

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

MONDAY, 6 DECEMBER 2004
9.55 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Kevin Tavener
Ms Adwoa Wiafe
Mr Mohamed Stevens
Ms Marie-Helene Proulx
Ms Sharan Parmar

For the Principal Defender:

Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi
Ms Claire da Silva

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

1 Monday, 6 December 2004
2 [The accused not present]
3 [Open session]
4 [The witness entered court]
5 [Upon reconvening at 9.55 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel, we are
7 resuming the session. I hope each and every one of us
8 found some time to rest before we wrap up the session,
9 which is ending tomorrow. Before we rose on Friday
10 Mr Williams for the third accused wanted to put a
11 question to this witness as to the identity of the
12 husband. The Chamber would like to know if, before
13 moving on to any other step, you still want to put this
14 question to this witness.
15 MR WILLIAMS: I do, My Lord.
16 PRESIDING JUDGE: You do?
17 MR WILLIAMS: Yes.
18 PRESIDING JUDGE: We would like to take arguments on why you
19 want the name of the husband, but we shall not do it in
20 her presence. The Chamber will have to excuse her. She
21 will leave and wait where they normally wait and we will
22 take arguments from you on why you think that the
23 revelation of the husband's name is strategically
24 important for the case of the Defence.
25 MR WILLIAMS: Yes, My Lord.
26 PRESIDING JUDGE: So, please, can you screen off and take her
27 to the waiting room, please. I think it is okay, there
28 is no problem. She can be taken out without any
29 problems. I think it is properly screened off. Madam

1 defence that she has made a very serious allegation.
2 PRESIDING JUDGE: Are you on your arguments now or are you
3 replying to what Judge Thompson said?
4 MR WILLIAMS: I'm basically addressing --
5 JUDGE THOMPSON: The Court.
6 MR WILLIAMS: Yes.
7 JUDGE THOMPSON: That's okay, I'll just leave that.
8 PRESIDING JUDGE: You can finish with what he has put across
9 to you before you come to your main argument.
10 MR WILLIAMS: It's one and the same, My Lord.
11 JUDGE THOMPSON: All right then.
12 MR WILLIAMS: My Lords, the witness has made serious
13 allegations against the third accused -- well, they're
14 jointly tried -- against the accused persons. It is
15 absolutely necessary that the name of the husband of the
16 witness is reflected in the records. My Lord, just that
17 single incident or killing could be a decisive factor as
18 to the guilt or otherwise of the third accused. In
19 presenting our defence we intend to adduce evidence that
20 will counteract or contradict each and every one of the
21 allegations of fact made by the Prosecution. Our
22 investigations have already disclosed the name and
23 circumstances of the death of the husband of the witness.
24 PRESIDING JUDGE: Disclosed the name and the circumstances?
25 MR WILLIAMS: Of the death of the husband of the witness. If
26 the name of that victim is not at this stage made part of
27 the record, the evidence that the Prosecution would be
28 adducing would not make any sense to this Court. There
29 is no way the Bench could --

1 PRESIDING JUDGE: The evidence that the Prosecution will be --

2 MR WILLIAMS: The Defence.

3 PRESIDING JUDGE: The Defence would be adducing.

4 MR WILLIAMS: Would not make any sense to -- I'm sorry, the
5 evidence that the Prosecution will be adducing -- sorry,
6 the Defence will be adducing, My Lord; I'm sorry.

7 PRESIDING JUDGE: The Defence?

8 MR WILLIAMS: Yes, will be adducing will not make any sense to
9 this Court. It is only if the name of the victim is
10 known could the nexus between the evidence of this
11 witness and the evidence of the Defence be made.
12 My Lord, it is my submission that the question is a fair
13 question and it is in consonance with the protective
14 measures ordered by this Court. The identity of this
15 witness is known to the Defence, but shielded from the
16 public, and the disclosure of the name of the husband of
17 the witness to the Defence would not in any way affect or
18 disclose the identity of the witness.

19 I refer Your Lordships to a decision of this
20 honourable Court delivered by Justice Benjamin Mutanga
21 Itoe on the 10th of October 2003. It is a ruling on the
22 Prosecution motion for immediate protective measures for
23 witnesses and victims and for nondisclosure and urgent
24 request for the interim measures until appropriate
25 protective measures are in place. It is the case of the
26 Prosecutor v Allieu Kondewa, paragraphs 26 and 27 on
27 page 7.

28 PRESIDING JUDGE: What did Mr Justice Itoe have to say in that
29 case?

1 MR WILLIAMS: All that is favourable to my argument, My Lord.
2 It says, "This account for the consistent and constant
3 sympathy of these jurisdictions to impose nondisclosure
4 measures not indefinitely though, but on a temporary
5 basis in favour of the Prosecution at the pre-trial
6 stages of the proceedings. This said, it must be
7 emphasised, however, that the measures so ordained can
8 only be made on a temporary basis so as to avoid
9 violating the statutory right of the accused to a fair
10 trial."

11 In paragraph 27 Your Lordship quoted extensively the
12 decision of the Prosecutor v Blaskic, and I'll quote that
13 again with your leave, My Lord. "The philosophy which
14 imbues the Statute and the Rules of the Tribunal appears
15 clear. The victims and witnesses merit protection even
16 from the accused joint preliminary proceedings and until
17 a reasonable time before the start of the trial itself.
18 From that time, however, the right of the accused to an
19 equitable trial must take precedence and require that the
20 veil of anonymity be lifted in his favour even if the
21 veil must continue to obstruct the view of the public and
22 the media."

23 My Lord, what we're saying is that if the witness
24 were to disclose the name of her husband to this Court --

25 PRESIDING JUDGE: Just a minute. If --

26 MR WILLIAMS: If the witness were to disclose the name of her
27 husband to this Court, the veil of anonymity would still
28 remain intact because that information would not be
29 available to the public. My Lord, this is trial stage

1 and it is our submission that the right of the accused to
2 an equitable trial would be gravely affected if that
3 question is not answered.
4 PRESIDING JUDGE: The right of the accused to a fair trial.
5 MR WILLIAMS: The right of the accused to an equitable --
6 PRESIDING JUDGE: The Statute does not use equitable. The
7 Statute says the right to a fair trial.
8 MR WILLIAMS: But Your Lordship used that in your judgment.
9 PRESIDING JUDGE: Let's confine ourselves to the language of
10 the statute. You have made your point; it's okay.
11 MR WILLIAMS: As My Lord pleases. Sorry, My Lord?
12 PRESIDING JUDGE: The right of the accused to a fair trial.
13 MR WILLIAMS: will be greatly affected if the question were
14 not answered. My Lord, the disclosure we're seeking is
15 not to be made to the public, but just to counsel present
16 here and the Court, which will be kept under seal.
17 PRESIDING JUDGE: Is that all?
18 MR WILLIAMS: My Lord, furthermore, I've not come across any
19 authority or any decision of any of the Tribunals where
20 those courts have refused to permit a witness to answer
21 questions. What they have done is to go into closed
22 session and have the questions answered. It will be an
23 open session, but what we are seeking to do is the device
24 we adopted would not have disclosed the information to
25 the public. That's all I intend to say at this stage,
26 My Lord.
27 PRESIDING JUDGE: Okay. Honourable Judge Boutet has a little
28 cold, so you should bear with his distorted voice. This
29 time it is his voice which is distorted; it's not that of

1 a witness.

