



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

THURSDAY, 15 JUNE 2006  
2.35 P.M.  
TRIAL

TRIAL CHAMBER I

Before the Judges: Pierre Boutet, Presiding  
Bankole Thompson  
Benjamin Mutanga Itoe

For Chambers: Ms Elena Martin-Salgado  
Ms Roza Salibekova

For the Registry: Mr Geoff Walker

For the Prosecution: Mr Joseph Kamara  
Ms Miatta Samba

For the Principal Defender: NO APPEARANCE

For the accused Sam Hinga Norman:  
assistant) Dr Bu-Buakei Jabbi  
Mr Aluseine Sesay  
Mr Kingsley Belle (legal

For the accused Moinina Fofana: Mr Lansana Dumbuya  
Mr Andrew Ianuzzi

For the accused Allieu Kondewa: Mr Charles Margai

1 [CDF15JUN06A - SV]

2 Thursday, 15 June 2006

3 [Open session]

4 [The accused present]

14:35:27 5 [Upon commencing at 2.35 p.m.]

6 PRESIDING JUDGE: Good afternoon, counsel. I notice  
that

7 the counsel for the second accused is not present but he is

8 represented by somebody from the Defence Office. I have seen

9 some correspondence on that but, just for the record, I would  
ask

14:37:11 10 you to just confirm what has happened and that indeed you've  
been

11 asked to act on behalf of counsel for the second accused.

12 MR DUMBUYA: Indeed, Your Honours. I was asked by  
counsel

13 representing the second accused that he would not be in court

14 today and he has asked me to apologise to the Court. I am

14:37:36 15 Lansana Dumbuya, duty counsel for the CDF team.

16 PRESIDING JUDGE: Thank you, and you've been asked to  
act

17 on their behalf during these proceedings this afternoon,

18 Mr Dumbuya?

19 MR DUMBUYA: Yes, Your Honour.

14:37:53 20 PRESIDING JUDGE: Thank you very much. So we are back  
in

have

21 court, Dr Jabbi. We are still in part of your case and we  
22 resumed sitting this afternoon to determine with you where you  
23 are at and if you have a witness available for the proceedings  
24 this afternoon.

14:38:21 25 MR JABBI: No, My Lord.

26 PRESIDING JUDGE: So you are not calling this witness,  
27 Carpenter?

28 MR JABBI: My Lord, the decision in respect thereof came  
29 out this morning, I am told, and in fact I got it only about

20

1 minutes ago.

2 PRESIDING JUDGE: Well, it was filed at 9 o'clock this  
3 morning.

4 MR JABBI: As My Lordship pleases.

14:39:06 5 have

6 PRESIDING JUDGE: So if you have no more witnesses we  
7 no option but to adjourn the proceedings to the next session

that

8 will be coming in September and this is essentially the

decision

9 that we have issued. If you were to call this witness

Carpenter

10 you had to do it before tomorrow at 4 o'clock. His evidence

14:39:33 11

12 should be completed by tomorrow. But, in any event, we have

speaks

13 issued our decision. It has been filed and the decision

it.

14 for itself. I don't intend to expand on it, nor to explain

this

15 However, as you don't have this witness available at

16 particular time, and no other witnesses available, it is of no

14:40:09 17 inform

18 use that we keep sitting this afternoon. I would like to

this

19 you that not only were we available this afternoon to hear

20 witness if we had this witness, but we are also available

21 tomorrow morning. But we need to be informed in due course.

If

19 you have this witness, we'll hear this witness. Otherwise the  
14:40:29 20 proceedings of this Court will be adjourned to the session in  
21 September; until the status conference on 12th September 2006.  
22 MR JABBI: As Your Lordships please.  
23 JUDGE ITOE: But we would like to have some guarantee  
that  
24 we are sitting tomorrow. Will Mr Carpenter be available  
14:40:59 25 tomorrow, Dr Jabbi?  
26 MR JABBI: My Lord, as I do stand here I cannot  
27 definitively answer that question either in the affirmative or  
in  
28 the negative, because, as I said just now, I have just got the  
29 decision and I cannot say whether he will be available or not  
as

1 I stand here, My Lord.

2 PRESIDING JUDGE: As I have just indicated to you,

3 Dr Jabbi, we are prepared to hear this witness tomorrow  
morning

4 if this witness is available and if you intend to call him.

