MARGAI: I'm not mathematically inclined, that's why I
13 was asking --

14 PRESIDING JUDGE: Neither am I.

10:46:28 15 JUDGE ITOE: I'm not either.

16 MR MARGAI: As My Lord pleases. What would Your
17 Lordships suggest?

18 JUDGE ITOE: I agree with your colleagues there.

19 PRESIDING JUDGE: It would be certainly be the double of
10:46:37 20 that.

21 MR MARGAI: Double?

22 JUDGE THOMPSON: Roger Bannister would have done it more
23 than that.

24 MR MARGAI: 400?

10:46:42 25 JUDGE THOMPSON: 400, yes, 400 metres.

26 MR MARGAI: We accept that, 400 metres, very well.

27 PRESIDING JUDGE: It's about 400 metres.

28 MR MARGAI: About 400 metres, I'm grateful.

29 Q. Now, Madam Witness, after Chief Norman arrived, did he go

1 to the barri?

2 A. Yes.

3 Q. And was he welcomed at the barri?

4 A. Yes, a large crowd.

10:47:24 5 Q. And there was a large crowd at the barri?

6 A. Yes.

7 Q. And these two policemen were still with Chief Norman in
8 their uniform?

9 A. No. The police then followed him to the barri. They
10:47:52 10 stopped where that thing was.

11 Q. All right. But there was a large crowd at the barri?

12 A. Yes.

13 Q. And the town chief of Gambia was present?

14 A. No, he was not there.

10:48:19 15 Q. Are you saying he was not there, or are you saying you did
16 not see him there? Which is which?

17 JUDGE THOMPSON: No, you asked her whether he was present.

18 MR MARGAI: Yes, My Lord.

19 JUDGE THOMPSON: She said he was not there.

10:48:32 20 MR MARGAI: I'm now asking her whether she's saying that he
21 was not there, or she did not see him there. They are not
22 synonymous. I want to be sure.

23 THE WITNESS: At that time, there was a large crowd. I
24 didn't see him. Even if he was there, I didn't see him.

10:48:51 25 MR BANGURA: Just to be fair to the witness, there was a
26 specific question which elicited a specific answer.

27 JUDGE THOMPSON: But required clarification.

28 PRESIDING JUDGE: It's quite proper in cross-examination to
29 ask these questions. What's your objection?

1 MR BANGURA: Your Honours, it's a bit confusing for the
2 witness.

3 JUDGE THOMPSON: No, I think --

4 MR BANGURA: Did you see this person there? She said, no,
10:49:13 5 I did not see this person there. She said that she did not see
6 this person there.

7 JUDGE THOMPSON: No, it wasn't in that sequence. The
8 sequence was was he present, and then when the answer came he was
9 not there, so counsel sought clarification and, of course, I
10:49:31 10 interposed.

11 MR MARGAI: In fact, the witness has clarified the issue,
12 the crowd was so large that --

13 JUDGE THOMPSON: I take your point. The Prosecution is not
14 prejudiced.

10:49:40 15 PRESIDING JUDGE: Mr Margai, if I may, because you have
16 this tendency now to speak when the witness is giving an answer
17 and I'm getting confused because I'm missing half of what the
18 witness is saying.

19 MR MARGAI: I'm guided by the interpreter. I'm sorry, I
10:49:55 20 shall wait much longer.

21 PRESIDING JUDGE: You may understand what is being said,

22 MR MARGAI: I'm sorry, My Lord.

23 PRESIDING JUDGE: Normally you don't but you seem to be
24 doing that this morning.

10:50:03 25 MR MARGAI: I listen to the interpretation and after that I
26 come in, but I shall extend the time.

27 PRESIDING JUDGE: It's just that it's very difficult.

28 MR MARGAI: I appreciate that.

29 Q. Now, could you answer the question again? You said the

1 crowd was so large that -- that what?

2 A. When he asked me if the Chief was present when that
3 happened, I said I didn't see him because there was a large
4 crowd. I couldn't have been able to see the Chief. That's what
10:50:36 5 I said.

6 Q. So it is possible that he could have been there, but not
7 seen by you?

8 JUDGE ITOE: There again, there again.

9 PRESIDING JUDGE: You're getting argumentative. She has
10:50:51 10 answered.

11 MR BANGURA: Your Honours would now see why I object.

12 JUDGE ITOE: [Overlapping speakers]

13 MR BANGURA: It's a matter of inference.

14 JUDGE ITOE: This is it.

10:51:03 15 MR MARGAI: As My Lord pleases.

16 JUDGE THOMPSON: Counsel, give your colleague a little
17 uninterrupted run. I mean, there is no danger here, as I can
18 see. It's just a question of, as you say, wanting clarity and
19 precision, right?

10:51:22 20 MR BANGURA: I take your point, Your Honour.

21 THE WITNESS: I want to put myself at ease.

22 MR BANGURA: When this kind of --

23 JUDGE ITOE: She said what?

24 MR MARGAI: She wants to put herself at ease.

10:51:36 25 PRESIDING JUDGE: We will wait for five minutes to allow
26 the witness to proceed.

27 [Break taken at 10.50 a.m.]

28 [On resuming at 11.01 a.m.]

29 PRESIDING JUDGE: Yes, Mr Margai.

1 MR MARGAI:

2 Q. Now, Madam Witness, were you in the barri when Chief Norman
3 got there?

4 A. Yes.

11:03:56 5 Q. How big is the barri, taking the circumference of this
6 room? How big is the barri? Is it as big as this room?

7 A. No. It is as not as large and it is not that small.

8 Q. Is it about half the size of this room?

9 A. Yes.

11:04:31 10 Q. Could you speak up, please?

11 A. Yes.

12 Q. Whilst Chief Norman was in the barri, was the barri full to
13 capacity?

14 A. The inside of the barri was not that full. Those who had
11:04:56 15 died were lying down there, but the people surrounded it.

16 Q. Thank you. Madam, I'm putting it to you that Chief Norman
17 never went to Gambia in 1998; the whole of 1998, he never went
18 there.

19 A. He went there. What I saw is what I am saying.

11:05:34 20 Q. Thank you. I further put it to you that in the whole of
21 1998, from start to end, Kondewa never went to Gambia.