2 JUDGE BOUTET: I will refrain from talking a lot today, as you
3 can see. There might not be cases on the very issue you
4 raise, but there is case law in other international
5 tribunals about the absolute anonymity of a witness --
6 absolute anonymity of a witness to the Defence or to an
7 accused. So there is case law on this. I'm not talking
8 here. We're talking here of really a certain measure of
9 protection that is far away from complete anonymity.
10 Yes, tribunals have adjusted to the given situation
11 trying to find the best possible means to dispense
12 justice in a fair manner. So yes, you may not have found
13 that specific issue, but I say to you there are cases
14 that go much further than that.

15 MR WILLIAMS: My Lord, there is only one case that I came
16 across which dealt with absolute anonymity, and even in
17 that instance the identity of the witness was made known
18 to the Court -- to the judges. It was shielded from the
19 Defence and the accused --

20 JUDGE BOUTET: To judges, I agree.

21 MR WILLIAMS: Yes, My Lord.

22 JUDGE BOUTET: But, if I may, if this is your objective -- I
23 would like to hear from the Prosecution, but why is it
24 not possible to have you and the Prosecution to agree
25 that this is the name of the husband and have that filed
26 with the Court record, rather than have the witness go
27 through that. I mean, if this is what you're trying to
28 achieve, I submit there might be other means of achieving
29 that than that particular approach.

1 MR WILLIAMS: I don't mind the means as long as --
2 PRESIDING JUDGE: The point is more fundamental than that. It
3 is whether in principle -- it is not just by agreement,
4 it is whether in principle the application you have made
5 can be granted having regard to the evidence of this
6 witness. I mean, it's the legality of your probing into
7 facts which may - which may - reveal her identity as a
8 protected witness.
9 MR WILLIAMS: My Lord, we already know her identity; that's
10 what I'm saying.
11 PRESIDING JUDGE: I mean the identity of the husband, because
12 revealing the name of the husband through her would
13 automatically somehow reveal -- but I think we would like
14 to hear from the Prosecution.
15 MR WILLIAMS: Yes, I don't know whether your Lordship would
16 want me to address the last concern.
17 JUDGE BOUTET: If I may, Mr Williams, just to pursue on what
18 Judge Itoe has just raised. If you were to ask that
19 question, you would ask that question for the witness to
20 answer in writing. In other words, you're not asking the
21 witness to state publicly the name of her husband.
22 MR WILLIAMS: Certainly, My Lord. That is why I said we can
23 go into closed session, but the device we adopted is
24 geared towards preventing the public from --
25 JUDGE BOUTET: Your application is only that the name be
26 disclosed by the witness to you by whichever means, but
27 not to the public?
28 MR WILLIAMS: Yes, My Lord, otherwise the purpose of the
29 measures would be defeated.

1 JUDGE BOUTET: It is only to make sure we do comprehend and
2 understand your application in this respect.

3 MR WILLIAMS: There are two situations here: Identity of a
4 witness, identity of a victim. My Lord, the identity of
5 the witness is already known to us. We know every bit
6 about her - address, names, where she came from, et
7 cetera. What we are seeking to put in our case is the
8 identity of the husband, and that is not harmful in any
9 way because we already know who the witness is. It is
10 just for the benefit of the Court. We already know and I
11 believe the Prosecution also knows. It is just for the
12 benefit of the Court, when at the end of the day we will
13 come to adduce evidence to counteract or contradict that
14 bit of her evidence, to tie things up.

15 JUDGE THOMPSON: I want to ask one question, Mr Williams, and
16 ask you to enlighten me on this. What about the
17 subjective perception of the witness of grave
18 apprehension of danger to her own life if she discloses
19 his name? Is that a factor which, based on the
20 jurisprudence, this Court can consider in coming to a
21 final position, because that seems to me to be one
22 important dimension of it? The question of the veil of
23 anonymity is not a problem for me, because the veil of
24 anonymity shields her from the public and I imagine the
25 veil of anonymity would also shield the identity of the
26 alleged dead husband from -- the name of the husband from
27 the public. But there is in my own judgment some kind of
28 grave apprehension, whether well-founded or not, on her
29 part of danger to her life if she reveals the name.

1 That's all I need to ask.

2 MR WILLIAMS: My Lord, before we took a break on Friday

3 Your Lordship did order that the witness be counselled.

4 JUDGE THOMPSON: Yes.

5 MR WILLIAMS: My Lord, that should have been the function of

6 the Witness and Victims Unit.

7 JUDGE THOMPSON: Yes.

8 MR WILLIAMS: To tell the witness that this will not be

9 disclosed to the public, the lawyer who is asking you

10 these questions already knows every bit about yourself.

11 So, I mean, knowing something about your husband does not

12 affect your security.

13 JUDGE THOMPSON: Good point. Well, I take the point from a

14 purely practical point of view. What I was asking was

15 whether, according to the jurisprudence, this is a factor

16 that should come into the final equation whether such an

17 application should be granted or not, and, if it is,

18 whether it is a factor that we should accord any great

19 weight to or less weight to. That's all I wanted to

20 know. On the practical level I understand what you're

21 saying. Hopefully - although we are not in a perfect

22 world - the counselling will play its role, but I'm just

23 asking whether we judges can, in the process, factor this

24 issue of subjective perception of a witness.

25 MR WILLIAMS: My Lord, I believe once a witness has subjected

26 himself or herself to the Court, he or she should answer

27 legitimate questions put to her. The only thing the

28 witness should be assured of is that what you're saying

29 would not be made public and would not affect your

1 security or safety. My Lord, apart from the witness, the
2 accused persons are also entitled to rights.

