



Case No. SCSL 2011-02-T
THE INDEPENDENT COUNSEL

-V-

HASSAN PAPA BANGURA, SAMUEL KARGBO, SANTIGIE BORBOR KANU AND
BRIMA BAZZY KAMARA

Before the Judge:	Justice Teresa Doherty
For Chambers:	Elizabeth Budnitz
For the Registry:	Elaine-Bola Clarkson Thomas Alpha
For WVS:	Tamba D. Sammie
For the Prosecution:	Robert L. Herbst
For the accused Hassan Papa Bangura:	Melron Nicol-Wilson
For the accused Samuel Kargbo:	Charles Taku
For the accused Santigie Borbor Kanu:	Kevin Metzger
For the accused Brima Bazy Kamara:	Abdul Serry-Kamal Wara Serry-Kamal
For the Principal Defender:	Claire Carlton-Hanciles

1 [Wednesday, 22 August 2012]

2 [Open session]

3 [Accused present]

4 [Upon resuming at 9.05 a.m.]

5 JUSTICE DOHERTY: [Indiscernible] we are in contact with
6 Freetown. Freetown are hearing us.

7 THE COURT OFFICER: We are, your Honour. We can hear you
8 loud and clear.

9 JUSTICE DOHERTY: Thank you. I will therefore take
10 appearances.

11 MR HERBST: Good morning, your Honour. Robert Herbst for
12 the Prosecution.

13 JUSTICE DOHERTY: Thank you. For the Defence. Counsel for
14 the [indiscernible].

15 MR NICOL-WILSON: Your Honour, Melron Nicol-Wilson appears
16 for Hassan Papa Bangura.

17 CHIEF TAKU: May it please your Honours, Chief Charles Taku
18 for Mr Samuel Kargbo.

19 JUSTICE DOHERTY: Thank you.

20 MR METZGER: Your Honour, Kevin Metzger for Santi gie Borbor
21 Kanu.

22 JUSTICE DOHERTY: Thank you.

23 MR SERRY-KAMAL: Abdul F Serry-Kamal for the fourth
24 accused.

25 JUSTICE DOHERTY: Thank you, Mr Serry-Kamal.

26 THE COURT OFFICER: [In Kigali] Madam, I just wanted to
27 notify the Court that there is a form going on in Freetown and at
28 the moment we cannot see a picture from Freetown but we can hear
29 them but we can't see them but the technicians are working on it.

1 JUSTICE DOHERTY: That's unfortunate. But can Freetown see
2 us?

3 THE COURT OFFICER: Freetown can see you, your Honour.

4 THE COURT OFFICER: [In Kigali] Mr Alpha, can Freetown see
5 us?

6 THE COURT OFFICER: Yes.

7 [Video link disconnected]

8 [Video link restored]

9 THE COURT OFFICER: [In Kigali] ... Mr Metzger for Santigie
10 Borbor Kanu. Request Defence for correction to decision on
11 urgent application for permission to instruct handwriting expert
12 pursuant to Rule 54. Hard copies have been disseminated.
13 Your Honour, the line is back on.

14 JUSTICE DOHERTY: That's very good. Mr Interpreter, please
15 interpret the [indiscernible] for Mr Kamara. Yesterday you
16 undertook to tell the truth.

17 THE INTERPRETER: Your Honour, the interpreter can hardly
18 hear you.

19 JUSTICE DOHERTY: Can you hear me now if I speak louder?

20 THE INTERPRETER: Yes, that's better, your Honour.

21 JUSTICE DOHERTY: Mr Court Attendant. I didn't hear you
22 very clearly. Can you tell me what you said?

23 THE INTERPRETER: I can hear you, your Honour. I can hear
24 you, your Honour. I can hear you now.

25 JUSTICE DOHERTY: Very good. I will repeat what I say.

26 Please interpret the following for Mr Kamara: Mr Kamara,
27 yesterday you took the oath promising to tell the truth. That
28 oath remains binding upon you and you must tell the truth.

29 Please ask: Do you understand?

1 THE WITNESS: Yes, your Honour.

2 JUSTICE DOHERTY: Thank you, Mr Kamara. Mr Serry-Kamal.

3 BRI MA BAZZY KAMARA

4 CONTINUING EXAMINATION-IN-CHIEF:

5 MR SERRY-KAMAL: Your Honour, I would like you to please
6 guide me as to are we were yesterday when we adjourned.

7 JUSTICE DOHERTY: Mr Serry-Kamal, you had asked the witness
8 about his childhood background. He replied that he was born in
9 Wilberforce, he grew up there. You then asked in connection, if
10 any, he knew the accused Hassan Papa Bangura. He replied that he
11 was also born in the barracks. He joined the army. They trained
12 together. They were assigned to the army transport --

13 MR SERRY-KAMAL: No, he as assigned.

14 JUSTICE DOHERTY: Pardon?

15 MR SERRY-KAMAL: He was assigned.

16 JUSTICE DOHERTY: Yes. He was assigned --

17 MR SERRY-KAMAL: Eight years [overlapping speakers].

18 JUSTICE DOHERTY: [Indiscernible] those are my last notes,
19 Mr Serry-Kamal.

20 MR SERRY-KAMAL:

21 Q. Now, Mr Kamara, where was Mr Hassan Bangura, the first
22 accused, assigned after your training at Benguema?

23 A. Well, after our training, I was made to understand that he
24 was sent to Daru.

25 JUSTICE DOHERTY: Continue.

26 MR SERRY-KAMAL:

27 Q. Now let us come down to the - just want you to explain a
28 few terminologies that you're using. Now, when you say somebody
29 is a barrack boy, what do you mean?

1 A. That is someone whose father is a soldier and who was born
2 in the barracks.

3 Q. Has he just been born there, or does he have to be longer
4 in the barracks than just being born there?

5 A. When you are born --

6 THE INTERPRETER: Your Honour, this line is breaking up. I
7 can't hear him.

8 JUSTICE DOHERTY: Mr Serry-Kamal, please repeat your
9 question for the interpreter.

10 MR SERRY-KAMAL:

11 Q. You said - the interpreter said something about being born
12 there. Does it mean just being born there, or do you have to
13 grow up there before actually you are a barracks boy?

14 A. If your father is a soldier and you are born there and you
15 grew up there, they refer to you as --

16 THE INTERPRETER: Your Honour, I did not get the last part.
17 The line is breaking up seriously. I did not get the last part
18 of his answer.

19 THE WITNESS: They refer to him as a soldier's child, a
20 barracks boy.

21 MR SERRY-KAMAL:

22 Q. Thank you. Now, you said you grew up in Wilberforce so you
23 are referred to as a Wilberforce boy; not so?

24 A. Yes. Yes, they refer to me as Wilberforce village boy.

25 Q. In that category - in that description you would refer to
26 Gullit and Hassan as barracks boys?

27 MR HERBST: I would object to the leading.

28 JUSTICE DOHERTY: You are leading, Mr Serry-Kamal. And you
29 also had two questions in one.

1 MR SERRY-KAMAL:

2 Q. Let me try again, if that will satisfied Mr Herbst.

3 What would you refer - in what category would you put the
4 first accused and Gullit?

5 A. I can call them soldiers' children, barracks boys, because
6 they were born and bred in the same barracks.

7 Q. Now, let me refer to somebody else: Samuel Kargbo, alias
8 Sammy Ragga, in what category do you put him?

9 A. Well, like I said --

10 THE INTERPRETER: Your Honour, the line is breaking up
11 again. I can't hear him.

12 MR SERRY-KAMAL:

13 Q. Let me say again.

14 A. I can refer to Sammy Ragga as Fourah Bay boy. He's not
15 within our area. He's not in the Wilberforce Barracks or the
16 Wilberforce Village. He's living in town.

17 JUSTICE DOHERTY: Mr Interpreter, I'm afraid your answer
18 did not come through clearly. I heard you said something I would
19 refer to [indiscernible], but I did not hear the rest of it. Can
20 you repeat it, please.

21 THE INTERPRETER: He said Fourah Bay boy. Fourah Bay boy.

22 [Video link disconnected]

23 [Video can link restored]

24 JUSTICE DOHERTY: [Indiscernible] oral connection.

25 THE COURT OFFICER: [In Kigali] Mr Nicol-Wilson, can you
26 hear us?

27 MR NICOL-WILSON: Yes, I can.

28 THE COURT OFFICER: [In Kigali] Okay. Thank you.

29 Mr Sesay, can you hear us?

1 THE INTERPRETER: I can hear you.

2 THE COURT OFFICER: [In Kigali] Okay. Could you try
3 again, please. Thanks.

4 JUSTICE DOHERTY: Mr Interpreter, I had asked just before
5 the break in communications for a repetition of the last part of
6 Mr Kamara's answer, as I did not hear you interpret it because of
7 the static noise.

8 THE INTERPRETER: Your Honour, you may have to ask him to
9 repeat that last bit of the answer. I don't know exactly the
10 position you are referring to.

11 JUSTICE DOHERTY: Mr Serry-Kamal, please put your question
12 again, which related to what category Samuel Kargbo, also known
13 as Sammy Ragga, was in.

14 MR SERRY-KAMAL:

15 Q. Mr Kamara, do you recall that I asked you the last time?
16 In what category, in terms of your definition of barrack boy and
17 Wilberforce boy, would you put Sammy Ragga - Samuel Kargbo
18 against Sammy Ragga?

19 JUSTICE DOHERTY: Mr Serry-Kamal, barrack boy or what boy?
20 I didn't hear that part.

21 MR SERRY-KAMAL: Wilberforce boy or barrack boy.

22 JUSTICE DOHERTY: Thank you for that clarification.

23 THE WITNESS: He's a Fourah Bay boy, as I understand it.

24 MR SERRY-KAMAL:

25 Q. For the benefit of my friends who do not understand where
26 Fourah Bay is, where is Fourah Bay in Freetown?

27 A. Fourah Bay is in the eastern part of Freetown.

28 MR SERRY-KAMAL: Fourah Bay like the college. Fourah Bay
29 like Fourah Bay college.

1 JUSTICE DOHERTY: Is that F-0-U-R --

2 MR SERRY-KAMAL: -- A-H. B-A-Y, two words, Fourah Bay.

3 JUSTICE DOHERTY: Proceed.

4 MR SERRY-KAMAL:

5 Q. Did you know him before he came to the army - before he
6 came to the army?

7 A. No.

8 Q. Did you have any contact with him when you were - when you
9 were in the army?

10 A. No.

11 Q. Did you serve in the same unit?

12 A. No.

13 Q. Was he ever your friend?

14 A. He was never my friend.

15 Q. There is just one more person I want to deal with: 334.
16 Was he ever your squad mate?

17 A. No, I do not know when he was trained.

18 MR HERBST: Sorry, I couldn't hear the interpreter there.

19 JUSTICE DOHERTY: "No, I do not know where he was trained".
20 Continue, please, Mr Serry-Kamal.

21 MR SERRY-KAMAL:

22 Q. Did you join the army at the same time?

23 JUSTICE DOHERTY: Same time as who, Mr Serry-Kamal?

24 MR SERRY-KAMAL:

25 Q. We are talking about 334, your Honour?

26 JUSTICE DOHERTY: Yes, do you mean did he join the same
27 time as Mr Kamara [overlapping speakers] --

28 MR SERRY-KAMAL: Yes, ma'am.

29 JUSTICE DOHERTY: -- rather than Mr Ragga?

1 MR SERRY-KAMAL: Yes, ma'am.

2 THE WITNESS: I didn't know whether he trained at some
3 other place, but we did not - we did not train at the same time.

4 MR SERRY-KAMAL:

5 Q. Was he part of any unit to which you belonged?

6 A. No.

7 Q. He testified against you in the AFRC trial in Trial Chamber
8 II, didn't he?

9 A. Yes.

10 Q. How do you regard him?

11 A. Well, I regard him as somebody who tells lies.

12 THE INTERPRETER: Your Honour, the witness is breaking in
13 again.

14 MR SERRY-KAMAL:

15 Q. Okay. What do you regard him as?

16 A. I regard him as a liar, who lied for his own benefit.

17 Q. Now, when you were in detention in Freetown, did you ever
18 contact him, or did he ever contact you?

19 A. No. No.

20 Q. Now, do you know a young man called Keh-For-Keh?
21 Keh-For-Keh?

22 JUSTICE DOHERTY: Mr Serry-Kamal, is this a protected
23 witness?

24 THE WITNESS: No, my Lord.

25 MR SERRY-KAMAL: He is one of the people I may be calling.

26 Q. What is Keh-For-Keh to you?

27 THE COURT OFFICER: Your Honour, the transcriber would like
28 the spelling of that word or that name.

29 MR SERRY-KAMAL: K-A-H F-O-R K-A-H (sic). Keh-For-Keh.

1 Q. Who is he to you?

2 A. Well, he's a comrade. He's a soldier and later he's -

3 THE INTERPRETER: Your Honour, he's breaking in seriously.

4 I can't hear him.

5 JUSTICE DOHERTY: Mr Kamara, repeat your answer because you

6 were speaking over the interpreter. Come to the part after you

7 said he was a [i ndi scerni bl e] soldier, and then you started

8 saying "later". Repeat that part of your answer and pause at the

9 end of the first sentence for the interpreter.