22 A. He was there. He was the initiator. What I saw is what
23 I'm saying. I wouldn't tell lies.

24 Q. I'm further putting it to you that by the end of 1998
11:06:35 25 Kondewa was not initiating because he had been sacked.

26 A. No. I wouldn't agree.

27 Q. Thank you. I further put it to you that your evidence
28 concerning the killing of those three pregnant women is a figment
29 of your imagination; it never happened.

1 A. No, I did not just think about it. If I didn't see it I
2 wouldn't talk about it. I came here to say the truth. When I
3 came here, I took an oath. I didn't just think about it, I saw
4 it first.

11:08:17 5 Q. I'm putting it to you, Madam Witness, that the evidence
6 relating to the cassava incident is not true; it never happened.

7 A. No, no, it happened. It's true. You know, I wouldn't
8 mind -- I'm angry. I'm telling the truth. If it didn't happen,
9 I wouldn't talk about it.

11:09:22 10 MR MARGAI: My Lords, so as not to disclose the identity of
11 this lady, I wish to pass this piece of paper over to her to
12 identify the name written on it.

13 PRESIDING JUDGE: On that piece of paper, there's a name?

14 MR MARGAI: There's a name written on it.

11:09:45 15 PRESIDING JUDGE: You will have to try to assess with the
16 witness if she can read this.

17 MR MARGAI: She went up to Form 1. I take it that --

18 THE WITNESS: I went to Form 1, but I didn't tell you I can
19 read and write.

11:10:06 20 JUDGE THOMPSON: Do you agree those presumptions are not
21 always correct?

22 MR MARGAI: I agree, My Lord.

23 PRESIDING JUDGE: Presumably, Mr Margai, that question is
24 written in English?

11:10:32 25 MR MARGAI: It is, very simple English.

26 PRESIDING JUDGE: And if she cannot, she cannot.

27 MR MARGAI: [Microphone not activated]

28 THE INTERPRETER: Mr Margai, your microphone is not on.

29 PRESIDING JUDGE: Show it to her, if she can read it. As I

1 said to you, maybe she can't.

2 MR MARGAI: Well, she probably will surprise us positively.

3 Q. Please look at that document. Do you recognise the name?

4 Look at the document, please?

11:11:23 5 [Document shown to witness]

6 PRESIDING JUDGE: Can you read, Madam Witness, what is on
7 that piece of paper?

8 THE WITNESS: No.

9 MR MARGAI: Could she be aided by counsel from both sides,
11:11:33 10 please?

11 PRESIDING JUDGE: Yes, that's why I was saying to you maybe
12 she could not and therefore --

13 MR MARGAI: Well, I did not want to assume.

14 PRESIDING JUDGE: I didn't want to assume that she could
11:11:44 15 either.

16 JUDGE THOMPSON: You have a rebuttal to your presumption.

17 [Document shown to witness]

18 PRESIDING JUDGE: Mr Margai?

19 MR MARGAI: Yes, My Lords.

11:14:36 20 PRESIDING JUDGE: You are asking that this document with a
21 question and the answer -- in fact, I see there's more, there are
22 two questions and two answers on it. Do you want that to be
23 marked --

24 MR MARGAI: Yes, after putting those questions to her and
11:14:49 25 depending on her answers, then I shall apply for that document to
26 be admitted.

27 PRESIDING JUDGE: This document containing two questions
28 and two answers from the witness is marked as exhibit 93.

29 [Exhibit No. 93 was admitted]

1 JUDGE THOMPSON: Are we pre-empting?

2 MR MARGAI: I think so.

3 JUDGE THOMPSON: Well, you did say you wanted to put the
4 questions.

11:16:00 5 MR MARGAI: I wanted to put the questions to her and then
6 after her answer, I will then seek leave to have that document
7 tendered as an exhibit.

8 PRESIDING JUDGE: I'm not sure I follow you. You want to
9 put the question orally to the witness now?

11:16:13 10 MR MARGAI: Without disclosing the name.

11 PRESIDING JUDGE: I see. So you will stop after "call"?

12 MR MARGAI: Yes, I will.

13 PRESIDING JUDGE: That's fine.

14 JUDGE THOMPSON: Counsel, you were about to stand.

11:16:38 15 MR BANGURA: Not really, Your Honour. I'm still pondering.

16 MR MARGAI:

17 Q. Now, you made mention in your testimony of an uncle in
18 whose eyes were poured liquid from a lighted candle; did you not?

19 MR BANGURA: Your Honours, I believe the evidence is not
11:16:59 20 candles.

21 JUDGE ITOE: It is not candles.

22 PRESIDING JUDGE: It was plastic.

23 MR MARGAI: Very well.

24 Q. From plastic, did you not?

11:17:12 25 A. Yes.

26 Q. Could you speak up, please, madam. You gave that evidence,
27 did you?

28 A. [Witness nods]

29 Q. Could you speak up?

1 A. Yes.

2 Q. Is the name of that uncle that written on that paper?

3 A. Yes.

4 Q. Thank you.

11:17:56 5 MR MARGAI: I now seek Your Lordships to tender that
6 document as an exhibit.

7 PRESIDING JUDGE: That is Exhibit 93.

8 MR MARGAI: Thank you.

9 JUDGE ITOE: That exhibit should be kept under seal,
11:18:22 10 please.

11 PRESIDING JUDGE: Yes, yes. That exhibit will not be made
12 publicly available, it will be under seal so as not to disclose
13 the identity of the witness.

14 MR MARGAI:

11:18:35 15 Q. And that uncle lived at Gambia?

16 A. Yes.

17 Q. Did he have a family?

18 A. Yes.

19 Q. A wife and children?

11:19:09 20 A. Yes.

21 Q. And is that wife alive?

22 A. Yes.

23 Q. And living in Gambia?

24 A. Yes.

11:19:35 25 Q. How many children?

26 A. Two of them.

27 Q. A boy and a girl?

28 A. Yes.

29 Q. And they're living with their mother in Gambia?

1 A. Yes.

2 Q. Madam, I'm putting it to you that that uncle whose name
3 appears on that exhibit is very much alive in Gambia.

4 A. He's not alive at all. He's not alive at all. I wouldn't
11:20:21 5 tell lies. What I saw is what happened. I'm very hard-hearted.
6 I wouldn't even cry.