3 JUDGE THOMPSON: I perfectly concede that. It is just that I
4 wanted to know whether there is any case law that has
5 highlighted this particular aspect.

6 MR WILLIAMS: I'm not aware of any, My Lord.

7 JUDGE THOMPSON: Thank you, anyway.

8 PRESIDING JUDGE: We'd like to take arguments from the
9 Prosecution on this issue, please.

10 MS WIAFE: Your Honours, the Prosecution does not object to
11 the application made by the Defence given the purpose for
12 which the Defence seeks the name. The Prosecution would
13 like to say that since the witness has testified that she
14 has fears for her security, then perhaps we could adopt a
15 procedure that doesn't involve the witness herself. The
16 Prosecution does not mind conferring with the Defence and
17 agreeing on the name of the witness's husband if that is
18 possible. But in principle we have no objection to the
19 disclosure of the witness's name. We believe this is the
20 procedure that would avoid causing distress to the
21 witness in this case.

22 PRESIDING JUDGE: Mr Williams, I suppose you don't have a
23 reply to this?

24 MR WILLIAMS: Just to submit, My Lord, that the method
25 suggested by my learned friend is perfectly fine by me.
26 I mean, as long as the name goes in, we don't mind the
27 means.

28 MR MARGAI: My Lords, I wonder if I could, with your leave,
29 just seek clarification.

1 PRESIDING JUDGE: On what, Mr Margai?
2 MR MARGAI: On the measure suggested by the Prosecution. I
3 mean, for the guidance of all of us, whether an agreement
4 as to the name by the Prosecution and the Defence will
5 constitute evidence. That's all I wish to know. That is
6 a very important factor. I mean, they're not testifying,
7 and I think I owe, if I do share a relationship with the
8 Bench, to ensure that we all build up the jurisprudence
9 in a meaningful way.
10 PRESIDING JUDGE: That is a concern of the Court. We have to
11 build up a jurisprudence, rather than basing --
12 MR MARGAI: I agree.
13 PRESIDING JUDGE: -- our decision on a consensus by the
14 Prosecution and the Defence, because it could well be a
15 measure of convenience that would induce us to the wrong
16 jurisprudence and the wrong decision in this matter.
17 MR MARGAI: And circumvent the procedure that should otherwise
18 be adopted.
19 JUDGE THOMPSON: I couldn't agree with you more. All that is
20 expedient is not lawful.
21 MR MARGAI: Precisely. Thank you, My Lords.
22 PRESIDING JUDGE: We shall confer on this matter for a few
23 minutes and we shall be back in a couple of minutes. The
24 Court will rise, please.
25 [Break taken at 10.32 a.m.]
26 [Upon resuming at 11.04 a.m.]
27 PRESIDING JUDGE: We are resuming the session. We have an
28 oral ruling which will be perfected by a written decision
29 on this issue in due course. Judge Boutet, present our

1 decision, please.

2 JUDGE BOUTET: This is the decision of the Chamber. The Trial
3 Chamber being highly concerned about the protection of
4 this witness, who has clearly expressed fear about
5 providing an answer to this question put to her by
6 counsel for the third accused, when she is asked by the
7 Defence to produce the name of her husband, and being
8 acutely aware that witnesses may be re-traumatised by
9 giving evidence in a Trial Chamber --

10 MR JABBI: My Lord, I am sorry to interrupt the ruling, but is
11 the witness supposed to be here?

12 JUDGE BOUTET: Yes.

13 PRESIDING JUDGE: Yes, yes, yes.

14 JUDGE BOUTET: Yes, we knew she was there.

15 PRESIDING JUDGE: We asked that she be there.

16 JUDGE BOUTET: -- the Chamber will not allow this question to
17 be put to this witness in the form initially proposed.
18 The Trial Chamber is not prepared, therefore, to order
19 this witness to answer this question, but is, however,
20 prepared to accept, pursuant to Rule 89C, the alternative
21 method proposed of having this information form part of
22 the record as an agreed statement of fact reduced in
23 writing and filed as an exhibit in Court and to form part
24 of the record.

25 So that concludes this application at this time. Do
26 you have other questions of this witness?

27 MR WILLIAMS: None, My Lord.

28 JUDGE BOUTET: So obviously the Prosecution, having made a
29 statement that they would agree to do what has been

1 proposed, that should solve the issue. After the next
2 recess you may move to produce that document as an
3 exhibit.

4 Madam Prosecutor, do you have any questions in
5 re-examination?

6 MS WIAFE: No, Your Honour.

7 JUDGE BOUTET: Thank you.

8 MR WILLIAMS: Did I hear Your Lordship say after next recess?

9 JUDGE BOUTET: You can do it now if you have it reduced in
10 writing. You can do it at any time. You need not to
11 introduce that through the witness.

12 MR WILLIAMS: I understand, My Lord. We can do it at any
13 time.

14 JUDGE BOUTET: Yes, absolutely.

15 MR WILLIAMS: I'm grateful.

16 MS WIAFE: Your Honour, we just wanted to seek some
17 clarification as to the procedure. The Prosecution is
18 wondering whether the witness should not be shown the
19 name right now to confirm.

20 PRESIDING JUDGE: No, please.

21 JUDGE BOUTET: No, we have agreed to that and both sides
22 agreed. It is an agreed statement of fact that will be
23 introduced as part of the record. We don't want the
24 witness to be involved in this at all.

25 PRESIDING JUDGE: As we said, there will be a written decision
26 on this issue to put matters straight on record as to the
27 motivation behind the decision of the Chamber. If we
28 came with an oral decision, it was to at least see if
29 Mr Williams was going to proceed with one or two

1 questions - now he says no - and, of course, thereafter
2 for us to have the witness released for the time being.
3 MS WIAFE: Your Honour, the Prosecution seeks further
4 clarification. The Defence has given us the full name of
5 the witness's husband, but the Prosecution doesn't have
6 everything that the Defence has supplied as --
7 PRESIDING JUDGE: Those things will be sorted out later. We
8 have agreed, we have ruled, and they will be sorted out
9 in a regular manner later on. Madam Witness.
10 THE WITNESS: Yes, sir.
11 PRESIDING JUDGE: We have finished with you. We thank you for
12 coming --
13 THE WITNESS: Okay.
14 PRESIDING JUDGE: -- to give evidence in this matter.
15 Although we have finished with you, we may need you back
16 here again, and when the time comes -- we are not saying
17 you must come back here, no. We say we may need you back
18 here. If that happens you will be contacted. Thank you
19 very much and have a safe journey to your place of abode.
20 JUDGE BOUTET: After this witness is excused we will revert
21 back to the previous witness, which is the child witness,
22 and we'll get to closed session for you, Mr Koppe, to
23 proceed with your cross-examination. To allow that to
24 happen we are going to be rising for a few minutes and
25 when it is ready we are coming back to that.
26 PRESIDING JUDGE: The Court will rise, please.
27 [Break taken at 11.10 a.m.]
28 [The witness withdrew]
29 [HN061204B]