10 THE WITNESS: I knew him as a soldier. He joined the army

11 before me. After we had become friends.

12 THE INTERPRETER: This part again is not coming out

13 clearly.

14 JUSTICE DOHERTY: The last sentence, Mr Kamara, where you

15 referred to your small sister. Please repeat that answer.

16 THE WITNESS: I said, later he fell in love with my younger

17 sister.

18 MR SERRY-KAMAL:

19 Q. [Overlapping speakers] and they have child?

20 A. They have a child.

21 Q. Would it be safe to say he's your brother-in-law?

22 A. Yeah, sure.

23 Q. Now, do you recall 30 November 2010?

24 A. Yes, your Honour.

25 Q. Did you have any - did you have cause to call Keh-For-Keh?

26 MR HERBST: Your Honour, I'm going to object to leading

27 [i ndi scerni bl e].

28 JUSTICE DOHERTY: Mr --

29 MR SERRY-KAMAL: My Lord, this number.

1 THE COURT OFFICER: Your Honour, we did not hear the
2 objection. The transcriber did not hear that.

3 MR SERRY-KAMAL: All the records.

4 JUSTICE DOHERTY: Mr Serry-Kamal [i ndi scerni bl e] that is
5 not evidence and therefore foundation has to be laid
6 [i ndi scerni bl e].

7 MR SERRY-KAMAL:

8 Q. Did you call - did you call anybody on the 30th. Sorry,
9 did anybody call you on 30 November 2010?

10 JUSTICE DOHERTY: For purposes of clari fication, are you
11 referring to an incoming call?

12 MR SERRY-KAMAL: Yes, your Honour. Yes, your Honour.

13 Q. Did anybody call you on 30th of November 2010?

14 A. Yes, your Honour:

15 Q. Who was it?

16 A. Keh-For-Keh.

17 Q. Now, as a result of the call which he made to you, did you
18 do anything?

19 A. Yes, your Honour.

20 Q. Tell us what you did?

21 A. Normally - normally he [overl appi ng speakers].

22 Q. He called you? Tell us what you did.

23 MR HERBST: Your Honour, I would ask counsel
24 [i ndi scerni bl e] to lead the witness.

25 MR SERRY-KAMAL: But I'm leading the witness.

26 JUSTICE DOHERTY: Counsel has directed the witness to
27 answer the question properly and not to bring in [i ndi scerni bl e].

28 MR SERRY-KAMAL:

29 Q. Now, you said he called you. What did you do as a result

1 of his call?

2 THE COURT OFFICER: Excuse me, your Honour. Your Honour, a
3 moment, please. We have difficulty hearing especially Mr Herbst
4 when he speaks. So the transcriber hardly is able to get what he
5 says. And also, if we could ask you kindly to push closer to
6 your mic when you speak too, your Honour. Thank you.

7 JUSTICE DOHERTY: I have noted that, Mr Court Attendant.
8 Mr Herbst, I would also request you to speak louder.

9 MR HERBST: I will, your Honour. Thank you.

10 JUSTICE DOHERTY: Mr Court Attendant, please alert us again
11 if there are similar problems. I will now ask Mr Kamara to
12 answer the question.

13 Mr Kamara, proceed.

14 THE WITNESS: I received the call, and he asked me to call
15 him back. Then I called him.

16 MR SERRY-KAMAL:

17 Q. Just a minute. Now, could you tell us the procedure which
18 you observed to call Mr Keh-For-Keh - procedure which you
19 observed?

20 A. Yes. When he called me, he told me that I should call him
21 so that some people - some of our soldiers friends wanted to talk
22 to me. Then I said okay, switch off your phone and I'll call you
23 back.

24 Q. Did he tell you where he was at the time?

25 A. Yes.

26 Q. Where did he say he was?

27 A. Down at Sweissy.

28 Q. Just tell us the procedure you followed.

29 A. Then I gave the number to the officer in charge, who

1 dialled the number, and when the phone rang and Keh-For-Keh
2 picked it up, he handed over the phone to me.

3 Q. Could you please tell this Court the subject of your - what
4 you discussed when he handed over the phone to you?

5 A. Yes. He told me --

6 THE COURT OFFICER: [In Kigali] [Indiscernible] that our
7 picture is frozen. So we need to drop the call and reconnect.

8 JUSTICE DOHERTY: If our picture is frozen, that doesn't
9 worry me, as long as they can hear what is being said. None of
10 us are dancing around. We're just sitting here. Let us keep the
11 connection that we've got, and if at some point it breaks again,
12 they can [i ndi scerni ble].

13 THE COURT OFFICER: [In Kigali] Did you get that,
14 Mr Alpha?

15 THE COURT OFFICER: Yes, I did.

16 THE COURT OFFICER: [In Kigali] So can you hear us
17 clearly?

18 THE COURT OFFICER: We can. I'm not sure if the
19 interpreters can, but I can.

20 JUSTICE DOHERTY: Mr Kamara, please continue with your
21 answer. If the interpreter has a problem I know he will alert
22 us. Please continue. You said the officer handed over the phone
23 to you.

24 THE WITNESS: Yes. Then he said --

25 THE INTERPRETER: Your Honour, I did not hear that answer.

26 THE WITNESS: "Some of your men are here. They want to ask
27 you about your condition in Rwanda." Then I asked him, who the
28 people were. He said they were your boys. Eddie that I usually
29 call Maf.

1 JUSTICE DOHERTY: [Indiscernible] the name Maf mentioned
2 but please say it again.

3 THE WITNESS: I said Eddie. Eddie.

4 MR SERRY-KAMAL:

5 Q. Did you call him by any other name?

6 A. Yes, I call him Maf. Maf, Pastor Eddie. He's a pastor.

7 Q. Is he a pastor now?

8 JUSTICE DOHERTY: Continue.

9 THE WITNESS: Then I said, "Okay, give him the phone".
10 Then he asked me about the condition in the Rwandan prison.

11 THE INTERPRETER: Your Honour, the witness is breaking in.
12 I can't get all he is saying.

13 JUSTICE DOHERTY: Mr Kamara, repeat the last part of your
14 answer.

15 THE WITNESS: I said, they said they were praying for us
16 that one day we will join them, that we should not be discouraged
17 and that we should keep the faith because one day we will join
18 then again. Then he said that he was not alone. There were
19 plenty of them who were ready to talk to me. And I told him
20 that, "You know that I do not have so much air time. I can't
21 talk to all of you". And I told him to give the phone to the
22 person close to him so that I can say hello to him. So he gave
23 the phone to one of my boys called Vamboy, V-Boy, David Vamboy.
24 He too said the same thing, that I should be courageous and that
25 they were praying for us. They are feeling sorry for us. We
26 should exercise patience and one day everything will be over. He
27 told me that even his friend Manga was around. Then he gave the
28 phone to Manga. I spoke to Manga, and he too told me the same
29 thing, that we should be courageous. He too gave the phone to

1 another boy called Matt Conteh, Junior. Junior too said the same
2 thing, and he said, "There was another man here who said he had
3 taken a long time since he last spoke to you. He would like to
4 hear your voice".

5 Then I said, "Okay, give him the phone." When they gave
6 him the phone, then he said, "Papay, it's me. It's Sammy Ragga.
7 It's Sammy Ragga, your boy."

8 I said, "Oh, Sammy, Sammy Ragga, they released you"?

9 Then he said, "Yes, sir, they released us. It's the
10 government that released us."

11 But during that time that we were talking, I was not
12 getting him clearly because the phone was breaking in. Then I
13 told him that the line was breaking. Then they told me - then
14 Sammy told me that he will give me a number for me to call him.
15 Then I said he should go ahead. Then he gave me his number.
16 When he gave me the number, I told him that I will switch on the
17 phone and give the officer for him to dial the number. Then the
18 officer dialled the number and gave the phone back to me. Then
19 we started talking. Then he asked me about our condition and
20 assured me that one day it will be over. As we were talking with
21 - as I was talking with Sammy --

22 THE INTERPRETER: Your Honour, can the witness repeat this
23 part of his answer slowly?

24 JUSTICE DOHERTY: Please, Mr Kamara, please repeat your
25 last answer slowly.

26 THE WITNESS: I said the men whom I was talking with, Maf,
27 V-Boy, and others, they all thanked me because I spoke to them.

28 MR METZGER: That is not the interpretation. That's
29 wrong.

1 MR SERRY-KAMAL: No. Your Honour, that is not the
2 interpretation.

3 MR HERBST: I object. We have one interpreter --

4 MR METZGER: The interpretation is wrong.

5 JUSTICE DOHERTY: Mr Kamara, repeat what you said.

6 Mr Interpreter, let me hear the interpretation.

7 THE WITNESS: I said, all of the boys whom I spoke to, they
8 said they wanted to talk to their two brothers, Mr Kanu and
9 Mr Alex. Then I said okay. I said - I told them to hold on the
10 line - the phone. I said I will switch off the phone, and I'll
11 call them so that you can say hello to them. Then I switched off
12 the phone and went up and called Mr Kanu and Mr Alex. It was
13 Mr Kanu who first came. And I told the officer, I said,
14 "Mr Kanu, some of your boys in town want to talk to you." I
15 said, "Maf and Eddie", that's Pastor Eddie, that they were on the
16 line, yes. Then I think Sammy Ragga gave the phone to Maf and
17 Mr Kanu and Maf spoke. Then I think after Mr Kanu had spoken to
18 Maf, then I think he spoke to V-Boy. Then Mr Alex too came.
19 Then Mr Kanu handed over the phone to Mr Alex. Then Mr Alex
20 spoke to his younger brothers. I mean V-Boy -

21 THE INTERPRETER: Your Honour, the other name is not clear.
22 V-Boy and another name.

23 THE WITNESS: V-Boy and Manga, because they were his
24 younger brothers. So Alex was talking to them when the air time
25 finished on the phone. That was what happened that day that you
26 asked me about, sir.

27 MR SERRY-KAMAL:

28 Q. Now, you remember you said you spoke to the officer in
29 charge, and he dialled the number you gave for Keh-For-Keh?

1 A. Yes.

2 Q. I want you to look at that book, Exhibit P-15, I think, for
3 the entry on 30 November 2010.

4 A. 30 November 2010, I have it in front of me.

5 Q. Now, do you see your signature on the line there?

6 A. Yes, at the top.

7 Q. See your signature?

8 A. I've seen it. It's in the signature column.

9 Q. Yes, all right.

10 THE COURT OFFICER: [In Kigali] Can you turn your mic on,
11 please.

12 MR SERRY-KAMAL: Sorry.

13 Q. Your signature appears in the signature column?

14 A. Yes, your Honour.

15 Q. Your signature appears. Is that your signature?

16 A. Yes, it is. Yes, this is my signature.

17 Q. There is a telephone number - there's a telephone number
18 against your signature. Whose telephone number is that?

19 A. Well, the signature --

20 Q. No, let's talk about the telephone number.

21 A. The telephone number?

22 Q. Whose telephone number is that?

23 A. The telephone number is Key-For-Keh's telephone number.

24 Q. Now, did you see that book when - after you had made the
25 call again? Please, did you see that book again?

26 A. Yes, this book is always with us. Always.

27 Q. Now, do you notice --

28 THE INTERPRETER: Your Honour, the transcriber is having
29 some difficulties to transcribe what the interpreter is saying

1 because Mr Serry-Kamal keeps speaking as the interpreter is
2 interpreting.

3 JUSTICE DOHERTY: Mr Interpreter, I've already noted that,
4 and I have asked Mr Serry-Kamal not to speak over you.

5 Please - I did not hear the answer to the question. Did
6 you see the book again after he made the call? What was that
7 answer?

8 MR SERRY-KAMAL:

9 Q. Could you please answer that question. Did you see the
10 book again after you had made that call?

11 A. Yes.

12 JUSTICE DOHERTY: Please proceed.

13 MR SERRY-KAMAL:

14 Q. Let us talk about that entry.

15 MR HERBST: You have to put your mic on.

16 MR SERRY-KAMAL:

17 Q. Let us talk about that entry against which you signed. Was
18 it in that condition when you signed it?

19 A. No, no, no, no. This is a surprise to me. I can see that
20 they went over the numbers. All where I signed and all the calls
21 that I made, I never went through the numbers.

22 Q. You mean you never go over the numbers?

23 A. Yes. Like the way they have gone over these numbers.

24 Q. Now look at your signature. The signature and the rest of
25 it, do they correspond? The ink and everything, do they
26 correspond?