7 MR MARGAI: That would be all for this witness, My Lord.

8 Q. Thank you very much, Madam Witness.

9 PRESIDING JUDGE: Thank you, Mr Margai. Mr Prosecutor, any
11:20:46 10 re-examination?

11 MR BANGURA: No re-examination for the witness, Your
12 Honours.

13 PRESIDING JUDGE: Thank you. We thank you very much, Madam
14 Witness, for having taken the time to come here to give us your
11:21:03 15 evidence on these incidents. We thank you very much. That
16 concludes your evidence and you can go back at this moment.

17 Mr Prosecutor, you will deal with your next witness.

18 THE WITNESS: You've made me think about my uncle. Come
19 and get me out of here, quickly, so I wouldn't cry.

11:21:43 20 PRESIDING JUDGE: Please go and assist the witness.

21 [The witness withdrew]

22 MR TAVENER: To answer your question, Your Honour, the next
23 witness will be TF2-189. I would remind Your Honours the next
24 witness after that is TF2-135, about which there is an
11:22:50 25 application about the nature of her evidence. As raised by the
26 Defence counsel yesterday, I have now before me the motion to
27 exclude the testimony of TF2-218. We're also seeking that person
28 to give evidence in closed session. That's the international
29 witness who is due to fly in on Sunday. We're hoping for a

1 decision by Friday whether or not he should get on the plane.

2 There is also the application for a closed court --

3 PRESIDING JUDGE: When you say Friday, you don't mean
4 Friday tomorrow, you mean Friday next week?

11:23:27 5 MR TAVENER: No, I mean Friday tomorrow. This application,
6 we just received it this morning. As mentioned by my friends
7 yesterday afternoon, this witness is due to testify on the 7th.
8 That was disclosed -- the actual date of his giving evidence was
9 disclosed last week, but as we've just received the application,
11:23:46 10 it makes it difficult for both the Prosecution and the Court to
11 respond in adequate time, otherwise this person will be getting
12 on the plane, that's correct. I merely mention that as -- that's
13 the manner in which my friends have chosen to proceed, so we have
14 to respond.

11:24:03 15 PRESIDING JUDGE: This is an application made by counsel
16 for the first accused?

17 MR TAVENER: That's correct.

18 PRESIDING JUDGE: And it has to do with the evidence you're
19 calling from TF2-218?

11:24:19 20 MR TAVENER: Yes, that's correct, both excluding his
21 testimony, I take it, and I haven't read it in detail, and
22 opposing the closed session. They're obviously interrelated.

23 PRESIDING JUDGE: I haven't seen it either. The
24 application is to oppose the evidence in closed session?

11:24:34 25 MR YILLAH: The application is to disqualify that witness
26 from testifying for the reasons set out in that application.

27 JUDGE THOMPSON: Can we have the pseudonym of the witness
28 again?

29 MR TAVENER: TF2-218?

1 JUDGE THOMPSON: To disqualify?

2 MR TAVENER: To exclude the testimony of that witness.
3 Included in that will be an application to have that witness,
4 should he be allowed to testify, to testify in closed Court.

11:25:11 5 PRESIDING JUDGE: Your plan was to call that witness next
6 week on the 7th?

7 MR TAVENER: That's correct. Again, he is a witness who
8 has a certain timetable and he's flying in on Sunday.

9 PRESIDING JUDGE: Thank you.

11:25:29 10 MR TAVENER: The other application I mentioned yesterday
11 was in respect of TF2-011. That is simply a closed court
12 application. I don't expect too much opposition for that
13 application. I'm probably going to be wrong. Then there is the
14 question of TF2-135, who is testifying about sexual offences in a
11:25:48 15 particular form.

16 JUDGE THOMPSON: What's the problem about that last
17 witness, TF2-135?

18 MR TAVENER: TF2-135, in a nutshell --

19 JUDGE THOMPSON: Is there an application pending?

11:26:04 20 MR TAVENER: No, in light of Your Honours' decisions I
21 thought I would raise this matter. That witness will be
22 testifying about a complaint she made to the second accused.
23 That complaint is a detailed recitation of sexual offences
24 committed against her. And the Prosecution would then also seek
11:26:26 25 to lead the response of the second accused to that complaint. We
26 say it goes to, amongst other things, individual criminal
27 responsibility.

28 JUDGE ITOE: When you treat it as a complaint, will that
29 not be evidence, Mr Tavener?

1 MR TAVENER: I'm happy to start the application now, Your
2 Honour.

3 JUDGE ITOE: No, it's not a question of starting, I am just
4 putting the question to you. You are dragging the Court in and
11:26:50 5 out of this process. I think there must be an end to litigation.
6 There must be an end to litigation, and I think the Chamber has
7 been very, very clear on this issue. We do not want to keep
8 revisiting and revisiting an issue which should be laid to rest.

9 MR TAVENER: We're not leading it to prove the rapes
11:27:10 10 themselves --

11 JUDGE ITOE: It's the same argument.

12 MR TAVENER: With the greatest respect, it's not the same
13 argument. We're not leading it to prove the fact of the rape, we
14 are leading it to prove that a complaint about particular
11:27:23 15 unlawful activities were made directly to a second accused, which
16 goes to his knowledge, and his response goes directly to section
17 6.3. That's why we're leading it, not for the sake to prove the
18 actual events. That's why I believe an application has to be
19 made.

11:27:42 20 PRESIDING JUDGE: But this is the matter that you had said
21 yesterday that you were to reassess about that witness given the
22 ruling of the Court yesterday?

23 MR TAVENER: That's correct.

24 PRESIDING JUDGE: And so you have reassessed and you have
11:27:57 25 decided to come and try it again, if I can put it in these terms.

26 MR TAVENER: We're not trying again, we're going to a
27 completely new area.

28 PRESIDING JUDGE: Well, I would like to understand how it
29 is different than the situation we had yesterday, because the

1 situation we dealt with yesterday, at least in the premise of
2 that application yesterday, I see on the face of it absolutely no
3 difference between what you are raising today and what you
4 disclosed yesterday.