1 [Upon resuming at 11.43 a.m.]
2 [At this point in the proceedings a portion of the
3 transcript, pages 17 to 61, was extracted and sealed
4 under separate cover, as the session was heard in camera]
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1 [HN061204C]
2 [Open session]
3 PRESIDING JUDGE: Good afternoon, learned counsel, we are
4 resuming the proceedings. The Chamber would like to
5 inform counsel that the ruling on all the issues raised
6 by Mr Margai, learned counsel for the third accused,
7 would be further the subject matter of a deliberation by
8 the Chamber after we have heard the arguments on the
9 written motion tomorrow, because they are so linked that
10 we thought that for judicial purity we should do things
11 at the right time instead of splitting issues and taking
12 them diversely. So we would be visiting that issue
13 tomorrow after hearing the oral argument. And I wouldn't
14 want forget, we shall start our session tomorrow at 9.15
15 because of the special events of tomorrow. We hope that
16 the arguments on the motion would be through by 10.00,
17 10.15 at the latest, so please endeavour to come much
18 earlier than you're used to so that we can start exactly
19 at 9.15, please. This said, we would be calling on the
20 Prosecution to present their next witness.
21 MR SAUTER: Your Honours, the Prosecution calls TF2-056, 5-6.
22 PRESIDING JUDGE: TF2-0 --
23 MR SAUTER: 5-6.
24 PRESIDING JUDGE: This would be your 38th witness?
25 MR SAUTER: To my knowledge, yes.
26 PRESIDING JUDGE: Your 38th?
27 MR SAUTER: Yes. Your Honours, before I start to interview
28 the witness I would like to raise briefly one issue. In
29 order to avoid a closed session, the Defence and the

1 Prosecution has agreed on one fact. It is written in
2 this document and signed by all the Defence -- by one
3 Defence counsel for all teams and by the Prosecution, and
4 I would like to tender this document as an exhibit.
5 PRESIDING JUDGE: At the appropriate time. You will tender it
6 at the appropriate time, or you thought that you should
7 tender it before you start your examination-in-chief. I
8 think it should come at the appropriate time when you've
9 come to that stage of your examination-in-chief.
10 MR SAUTER: It is relevant just at the beginning of the
11 interview, therefore, I think this is the appropriate
12 time after the --
13 PRESIDING JUDGE: well, the introductory details about the
14 witness first, please, before we get into tendering the
15 document.
16 MR SAUTER: Yes.
17 WITNESS: TF2-056 [sworn]
18 [The witness answered through interpretation]
19 PRESIDING JUDGE: Mr Sauter, you may proceed, please. You
20 want to have details about his name -- you will ask his
21 name first -- or rather, his birth, marital status and
22 what have you, and then we can introduce the document
23 after these details.
24 MR SAUTER: Yes.
25 EXAMINED BY MR SAUTER:
26 Q. Good afternoon, Mr witness.
27 A. Good afternoon.
28 Q. I would like to start your interview with some --
29 PRESIDING JUDGE: The witness is testifying in what language?

1 MR SAUTER: In Limba.
2 THE WITNESS: Yes, I speak Limba.
3 MR SAUTER:
4 Q. I would like to start with some questions to your
5 personal data. How old are you, Mr Witness?
6 A. It is okay.
7 Q. Mr witness, my question was how old are you?
8 A. 52.
9 Q. And where were you born?
10 A. I was born at xxxxxx.
11 Q. It is in the xxxxxx xxxxx?
12 A. There I was born.
13 Q. And where are you residing right now?
14 A. I'm living at Bo Town.
15 Q. Are you married, Mr witness?
16 A. I am married.
17 Q. To how many wives?
18 A. I have four wives.
19 Q. And do you have children?
20 A. Yes.
21 Q. How many children do you have, Mr witness?
22 A. I was 13 children.
23 JUDGE BOUTET: Is it 13?
24 MR SAUTER: 13, 1-3.
25 THE WITNESS: 13, 1-3.
26 Q. Did you ever attend school, Mr witness?
27 A. I didn't go to school.
28 Q. And what is your profession?
29 A. I am a farmer.

- 1 Q. Thank you, Mr witness. That is all as far as your
2 personal data is concerned.
- 3 A. Okay. All right.
- 4 MR SAUTER: May I now, Your Honours, tender this document as
5 an exhibit. Mr Walker, please. would you show it to the
6 Defence.
- 7 JUDGE BOUTET: Can you explain about, without stating the
8 content, what is the purpose of it?
- 9 JUDGE THOMPSON: I share the same position. There should be
10 some nexus, even in very general and vague terms, but
11 there needs to be some nexus, otherwise the link is not
12 there.
- 13 MR SAUTER: It is hard for me to explain without discovering
14 anything. It concerns his position within the society.
- 15 JUDGE THOMPSON: That's fine. That is a general statement.
- 16 JUDGE BOUTET: At this moment or at the time?
- 17 MR SAUTER: At the present time and at the time in question.
- 18 JUDGE THOMPSON: That is fine for me as long as there is a
19 nexus.
- 20 JUDGE BOUTET: So this document describing information about
21 the witness that could reveal his identity is marked as
22 Exhibit 47.
- 23 [Exhibit No. 47 was admitted]
- 24 MR SAUTER: May I proceed?
- 25 PRESIDING JUDGE: The document is already marked as Exhibit
26 47.
- 27 MR SAUTER: Yes.
- 28 Q. Mr witness, when did you move to xxx? You said you're
29 presently residing in xxx. when did you move to xxx from

- 1 your place of birth?
- 2 A. I moved to xxxx in 1961.
- 3 Q. Did you stay all the time from 1961 until today in xxxx?
- 4 A. Yes.
- 5 Q. Mr witness, are you familiar with the term "kamajors"?
- 6 A. Yes.
- 7 Q. Could you explain what you mean when you say "kamajors"?
- 8 A. Yes.
- 9 Q. Please tell the court.
- 10 A. They wear ronkos and they have amulets.
- 11 Q. So you are describing their attire. What is a ronko?
- 12 A. It is clothes, but it is a country clothes. It is not
- 13 like the one I am wearing.
- 14 PRESIDING JUDGE: He said the ronko is a country clothes, not
- 15 like the one he is wearing.
- 16 MR SAUTER: Yes.
- 17 Q. What were the kamajors doing, to your knowledge?
- 18 A. Well, in the year 1998.
- 19 Q. What happened in the year 1998?
- 20 A. When we came to xxxx.
- 21 Q. Go ahead, please.
- 22 A. It came from the police barracks area.
- 23 Q. Mr witness, you said "when we came to xxxx", who do you
- 24 mean by "we"?
- 25 A. [No translation]
- 26 Q. I did not get the translation.
- 27 A. When they came, they came from the police barracks end.
- 28 Q. Mr witness, when who came?
- 29 A. The kamajors.