27 A. No. No.

28 JUSTICE DOHERTY: [Indiscernible] Mr Serry-Kamal. Are you
29 saying the ink [indiscernible] number --

1 [Video link disconnected]

2 [Video link restored]

3 JUSTICE DOHERTY: Thank you. Freetown, could you ask
4 [indiscernible]. Did you hear my request for clarification of
5 the last question, and did you hear the clarification of the last
6 question?

7 Chief Taku, did you hear my request for clarification?

8 CHIEF TAKU: Yes, your Honour. Thank you.

9 JUSTICE DOHERTY: Very well. If that was heard, I will now
10 ask Mr Serry-Kamal to put the question again.

11 MR SERRY-KAMAL:

12 Q. Now, you said when you - the entry was made and you signed
13 - let me put it again.

14 At the time when you signed that document, was that
15 document in that - that entry, was that in that - that entry in
16 that condition that it is now?

17 A. No.

18 Q. Why do you say no? What is the difference between then and
19 now?

20 THE INTERPRETER: Your Honour, the witness is breaking in.
21 I can't hear him clearly.

22 JUSTICE DOHERTY: All right. Try again. Mr Kamara, the
23 interpreter couldn't hear you clearly. Could you speak slowly,
24 Mr. Kamara.

25 THE WITNESS: I said - I said, when you look at the date
26 and the signature that I signed, you'll see that it's the same
27 pen. But when you look at the name and the number - my name and
28 the numbers and time and the relationship - where they put the
29 relationship call --

1 THE INTERPRETER: Your Honour, can he repeat that last
2 detail end?

3 THE WITNESS: There is a difference. You'll see that they
4 went over it. They went over it, these numbers that I'm seeing
5 now.

6 JUSTICE DOHERTY: Mr Interpreter, was the word you used
7 "valid"?

8 MR SERRY-KAMAL: No.

9 JUSTICE DOHERTY: I didn't hear you clearly.

10 THE INTERPRETER: Your Honour, I can't hear you clearly.

11 JUSTICE DOHERTY: The word you used just now when you
12 interpreted the answer, what was the word you used? The witness
13 said "they are not". What word did you use, please.

14 THE INTERPRETER: I can't remember, your Honour. He has to
15 repeat his answer.

16 MR SERRY-KAMAL:

17 Q. Mr Kamara, please repeat your answer so that the
18 interpreter will interpret. Can you go over it very, very slowly
19 so that he can interpret?

20 A. In the book --

21 THE INTERPRETER: Your Honour, again, I did not hear the
22 beginning of his answer.

23 MR SERRY-KAMAL:

24 Q. Mr Kamara, I would like you to - Mr Kamara, I would like
25 you to start from the first column, which is the date column.

26 A. The date which is 30/11/10.

27 Q. I want you to also look at the signature section. Can you
28 compare the date column and the signature section and give your
29 answer to that?

1 A. Yes, you will see that the date and the signature - you see
2 the pen - they have not gone over it like they went over it in
3 the name and the numbers.

4 Q. Let us go to the second column on that page - the second
5 column deals to the name of the prisoner. Do you see it?

6 A. Yes.

7 Q. The third column deals with the relationship of the
8 prisoner to the person who is calling.

9 A. Yes.

10 Q. The other column - the other column, which is the fourth
11 column, I would say, is the time column.

12 A. Yes.

13 Q. The fifth column is the called number according to that -
14 or called numbers; see that?

15 A. Yes.

16 Q. Now, what have you got to say about the name column, the
17 name of the relationship, the time, and the called number? What
18 did you say was wrong with that?

19 A. You will see that they went --

20 THE INTERPRETER: Your Honour, the witness's line is so bad
21 that I can't hear him clearly at all.

22 MR SERRY-KAMAL:

23 Q. [Indiscernible] talk loud?

24 A. They went over the name. They went over the prisoner's
25 name, but they did not go over the date. Then the name of the
26 person you called, they went over it, the relationship. They
27 went over the time and the numbers. They went over the numbers.
28 And I am seeing three numbers in the column.

29 Q. Now, I also want you to look at the signature column.

1 There's also another signature which appears below your signature
2 in the signature column. See it? Do you see that?

3 A. Yes.

4 Q. Do you know the signatures of your colleagues at Mpanga
5 Prison?

6 A. Well, I will see someone's own, I'll say that this is this
7 person's own in that document. I'm not an expert.

8 Q. Let me ask you about your close friends Tamba and Five
9 Five. Do you see whether that signature is any of their
10 signatures?

11 A. I know those two people's signatures.

12 Q. Is the signature at the bottom any of their signatures?

13 MR HERBST: Your Honour, I'm going to object. At the
14 bottom of what?

15 JUSTICE DOHERTY: Yes.

16 MR SERRY-KAMAL:

17 Q. I think I've been talking about the signature at the bottom
18 of Mr Bazy's signature?

19 JUSTICE DOHERTY: You mean the writing underneath it? I
20 thought you were talking about the bottom of the page. Please be
21 careful about what you are referring to.

22 MR SERRY-KAMAL: Your Honour --

23 JUSTICE DOHERTY: Signature at the bottom of what,
24 Mr Serry-Kamal?

25 MR SERRY-KAMAL: I did ask Mr Bazy that immediately under
26 your signature there is another signature, and he answered yes.
27 I said in relation to all of your friends - I didn't just limit
28 it to a friend - Bazy and Kanu.

29 Q. Do you know their signatures; not so?

1 A. Yes [i ndi scerni bl e].

2 Q. Those are the people I'm talking about. You know their
3 signatures?

4 A. Yes.

5 Q. The signature that appears at the bottom immediately under
6 your signature, on the third line, to be precise - the third line
7 of phone calls that are listed that we've gone over, is that the
8 signature of any of them?

9 A. I see it says "signature" under Mr Kanu's name [overl appi ng
10 speakers].

11 Q. I'm asking you to talk about the signature [overl appi ng
12 speakers].

13 JUSTICE DOHERTY: Mr Herbst [overl appi ng speakers].

14 MR SERRY-KAMAL: Mr Herbst, I'm directi ng the witness
15 [overl appi ng speakers].

16 JUSTICE DOHERTY: Mr Serry-Kamal , please do not interrupt
17 me.

18 MR SERRY-KAMAL: I'm sorry, your Honour.

19 JUSTICE DOHERTY: I will have you speak one at a time.

20 MR SERRY-KAMAL: My learned friend keeps interrupti ng
21 unnecessarily. When he was leadi ng evi dence, I di d not interrupt
22 hi m.

23 JUSTICE DOHERTY: I want to see this document that's in
24 questi on because there's questi ons about lines, something goi ng
25 over, and I have not got the document in front of me; therefore,
26 I'm now becomi ng - the questi ons are asked [overl appi ng
27 speakers].

28 MR SERRY-KAMAL: Your Honour --

29 JUSTICE DOHERTY: [Overl appi ng speakers] asked about thi ngs

1 that are written over things. I want to see this document in
2 order to [overlapping speakers].

3 MR SERRY-KAMAL: Your Honour, it's an exhibit.

4 JUSTICE DOHERTY: I appreciate it's an exhibit. It was not
5 in my hands. It's in the hand of the witness.

6 MR METZGER: It's nine pages into the document your Honour
7 has.

8 JUSTICE DOHERTY: Allow me to see it. I'll ask the Court
9 Officer to please take this bundle. Please take this bundle,
10 Madam Court Officer [indiscernible].

11 MR METZGER: Nine pages.

12 MR HERBST: Your Honour, while that is going on may I be
13 heard?

14 JUSTICE DOHERTY: Is it an objection?

15 MR HERBST: Yes [indiscernible].

16 JUSTICE DOHERTY: [Indiscernible].

17 MR HERBST: My objection is that my learned friend asked
18 his client a question, and in the middle of client's answer,
19 counsel interrupted the witness and I apparently - because it
20 appeared, at least to me, that he may not have wanted to hear
21 what was coming out in terms of an answer. And I would request
22 that when the question is put to the witness under direct
23 examination, that the witness be permitted to answer it.

24 JUSTICE DOHERTY: Mr Serry-Kamal, you have some benefit
25 over - sorry. You were going to make a replay before I made my
26 comment. Please do so.

27 MR SERRY-KAMAL: My Lord, I'm only trying to direct my
28 witness to answer questions that are put to him, not to go all
29 over the place and waste unnecessary time. A specific question

1 was put to the witness, and he was going to go on a journey of
2 his own, and I think it's my duty to make sure that he answers
3 questions put to him.

4 JUSTICE DOHERTY: Mr Serry-Kamal, you have a benefit over
5 myself in that you speak the language that the witness is
6 speaking, and therefore since you know it [i ndi scerni ble]
7 appreciate [i ndi scerni ble]. It appeared certainly to me, and I
8 don't know to others, that you are interfering [i ndi scerni ble].
9 I appreciate that you are doing it because you understand
10 [i ndi scerni ble] this is not [i ndi scerni ble] relevant to a
11 question. We must take care to be transparent.

12 Mr Kamara, part of this problem is arising because you must
13 answer the questions put to you. If there are other matters that
14 you wish to bring up, they will come up in the course of the
15 questions being posed. Please limit your answers to what you are
16 asked. It will save a lot of confusion. Do you understand me?

17 THE WITNESS: Yes, your Honour.

18 MR METZGER: Your Honour may I address just for the record?

19 JUSTICE DOHERTY: No, Mr Kanu is not in the witness box
20 [overl appi ng speakers].

21 MR METZGER: It was just in relation to what Mr Serry-Kamal
22 said. It's nothing to do [i ndi scerni ble] vaguely to do with what
23 the witness said. It was in support of what Mr Serry-Kamal said
24 about the answer that was given because I have the benefit of
25 understanding as well.

26 JUSTICE DOHERTY: I, as you well know, also speak some of
27 the language. I can appreciate what's happening, but not I do
28 not understand to the extent of counsel.

29 MR SERRY-KAMAL: I will try and satisfy Mr Herbst. We'll

1 put him through a lesson in Krio.

2 JUSTICE DOHERTY: Mr Serry-Kamal, I am the one that is
3 going to hear and adjudicate on the evidence [i ndi scernible] also
4 a right and a duty to put questions and therefore must be clear
5 in what is being said.

6 MR SERRY-KAMAL: We are trying to make ourselves clearer
7 and clearer as we go along.

8 JUSTICE DOHERTY: Proceed.

9 MR SERRY-KAMAL:

10 Q. Now let us go back to the record. Line 1. Incidentally,
11 these documents were tendered by the Prosecution. Let's go to
12 line 1 again. There is a telephone number there: 23276337375.
13 First line, do you see it?

14 A. Yes.

15 Q. [Overlapping speakers] phone number is there?

16 A. It is Key-For-Keh's.

17 Q. I want you to look at the column called "numbers". That is
18 the fifth column just underneath that number - that number, the
19 number you just called. See it? There is another number written
20 there?

21 A. Yes.

22 Q. 3233385697. See that number?

23 A. Yes, I've seen it. I've seen it.

24 Q. That number - there is a space, you'll agree with me,
25 between the first number and that number - that second number -
26 space. There is a space between it?

27 A. Yes.

28 Q. Do you see the space?

29 A. I can see the space.

1 Q. On the left-hand side. If you look at the left-hand side
2 of that column after the word - after the word in p.m., there is
3 like an arrow - a long line and an arrow; do you see it?

4 A. Yes.

5 Q. Did you make that call?

6 A. No. We don't make arrows on calls.

7 Q. All right. Let us [i ndi scerni bl e].

8 MR SERRY-KAMAL: Can I have exhibit - I believe it's
9 exhibit P-14 [i ndi scerni bl e].

10 Q. I can't you to look at page 38 and 39 of Exhibit P-14. I
11 want you to look at the last entry on that page. What is the
12 telephone number?

13 A. 23276337394 - 95. It is Key-For-Keh's.

14 Q. And what - who made that call? Who made that call?

15 A. I made the call.

16 Q. You said after you spoke to Keh-For-Keh you spoke to Sammy
17 Ragga, and he gave you a telephone number. Now, I want you to
18 look at page 39 of 39, the top column - the top three entries.
19 Page 39 of 39, the first three entries. See that - those?