11:28:30 5 MR TAVENER: I will be very brief, Your Honour. The
6 Prosecution accepts the Court's decisions have the cumulative
7 effect that the evidence of sexual matters, gender crimes, is not
8 permitted under any circumstances. The evidence cannot be
9 adduced to establish any offences standing on the indictment, nor
11:28:44 10 can it be led as evidence of uncharged acts to establish such
11 things as preliminary matters or to place events in context.

12 [HN020605C-JM]

13 The evidence of -- the evidence of Witness TF2-135 is in a
14 different category.

11:29:02 15 [Trial Chamber confers]

16 PRESIDING JUDGE: Are you making your application now?

17 JUDGE THOMPSON: Because if you are, I need to follow you
18 as carefully as I can.

19 MR TAVENER: Thank you.

11:29:11 20 PRESIDING JUDGE: And if that is the case, too, I would ask
21 you to start right from the beginning and take your time.

22 MR TAVENER: Thank you.

23 PRESIDING JUDGE: We need to -- as you understand our
24 position, we want to know what is the difference, if any, between
11:29:27 25 that scenario, that factual scenario, and what we disposed of
26 yesterday.

27 JUDGE THOMPSON: Yes, consistent with that, though I don't
28 want to be too pre-emptive, if there's any new material that, as
29 a result of your researches that you want to put to the Court, I

1 mean, I'm prepared to listen. But at the same time, not being
2 judicially oblivious of a decision that we have given and which
3 may well touch and concern this particular application.

4 MR TAVENER: Perhaps then I put the Prosecution's
11:30:10 5 understanding of the totality or cumulative effect of
6 Your Honours' decisions, that is that no evidence of sexual
7 matters can be led, and that is no sexual evidence can be led
8 which could then be allocated against any charges currently
9 standing on the cumulative -- on the consolidated indictment.

11:30:32 10 The decision --

11 MR JABBI: My Lords. My Lords, I'm sorry to interject at
12 this moment. I would not at all want to propose how the
13 Prosecution handle those matters that they want to bring to the
14 Court but My Lord, the Prosecution just said that there was need
11:30:57 15 to take a decision on the question of TF2-218 giving evidence.

16 In view of the certain application that has been filed by counsel
17 for the first accused, and I think Prosecution was also
18 requesting that a decision was due or should at least be reached
19 on that -- by Friday, that is tomorrow. I just want to ask

11:31:36 20 Prosecution to consider the priority of urgency of these two
21 issues in terms of the decisions that have to be taken because I
22 wonder how much time the Court is going to have to deal with the
23 218 application if, indeed, the Court has also to go into the
24 motion, as it were, that the Prosecution is commencing to make
11:31:59 25 now.

26 PRESIDING JUDGE: I am at a bit of a loss to understand
27 your comments at this time. The Prosecution has stated that they
28 have received a copy of your motion. We've just been given a
29 copy of it and I see from the front of that document that it was

1 filed this morning at 9.18 a.m. At least we have to give the
2 Prosecution the time to read that motion that you have filed, and
3 it would not be appropriate to ask them to address that now. I
4 mean, how can they do that when it was filed while they were in
11:32:37 5 Court?

6 MR JABBI: My Lord --

7 PRESIDING JUDGE: I understand it is an urgent motion. At
8 this stage, my understanding is there is this outstanding issue
9 about TF2-218 as a result of the motion that you have filed on
11:32:52 10 behalf of the first accused, but there's also an issue about
11 TF2-135 which is the next witness that the Prosecution intended
12 to call. 218, my understanding, is that it's the intent of the
13 Prosecution to call that witness on the 7th of June, if I'm not
14 mistaken. Yes, it's getting to be fairly tight as far as the
11:33:18 15 schedule is concerned.

16 MR JABBI: Maybe, I don't know, Prosecution might perhaps
17 have preferred to seek that the motion in respect of TF2-218 be
18 treated as an oral motion and treated immediately. Because
19 certainly if the plans of the travel of TF2-218 have to be
11:33:41 20 reconsidered, then as he suggested a decision should be available
21 by tomorrow, and maybe oral process might settle that.

22 PRESIDING JUDGE: Well --

23 MR JABBI: I just want to bring it up so it is considered
24 at any rate.

11:33:56 25 PRESIDING JUDGE: Thank you. So you may proceed with your
26 application on TF2-135.

27 MR TAVENER: Thank you. Just mention briefly, in respect
28 to TF2-218, if we're allowed perhaps a lunch break to read the
29 application we'll be prepared by the afternoon.

1 In regards to TF2-135, it is the Prosecution's
2 understanding of the Court's decision that evidence cannot be led
3 in respect of sexual offences against any current counts standing
4 on the consolidated indictment. At the same time, evidence can't
11:34:30 5 be led of uncharged acts, which we would see gender crimes as now
6 being, for the purposes of explaining preliminary matters or
7 placing charged acts in context. So we understand virtually no
8 evidence of those types of offences can be led. We would submit,
9 however, that the evidence of TF2-135 is in a different category.

11:34:53 10 As I've mentioned, that witness will recount a complaint
11 she made directly to the second accused about the unlawful sexual
12 activities of the Kamajors in particular against her, and his
13 response to that complaint. That complaint provides some detail
14 of sexual offences.

11:35:14 15 The Prosecution is not seeking to lead the evidence to
16 prove the charge of rape or a series of rapes; rather, the detail
17 is necessary of those sexual activities in order to assess what
18 the second accused was told and his response. The crime of rape
19 may not be in the present indictment, but it's still an unlawful
11:35:37 20 act under Article 2 of the Statute. The evidence is being led to
21 establish the accused's control, his knowledge, and his response.
22 The accused was spoken to because of his position within the
23 Kamajors. The Kamajors were under his control, and the
24 particular groups the witness will speak about were under his
11:36:01 25 control. His actual knowledge is important, and that's why the
26 details are important, and his response is important.

27 The Defence case, if not yet stated explicitly is that the
28 accused did not know of bad behaviour of Kamajors, and that
29 brings us to Section 6.3, criminal responsibility of a superior.