- 1 Q. Let' go back to the year -- no, let's go back a little
2 bit. when did the kamajors first come to xxxx?
3 A. The first one?
4 Q. when the kamajors came for the first time to xxxx?
5 A. They came in the year 1996.
6 Q. And what did they do in xxxx when they came in 1996?
7 A. At that time they never did anything wrong. They were
8 working together with the soldiers.
9 Q. Did this stay to be the same in the following years?
10 A. The end?
11 Q. No, my question was whether they continued to work
12 together with the soldiers in the following years after
13 1996?
14 A. They started working together in 1996 and in 1997, that
15 was the beginning of 1997. They worked together.
16 Q. Mr witness, what happened in the year 1997?
17 A. At the end of 1997 when it was about to finish --
18 Q. Continue, please.
19 A. The people who were called the RUF came to xxxx.
20 Q. what did the kamajors do when the RUF came to xxxx?
21 A. All run and went into the bush.
22 Q. So you say they left xxxx when the RUF came; that's right?
23 A. Yes, that was what happened. They left the town and went
24 into the bushes.
25 Q. And did they ever return to xxxx?
26 A. They only returned in xxxx in the year 1998.
27 Q. Could you give us a month when they returned in 1998?
28 A. In March month.
29 Q. And could you give the Court a day within March?

- 1 A. I cannot tell you the date. I only know the month.
- 2 Q. You said earlier the soldiers were in xxxx before. Were
3 they still in xxxx when the Kamajors entered in 1998?
- 4 A. They were not there again.
- 5 Q. Do you know when the soldiers left xxxx?
- 6 A. It was on Monday.
- 7 Q. Could you tell the Court how many days or weeks or months
8 it was that the soldiers left xxxx before the Kamajors were
9 entering? Did you understand my question?
- 10 A. Four days.
- 11 Q. Has there been any other military force at the time that
12 the Kamajors were entering xxxx?
- 13 A. There was no other fighting group. It was only the
14 Kamajors that were there.
- 15 Q. So what happened when the Kamajors entered xxxx in 1998?
- 16 A. They came -- they came by the new police barracks.
- 17 Q. Did they do anything within the police barracks?
- 18 A. They killed eight policemen.
- 19 Q. Did you personally see them killing policemen?
- 20 A. I was not present, but I saw the corpses.
- 21 Q. How did you learn of the killing of eight policemen by
22 Kamajors?
- 23 A. Those parents whose policemen were killed told me about
24 it.
- 25 Q. You said --
- 26 PRESIDING JUDGE: Told him about it what?
- 27 MR SAUTER:
- 28 Q. Mr witness --
- 29 A. Those who were killed. I asked some of them, they told

- 1 me this was my father, this is my relatives. That is how
2 I know that they were killed by Kamajors.
- 3 Q. Did these people also tell you that their relatives were
4 killed by Kamajors?
- 5 A. They are.
- 6 Q. When did you go to the police barracks? Was it on the
7 day the killings occurred?
- 8 A. In the morning hours.
- 9 Q. Mr witness, in the morning hours of what day, the day
10 that the policemen were killed, or any other day?
- 11 A. They came at about 10.00 a.m. in the morning. When it
12 was 10.00, that is the time they started the attack.
- 13 Q. When you say "they came", who do you mean, the Kamajors?
- 14 A. The Kamajors, when they came from the bush.
- 15 Q. And did you go to the police barracks the very day the
16 Kamajors came to Bo?
- 17 A. We went there early in the morning. We were many.
- 18 Q. Mr witness, the question was whether or not you went to
19 the police barracks the same day the Kamajors came or at
20 any other day?
- 21 A. I went there on the very morning they came to the police
22 barracks. That was the time I went there myself.
- 23 Q. But I understood the time you came to the police
24 barracks, the killings had already occurred, and you saw
25 the bodies of eight killed policemen; is that right?
- 26 A. Yes, that was how it happened.
- 27 Q. Did the Kamajors do anything else within the police
28 barracks, apart from killing?
- 29 A. They destroyed four houses.

- 1 Q. Did you see them destroying four houses?
- 2 A. I was not there, but when I came, I saw four burnt houses
3 and the eight corpses I talked about.
- 4 Q. And how did you learn that these four houses were
5 destroyed by Kamajors?
- 6 A. All those leaving the barracks told me about it, even the
7 men in the barracks they said "These houses were burnt by
8 Kamajors."
- 9 Q. Mr witness, did you personally at this time have any
10 encounter with the Kamajors?
- 11 A. Yes.
- 12 Q. Please tell the Court about it.
- 13 A. At one time they hacked a Limba man in my presence. I
14 was standing there; I saw it happen.
- 15 PRESIDING JUDGE: Please, wait, wait, wait, just wait.
- 16 MR SAUTER:
- 17 Q. what did you see happen?
- 18 A. when they came, they asked the man what was his tribe.
- 19 Q. Mr witness, the question was whether you personally had
20 any encounter with the Kamajors? Did the Kamajors do
21 anything do you personally.
- 22 A. well, what happened to me?
- 23 Q. Yes.
- 24 A. what happened to me, that was the time when the ECOMOGs
25 had already arrived.
- 26 JUDGE BOUTET: Mr Prosecutor, are you leaving aside the
27 incident that the witness was describing about the
28 hacking -- the witness was giving evidence about
29 something that he observed in his presence, are you