20 A. Yes.

21 Q. Was that number given to - now, I want you to take the
22 first number. What number is there?

23 A. 232 --

24 THE INTERPRETER: Your Honour, the number did not come out
25 from the witness clearly.

26 JUSTICE DOHERTY: Mr Interpreter [i ndi scerni bl e].

27 Please repeat what you said.

28 MR SERRY-KAMAL:

29 Q. Please do so that the interpreter will hear it.

1 A. 23233255597.

2 Q. Now, when was that call made?

3 A. 11 - sorry. 30 November.

4 THE INTERPRETER: The last of the dates is not clear.

5 MR METZGER: [Indiscernible].

6 THE WITNESS: 2010. 2010.

7 MR SERRY-KAMAL:

8 Q. Are there any other calls after that call - after the first
9 one?

10 A. Yes.

11 Q. [Overlapping speakers] calls to the same number. Do you
12 see that there?

13 JUSTICE DOHERTY: You're leading, Mr Serry-Kamal --

14 MR SERRY-KAMAL: That was his evidence-in-chief.

15 MR HERBST: No, I beg to differ.

16 JUSTICE DOHERTY: I beg to differ as well [overlapping
17 speakers].

18 MR SERRY-KAMAL:

19 Q. Could you tell the Court how many calls you made on that
20 day to this number?

21 A. This number I've just read out?

22 Q. How many calls?

23 THE COURT OFFICER: [In Kigali] Mr Serry-Kamal, can you
24 turn your mic on.

25 THE WITNESS: 2323325559 - 597.

26 MR SERRY-KAMAL:

27 Q. Now, Mr Kamara --

28 A. Yes.

29 Q. After this [indiscernible] did you ever make any calls to

1 this number again? After these calls did you ever make any calls
2 to this number again from that day up to this day now?

3 A. No. No. I never called this number again.

4 Q. Now, before 30 November did you know this number? Before
5 30 November 2010, did you know this number? Before Ragga gave it
6 to you, did you know it?

7 A. I don't know this number. This number, it was at the time
8 that this phone - that man's phone was breaking in, that was the
9 time he gave me - this man gave me this number and since that
10 day, I never called this number and I never had this number in my
11 diary.

12 THE INTERPRETER: I did not get the last bit of what the
13 witness was saying, your Honour.

14 JUSTICE DOHERTY: Mr Interpreter, I didn't hear the last
15 part of what you said.

16 THE INTERPRETER: Yes, I did not hear the last part of the
17 witness's answer after he had said that "I did not have this
18 number in my diary". I thought he said something.

19 JUSTICE DOHERTY: Mr Kamara [i ndi scerni bl e] --

20 THE WITNESS: I said I never called this number again. I
21 do not remember this number.

22 MR METZGER: He also said [i ndi scerni bl e].

23 MR SERRY-KAMAL:

24 Q. Now, Mr Kamara, Mr Kargbo came to this Court and said that
25 when you spoke to him, you asked him to go and tell 334 to change
26 his testimony that he gave against you in the Special Court
27 during your trial. What do you say to that?

28 A. He was lying. He was lying. We didn't even talk for up to
29 three minutes.

1 Q. He also said that you persistently called him to prevail on
2 334 to change his evidence that he gave against you in the
3 Special Court.

4 A. Well, I am a prisoner. I am a prisoner. Whatever I do in
5 prison, I have prison guards who monitor me. And the phone that
6 I am using, it's a prison phone. And it's a phone that is being
7 monitored by MTN. If that man says I am calling him
8 persistently, the record should show that because we only use one
9 number in Rwanda. According to the MTN document, the number is
10 on the left-hand side. So if that man says I am persistently
11 calling him, that means it was not just once. Many times. The
12 document can prove that. He has the document. This is MTN.

13 Q. It was said in evidence here that you offered him money to
14 go and talk to 334 to change his testimony that he gave to
15 procure your release from prison by reduction of your sentence.
16 Is it true or false?

17 A. He was lying. He was lying.

18 Q. He also said - he also said that whilst he was in a vehicle
19 with 334 driving from Sarolla in Kissy to PWD junction in Kissy,
20 you called him and asked him to persuade 334 to change his
21 evidence. Did you make any call to him at all?

22 A. The man is lying. The record can show that whenever I
23 called, whatever call I make, it's an officer who enters the
24 number who dials, and he will give me the phone and he will
25 record the time.

26 Q. You also said during one of these conversations when you
27 called him, you asked him about 334 [indiscernible] in his real
28 name. Did you make a call of that description to the witness?

29 A. The man is lying. I never spoke to that man again since I

1 talked to him on that first day.

2 Q. That specific allegation was that he said you made a call
3 to him on the 27th - 27 November - 27 November 2010, in which you
4 mentioned a man's name?

5 MR METZGER: [Indiscernible].

6 MR SERRY-KAMAL:

7 Q. Said 29th, I'm sorry. 29 November. I want you to look at
8 the entries for 29 November [indiscernible]. 29 November. Is
9 there any record that you called at that number on 29 November?

10 MR METZGER: Which date?

11 MR SERRY-KAMAL:

12 Q. 2010. [Indiscernible] just go one page at a time. Before
13 the last page.

14 A. The page is in front of me now. The page is in front of
15 me. I did not make any call.

16 THE INTERPRETER: Your Honour, the witness is breaking in
17 again. I can't hear him.

18 MR SERRY-KAMAL:

19 Q. Can you come close to the microphone and answer?

20 A. I said, I did not make a call to that man. I did not talk
21 to that man on that day, 29 November. Look at the record in
22 front of me.

23 Q. All right. I also want you to look at Exhibit P-15, the
24 blue book. The blue book. Could you please look at the entry
25 for 29 November 2010 and see if that number appears in that book?

26 JUSTICE DOHERTY: The number we're talking about for the
27 purposes of record, Mr Serry-Kamal, is the number he answered
28 [indiscernible].

29 MR SERRY-KAMAL:

1 Q. 597?

2 A. 29 I did not even make a call. I did not make a call.

3 Q. The number that ends 597. [Indiscernible] 255597?

4 A. I have looked in the column, and I've not seen that number
5 there. I did not make a call on that day on that 29. I did not
6 make a call.

7 Q. All right. Let us leave the telephone for a moment and
8 make progress. Now, do you know a lawyer called Andrew Daniels?
9 Andrew Daniels, do you know him?

10 A. Yes, your Honour.

11 Q. In what connection did you know him?

12 A. He's my lawyer. He defended me during my trial.

13 Q. Was he the only lawyer defending you during your trial in
14 the Special Court?

15 A. No [overlapping speakers].

16 Q. [Overlapping speakers] lawyer?

17 A. I had the late Usher Williams, I had Pa Momoh Sesay.

18 Q. [Overlapping speakers].

19 A. Pa Momoh Fofana, sorry. And Andrew Daniels.

20 Q. And Andrew Daniels?

21 A. And Andrew Daniels

22 Q. Now, since your conviction and sentence and imprisonment at
23 Mpanga Prison, have you ever had contact with Mr Andrew Daniels?
24 Did you phone him - telephone him?

25 A. Yes.

26 Q. Can you tell this Court what you discussed with
27 [indiscernible]? For the purposes of your Defence, can you tell
28 us whether - what you discussed with your lawyer?

29 A. Yes. That lawyer had become a brother to me. We'd talk

1 and he assists me. He assists my family. I think that's what we
2 talk about. Then he told us to keep the faith and one day things
3 will be over,

4 Q. Now, there is an oblique allegation in this Court that you
5 discussed a question of witnesses changing their evidence with
6 him from that which they gave at your trial. Did you discuss
7 that with him?

8 A. No, we do not talk about that. We did not talk about
9 witness --

10 THE INTERPRETER: Your Honour, the witness - I did not hear
11 what the witness was saying.

12 THE WITNESS: I said we never talked about that, to talk
13 to witness to change his statement.

14 MR METZGER: May Mr Kanu be excused?

15 JUSTICE DOHERTY: Yes, certainly, Mr Metzger, he maybe
16 escorted out.

17 [Video link disconnected]

18 [Video link restored]

19 THE COURT OFFICER: [In Kigali] Mr Alpha, can you hear us?

20 THE COURT OFFICER: Yes, I can.

21 JUSTICE DOHERTY: Our usual sitting time in the morning is
22 two hours followed by a break of one hour. I've been informed
23 that the two detainees' meals have been brought down, and because
24 we had an interruption there I was minded to [indiscernible].

25 I just want to make sure that I heard all of the last
26 answer, as Mr Interpreter was saying something. The question
27 related to a conversation between the witness and Mr Daniels
28 concerning a witness changing his story.

29 Mr Interpreter, did you hear all of the answer, and were

1 you able to interpret all of the answer?

2 THE INTERPRETER: I interpreted some, but did not get the
3 tail end of his answer, if he said anything at all.

4 JUSTICE DOHERTY: You did not hear anything at all?

5 THE INTERPRETER: I suppose he said something at the tail
6 end that I did not hear.

7 JUSTICE DOHERTY: Very well.

8 Very well. Mr Kamara, do you remember the question? And
9 please repeat the answer.

10 MR SERRY-KAMAL:

11 Q. Mr Kamara, you were saying that he was a personal friend
12 and he used to help you [i ndi scerni ble]?

13 JUSTICE DOHERTY: There's more than that, Mr Serry-Kamal.
14 The last answer was there is an oblique inference in this Court
15 that you talked about a witness changing his evidence, and
16 Mr Kamara was answering that question.

17 MR SERRY-KAMAL: Oh, yes, I'm grateful.

18 Q. Did you ever discuss any witnesses changing their evidence
19 with Mr Daniels?

20 A. No, we never - I never talked with Mr Daniels about that.

21 JUSTICE DOHERTY: Thank you. We'll take the Kigali lunch
22 break now for one hour. We don't have a clock that we can all
23 synchronise here in the courtroom. I make it 12.52. So we will
24 resume at 13 minutes to Kigali time. Please adjourn Court for
25 one hour.

26 [The Court adjourned at 10.52 a.m.]

27 [Upon resuming at 12.10 p.m.]

28 JUSTICE DOHERTY: Good afternoon. [I ndi scerni ble]
29 Freetown, can you hear us clearly?

1 THE COURT OFFICER: We can hear you, your Honour, but not
2 very clearly. If we could kindly ask you to speak up a little
3 bit.

4 JUSTICE DOHERTY: Thank you. I'll do that, Mr Court
5 Attendant. Can you hear me more clearly now and in particular
6 [overlapping speakers].

7 THE COURT OFFICER: That's better, your Honour. That's
8 better.

9 JUSTICE DOHERTY: I have been reminded correctly that I
10 inadvertently gave everyone an hour's break when, in fact, our
11 schedule is two sessions of three quarters making it the usual
12 break of an hour and a half. [Indiscernible] extra minutes this
13 time but we had revert to the proper schedule now.

14 Mr Kamara, your client - excuse me, your counsel was asking
15 questions. They will now continue.

16 Mr Serry-Kamal, please proceed.

17 MR SERRY-KAMAL: May I be guided by what the last answer
18 was?

19 JUSTICE DOHERTY: Yes. Mr Serry-Kamal, the last questions
20 related to, and I quote, an oblique reference in this Court to
21 the witness's changing his evidence, to which the witness
22 Mr Kamara replied he did not talk about that. It is not
23 possible. I said I never talked about that to the lawyer. I
24 never talked with Mr Daniels about that. This is a reference to
25 conversations --

26 MR SERRY-KAMAL: I'm indeed grateful.

27 Q. Mr Kamara, Mr Andrew Daniels, did you ever talk to
28 Mr Andrew Daniels about raising money to pay 334 to retract his
29 testimony that he gave in the Special Court [indiscernible]?

1 A. No. No.

2 JUSTICE DOHERTY: Continue, please.

3 MR SERRY-KAMAL:

4 Q. Are you aware of any visits made by Mr Daniels to Freetown?
5 Are you aware of any visits made by Mr Daniels once you were
6 incarcerated at Mpanga Prison?

7 A. I was not aware. It was when he went that someone told me
8 that he was in Freetown.

9 Q. So when you said "when he went," went where to?

10 A. When he went to Freetown. He has his personal business in
11 Freetown. That was when he had come from Freetown to Ghana that
12 someone told me that Mr Daniels had been to Freetown for two or
13 three days.

14 Q. Now - okay. Let us leave Mr Daniels for now. I want you
15 to talk about one Mr Ibrahim Mansaray. You have given the name
16 of - the names of your Defence counsel in the AFRC trial in Trial
17 Chamber II. Now, do you know a Mr Ibrahim Mansaray?

18 A. Yes, I know one Mr Ibrahim Mansaray. I know him.

19 Q. Did he take part in the AFRC trial?

20 A. Yes, he was a legal assistant to Alex Tamba Brima.

21 Q. Was he at any time your solicitor - your lawyer?

22 A. No. No.

23 Q. Did you have any communication with him by phone or
24 otherwise whilst you were at Mpanga Prison?

25 A. No. No, since I came here, I have never spoken with that
26 man.

27 Q. Now, you say he was a solicitor. Was that for Mr Alex
28 Tamba Brima?

29 A. Yes.

1 Q. Between November and December 2010, did you make any calls
2 to his chambers in Freetown?

3 A. I'm waiting for the interpretation.

4 Q. Let me ask the question again. During the months of
5 November and December 2010, did you make any telephone call to
6 Mr Ibrahim Mansaray whilst you were in Mpanga Prison?