1 The Prosecution is seeking to establish the superior-subordinate
2 relationship. In this case, the witness went to the accused
3 because of his position as the director of war; so his position,
4 his ability to affect what Kamajors did. The Prosecution is also
11:36:39 5 seeking to establish the superior knew of offences committed.
6 Therefore, it's important that the witness be allowed to tell,
7 with detail, what she told the second accused because there must
8 be no ambiguity as to what he knew. His knowledge is one of the
9 crucial elements, and from his knowledge what he did.

11:37:00 10 The Prosecution is also seeking to establish that he failed
11 to take necessary and reasonable measures to prevent the crime or
12 to punish perpetrators. Again, detail is necessary. We then had
13 the response of the second accused which the witness will
14 recount, which we say indicates his knowledge of other offences
11:37:18 15 and unlawful activities of Kamajors.

16 The witness has also been cross-examined a number of times
17 during the course of this trial as to why they did not report his
18 activities to police or to senior Kamajors. And amongst other
19 things, the answer provided by the second accused or his response
11:37:39 20 by the -- his response to the complainant we would say indicates
21 why complainants or other people did not take the effort to
22 complain to senior Kamajors. Again, I would emphasise, we
23 differentiate the evidence to be led from the evidence Your
24 Honours have been quite clear about cannot be led, that is,
11:38:04 25 evidence about sexual offences cannot be led. We're now seeking
26 to lead this not as evidence of sexual offences but of evidence
27 of control, knowledge, and response of the accused. The only
28 reason the detail is given, the detail of complaint is given, is
29 so that the Court has a clear understanding of the knowledge that

1 the second accused was given by the complainant and his response.
2 So it doesn't go to proving the offences took place; it goes to
3 proving the other matters as I've mentioned that fall under 6.3.
4 This evidence, in effect, is not only against the second accused
11:38:46 5 but is equally applicable against the other accused.

6 So that's the basis on which the -- this witness will be
7 called. Her evidence is, in effect, that complaint that she
8 makes which will recite those alleged sexual offences.

9 Thank you.

11:39:42 10 PRESIDING JUDGE: Thank you, Mr Tavener.

11 MR YILLAH: Yes, My Lord. Briefly in response to what my
12 learned friend has applied for, I would oppose his application
13 for the following reasons. One, again, that the evidence he is
14 seeking to lead before this Court is outside the scope of the
11:39:42 15 indictment. Because, my My Lord, the act that is complained of
16 has to be a prohibited act within the framework of this
17 indictment. And in light of Your Lordship's decision.

18 My Lord, I would suggest that the first angle that Your
19 Lordships should look at is the nature of the act. In light of
11:40:10 20 Your Lordships' decision and ruling yesterday, is that act a
21 prohibited act within the indictment that has been brought
22 against the accused persons? I would respectfully submit that in
23 light of Your Lordships' submission on the admissibility of
24 evidence and your decision yesterday reechoing that evidence,
11:40:28 25 that act is not a prohibited act within the confines of this
26 indictment, My Lord, and Your Lordships' decision. Therefore, I
27 would move the argument to state therefore to say that if the act
28 is not a prohibited act, then the proposal by the Prosecutor to
29 say it would be evidence to show that the accused person had

1 knowledge or had reason to know, that would not apply, My Lord,
2 with the greatest respect, because the primary -- the foundation
3 for which that should be -- knowledge should be imputed has not
4 been laid before the Court. The act in question, I contend, is
11:41:06 5 not a prohibited act in light of this indictment and
6 Your Lordships' decision. So therefore, even if a complaint is
7 made in respect of a act that is not a prohibited act, the
8 accused person, if he did not act on that complaint does not
9 constitute evidence before this Court as to imputing knowledge on
11:41:25 10 him or to show control. That would be my short response,
11 My Lord.

12 PRESIDING JUDGE: Thank you. Counsel for second accused.

13 MR KOPPE: Your Honours, I think it's my opinion that your
14 ruling on admitting any evidence on sexual violence has been
11:41:45 15 quite clear. It now seems to me that the Prosecutor is trying to
16 get this evidence in through the back door. We will, in his
17 opinion, be speaking about all kinds of details in respect of
18 alleged committed sexual crimes. It is my opinion that that
19 would go contrary to the very substance of your decision.

11:42:13 20 Furthermore, it would seem to be very strange that we will
21 then at one point have to evaluate possible actions or behaviour
22 of the second accused in respect of an act which we can actually
23 really go into detail about, or an act that, strictly legally
24 speaking, hasn't happened or cannot be led in evidence.

11:42:44 25 So we now will go into a position to evaluate the actions
26 made by the second accused on an alleged filed report, and this
27 report is -- has been done in respect of an act that we
28 cannot -- we cannot really bring into evidence. We cannot
29 discuss it. We have to treat it in such a matter as that it

1 didn't happen. So how to truly evaluate any actions of the
2 second accused in respect of this report? So it's -- we would
3 end in a very peculiar situation that, on the one hand, the
4 contents of such a report are not to be discussed, but we do end
11:43:36 5 up discussing the behaviour or the actions following this
6 allegedly filed report.

7 So I have no clear vision on how to proceed in such a way.
8 So actually, it is my opinion that there is no difference between
9 the example that was presented yesterday by the
11:44:06 10 allegedly -- alleged abortion followed by the sexual violence,
11 and this not treating properly the filed report after the
12 allegedly committed sexual violence, I cannot make that
13 distinction. So it is my opinion that this witness cannot be
14 questioned on anything related to possible allegedly happened
11:44:33 15 sexual acts.

16 The same goes, then, of course, for any actions committed
17 by my client in respect of this allegedly filed report. So that
18 would be my opinion, Your Honour.

19 PRESIDING JUDGE: Thank you. Counsel for third accused.

11:45:00 20 MR WILLIAMS: My Lords, we would want to adopt the lines
21 taken by counsel for the first and second and to reecho our
22 arguments of the 31st, My Lord, but to also add, My Lord, as
23 indicated on the 31st where I was relying on two principles of
24 law, res judicata and issue estoppel and where I now add a third
11:45:30 25 principle, My Lord, that of functus officio. Your Lordships have
26 decided on this and Your Lordships are functus on this matter.

