

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-14-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
v.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

TUESDAY, 28 SEPTEMBER 2004
9.48 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Chiara Galletti

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Mr Kevin Tavener
Ms Adwoa Wiafe
Ms Leslie Murray (intern)
Mr Alex El Jundi (intern)
Ms Maxine Marcus

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie.
Ms Phoebe Knowles

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 Tuesday, 28 September 2004
2 [In the absence of the three accused]
3 [Open session]
4 [Upon commencing at 9.40 a.m.]
10:40:14 5 PRESIDING JUDGE: Morning, learned counsel, we are resuming
6 the session. Yes, Ms Wiafe.
7 MS WIAFE: Good morning, Your Honours. We have been informed
8 by Witness Protection that the witness TF2-152 is feeling
9 unwell this morning and may not be able to go through
10:40:45 10 cross-examination. We have asked that he be taken to a
11 clinic for investigation -- for further investigation.
12 The Prosecution requests that another witness be
13 interposed pending investigation into the witness's
14 health. Witness Protection has informed us they will
10:41:09 15 give us an update this afternoon. If the witness is able
16 to testify this afternoon, he may be called to complete
17 his testimony.
18 [Trial Chamber confers]
19 PRESIDING JUDGE: Thank you. Following the explanation
10:43:11 20 offered by learned counsel for the Prosecution on the
21 absence of the witness to continue his cross-examination
22 because of illness, the Chamber has decided to stand this
23 matter down for some time this afternoon. We'll call the
24 matter up at 2.30 this afternoon for his
10:43:36 25 cross-examination to be continued. We hope he will be
26 well by then.
27 [Trial Chamber confers]
28 PRESIDING JUDGE: Yesterday the Chamber heard arguments
29 following an application by the Prosecution to have the

1 evidence of witness number TF2-223 to be heard in a
2 closed session. After a careful consideration of the
3 arguments on both sides, the Chamber grants the
4 application by the Prosecution for this testimony for
10:45:34 5 this witness's testimony to be taken in a closed session
6 and orders that the Court will now move in a closed
7 session, if that witness is ready. But if another
8 witness is ready to be represented by the Court, we would
9 take the evidence of that witness. We would give a
10:46:09 10 written decision to back this oral ruling in due course.
11 Thank you.

12 So, what is the Prosecution deciding to do at this stage?

13 MR BANGURA: Your Honour, if you please, the witness in whose
14 respect your ruling has just been given is ready, Your
10:46:36 15 Honour. We're prepared to take him.

16 PRESIDING JUDGE: Is he ready?

17 MR BANGURA: Yes, Your Honour.

18 JUDGE BOUTET: And this is witness TF2-223.

19 PRESIDING JUDGE: TF2-223.

10:46:54 20 MR BANGURA: TF2-223, yes, Your Honour.

21 PRESIDING JUDGE: Yes. Yes, can the Prosecution -- we're now
22 in a close session, please. I hope that the technical
23 dispositions have been put in place for us to move into
24 the closed session.

25 [At this point in the proceedings, a portion of the
26 transcript, pages 3 to 128, was extracted and sealed
27 under separate cover, as the session was heard in camera]

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I, Roni Kerekes, Official Court Reporter for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in nowise interested in the result of said cause.

Roni Kerekes

WITNESS: TF2-223

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EXAMINED BY MR BANGURA

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