7 A. No. No, that man and I have never spoken. He has never
8 defended me. We've never spoken.

9 Q. It's alleged in this Court that you sent first accused and
10 Sammy Ragga to go to that man's office at Robert Street. What do
11 you say to that?

12 A. That's a lie. I don't know the man's office. How could I
13 have sent people to go there?

14 Q. It is also alleged in this Court by Sammy Ragga that you
15 made a call to him sometime late in November. The dates keep
16 changing, but let us say let November, early December; that he
17 spoke to 334 about it while you were on your way to Newton and
18 later on you called him. Did you at any time call - make that
19 call or did you talk to him about it?

20 A. No. No, I've made it clear.

21 THE INTERPRETER: Your Honour, the line is breaking up. I
22 can't hear the witness clearly.

23 MR SERRY-KAMAL:

24 Q. Make your voice stronger.

25 A. I said I never spoke to that man since that day that I
26 spoke to him.

27 Q. Now I want you to tell this Court, were you ever close to
28 this man Sammy alias Sammy Ragga?

29 JUSTICE DOHERTY: What do you mean by "close",

1 Mr Serry-Kamal ?

2 MR SERRY-KAMAL:

3 Q. Were you ever close friends with him?

4 A. That man is not my friend. That man lives in the east end.
5 We are not on the same level even.

6 THE INTERPRETER: Your Honour, I can't hear the witness
7 clearly.

8 JUSTICE DOHERTY: [Indiscernible] the interpreter cannot
9 keep up with you, and I cannot hear both of you.

10 MR SERRY-KAMAL:

11 Q. So go right again.

12 JUSTICE DOHERTY: Please stop at the end of each sentence
13 [overlapping speakers].

14 MR SERRY-KAMAL:

15 Q. [Indiscernible]?

16 A. That man and I are not on the same level. My rank does not
17 permit me to be friends with that kind of man. The level at
18 which I was, that man couldn't have been a friend. He was
19 staying in the east, while I was staying in the west, so - yeah,
20 he's not my friend. So if he saw me, maybe he will just pay
21 compliment, maybe, if we met on the highway. That was all.

22 Q. Now, whilst you were in the jungle - sorry. Whilst you
23 were in the jungle during the conflict in Sierra Leone, were you
24 deployed together with him in any unit? Were you deployed
25 together?

26 A. All the places where I walked during the jungle days --

27 THE INTERPRETER: Your Honour, I can't hear him.

28 JUSTICE DOHERTY: Mr [Indiscernible], I can't hear clearly
29 either. Please go over it again.

1 THE WITNESS: During the days in the jungle --

2 THE INTERPRETER: It's faded again.

3 THE WITNESS: I said, during the time of the Jungle - when
4 we were in the jungle, I did not know Sammy Ragga's whereabouts.
5 Even when I became commander at the west side up to the time that
6 I left there and went to Freetown, Sammy Ragga was not with me.
7 I never saw him there.

8 MR SERRY-KAMAL:

9 Q. All right. This other --

10 JUSTICE DOHERTY: Just a moment, please. I thought I heard
11 the witness mention Pademba. I did not hear "Pademba" from
12 Mr Interpreter.

13 MR SERRY-KAMAL: Thank you, your Honour.

14 Q. Go back over it again, please.

15 A. I said when I was at the West Side --

16 THE INTERPRETER: The line has faded again, your Honour.

17 MR SERRY-KAMAL:

18 Q. Go over it again.

19 A. I said, when I was at the west side as commander up to the
20 time that I went to Freetown, I did not see Sammy Ragga until we
21 were arrested and taken to Pademba Road. That was where I saw
22 Sammy Ragga.

23 Q. Where in Pademba Road?

24 A. Pademba Road Prison during this ATC - ATC coup case.

25 Q. Now, Sammy also gave evidence that whilst they were at PWD
26 junction, you telephoned him and asked to talk to 334 and 334
27 refused to talk to you. Firstly, did you at all phone Sammy
28 Ragga whilst he was at PWD?

29 A. No.

1 Q. Did you ask him to talk to 334?

2 A. No.

3 Q. Now let us come to - let us come back to Exhibit P-15, I
4 think it was. The MTN records?

5 JUSTICE DOHERTY: I think that's 14.

6 MR METZGER: Sorry, 14.

7 MR SERRY-KAMAL: I think it's 14. P-14, the ones I showed
8 you. Let me see the one you are looking at.

9 MR METZGER: No, that's 14.

10 MR SERRY-KAMAL: Can I just please see - do you have a
11 Court Officer who can help us?

12 Q. I want you to look at page 39 of 39. I believe it's 39 of
13 39. 39 of 39?

14 MR METZGER: The last page.

15 MR SERRY-KAMAL: Thank you. I'm sorry.

16 Q. Now, I want you to look at page 39 of 39. That is the
17 entries for 30 November 2010. Now, you see in the previous page
18 that is a page - bottom of the previous page there's a number
19 which you identified as the number of Keh-For-Keh. The last
20 entry on the page?

21 A. Yes, your Honour.

22 Q. At the top of the next page - on the top of the next page,
23 you've identified three numbers - three calls to the same number
24 you made to Sammy Ragga on the 30th?

25 MR HERBST: Your Honour, I'm going to object at this point.
26 Not just to the leading, but I think that counsel is attempting
27 to go over old testimony and impeach what his client already
28 testified.

29 JUSTICE DOHERTY: Mr Herbst, the evidence is that the

1 witness identified those three numbers, and I haven't actually
2 heard a question yet to know whether the question is going to
3 impeach him or not. And if it is, I will intervene at that point
4 [i ndi scerni ble] wi th the questi on.

5 MR SERRY-KAMAL:

6 Q. You say you identified those three calls that were made on
7 30 November. Now, just go down one more call down. One more
8 call down. There is a telephone number there 23276337395. Di d
9 you make that call?

10 A. Yes.

11 Q. Who did you make it to?

12 A. Keh-For-Keh.

13 Q. When was that?

14 A. The same date. The same date. Later --

15 THE INTERPRETER: Your Honour, the answer was not clear to
16 the interpreter.

17 JUSTICE DOHERTY: Mr Kamara, please repeat your answer.

18 THE WITNESS: It was on the same day that I called this
19 number, the same day of 30th of [overlappi ng speakers].

20 MR SERRY-KAMAL:

21 Q. [I ndi scerni ble] after that call to that same number?

22 A. Yes, after the call.

23 Q. Now, prior to that did you call Mr - I mean Keh-For-Keh
24 regul arly?

25 A. Yes, the records can prove that.

26 Q. Now let us go to the first accused. You say the first
27 accused was a [i ndi scerni ble] mate and friend, not so?

28 A. Yes.

29 Q. Al though you served i n di fferent uni ts during your time i n

1 the army?

2 MR HERBST: Objection to form, your Honour.

3 MR SERRY-KAMAL:

4 Q. You said after you graduated from the service --

5 JUSTICE DOHERTY: Mr Serry-Kamal, that's neither a
6 question. It's a statement.

7 MR SERRY-KAMAL: I'm trying to formulate the question.
8 Certainly my learned friend will not allow me?

9 Q. Now, you said you trained together [indiscernible]. Let me
10 take you back. You trained together and after your training he
11 was posted to Daru and you went to ATF. Do you have saying that?

12 A. Yes, your Honour.

13 Q. Now, were you - you said you were commander at the West
14 Side, not so? For a short while?

15 A. Yes.

16 Q. You would not know - do you know the time - the dates when
17 you were commander at the West Side?

18 A. Yes.

19 Q. What was the date?

20 A. '98, '99.

21 Q. For the benefits of those who don't know where West Side
22 is, would you tell this Court. When you say West Side, what are
23 you talking about? What part of Sierra Leone are you talking
24 about?

25 A. Well, it's the Port Loko District.

26 Q. What part of Port Loko District?

27 A. There are different ways to go to West Side. You can use
28 Masiaka, you can use Port Loko, but the West Side it's in that
29 Koya, Port Loko.

1 Q. Do you mean Koya chiefdom?

2 A. Yes, Koya Chiefdom, yes. Koya, Mafunki, those areas.

3 Q. Now, you know a place called Okra Hills?

4 A. Yes [overlapping speakers] West Side. Yes, I can say it's
5 a part of the West Side because Okra Hill, it's a main road. On
6 the West Side it's like the inside.

7 Q. I'm just trying to explain it so that my learned friend
8 will have an idea seeing that she is not a national. Now, from
9 West Side you were seconded to Freetown, not so?

10 A. Yes.

11 Q. [Overlapping speakers] you were seconded to who?

12 A. Sorry?

13 Q. [Overlapping speakers] seconded to whom?

14 A. Oh, to guard Johnny Paul.

15 Q. You were with JPK?

16 A. Johnny Paul Koroma, yes.

17 Q. And you were with him until when?

18 A. I was with him - I was with him until the elections.

19 Q. Now, did you at any time send anybody apart from Samuel
20 Kargbo - delegations led by Sammy Kargbo - did you send anybody
21 to- anybody in Freetown to talk to 334 on your behalf to get 334
22 to change his testimony against you?

23 A. No.

24 Q. Did you have any contact whatsoever with 334?

25 A. No.

26 Q. Did you go through anybody to talk to 334 on your behalf to
27 change his testimony?

28 A. No.

29 MR SERRY-KAMAL: That will be all.

1 JUSTICE DOHERTY: Thank you, Mr Serry-Kamal. My
2 understanding of the procedure is [i ndi scerni bl e].

3 MR SERRY-KAMAL: Your wi tness.

4 JUSTICE DOHERTY: [I ndi scerni bl e].

5 THE COURT OFFICER: Your Honour, we can't hear you. The
6 transcriber is struggling to hear all you said just now.

7 JUSTICE DOHERTY: [I ndi scerni bl e] softl y. I acknowl edge
8 the end of Mr Serry-Kamal's exami nati on-i n-chi ef. I remark that
9 my understanding of the procedures adopted in this Court was that
10 independent counsel will now cross-exami ne if he wi shes, followed
11 by counsel for other co-accused [i ndi scerni bl e] i n turn. And I
12 now i nvi te Mr Herbst to proceed to hi s cross-exami nati on.

13 THE COURT OFFICER: Also, your Honour, the transcriber also
14 wants me to tell you through counsel to kindly reduce the
15 shuffl ing of papers, because it produces a feedback that keeps
16 blurring what is said in the courtroom. Thank you.

17 JUSTICE DOHERTY: I've heard and I'm sure counsel have also
18 heard. It's not always easy to do that when you're checking your
19 notes, but I will [i ndi scerni bl e] that request.

20 MR HERBST: Your Honour, I'll do as much as I can to
21 accommodate staff. Am I speaking loud enough so that everybody
22 can hear me?

23 THE COURT OFFICER: Yes, we can hear you loudly and
24 cl earl y.

25 JUSTICE DOHERTY: [I ndi scerni bl e]. Thank you. The
26 transcriber and the co-counsel can hear Mr Herbst?

27 THE COURT OFFICER: They are nodd ing i n approval , yes.

28 MR HERBST: Thank you, your Honour.

29 CROSS-EXAMI NATION BY MR HERBST:

1 MR HERBST:

2 Q. Good afternoon, Mr Kamara.

3 A. Good afternoon.

4 Q. You testified on direct examination that you spoke to
5 Andrew Daniels on the phone. Did he call you or did you call
6 him?

7 A. Say that again?

8 Q. Did he call you or did you call him?

9 A. I called him.

10 Q. And you had his telephone number; is that correct?

11 A. Yes, I have his number.

12 Q. What was his number?

13 JUSTICE DOHERTY: Mr Kamara, did you get the question?

14 THE WITNESS: No.

15 MR HERBST:

16 Q. Mr Kamara, my question is: What was his number -
17 Mr Daniels' phone number?

18 A. I can't tell you. It's an international number. I did not
19 memorise it.

20 Q. Let me see if I can refresh your recollection. Does the
21 following number - was the following number Mr Daniels' number:
22 233244636430?

23 A. I have my own number on which I called him. I can't accept
24 that because I don't know. I don't know that number.

25 JUSTICE DOHERTY: [Indiscernible].

26 MR METZGER: I have a number that I called a man on. I
27 can't accept that one because I don't know it.

28 JUSTICE DOHERTY: Mr Kamara, please repeat your answer, and
29 pause at the end of the sentence so the interpreter can hear you.