27 PRESIDING JUDGE: I'm not sure we have decided on that. We
28 have spoken about that.

29 MR WILLIAMS: Your ruling, My Lord, on the admissibility of

1 evidence, My Lords.

2 PRESIDING JUDGE: Yes, but you're talking about res
3 judicata. Estoppel is something we did discuss in some decisions
4 about functus officio, but --

11:46:02 5 MR WILLIAMS: I'm sorry, My Lord.

6 PRESIDING JUDGE: We have discussed in one decision about
7 functus officio, but I do not recall that was a majority decision
8 on that --

9 MR WILLIAMS: What I'm saying, I'm not relying on that
11:46:16 10 ruling. I'm saying that the principle of functus applies in this
11 particular case. Your Lordships have decided on an issue, and
12 there is finality. Unless, it's only left to the Court of our
13 jurisdiction now to overturn that ruling, not Your Lordships.

14 MR TAVENER: I'll be brief, Your Honour. This evidence is
11:46:39 15 not led to prove the offence of rape or sexual offences. It's
16 led to prove matters that primarily go to Section 6.3. An
17 offence does not have to be on the indictment to be a prohibited
18 act. Rape is a prohibited act whether or not it is on the
19 indictment. It only means -- the fact that it's not on the
11:47:01 20 indictment only means the accused cannot be convicted of it.

21 That's all it means. It's still there, it's still an offence.
22 Therefore, when you come to look at the evidence that the
23 complainant will provide, that the witness will provide, you
24 don't have to evaluate whether the act occurred or not. What
11:47:18 25 you're looking at and the purpose of the evidence is to look at
26 what the witness told the accused, therefore his knowledge, how
27 he responded, his position of control and so on. All very
28 relevant matters. Whether or not the act committed was committed
29 is not the fact in issue. And I accept my friend can change his

1 view in the course of a night having reviewed the matter.

2 Certainly, in no way is this a case of res judicata, issue
3 estoppel, and Your Honours are certainly not functus in this
4 matter. It's an ongoing trial, and this particular matter is one
11:47:54 5 in which the Prosecution says is separate from the other
6 considerations of whether or not evidence involving sexual
7 offences can be adduced. This is simply a matter of a complaint
8 being made to an accused and his response which goes directly to
9 6.3, individual criminal responsibility. Thank you.

11:48:19 10 PRESIDING JUDGE: Thank you.

11 JUDGE THOMPSON: Mr Prosecutor, the more you make your
12 submissions, the more I get the impression, at least
13 preliminarily and hopefully perhaps tentatively, that you are
14 really inviting the Chamber to embark upon some kind of judicial
11:48:42 15 adventurism here, applying some judicial, as we said in our
16 ruling yesterday, doctrine of severability. In other words,
17 you're saying that the evidence that you propose to lead will go
18 to or is intended to prove a state of mind. Is that it?

19 MR TAVENER: Not a state of mind. It proves knowledge.

11:49:12 20 JUDGE THOMPSON: It proves knowledge, right. But we're in
21 the realm of basic criminal liability, actus reus plus mens rea
22 equals criminal liability.

23 MR TAVENER: Yes.

24 JUDGE THOMPSON: So you are suggesting that this evidence
11:49:27 25 is intended to create a kind of legally limping situation where
26 it goes to prove one element, and remember, knowledge is part of
27 mens rea, but does not actually touch the actus reus part. So
28 what's the purpose there? Having regard to the basic principle
29 of criminal liability, whether at the international level or

1 national criminal law systems, that you cannot establish criminal
2 liability without the actus reus on the one hand plus
3 criminal -- plus mens rea. In other words, knowledge cannot be
4 seen outside the context of the mental element of crime. So
11:50:09 5 you're inviting us to enter, as I said before, upon some kind of
6 judicial adventurism and virtually going to the very root of
7 criminal liability. And perhaps try to persuade me away from
8 that kind of thinking.

9 MR TAVENER: I'll have to try, Your Honour, because I don't
11:50:34 10 quite agree with what Your Honour's saying. What I would submit
11 is that actus reus and mens rea go towards establishing an
12 offence, as in the offence of unlawful killing.

13 JUDGE THOMPSON: But you agree it's fundamental to
14 centimetre liability, whether at the international level or at
11:50:53 15 the national level.

16 MR TAVENER: That we agree on, Your Honour. That's right.

17 JUDGE THOMPSON: Yes.

18 MR TAVENER: But then we move on to establishing 6.3,
19 individual criminal responsibility, and we say that this evidence
11:51:06 20 goes to that particular aspect, it doesn't towards proving the
21 crime, it doesn't go towards proving the offence of unlawful
22 killing or in this case, sexual offence; we're not trying to
23 prove a sexual offence occurred. What we're saying is this
24 evidence falls -- comes under establishing 6.3, what did the
11:51:25 25 accused person know? The criminal --

26 JUDGE THOMPSON: In other words, his state of mind at that
27 particular time.

28 MR TAVENER: But not about a particular offence. We have
29 to establish, the Prosecution must establish in order to show the

1 criminal responsibility of the second accused and the other
2 accused what they knew and whether they failed to take necessary
3 and reasonable measures. Now, when I --

4 JUDGE THOMPSON: In respect of what?

11:51:48 5 MR TAVENER: In respect of responding to the criminal
6 activities, the unlawful activities of Kamajors. It does not
7 have to relate to an offence on the indictment; that is our
8 submission. Here, I don't think -- although it has been
9 suggested, I don't believe you could say that rape is not an
11:52:04 10 unlawful offence. It's recognised under the statute. So that
11 aside, it doesn't have to be on the indictment. What we're
12 saying is the accused man was told of an unlawful act or series
13 of acts by persons under his control. Then we look at what did
14 he do to take necessary and reasonable measures in respect of
11:52:23 15 what he was told. We say that's contained in the response he
16 gave the witness, in effect, "it's happened to all the other
17 women. Don't worry about it." So we say that's why the evidence
18 relates to 6.3, not a particular count on the indictment. So
19 therefore, I don't disagree in terms of actus reus and mens rea,
11:52:48 20 but they relate to a charge standing on the indictment. This
21 relates to 6.3, criminal responsibility.