- 1 leaving that aside now?
- 2 MR SAUTER: No, no, no, I'm coming to this point later.
- 3 JUDGE BOUTET: Okay.
- 4 MR SAUTER:
- 5 Q. Mr witness, you just said anything happened to you after
6 ECOMOG had arrived at xxxx. How many days after the
7 Kamajors, ECOMOG came to xxxx, approximately?
- 8 A. These are the -- these are the three things that happened
9 in my presence before the coming of ECOMOG. One, was the
10 killing of the policemen, the next one was the burning of
11 the four houses, and the third one was the hacking of
12 that Limba man.
- 13 Q. Okay, Mr witness, let's come to this incident first,
14 which you describe as the hacking of a Limba man. what
15 happened to this Limba man?
- 16 A. when he came -- when they came, they asked him his tribe.
- 17 Q. what was his answer?
- 18 A. He said "I am a Limba."
- 19 Q. what happened to him after stating that he's a Limba?
- 20 A. They said he was a junta.
- 21 Q. Did anything happen to his man?
- 22 A. They had one language and that is they said, "Allahu
23 Akbar".
- 24 Q. And after this was said, what happened?
- 25 A. They hacked him until he died. He finally died.
- 26 Q. Did you observe this with your own eyes?
- 27 A. I was there clearly.
- 28 Q. How far away from the scene you have been, approximately?
- 29 A. There was just a line across us.

- 1 Q. Did the Kamajors do anything else to this person after
2 they killed the man?
- 3 A. They mutilated him.
- 4 Q. What do you mean when you say "they mutilated him"?
- 5 A. He was mutilated as if you were mutilating a deer and
6 they placed all the flesh together.
- 7 Q. Did you know the person who was killed?
- 8 A. I know him.
- 9 Q. So, Mr Witness, you described three incidents which
10 occurred before ECOMOG came. Let's go now to the arrival
11 of the ECOMOG. How many days or weeks after the arrival
12 of the Kamajors ECOMOG came to xxxx?
- 13 A. It could be -- it could be about five days. They were
14 the only people there within that five days.
- 15 Q. When you say "They were the only people there", who do
16 you mean?
- 17 A. The Kamajors, it was only the Kamajors. There was no
18 other fighting group.
- 19 Q. For about five days; is that right?
- 20 A. Yes.
- 21 Q. So I was asking you before whether you personally had any
22 encounter with the Kamajors?
- 23 A. Yes, they did something bad to me.
- 24 Q. Please tell the Court what they did to you?
- 25 A. This was done when the ECOMOG had already arrived.
- 26 Q. Please tell the Court what was done to you.
- 27 A. They entered my house.
- 28 Q. What did they do after having entered your house?
- 29 A. They took my television.

- 1 Q. Did they take anything else or only the television?
- 2 A. They also took my freezer.
- 3 Q. Anything else?
- 4 A. They also took my filter.
- 5 Q. What do you mean when you say "filter"?
- 6 A. That is what I used to filter the water before I try it
7 in popular things.
- 8 Q. Was this all, the television, the freezer, the filter?
- 9 A. And so many other articles. I cannot even remember now
10 because I was frightened.
- 11 Q. Did they give you any reasons why they took those things
12 from you?
- 13 A. They asked me and I showed them the receipt for all the
14 articles they have taken from me.
- 15 Q. The question was, Mr Witness, whether they gave you any
16 reasons for taking those things away.
- 17 A. They said that I'm a junta and that these property
18 belongs to a junta.
- 19 Q. How did you identify the people coming to your house and
20 taking your property, or some of your property away as
21 being Kamajors?
- 22 A. Because -- because they had the ronkos and the amulets
23 and also they had some looking glasses.
- 24 Q. Do you know who was commander of the Kamajors at this
25 time in xxxx?
- 26 A. Yes.
- 27 Q. Who was it?
- 28 A. He was called Kosseh Hindowa.
- 29 MR SAUTER: The writing is K-O-S-S-E-H. Last name,

- 1 H-I-N-D-O-W-A-H.
- 2 Q. Did you know Kosseh Hindowa?
- 3 A. I know him well.
- 4 Q. Did you meet Kosseh Hindowa during this time, I mean,
5 when the kamajors came back to xxxx?
- 6 A. It was the only time I saw him was when the Limba man was
7 arrested and he was taken to Kosseh Hindowa.
- 8 Q. Did you know the Limba man who was arrested?
- 9 A. [No translation]
- 10 MR SAUTER: I did not get the answer, but I assume the answer
11 was yes.
- 12 JUDGE BOUTET: we shall have the answer from the translator.
- 13 MR SAUTER:
- 14 Q. Once again the question was did you know the Limba man
15 who was arrested by the kamajors?
- 16 A. Yes, I know him.
- 17 Q. Did you know for what reasons he was arrested?
- 18 A. Yes, I know.
- 19 Q. Could you please tell the Court what the reasons were, to
20 your knowledge?
- 21 A. He was arrested, because daughter was a --
- 22 Q. His daughter was what?
- 23 JUDGE BOUTET: Mr Interpreter, can you repeat that, please.
24 You were cut off when you were giving the answer.
- 25 THE INTERPRETER: He was arrested because his daughter was a
26 young girl.
- 27 MR SAUTER:
- 28 Q. I did not get the answer clearly. He was arrested
29 because his daughter was a young girl. Mr Interpreter,

- 1 is this what the witness said?
- 2 A. The man was arrested because the daughter was a young
3 girl.
- 4 Q. what happened to this man who was arrested for his
5 daughter being a young girl?
- 6 A. Because they said the daughter was in love with a junta.
- 7 Q. So what happened to this man?
- 8 A. That was why he was arrested and taken to the office at
9 xxx xxxx Road.
- 10 Q. what was at xxxx Road? I've learned
11 from Mr Bockarie the writing is x-x-x-x-x --
- 12 MR BOCKARIE: x-x-x-x-x.
- 13 MR SAUTER: Thank you. , x-x-x-x-x-x.
- 14 JUDGE BOUTET: Thank you.
- 15 Q. So, Mr witness, my question was: what was at Road?
16 Road?
- 17 THE INTERPRETER: My Lord, will the counsel please repeat his
18 question.
- 19 MR SAUTER:
- 20 Q. The question was: what was at Road where the
21 Limba man was brought to?
- 22 A. That was their head office.
- 23 Q. Mr witness, when you say "their head office", whose head
24 office?
- 25 A. The Kamajors.
- 26 Q. The Kamajor head office. And you said in connection with
27 this arrest you met Mr Hindowa. why did you meet
28 Mr Hindowa?
- 29 A. When the Limba man was arrested, we when went there.