1 THE WITNESS: I said that number that has been read by this
2 man, I don't know it.

3 JUSTICE DOHERTY: Proceed, Mr Herbst.

4 MR HERBST:

5 Q. In 2010, how many times did you call Mr Daniels?

6 A. I can't tell you how many times, but I did not call him - I
7 did not call him frequently.

8 Q. How many times did he call you in Mpanga Prison?

9 A. I think he called me once, I think. But at that time we
10 had just arrived.

11 Q. You mean in 2009?

12 A. When I - when I talk about when we just arrived, yes, the
13 first six months.

14 Q. So either in late 2009 or early 2010; is that your
15 testimony?

16 A. I cannot give you specific dates and time, but I said when
17 we just came.

18 Q. The conversation that you described to your counsel on
19 direct examination, when did that occur?

20 A. I think it was at this latter stage.

21 Q. Now, you said on - in direct examination that - well, in
22 the latter stage, can you tell us whether that call occurred in
23 November? You said it occur in the latter stage. I guess you
24 mean the latter part of your stay at Mpanga Prison; is that
25 correct?

26 A. No, no. When I said later --

27 THE INTERPRETER: Can the witness kindly repeat his answer
28 again?

29 MR HERBST: Sorry, your Honour. I didn't hear the

1 interpreter.

2 JUSTICE DOHERTY: The interpreter is asking a repetition of
3 the answer.

4 Mr Kamara, please repeat your answer.

5 THE WITNESS: When you said late November, it does not mean
6 late November. It can even be January. It can even be February
7 late.

8 MR HERBST:

9 Q. Mr Kamara, you heard Mr Daniels testify in Court that he
10 received a call from both you and Mr Tamba Brima in late 2010; do
11 you remember that testimony?

12 A. Yes, I heard Mr Daniels say that.

13 Q. Did you and Mr Brima call Mr Daniels in late 2010?

14 A. I cannot talk for Mr Brima. I think it's Mr Brima, but I
15 did not call him.

16 Q. Is it your testimony before this Court that in late 2010
17 you did not have any conversation with Mr Andrew Daniels?

18 A. No, I did not say that. I did not say that. I said I did
19 not call him. I did not call him. Aha, I did not call him.
20 Mr Brima used to call Mr Daniels and Mr --

21 THE INTERPRETER: Your Honour, can the witness kindly
22 repeat his answer again more clearly.

23 MR HERBST: I think the interpreter requested that the
24 witness repeat his answer. The interpreter did not hear him.

25 JUSTICE DOHERTY: I didn't hear the interpreter very well.
26 Do you require a repetition of the answer, Mr Interpreter?

27 THE INTERPRETER: Yes, your Honour.

28 JUSTICE DOHERTY: Mr Kamara, please pick up your answer in
29 the last part that was interpreted in which you said Mr Brima

1 called Daniels. Proceed from there.

2 THE WITNESS: I did not say Mr Brima called him. I said
3 Mr Brima calls Daniel. Mr Kojo and Mr Daniels are brothers from
4 Ghana.

5 THE INTERPRETER: Static again.

6 JUSTICE DOHERTY: Sorry, Mr Interpreter. What did you say
7 [i ndi scerni bl e]?

8 THE INTERPRETER: I did not hear the last bit of his answer
9 because it's not coming out.

10 JUSTICE DOHERTY: Mr Kamara, please go close to the
11 microphone, and then repeat what you're saying about Mr Kojo.

12 THE WITNESS: I said Mr Kojo and Mr Daniel are brothers.
13 Your Honour, I'm having problems. He's not translating what I'm
14 saying.

15 JUSTICE DOHERTY: [I ndi scerni bl e] hear the witness say
16 something about Ghana and then [i ndi scerni bl e].

17 THE INTERPRETER: Yes, your Honour, it's because I cannot -
18 I did not hear it. That's why I didn't say. I can't say what I
19 did not hear.

20 JUSTICE DOHERTY: Mr Kamara.

21 THE WITNESS: Yes, your Honour.

22 JUSTICE DOHERTY: We just have to keep trying. I think the
23 interpreter has not heard you say all of that. [I ndi scerni bl e]
24 close to the microphone, speak slowly, repeat it.

25 THE WITNESS: Yes, your Honour. I said --

26 THE INTERPRETER: The same problem. I'm not hearing him at
27 all.

28 JUSTICE DOHERTY: In that case, I can hear Mr Kamara speak.
29 I see that he has his microphone on. It may be a mechanical

1 problem. Can someone in our IT please assist in checking if Mr
2 Kamara's machine is working properly.

3 MR DAVIES: Hello.

4 THE COURT OFFICER: Samuel, I can hear you.

5 Kelson, can you hear Samuel?

6 THE INTERPRETER: No, I've not heard him.

7 THE COURT OFFICER: Okay. Then there's a problem. Let me
8 talk to Fadika and see if they can help.

9 MR DAVIES: Thomas?

10 THE COURT OFFICER: Yes, Samuel?

11 THE COURT OFFICER: [In Kigali] Mr Alpha?

12 THE COURT OFFICER: I can hear you. I will also hear
13 Samuel.

14 THE COURT OFFICER: [In Kigali] Thank you.

15 THE COURT OFFICER: But I'm not very sure if they can hear.

16 Kelson, let's do that again. Can you hear?

17 THE INTERPRETER: You may have to switch your microphone
18 off, Thomas. Okay, let them speak now for me to hear. Are they
19 saying something? I can't hear anything.

20 THE COURT OFFICER: My microphone has to be on to talk to
21 them.

22 Elaine or Samuel or anybody in Kigali speaking now, we need
23 you to say something so we can ascertain whether the interpreters
24 can hear you.

25 THE INTERPRETER: Yes, Samuel. I can get you clearly, but
26 I cannot get the witness like I'm getting you now.

27 THE COURT OFFICER: [In Kigali] Madam, we can go ahead.

28 JUSTICE DOHERTY: Thank you for that assistance.

29 Mr Kamara, please repeat that sentence in which you

1 referred to Mr Koj o and Mr Dani els and let us - and this will
2 allow us to check if the interpreter could not hear you clearly
3 [i ndi scerni bl e].

4 THE WITNESS: I said Mr Dani els and Mr Koj o are brothers
5 from Ghana, yes, so Alex usually talks to Mr Koj o.

6 THE INTERPRETER: Again, your Honour, I did not hear the
7 last bit of that answer.

8 MR HERBST:

9 Q. Mr Kamara, did you ever talk to Koj o Graham while you were
10 in Mpanga Pri son?

11 A. Yes, I spoke to Mr Koj o once.

12 Q. Now, getting back to Mr Dani els' testimony, which I asked
13 you about, I understand that you said here in response to my
14 question that maybe Mr Brima talked to Mr Dani els. But my
15 question to you is - you heard Mr Dani els say that he spoke to
16 both you and Mr Brima on the line at the same time in late 2010.
17 Is it your statement - your testimony before this Court that that
18 is not true?

19 A. I did not tell you that. I said I - I and Mr Brima usually
20 talked to those men. We talked to them.

21 Q. Now, Mr Dani els said that you and Mr Brima told him that
22 you both were contemplating filing a peti ti on for review of your
23 convictions or sentences. Do you remember that testimony?

24 A. Yes, but he did not say Mr Bazzy told him. He did not say
25 I di d.

26 Q. Were you in late 2010 - at any time in late 2010
27 contemplating filing a peti ti on for review of your convi cti on or
28 sentence?

29 A. I was thinking about that, yes. I was thinking about that.

1 But I did not discuss it with the man you mentioned, Mr Daniels.
2 I did not talk that with him.

3 Q. You did not tell Mr Daniels that you were contemplating
4 filing a petition for review of your conviction or sentence; is
5 that your testimony?

6 A. Maybe Mr Alex told him that, but I did not tell him that.

7 Q. Well, at the time Alex Brima told Mr Daniels that, were you
8 also contemplating a review of your conviction and sentence?

9 A. I think Mr Brima --

10 THE INTERPRETER: Your Honour, can he kindly repeat this
11 answer slowly and more clearly.

12 THE WITNESS: I said if Mr Brima was ready to make a
13 review - because we had the same case - I would have done it too.

14 MR HERBST:

15 Q. What was the basis on which you were going to file your
16 petition for review of your conviction or sentence?

17 A. Well, my own foundation that I would have come up with was
18 to bring witnesses whose names have been mentioned. I can give
19 an example. Mr Savage, his name was mentioned for which I was
20 convicted.

21 Q. Was he a witness at the AFRC trial?

22 A. He was not a witness at the AFRC trial. He was a
23 Prosecution witness, but they refused to use him because he told
24 them the truth.

25 Q. This is in your case at the AFRC trial?

26 A. His name was on our list of a witness to call, but we did
27 not call him because we had no access to him.

28 JUSTICE DOHERTY: Mr Kamara, please repeat that answer, as
29 I did not hear the interpreter clearly.

1 THE WITNESS: I said we wanted to use him as a Defence - as
2 our Defence witness, but we were unable to get access to him
3 because he was in prison.

4 MR HERBST:

5 Q. Mr Daniels testified in this Court that you and Mr Brima
6 told him that you had information that some witnesses who had
7 previously given testimony in the AFRC trial were prepared to
8 change their testimony. Do you remember his testimony to that
9 effect in this Court?

10 A. No, no, no, I did not hear that. I did not hear that.

11 THE INTERPRETER: Your Honour, the Krio interpreters are
12 kindly asking Mr Herbst to speak more slowly because we are
13 having some technical difficulties on this side.

14 MR HERBST:

15 Q. Who did you speak to about filing a petition for review,
16 Mr Kamara?

17 A. Say that again.

18 Q. Who did you speak to about filing [i ndi scerni ble] review?

19 A. The first person who told us about the review was the
20 registrar.

21 MR HERBST: I'm sorry, your Honour, I heard the "registrar"
22 but I did not hear the first part [i ndi scerni ble].

23 JUSTICE DOHERTY: Mr Interpreter, [overlappi ng speakers].

24 THE WITNESS: I can repeat, your Honour. I said, the
25 registrar usually pays us yearly visits. She visits us every
26 year. So Mr Gbao asked her the question about it review. If we
27 wanted to do the review, how were we going to go about it. So
28 the registrar was the first person who told us about the review,
29 that there was a provision for that, and she made it clear to us

1 that the review - in order to do a review, we were to get new
2 evidence, not evidence that has already been heard in Court. If
3 it's an evidence that has already been heard in Court, they
4 wouldn't take it seriously. But if it was an evidence that was
5 named in Court that was not a Prosecution witness, that's the
6 kind of witness that would come up and say, "What that man said
7 was a lie." That was the review that the registrar told us
8 about.

9 MR HERBST:

10 Q. Who did you speak to about the review besides the
11 registrar?

12 MR HERBST: Withdrawn. I withdraw that question.

13 Q. When did you have that conversation with the registrar?

14 A. It was at the time that she visited us. I cannot give you
15 the date now, but it was at the time that she visited us.

16 Q. Was that in the year 2010?

17 A. I think - I think it was the first time that she --

18 JUSTICE DOHERTY: I didn't hear the end of that answer,
19 Mr Kamara.

20 THE WITNESS: I said, I think it was the first time that
21 she came.

22 MR HERBST:

23 Q. My question is the year. What year was it? 2010? 2011?

24 A. This is 2012. It was in 2010, I think.

25 Q. Was it late in 2010?

26 A. Sorry?

27 Q. Was it late in 2010, the latter part of the year?

28 A. I think it was in late - late. I can't remember the time.
29 Can't remember the exact time.

1 Q. Was the Principal Defender present when the registrar made
2 that visit?

3 A. No.

4 Q. Did you discuss - did you discuss filing a petition
5 [overlapping speakers]?

6 A. Talk to whom?

7 Q. Did you discuss filing a petition for review of your
8 conviction or sentence with the Principal Defender when she made
9 a visit --

10 MR METZGER: [Indiscernible]. There is an objection,
11 your Honour.

12 JUSTICE DOHERTY: It cannot come from you, Mr Metzger.
13 You're representing Mr --

14 MR METZGER: It can, your Honour, because it relates to a
15 discussion - we know by virtue of the amicus brief in this case
16 that there is privilege attaching to a discussion --

17 JUSTICE DOHERTY: Mr Metzger, if Mr Serry-Kamal wishes to
18 raise an objection on behalf of his client, let him do it. Your
19 client has not been mentioned.

20 MR METZGER: Well, I hate to object in this way, but we all
21 know from the information that's been provided to us by Mr Herbst
22 that all the defendants were present when they spoke to the
23 Principal Defender. On that basis, I have a locus to object and
24 that is the basis upon which I object. Your Honour has ruled
25 that that material is privileged. I'm objecting on behalf of
26 Mr Kanu.

27 MR SERRY-KAMAL: Your Honour, I'm also objecting on behalf
28 of my client that having ruled that that evidence is - of the
29 Principal Defender is inadmissible and privilege, my learned

1 friend should stay clear of it.

2 JUSTICE DOHERTY: Mr Herbst? [Indiscernible].

3 MR HERBST: Yes, your Honour in their - Mr Kamara's
4 [indiscernible] disclosed that he had these conversations with
5 the Principal Defender. It is not my understanding that
6 your Honour ruled that the conversations could not be admitted.
7 It's my understanding that your Honour ruled that the Principal
8 Defender could not be called in my direct case.