22 And that's why it's so important to know the details
23 because unless we know the details of what he was told, the Court
24 may not be able to be satisfied of what he was told. If he's
11:53:09 25 only told briefly about something, he may not have responded. We
26 say, in our submission, through the witness, he was given quite
27 detailed explanation of what had happened to her, so there's his
28 knowledge. And we look at under 6.3, what did he do to stop it,
29 to interfere, to take the necessary and reasonable steps to

1 prevent these things happening or to punish the perpetrators.
2 And that's where it is separate. If it related to a charge on
3 the indictment, I accept Your Honours' ruling and the ruling of
4 the Court, it would not be admissible. Your Honours have made
11:53:42 5 that quite clear. This goes to 6.3 and that's why we're not
6 leading it as to a fact. We're not leading to the fact the
7 offences occurred, merely the complaint was made in some detail
8 and the accused's particular response to that. And that's why
9 actus reus and mens rea are not applicable in this particular
11:54:02 10 circumstance.

11 JUDGE THOMPSON: How do you answer to the criticism of the
12 Appeal Chamber that these indictments are of a peculiar nature,
13 that they seem to create some difficulties in terms of the
14 standard form of indictment, and perhaps this kind of situation
11:54:21 15 that you are asking us to look at and see whether we can rule in
16 your favour may well be as a result of the peculiarly and
17 intensely technical nature of this type of indictment.

18 MR TAVENER: The indictment per se doesn't impact on my
19 argument or the submission at this time.

11:54:42 20 JUDGE THOMPSON: Yes.

21 MR TAVENER: It's purely about an evidentiary issue. Is
22 the Prosecution allowed to lead evidence that indicates the
23 knowledge of a particular accused about unlawful acts of persons
24 we say under his control and what he did about it.

11:54:57 25 JUDGE THOMPSON: But 6.3 is implicated in the indictment.

26 MR TAVENER: But the criticism Your Honour is raising about
27 the --

28 JUDGE THOMPSON: Is the Appeal Chamber not -- I've not
29 stated my own position on that.

1 MR YILLAH: May it please, My Lords, sorry to intervene,
2 but before we get past this stage I think I have to intervene
3 because I believe that the law has not been properly stated, and
4 I have a duty -- because my learned friend was making a
11:55:28 5 submission just now.

6 JUDGE ITOE: Mr Yillah, please, why don't you allow your
7 learned friend to conclude his arguments before you step in.

8 MR YILLAH: As My Lord pleases.

9 JUDGE THOMPSON: Counsel, I think you've responded to my
11:55:44 10 own queries, and I will say nothing further at this stage.

11 MR TAVENER: Thank you.

12 PRESIDING JUDGE: Thank you, Mr Tavener.

13 MR YILLAH: Yes, My Lord. I think that my learned friend
14 has not properly stated the law in answer to a question posed by
11:56:03 15 the Honourable Justice Thompson. My Lord, knowledge under 6.3, I
16 submit, is an element to prove command responsibility. First of
17 all, the subordinates must have committed the prohibited act, the
18 act in question must have been a prohibited act. And under 6.3,
19 the superior is deemed to know or to have reason to know that the
11:56:28 20 subordinates committed that act. So to say that knowledge would
21 be separate and distinct from the act is in my view an erroneous
22 statement of the position of the law. That's what I wanted to
23 put before Your Lordships.

24 PRESIDING JUDGE: I'm not sure that's what was being said,
11:56:47 25 but I hear what you're saying.

26 MR TAVENER: I won't continue the argument but that was in
27 respect of actus reus and mens rea. It had nothing to do with
28 what my learned friend is now saying.

29 PRESIDING JUDGE: That's fine. We've heard arguments.

1 Thank you.

2 MR YILLAH: As My Lord pleases.

3 [Trial Chamber confers]

4 PRESIDING JUDGE: We will go and deliberate on this
11:58:27 5 particular matter, and we'll come back shortly. Thank you.

6 [Break taken at 11.58 a.m.]

7 [On resuming at 12.45 p.m.]

8 PRESIDING JUDGE: Honourable Justice Thompson will deliver
9 the decision of the Court.

10 JUDGE THOMPSON: This is a ruling on the Prosecution's
11 application: For the reasons articulated in our ruling delivered
12 on the 1st day of June 2005 in respect of the inadmissibility of
13 certain portions of the testimony of Witness TF2-187, we deny by
14 a majority of two to one, the Honourable Justice Boutet,
15 Presiding Judge, dissenting, the Prosecution's application in the
16 interest of judicial consistency.

17 PRESIDING JUDGE: Considering the Court decision of
18 yesterday as referred to by Honourable Justice Thompson about the
19 evidence the Prosecution intended to lead yesterday, considering
20 the application made today by the Prosecution about leading
21 evidence that would deal with command responsibility, considering
22 that all three accused are charged in the indictment with command
23 responsibility under Article 6.3 of the Statute for acts of
24 subordinates, considering that Article 6.3 provides as follows,
25 "the fact that any of the acts referred to Articles 2 to 4 of the
26 said Statute was committed by a subordinate does not relieve his
27 or her superior of criminal responsibility if he or she knew or
28 had reason to know that the subordinate was about to commit such
29 acts or had done so and the superior failed to take the necessary

1 and reasonable measures to prevent such acts or to punish the
2 perpetrators thereof," considering that the evidence that the
3 Prosecution intended to lead would tend to show knowledge of
4 actions or acts of subordinate and would not be led to prove the
5 acts allegedly committed by subordinates for -- to trying to
6 prove and establish offence per se, but the actions or lack
7 thereof of the accused persons, and considering my previous
8 dissent in the decision just referred to, considering Rule 89(C)
9 and the relevance of such evidence with reference to the
10 indictment alleging command responsibility, I would therefore
11 have therefore allowed this evidence. But the majority decision
12 is that this evidence is not admissible. So that concludes the
13 decision of this Court with reference to the evidence you're
14 intending to call.

15 If that was the only evidence you were intending to call
16 with that witness, presumably, Mr Prosecutor, that concludes that
17 issue.

18 MR TAVENER: That's correct, Your Honour. It's
19 unlikely --

20 PRESIDING JUDGE: Before we break for lunch, I would ask to
21 follow up on the comments made by one of the --

22 JUDGE ITOE: Just a minute. Is Mr Tavener suggesting that
23 this witness does not have other grounds, you know, to call her,
24 which may be admissible?