- 1 Q. Mr witness, "we went there", who went there? Only you or
2 others?
- 3 A. I had some other people who came -- who went with me.
- 4 Q. And for what purpose you went to Mr Hindowa, you and your
5 colleagues?
- 6 A. We went there to tell Mr Hindowa that all the allegations
7 they made against him was untrue.
- 8 Q. And what was the reaction of Mr Hindowa?
- 9 A. When I went there now, I find them beating the man in
10 front of Mr Hindowa.
- 11 Q. Did Mr Hindowa say anything to you and your -- and the
12 other men having been with you on your allegation that
13 this man was not a junta?
- 14 A. Yes.
- 15 Q. What did he say, please?
- 16 PRESIDING JUDGE: What was the question again? It was long.
- 17 MR SAUTER:
- 18 Q. Whether or not Mr Hindowa said anything to him on his
19 allegation that the arrested man was not a junta?
- 20 A. Yes.
- 21 Q. Please tell the Court what Mr Hindowa was saying.
- 22 A. He said I was to pay 100,000.
- 23 Q. What for you should pay 100,000?
- 24 A. So that he will release him.
- 25 Q. And did you pay 100,000?
- 26 A. Yes, I paid it.
- 27 [HN061204D 4.50 p.m.]
- 28 Q. Did they release, after that, this man?
- 29 A. Yes, he was released to me.

- 1 Q. Do you know for what time this man was in captivity?
- 2 A. He slept there for three days.
- 3 Q. And you said you saw him being beaten when you came to
4 Hindowa. In which condition was he when he was released
5 to you?
- 6 A. He had pains all over his body where they were beating
7 him.
- 8 MR BOCKARIE: Objection, Your Honour. He isn't in a position
9 to determine whether he had pains all over his body.
10 That's purely subjective, Your Honour.
- 11 PRESIDING JUDGE: what if he complained to him?
- 12 MR BOCKARIE: There is no evidence to this Court that he made
13 a complaint to him, Your Honour.
- 14 PRESIDING JUDGE: The objection is overruled. Mr Sauter, you
15 may continue, please.
- 16 MR SAUTER: Thank you.
- 17 Q. So what happened to this man to your observations?
- 18 A. He had welts all over his body and when he was released,
19 he didn't take one month and he died.
- 20 Q. Did you pay for ransom money or money for release for
21 anyone else?
- 22 A. Yes.
- 23 Q. Please tell the Court.
- 24 A. Two Limba men were also tied.
- 25 Q. Go ahead, please.
- 26 A. They had a rope they called FM.
- 27 Q. what do you call a FM rope?
- 28 A. They know the type of rope.
- 29 Q. Certainly they know, but would you please describe to the

- 1 Court what you call FM rope?
- 2 JUDGE THOMPSON: He didn't call it. He said they called it FM
3 rope. They called it. It's not his own
4 characterisation. What does he understand by it anyway,
5 that's different.
- 6 MR SAUTER: I understood they tied them with FM rope.
- 7 JUDGE THOMPSON: Which they called FM rope, not he. He didn't
8 call it FM rope. He's not familiar with the terminology
9 according to him.
- 10 MR SAUTER:
- 11 Q. So can you describe what you saw when they were tied up?
- 12 A. They removed their apparels, the two of them.
- 13 Q. And?
- 14 A. They wanted to put pepper in their private parts.
- 15 Q. Did you know the two persons that were arrested and tied
16 up?
- 17 A. Yes, we are staying almost in the same place.
- 18 Q. Did you do anything when you saw them being arrested and
19 tied?
- 20 A. Yes.
- 21 Q. Please describe what you did?
- 22 A. I removed 110,000 leones.
- 23 Q. Removed from where?
- 24 A. It was my own money.
- 25 Q. Did anybody ask you for money in this context?
- 26 A. Yes, the commander, the head, asked me for that money.
- 27 Q. Did you know the commander?
- 28 A. I know him because we are nearer each other.
- 29 Q. What was his name?

- 1 A. He was called Moses Sandy.
- 2 Q. To my knowledge the writing is M-O-S-E-S, Sandy
- 3 S-A-N-D-Y. Did you pay the money that was asked from
- 4 you?
- 5 A. Yes, yes, I paid 110,000 leones.
- 6 Q. For what time were these two persons in custody?
- 7 PRESIDING JUDGE: To who did he pay the money?
- 8 MR SAUTER: Excuse me, yes.
- 9 Q. To who did you give this money?
- 10 A. I gave this money to Moses Sandy.
- 11 Q. Did you give him anything else or just this money?
- 12 A. Yes.
- 13 Q. what, please?
- 14 A. I gave them 10 bushels of rice.
- 15 Q. was he asking for rice for the release of these two
- 16 persons?
- 17 A. In fact, they said I was to pay 15 bushels. I begged
- 18 them to accept 10 bushels.
- 19 Q. The other question was for what time these two persons
- 20 have been in captivity?
- 21 A. They were there for two days. On the third day they was.
- 22 Q. Mr witness, did you pay for anyone else?
- 23 PRESIDING JUDGE: On the third day what happened?
- 24 MR SAUTER: On the third day was released.
- 25 PRESIDING JUDGE: They were released.
- 26 MR SAUTER:
- 27 Q. Mr witness, did you pay for the release of anyone else?
- 28 A. Yes.
- 29

- 1 Q. Who was it?
- 2 A. One other man. He was also a Limba man.
- 3 Q. What happened to him?
- 4 A. He was also staying near my house.
- 5 Q. Did anything happen to him?
- 6 A. He was also arrested, saying he was a junta.
- 7 Q. Who arrested him?
- 8 A. The Kamajors.
- 9 Q. What did they do to him after they had arrested him?
- 10 A. They undressed him and left him naked.
- 11 Q. Did they do anything else to him?
- 12 A. They were about to beat him.
- 13 Q. Did they in fact beat him?
- 14 A. They beat him.
- 15 Q. In which way did they do so?
- 16 A. He was put down on the floor.
- 17 Q. Go on, please.
- 18 A. He was to lie on the floor and begin to roll for a
- 19 distance.
- 20 Q. For what distance about?
- 21 A. I did not measure it, but it was a considerable distance.
- 22 Q. Could you give an estimate in any way how big the
- 23 distance was?
- 24 A. It is more than the distance between me and the judges.
- 25 Q. Is it much more than the distance between you and the
- 26 judges?
- 27 PRESIDING JUDGE: He said the distance was a considerable
- 28 distance. Is it material for you to establish the real
- 29 distance, Mr Sauter?