9 Under the Rules, the conversations with attorneys are
10 waived if they're disclosed and disclosures made in the presence
11 of Mr Kamara's attorney, Mr Serry-Kamal, during the interview
12 with [indiscernible] so [indiscernible] to answer that.

13 MR SERRY-KAMAL: If my learned friend is referring to the
14 investigation, I think he has not referred to it here. In this
15 trial Your Lordship has ruled that the conversation between Mr
16 Kamara and the Principal Defender is privileged, and I believe my
17 learned friend should stay clear of anything bordering on that
18 conversation which has been ruled to be inadmissible.

19 JUSTICE DOHERTY: Conversations between Mr Kamara and
20 [overlapping speakers].

21 MR SERRY-KAMAL: [Indiscernible].

22 JUSTICE DOHERTY: [Indiscernible].

23 THE COURT OFFICER: Your Honour, the transcriber cannot
24 hear you, please.

25 JUSTICE DOHERTY: I'll do my best to repeat what I said. I
26 said that the conversation referred to between Mr Kamara and
27 independent counsel was prior to the - and leading up to the
28 issue of the order in lieu of indictment. That is not evidence
29 before me in this trial. Since that point I have made a ruling

1 pursuant to Rules 97 and 45 in which I have said that
2 conversations between the accused here [i ndi scerni ble].
3 Accordi ngly, I am not allowi ng [i ndi scerni ble].

4 Mr Herbst, please conti nue.

5 MR HERBST:

6 Q. So Mr Kamara, is it your position in this trial - your
7 testimony in this trial that you never gave any thought to
8 contacting witnesses who had previously given testimony in the
9 AFRC trial against you?

10 A. No. I never talked to a witness who had given testimony
11 against me in this case. Never.

12 Q. And you never - and your position is that you never told
13 Mr Daniels or anyone else in this trial that you wanted to get
14 witnesses who were prepared to change their testimony or who
15 would change their testimony to support a petition for review in
16 your case; is that your testimony?

17 A. I said I never talked to Mr Daniels or anybody who had
18 given a statement against me to give them money or to come and
19 make a statement for me. I never did that.

20 Q. My questi on was wider than Mr Daniels. Are you telli ng us
21 that you never talked to anyone, lawyer or nonlawyer, any other
22 person about trying to get witnesses to change their testimony or
23 telli ng someone that you had witnesses who were prepared to
24 change their testimony to support your peti ti on for review?

25 A. I think I have answered that questi on. No.

26 Q. And you never told Mr Bangura, the first named accused,
27 that you were contemplati ng a peti ti on for review; is that your
28 testi mony?

29 A. Say that again? Say that again.

1 Q. [Overlapping speakers] Mr Bangura [indiscernible]?

2 A. About what?

3 Q. Did you ever tell Mr Bangura that you were contemplating,
4 thinking about, or trying to get witnesses for a review of your
5 testimony - of your conviction or sentence?

6 A. You are making things difficult. What I said is that I
7 never spoke to anybody - anybody about a person who had become a
8 witness against me to change his testimony. I did not talk to
9 anybody about that.

10 Q. Did you talk to anybody about your petition for review?

11 A. The review that I told you about, it is the Registrar who
12 spoke about the review and the conditions that she gave us about
13 the review. We did not go forward with it. We were just
14 thinking that if we're going ahead with a review, we would have
15 people like the example that I gave you, Savage and Mr Alhaji
16 Bio. These were people we were thinking about, not someone who
17 had given evidence, no, no.

18 Q. Who did you talk to about getting witnesses for the review?

19 A. My brothers and I who are facing the same case.

20 Q. Who, if anyone, besides your fellow convicts in Rwanda and
21 Rwanda prison did you discuss getting witnesses for a review?

22 A. I was talking to people about whom I had an intention to
23 call. I had talked to Sammy. Even Leather Boots, I spoke to
24 him.

25 MR HERBST: I'm sorry, your Honour [overlapping speakers].

26 JUSTICE DOHERTY: Mr Interpreter, I did not hear that
27 clearly.

28 THE WITNESS: I will repeat, your Honour. I'll repeat.

29 JUSTICE DOHERTY: [Overlapping speakers, indiscernible].

1 Please do so.

2 THE WITNESS: I said I have - I spoke to Savage over the
3 telephone. I spoke again to Leather Boots. So if I was thinking
4 about it, those were the people.

5 MR HERBST: Could we get a spell for "Le Boot"? I did not
6 hear --

7 MR METZGER: Leather Boot.

8 JUSTICE DOHERTY: Mr Kamara, please give us the correct
9 name of Leather Boot.

10 THE WITNESS: I can. I can give you the name: Idri ssa
11 Kamara.

12 MR HERBST:

13 Q. Besides Savage and Leather Boot, is it your testimony that
14 you did not talk to any other person about your petition for
15 review?

16 A. Say that again?

17 Q. Other than Savage and Leather Boot, is it your testimony
18 that you did not talk to any other person about your petition for
19 review? Those were the only two people, and your - and the two
20 other accused in Rwanda?

21 A. Like I said, the accused and I in Rwanda spoke about
22 review. I talked to those two people.

23 MR HERBST: I'm sorry, Judge, there was --

24 JUSTICE DOHERTY: Mr Kamara, the question was not did you
25 talk to those two people and your co-accused. But were those the
26 only people you spoke to, Savage, Leather Boot, and your two
27 other - Mr Kamara - Mr Kanu and Mr Brima, four people. Is that
28 the limit of the people you spoke to?

29 THE WITNESS: That's what I said, your Honour.

1 JUSTICE DOHERTY: Mr Herbst, that was my understanding of
2 your question.

3 MR HERBST: Yes, your Honour, and I appreciate the
4 clarification.

5 Q. Mr Kamara, who in your opinion were the most important
6 insider or linkage witnesses against you at the AFRC trial?

7 A. Say that again?

8 Q. In your view, who were the most important insider or
9 linkage witnesses against you at the AFRC trial?

10 A. Who testified against me? That's Juni or Lion. Everybody
11 knows that he was my bodyguard.

12 JUSTICE DOHERTY: Mr Interpreter, I didn't hear a name.
13 Could you please repeat the name given by the witness.

14 THE INTERPRETER: Juni or Lion.

15 WITNESS: I can repeat, your Honour. Juni or Lion. Juni or
16 Lion.

17 JUSTICE DOHERTY: Thank you, Mr Kamara [indiscernible].

18 MR HERBST:

19 Q. Who beside Juni or Lion was the most important insider or
20 linkage witnesses against you?

21 A. Say that again?

22 Q. Who beside Juni or Lion were the most important insider or
23 linkage witnesses against you?

24 A. In the AFRC case there were just three insiders, I think.
25 Juni or Lion is the one --

26 THE INTERPRETER: Your Honour, can he kindly repeat the
27 names slowly.

28 JUSTICE DOHERTY: Mr Kamara [overlapping speakers].

29 THE WITNESS: I can go over it slowly, your Honour.

1 Your Honour, if I can remember, the three insider witnesses were:
2 Number 1, Junior Lion, who was my bodyguard. He was the most
3 important one to me because he was close to me; then 334; of
4 course 033. I can't call him an insider because he was a
5 civilian. These are the only people.

6 MR HERBST: [Indiscernible].

7 JUSTICE DOHERTY: I'm just looking at my time, Mr Herbst.
8 I think you've got four minutes [indiscernible] time
9 [indiscernible].

10 MR HERBST: This would be a good time in terms of moving to
11 another --

12 JUSTICE DOHERTY: I understand.

13 Mr Kamara, [indiscernible] we can now give Freetown their
14 break. I have been mistaken, as I have acknowledged, one hour.
15 It should be three quarters of an hour for each of us; therefore,
16 I'll take a break now of three quarters of an hour
17 [indiscernible].

18 We will resume at 1615 Kigali time, which is, I think, 1415
19 Freetown time. I hope I'm correct in that [indiscernible].

20 Mr Court Attendant in Freetown, did you hear?

21 THE COURT OFFICER: Yes, your Honour, and you're correct in
22 that.

23 JUSTICE DOHERTY: We will adjourn until 1415 local time.
24 Court is now adjourned.

25 [The Court adjourned at 1.30 p.m.]

26 [Upon resuming at 2.20 p.m.]

27 JUSTICE DOHERTY: I think we're ready to proceed. I would
28 ask Mr Herbst to continue with his cross-examination.

29 MR HERBST: Thank you, your Honour.

1 Q. Mr Kamara, I put it to you that in late November - in
2 November of 2010 you spoke - you both - you and Mr Brima spoke to
3 Mr Daniels because you wanted him to represent you in the
4 repetition for review; is that true?

5 A. Say that again.

6 MR SERRY-KAMAL: Your Honour, sorry, sorry. Your Honour,
7 I'm allowed to object. It's two questions rolled into one.

8 JUSTICE DOHERTY: Technically it is. Two different people
9 are involved, so two different issues [indiscernible]. Please
10 break it down, Mr Herbst.

11 MR HERBST:

12 Q. I put it to you, Mr Kamara, that in November 2010 you, as
13 well as Mr Brima, spoke to Mr Daniels; is that true?

14 A. I have told you that I have not denied talking to
15 Mr Daniels. I talked to Mr Daniels.

16 Q. I put it to you, Mr Kamara, that when you and Mr Brima
17 talked to Mr Daniels, you wanted him to represent you in
18 connection with the petition for review; is that true?

19 A. No, we did not say - we did not talk about anything in
20 relation to representation.

21 Q. I further put it to you, Mr Kamara, that you knew at the
22 only time you could get a review and succeed in a review was to
23 have some witnesses who had previously given testimony against
24 you at the trial to come in and say they wanted to change their
25 testimony; is that true?

26 A. I am putting it to you as well that my understanding --

27 THE INTERPRETER: Your Honour, the witness is breaking in
28 again.

29 THE WITNESS: It is not about the witness who have

1 testified. It's about a new witness. That's what is a review.

2 JUSTICE DOHERTY: Proceed, Mr Herbst.

3 MR HERBST:

4 Q. Now, Mr Kamara, you testified that in 2010 - well,
5 withdrawn.

6 You testified that originally you had - each of you had
7 1500 in air time, and then that was increased to 3000. Do you
8 remember that?

9 A. Yes.

10 Q. In November 2010 it was 1500; is that right?

11 A. Say that again. I do not understand.

12 Q. [Indiscernible]?

13 MR METZGER: [Indiscernible].

14 MR HERBST:

15 Q. In November 2010 - in late 2010 your allocated air time per
16 day was 1500, not 3000; is that correct?

17 A. It's not correct.

18 Q. When was the increase to 3000?

19 A. 2010. 1000 for some time - 1500 and later 3000.

20 Q. Do you remember whether or not in - whether the change had
21 occurred before November 2010 or after November 2010?

22 A. I believe the change started before November 2010.

23 Q. Okay. When was 1500 [indiscernible] approximately how many
24 [indiscernible] did you have stay at [indiscernible] before your
25 allocation was increased from 1500 to 3000, when it was 1500,
26 approximately how many minutes did that get you of telephone
27 conversation with your family or friend in Sierra Leone?

28 A. 500 air time is 3 minutes. You can talk to anybody in
29 Sierra Leone. 1,000 air time is 6 minutes. If you are talking

1 to someone in the US, America, you will talk for 9 minutes when
2 I'm call my family in the US.

3 Q. So when you were talking to your family in Sierra Leone,
4 you could only talk to them for 9 minutes a day when it was 1500,
5 and 18 minutes a day when it was 3,000; is that right?

6 A. Yes.

7 Q. Now, you testified on direct examination that you and
8 Mr Bangura were very good friends; is that right?

9 A. Yes.

10 Q. You became very good friends when you served in the army
11 together, or were you good friends before you came into the army
12 together?

13 A. He was my friend before we joined the army, but when we
14 came into the army, we became very close than before.

15 Q. Is it fair to say you became very close, almost like
16 brothers?

17 A. Yes.

18 Q. In late 2010, you knew that Mr Bangura was good friends
19 with Samuel Kargbo; isn't that true?

20 A. No. No. No, I did not know that because I was here, and I
21 know - and I know that that man is not his class.

22 Q. Well, did you know in 2010 that in - in late 2010 that
23 Mr Bangura was very good friends with 334?

24 A. Say that again. Say that again.

25 Q. I asked you whether you [i ndi scerni ble] did you know in
26 late 2010 that Mr Bangura was very good friends with 334?

27 A. I knew that Mr Bangura was his bodyguard. 334 was his
28 bodyguard, but after some time I understood - that was the time I
29 was here, Mr Bangura had no time with him. He had no time for

1 hi m.