14:41:44 5 Otherwise the Court is adjourned until 12th September 2006.

We

6 will wait to hear from you tomorrow morning. If this witness

is

7 available to be heard tomorrow morning we will be in court at

8 9.30 tomorrow morning.

9 MR JABBI: Yes, My Lord. My Lord, I don't know if I'm

14:42:16 10 right to assume that you were about to adjourn this session  
this

11 afternoon.

12 PRESIDING JUDGE: If you have no more witnesses to hear

we

13 are not to sit simply to be here in court when you have no

14 witnesses.

14:42:30 15 MR JABBI: I would, however, My Lord, have liked to draw

16 the attention of the Court to a certain matter which I cannot  
do

17 in open session, My Lord.

18 PRESIDING JUDGE: Is the matter related to the same

matter

19 you had raised before?

14:42:57 20 MR JABBI: Yes, My Lord, the one I raised in the last

21 closed session.

22 PRESIDING JUDGE: That's what I mean by before, meaning  
the  
23 last session. All I can say is this: This matter at this  
stage,  
24 from what I know, is being taken care of. I don't see what we  
14:43:23 25 may gain by sitting in a closed session about that.

26 MR JABBI: My Lord, so long as we know what I'm about to  
27 talk about and so long as what I say does not otherwise --

28 PRESIDING JUDGE: Dr Jabbi, I just want to make sure  
that  
29 we're not speaking at counter-purposes here. What I mean is,  
the

1 last time we were in a closed session you did raise a specific  
2 issue, and this is the last closed session that you asked the  
3 Court to sit in, and this is a related matter that you want to  
4 talk about, and you want to talk about this because of the  
nature

14:44:03 5 of the problem you want to raise.

6 MR JABBI: Yes, My Lord. I appreciate that perhaps we  
7 not go into closed session now. But if I can say what I want  
8 say without any detriment or prejudice to the --

9 PRESIDING JUDGE: You see, one of my difficulties at  
this

14:44:24 10 juncture, Dr Jabbi, so you understand, it's not that I'm  
11 reluctant or the Bench is reluctant to hear the concerns that  
12 have or that your client may have. It's just that there is a  
13 of -- there's a flurry of comments everywhere this last while  
14 about certain issues, as such, and the more we keep things not  
in

14:44:51 15 public, as such, it seems to be feeding more on this problem  
than  
16 solving the issues. So I'm concerned about that. That's why  
I'm  
17 putting it to you. We are open to --

18 MR JABBI: My Lord, maybe it might be necessary then to  
do

19 a short closed session, even if it is tomorrow morning. But I  
14:45:23 20 would have thought that some of the concerns that we have need  
to

21 be addressed to Your Lordships.

22 PRESIDING JUDGE: Very well. We will do that tomorrow  
23 morning. That will give us the time to seek some additional  
24 information as well, so the Bench may be in a better position  
to

14:45:39 25 understand what you'll be explaining to the Court and see what  
26 options may be available at that time.

27 MR JABBI: Thank you, My Lord.

28 PRESIDING JUDGE: So we will come back at let us say 10  
29 o'clock tomorrow morning so everybody will have the time to  
get

1 adjusted and I will give you -- 10 o'clock tomorrow morning,  
2 Dr Jabbi. We will hear that and a witness, if you have any,  
3 tomorrow morning as well. So the Court is adjourned to 10  
4 o'clock tomorrow morning.

14:46:48  
p.m.,

5 [Whereupon the hearing adjourned at 2.46  
6 to be reconvened on Friday, the 16th day of  
7 June, 2006, at 10.00 a.m.]  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

24

25

26

27

28

29

SCSL - TRIAL CHAMBER I