25 MR TAVENER: No, Your Honour. She does not.

26 JUDGE ITOE: Okay, thank you.

27 PRESIDING JUDGE: Coming back to the -- my comments were
28 directed to the urgent application, urgent motion filed by
29 counsel for the first accused this morning and that we briefly

1 talked about earlier this morning. Can I ask the Prosecution if
2 they would be able to respond orally to this when we come back
3 after lunch or if it is putting too much pressure on you and upon
4 you? Bearing in mind, your own comments that this is a fairly
5 urgent matter because this witness is due to testify shortly.

6 MR TAVENER: The Prosecution will be in a position to
7 comment after lunch.

8 PRESIDING JUDGE: You will be.

9 MR TAVENER: Yes, please.

10 PRESIDING JUDGE: So --

11 [Trial Chamber confers]

12 PRESIDING JUDGE: So given it's almost 1.00 p.m. at this
13 moment, we'll give you until 3.00 p.m. so you can look at that
14 motion and case law if any, and then we'll hear your response to
15 that orally and hopefully dispose of that this afternoon.

16 MR TAVENER: Thank you.

17 PRESIDING JUDGE: Thank you very much. The Court is
18 adjourned until 3.00 p.m. this afternoon.

19 [Luncheon recess taken at 12.53 p.m.]

15:05:09 20 [HN020605D - EKD]

21 [Upon resuming at 3.07 p.m.]

22 PRESIDING JUDGE: Mr Prosecutor, we did adjourn the
23 proceedings this morning to this time in the afternoon to give
24 you some time to look at the motion that had been filed by the
15:10:47 25 first accused as to the exclusion of the testimony of one of the
26 witnesses you intend to call, TF2-218. Are you prepared to
27 address the Court on this matter?

28 MR TAVENER: Yes, I am, Your Honour; thank you.

29 PRESIDING JUDGE: Before you do, I note for the record that

1 this motion has been filed confidentially. I don't know if you
2 can address that without getting into difficulties because it is
3 confidential. So in this respect I am in your hands. I don't
4 want to put you in a scenario where you cannot argue the case
15:11:25 5 because you need to get into some facts.

6 MR TAVENER: Unfortunately it would appear that the only
7 way to argue this fully would be in closed session. I am
8 reluctant to ask for a closed session but because of the nature
9 of the material in part of the submission by both the Prosecution
15:11:45 10 and the Defence it would appear to be that a closed session is
11 appropriate.

12 MR YILLAH: My Lord, I have no objection to that.

13 PRESIDING JUDGE: Well, you heard my comments; your motion
14 has been filed confidentially so presumably you did that for a
15:12:02 15 purpose that you have stated at the beginning of your -- in
16 paragraph 5 of your motion.

17 MR YILLAH: Very well, My Lord.

18 PRESIDING JUDGE: It is because you don't want that to be
19 argued publically at this particular moment; that is my
15:12:16 20 understanding of your application.

21 MR YILLAH: Very well, My Lord. The person in respect of
22 whom this motion is filed is a protected witness. I would
23 support the point about arguing the motion in closed session.

24 PRESIDING JUDGE: Second accused and third accused, any
15:12:38 25 comment on that? I know this is not a motion that has been
26 raised by you nor by the third accused.

27 MR KOPPE: I have no problem with closed session,
28 Your Honour.

29 PRESIDING JUDGE: Counsel for third accused, you wish to

1 comment on that?

2 MR MARGAI: We have no objection.

3 PRESIDING JUDGE: Thank you.

4 [Trial Chamber confers]

15:13:18 5 PRESIDING JUDGE: Considering that this motion has been
6 filed on a confidential basis and considering that the
7 Prosecution needs to respond to this application verbally and
8 orally this afternoon, and considering that it is with a
9 protected witness and argument about this particular application
15:13:39 10 may have to deal with some of the factual background, in fairness
11 it would be appropriate that we proceed in a closed session to
12 hear the arguments. So the Court is now moving into a closed
13 session.

14 [At this point in the proceedings, a portion of the
15 transcript, pages 52 to 94, was extracted and sealed under
16 separate cover, as the session was heard in camera.]

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1 [Open Session]

2 PRESIDING JUDGE: For the record in open session, and to
3 make sure that what we have said in open session is done openly, the
4 motion presented by the first accused has been denied. It was a
17:15:47 5 unanimous decision of the Court and a detailed reasoned decision will be
6 provided in writing in the near future.

7 Mr Prosecutor, you are informing the Court as to the
8 intended witnesses you are to be calling. Just to emphasise on
9 what the Honourable Justice Itoe was saying, I hope the Defence
17:16:11 10 is well-informed and aware of the witnesses you are about to
11 call, so we do not get into difficulties about not knowing who is
12 being called or not. That is all we are raising with you at this
13 time.

14 MR TAVENER: Thank you.

17:16:26 15 PRESIDING JUDGE: So, tomorrow you do not know which one
16 you will be calling first?

17 MR TAVENER: The order will be 189, 134 and 133. It is
18 unlikely it will get to Witness 080.

19 JUDGE ITOE: 189.

17:16:46 20 MR TAVENER: 134 and 133. And the Prosecution will also be
21 seeking closed session applications in respect of 218 and 011.

22 PRESIDING JUDGE: Thank you.

23 MR TAVENER: Thank you.

24 PRESIDING JUDGE: So that concludes the proceedings for
17:17:14 25 today. We will adjourn the Court until tomorrow morning. You
26 had something to --

27 MR LANSANA: No, Your Honour.

28 PRESIDING JUDGE: You are anxious to leave? The Court is
29 adjourned until 09.30 a.m. tomorrow morning. Court is adjourned.

1 Thank you.

2 [Whereupon the hearing adjourned at 5.17 p.m.,
3 to be reconvened on Friday, the 3rd day of June
4 2005, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 93 26

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-187 2
CROSS-EXAMINED BY MR YILLAH 2
CROSS-EXAMINED BY MR BOCKARIE 5
CROSS-EXAMINED BY MR MARGAI 13