- 1 MR SAUTER: He has given a distance before in his previous
2 statement and I think it is material whether it is just
3 20 metres or much more.
- 4 PRESIDING JUDGE: Go ahead. You are talking of metres. He
5 may only know feet.
- 6 MR SAUTER: It's even a big distance, whether it's from here
7 to there or --
- 8 PRESIDING JUDGE: He says it's more, beyond.
- 9 MR SAUTER:
- 10 Q. We were speaking about him being beaten. You said he was
11 forced to roll on the ground. Was he beaten while
12 rolling on the ground?
- 13 PRESIDING JUDGE: What happened to him as he was rolling on
14 the ground?
- 15 MR SAUTER:
- 16 Q. Mr witness, what happened to him as he was rolling on the
17 ground?
- 18 A. As he was rolling, he rolled and get to the one who was
19 standing the far distance, and as soon as he gets near
20 him, he hits him with the gun.
- 21 Q. What did you do when seeing this?
- 22 A. We ran and called ECOMOG.
- 23 Q. What did ECOMOG do -- or did ECOMOG do anything?
- 24 A. The ECOMOG came and arrested them.
- 25 Q. Who was arrested by ECOMOG?
- 26 A. So the man who was beaten up was taken by the ECOMOG and
27 they took him to their office.
- 28 Q. The question, Mr witness, was who was arrested by ECOMOG?
29 You said ECOMOG came and arrested them.

- 1 A. No, when the ECOMOG came, they removed the victim from
2 the Kamajors.
- 3 Q. You said earlier you paid for the release also of this
4 man, but did you pay anything or did you not?
- 5 A. Which people?
- 6 Q. You were describing that Kamajors were arresting a man --
7 a Limba man, made him lay on the ground and roll over a
8 certain distance, and then after you have informed
9 ECOMOG, ECOMOG came and freed this person. Did you pay
10 for the release of this person?
- 11 A. I paid money so that he'll be released, and they also
12 seized his house. I also paid money for that house.
- 13 Q. Who seized the house of this man?
- 14 A. That was their leader, the leader of the Kamajors.
- 15 Q. Do you know a name?
- 16 A. I know him.
- 17 Q. What was his name?
- 18 A. He was called Abu Tawa.
- 19 Q. A-B-U, last name T-A-W-A. Did Abu Tawa ask a certain sum
20 of money from you?
- 21 A. Yes.
- 22 Q. What was he asking for?
- 23 A. He said before they could release this fellow to me, they
24 could release the fellow and the house to me, I should
25 pay 400,000 leones.
- 26 Q. Did you pay 400,000?
- 27 A. I begged them and finally I paid 300,000.
- 28 Q. To who did you pay 300,000 leones?
- 29 A. I paid to Abu Tawa.

1 PRESIDING JUDGE: Mr Sauter, you still have some time to go?
2 MR SAUTER: Approximately half an hour.
3 PRESIDING JUDGE: Half an hour. Since you're likely to go
4 beyond 5.30, I'm afraid, Mr Sauter, we will continue
5 tomorrow morning. We'll take the arguments on the motion
6 first.
7 MR SAUTER: Would you please allow me to make a remark?
8 PRESIDING JUDGE: Yes, what remark, Mr Sauter?
9 MR SAUTER: As you know the President of Germany is here.
10 PRESIDING JUDGE: So what?
11 MR SAUTER: And he, for whatever reason, wants to see me
12 tomorrow.
13 PRESIDING JUDGE: Tomorrow?
14 MR SAUTER: Yes, at 10.50.
15 PRESIDING JUDGE: But you can inform the German President that
16 you're involved in a prosecution. I think at about that
17 time we should also be busy with the German President --
18 about that time.
19 MR SAUTER: I know.
20 PRESIDING JUDGE: I am sure. So after that we will have to
21 resume our normal business.
22 MR SAUTER: Thank you.
23 JUDGE THOMPSON: And permit me to say I am sure that the
24 German President believes in the rule of law.
25 MR SAUTER: He is a jurist himself.
26 PRESIDING JUDGE: As I said, we're going to start at 9.15, we
27 will take the arguments on the motion, and at about 10.30
28 we shall rise for just a few minutes, but, please, you
29 will remain in court. We will give indications tomorrow

1 so that you will know how things will evolve in the
2 course of the day. So we are starting at 9.15. Yes,
3 Mr Margai?

4 MR MARGAI: Yes, My Lords, there are two motions.

5 PRESIDING JUDGE: Which ones?

6 MR MARGAI: The one to recall PW 34 and an earlier one dealing
7 with the question of non-exclusion of investigators from
8 closed sessions.

9 PRESIDING JUDGE: We will let you know what the position is
10 tomorrow.

11 MR MARGAI: Very well.

12 PRESIDING JUDGE: Yes, we will let you know what the position
13 is tomorrow.

14 JUDGE BOUTET: On this second motion about investigators, we
15 were not intending to hear. I thought you were just
16 underlining this problem, rather than being a motion, but
17 we'll look into it; that's not a problem. But we had not
18 intended to ask the Prosecution to argue or to make any
19 presentation on that. Do you wish to pursue further that
20 matter?

21 MR MARGAI: Yes, My Lords. In fact, when I mentioned by way
22 of application the question of non-exclusion of
23 investigators, Your Lordships requested that the motion
24 be in writing, which I have done and served the
25 Prosecution.

26 JUDGE BOUTET: On that issue?

27 MR MARGAI: Yes.

28 PRESIDING JUDGE: We will put it on advisement and we'll come
29 back on this issue tomorrow, please. Is that all right,

1 Mr Margai?

2 MR MARGAI: As My Lords please. I didn't want the --

3 PRESIDING JUDGE: We'll put it on advisement and --

4 MR MARGAI: What the view of the Prosecution is on the first
5 motion maybe --

6 PRESIDING JUDGE: We shall look into all that tomorrow when we
7 start at 9.15.

8 MR MARGAI: Very well.

9 PRESIDING JUDGE: We shall rise and resume tomorrow at 9.15.

10 The Court will rise, please.

11 [Whereupon the hearing adjourned at 5.17 p.m., to be
12 reconvened on Tuesday, the 7th day of December 2004, at
13 9.15 a.m.]

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EXHIBITS:

Exhibit No. 47 65

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-067 [Resumed] 17

CROSS-EXAMINED BY MR KOPPE 17

CROSS-EXAMINED BY MR MARGAI 31

WITNESS: TF2-056 63

EXAMINED BY MR SAUTER: 63

C E R T I F I C A T E

We Ella K Drury and Roni Kerekes, Official Court Reporters 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 our ability and understanding.

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

Ella K Drury

Roni Kerekes