2 Q. And who told you that?

3 A. I have family, friends. There were people who told me
4 that, people who are close to them.

5 Q. Give me the name of the family friend or friends who told
6 you that Mr Bangura and 334 were no longer close?

7 A. I can give you Alex Tamba Brima. He's a family friend of
8 Mr Bangura because he's his barracks brother.

9 Q. Anybody else?

10 A. Yeah, I can give you one more people who know them.

11 Q. And when supposedly did the relationship cool?

12 A. What do you mean "cool"?

13 Q. When did they become no longer [i ndi scerni ble]?

14 A. Well, from my understanding, it was when Mr Bangura was
15 released from prison.

16 Q. And when was that? What year was that?

17 A. I think it was in 2009 when they were released from prison.
18 They released Mr Bangura. Mr Bangura visited me at the Special
19 Court before we were transferred to Rwanda. I'm sure it was in
20 2009.

21 Q. But you didn't discuss Mr Bangura's relationship with 334
22 when he visited you in 2009, did you?

23 A. No, there was nothing to discuss. Mr Bangura was at the
24 Pademba Road. He knew everything about 334's testimony that he
25 gave at the Special Court.

26 Q. When did you start calling Mr Bangura after your
27 incarceration in Rwanda?

28 A. Say that again?

29 Q. When did you begin calling Mr Bangura from the prison after

1 your incarceration in Rwanda in late 2009?

2 A. I cannot give you a specific time, but I was used to
3 talking to Mr Bangura.

4 Q. Well, did it happen shortly after your arrival in Rwanda,
5 or did it take three months, or six months, or a year? How long
6 did it take before you started talking together?

7 A. It took some time. When they increased air time, that is
8 when I started talking to extended friends, because the air time
9 that was given to us when we just came, it was small, so I
10 concentrated on my family.

11 Q. So you started talking to Mr Bangura on the phone sometime
12 in the latter part of 2010; is that correct?

13 A. Yes, I'm sure.

14 Q. And did he call you first or did you call him?

15 A. I called him.

16 Q. How did you get his phone number?

17 A. I used to call him in town before I came, so I came with
18 his number.

19 Q. Where did you have his number? Did you have it written
20 down somewhere?

21 A. It's a single number. I can memorise it. It was in my
22 head because he's my friend.

23 Q. What was Mr Bangura's number on which you started calling
24 him in the latter part of 2010?

25 A. It's a Comium number.

26 Q. It's the - his Comium phone number; is that what you're
27 saying?

28 A. Yes, that's the number he used to.

29 Q. And he had more than one number; is that right?

1 THE INTERPRETER: Your Honour, can the witness be kindly
2 requested to wait for the Krio interpretation.

3 THE WITNESS: I'm sorry. That's the only number that I
4 know for him.

5 MR HERBST:

6 Q. I thought by using the term "Comium number" you were
7 communicating that you knew he had more than one phone but that
8 you called him on the Comium number. Was I mistaken about that?

9 A. Well, I don't know. But I have told you that it's one
10 number that I know that I was using.

11 Q. Well, from memory as you sit here now, can you tell us the
12 number or any part of the number?

13 A. Yes, I can tell you: 033810173.

14 Q. Okay. So you had the last digits. You had 810173,
15 correct?

16 A. Yes.

17 Q. [Overlapping speakers] refresh your recollection about the
18 whole number: 23233810173?

19 A. Yeah.

20 Q. Now, when you began speaking to him in the latter part of
21 2010, how frequently would you call him?

22 A. Well, I did not call him frequently. Sometimes I'll call
23 him once a month or if I want to ask him how he was doing and his
24 family, I will call him twice a month. Sometimes it could take
25 three to four months without communicating with him and sometimes
26 I'll call him again. Just like that.

27 Q. How often would he call you?

28 A. I don't think he ever called me. That man hasn't got air
29 time to call me. I called him. I called him. I called him for

1 us to talk.

2 Q. So your testimony before this Court is he never called you;
3 you always called him?

4 A. Yes.

5 [Video link disconnected]

6 [Video link restored].

7 THE COURT OFFICER: Kigali, can you hear us in Freetown?
8 Can Kigali hear us?

9 THE COURT OFFICER: [In Kigali] Yes, we can: Mr Alpha,
10 can you hear me?

11 THE COURT OFFICER: I can hear you, chief. The last bit we
12 heard was the answer yes to the question that Mr Herbst put to
13 the witness that are you saying you never - he never called you;
14 you called him? And he said "yes." That's the last bit I heard
15 and I'm sure the witness also said yes - the interpreter said
16 "yes".

17 JUSTICE DOHERTY: Thank you, Mr Court Officer. I think
18 that is also the last question that was on record.

19 So, Mr Herbst, please continue with the questions.

20 MR HERBST: Yes, your Honour. I'll repeat the question
21 that I had asked when we lost the link.

22 Q. So are you telling us, Mr Kamara, that you called
23 Mr Bangura on an average of once a month, occasionally maybe
24 twice a month, sometimes not for three or four months; is that
25 your testimony?

26 MR NICOL-WILSON: Your Honour, I have an objection.

27 JUSTICE DOHERTY: Yes, Mr Nicol-Wilson.

28 MR NICOL-WILSON: Your Honour, I wish to state that there
29 is finality in answers put to a witness during cross-examination,

1 and what my learned colleague is doing is repeating the evidence.
2 The witness has answered that question, and I think that question
3 is no longer appropriate to be put to the witness again.

4 JUSTICE DOHERTY: Mr Herbst [i ndi scerni ble].

5 MR HERBST:

6 Q. Well, Mr Kamara, there never became a time where you called
7 him five times a month, did there?

8 A. That man, I am not his only friend. I was not the only
9 person who called him. He has his brother who used to call him.

10 JUSTICE DOHERTY: I cannot hear the interpreter.

11 Mr Herbst, can you turn off your - I cannot hear the
12 interpreter.

13 Mr Interpreter, I'm going to ask Mr Kamara to start again.

14 Mr Kamara, please start your answer again.

15 THE WITNESS: Yes. I said that man, we, three of us are
16 his brothers. Sometimes I would call him, then I will call
17 Mr Kanu or Alex that our man is on the line, "Come and say hello
18 to him." Yes. Sometimes Mr Brima would call him, and he would
19 call us to come and talk to him, and Mr Brima is the man who
20 calls him most times more than us, because he and Mr Brima are
21 brothers.

22 JUSTICE DOHERTY: Continue, Mr Herbst.

23 MR HERBST:

24 Q. There were times on one call when all three of you could
25 talk to the person on the other end of the line, correct?

26 MR SERRY-KAMAL: Your Honour, again I have to object. That
27 question has been answered. The witness has proffered the
28 evidence.

29 JUSTICE DOHERTY: No, I don't agree with you,

1 Mr Serry-Kamal. I would like to hear the answer to that
2 question.

3 MR SERRY-KAMAL: As your Honour please.

4 THE WITNESS: Say that again.

5 MR HERBST:

6 Q. So there were times, Mr Kamara, when all three of you,
7 Mr Brima, Mr Kanu, and yourself, could talk to the person on the
8 other end of the line in one call, correct?

9 A. Yes, if it's someone I wanted to talk to, then I can call
10 you to come and talk to this person.

11 Q. And that person doesn't have to sign in on the book, right?

12 JUSTICE DOHERTY: Which person are you talking about,
13 Mr Herbst? There's two persons [indiscernible].

14 MR HERBST: Right.

15 Q. Well, if you call Mr Bangura and then you hand the phone to
16 Mr Brima to talk to Mr Bangura, Mr Brima doesn't have to sign the
17 prison logbook P-15; isn't that right?

18 A. Whoever calls, signs; whoever talks, signs.

19 Q. By the way, the phone had a speaker phone on it, correct?

20 A. We'll put it on loudspeaker. It's a mobile phone.

21 Q. And when you put the phone on loudspeaker, if Mr Brima
22 and/or Mr Kanu were present, they could all hear the
23 conversation, correct?

24 A. Yes.

25 Q. If it was Mr Bangura on the line, they could talk with
26 Mr Bangura, correct?

27 A. Yes, during those times, we do not put the phone on
28 loudspeaker. I'll give it to you and say, "Hey, talk to this
29 man." Then you will talk to him. I'll say, "Talk to this man."

1 Q. Now, you said earlier in - just a few minutes ago that when
2 you called Mr Bangura, it was to ask how he was doing and about
3 his family, correct?

4 A. Yes.

5 Q. You never discussed any business with Mr Bangura, did you?

6 A. I think business, it's general. What type of business?

7 Q. Well, you never - well, did you ever discuss your petition
8 for review with Mr Bangura?

9 A. No. No, I don't think the two of us talked about that.

10 Q. Did you ever hear Mr Kanu talk to Mr Bangura about a
11 petition for review?

12 A. I can't talk for Mr Kanu.

13 JUSTICE DOHERTY: It's been asked and answered.

14 MR METZGER: So be it. May I ask [i ndi scerni bl e] case to
15 the Prosecuti on [i ndi scerni bl e] case.

16 JUSTICE DOHERTY: [I ndi scerni bl e].

17 MR METZGER: Prosecuti on case i s cl o s e d.

18 JUSTICE DOHERTY: Pl ease proceed. Pl ease proceed,
19 Mr Herbst.

20 MR HERBST: Thank you, your Honour.

21 Q. Mr Kamara, did you ever hear Mr Brima talk to Mr Bangura
22 about a peti ti on for rev i ew?

23 A. I can't talk for Mr Brima.

24 JUSTICE DOHERTY: Sorry, Mr Interpreter, I di dn' t hear
25 that. Say i t agai n, pl ease.

26 THE INTERPRETER: "I can't talk for Mr Brima."

27 JUSTICE DOHERTY: Proceed.

28 MR HERBST:

29 Q. Di d Mr Bri ma ever tel l you that he had talked to Mr Bangura

1 about a petition for review?

2 MR SERRY-KAMAL: My Lord, Mr Brima is not charged with any
3 offence before this Court.

4 JUSTICE DOHERTY: That's not relevant. This is
5 cross-examination.

6 MR SERRY-KAMAL: [Indiscernible]. But he's asking Mr Brima
7 - the witness to give hearsay evidence.

8 JUSTICE DOHERTY: No, he is not. [Indiscernible]. He said
9 did Brima speak to you [indiscernible] actual evidence what is
10 said to the witness. I'll allow the question.

11 MR HERBST:

12 Q. Do you remember the question, Mr Kamara?

13 A. Repeat it.

14 Q. Did Mr Brima ever tell you that he had talked to Mr Bangura
15 about a petition for review?

16 A. No.

17 Q. Did Mr Kanu ever tell you that he had talked to Mr Bangura
18 about a petition for review?

19 A. No.

20 Q. Did you ever discuss any - any of your legal affairs with
21 Mr Bangura during your telephone conversations with him in 2010?

22 A. Yes, Mr Bangura, like I told you --

23 THE INTERPRETER: Your Honour, I'm not hearing the witness.

24 JUSTICE DOHERTY: Sorry, Mr Interpreter, I didn't hear you
25 clearly. What did you say?

26 THE INTERPRETER: I'm not hearing the witness at all. I'm
27 wondering if he's still answering the question.

28 JUSTICE DOHERTY: Mr Kamara, have you finished your answer?
29 [Indiscernible] again.

1 Mr Herbst, please repeat the question.

2 MR HERBST:

3 Q. Did you ever talk to Mr Bangura about your legal affairs?

4 A. Yes, I did. Yes. And I'll give you an example if you
5 want.

6 Q. I'll put another question to you.

7 A. Okay.

8 Q. What legal affairs did you discuss with Mr Bangura on the
9 phone in the latter part of 2010?

10 A. Well, he asked me about my sentence. I think that's the
11 legal talk that we had. And other talk is about my condition,
12 the way we were being treated, if it was up to international
13 standard.

14 Q. Anything else?

15 A. I think those are the legal things that that man and I --

16 Q. You said he - he asked you about your sentence. What did
17 he ask you about your sentence?

18 A. He asked me about the term of sentence. Because some
19 prisons that you go to, one year equals eight months. In some
20 places it's one for one. We talk about all of that. So I think
21 those were the things he was concerned about that he asked me.

22 MR HERBST: Your Honour, I have to confess I did not
23 understand what the interpreter was saying.

24 JUSTICE DOHERTY: I will read what I've noted, because I
25 think I understand what the witness is saying. He asked about
26 the term of sentencing because some prisoners - prisons go one
27 year is eight months. Some sentences is one for one
28 [i ndi scerni bl e] questi ons [i ndi scerni bl e] submi ssi on
29 [i ndi scerni bl e].

1 THE COURT OFFICER: Your Honour, whoever is speaking can't
2 be heard, neither by me, nor by the transcriber.

3 JUSTICE DOHERTY: At the present moment, Mr Court Officer,
4 no one is speaking, so that could be the reason. I would ask
5 Mr Herbst to continue with his cross-examination.

6 MR HERBST: Thank you, your Honour.

7 Q. Other than the length of time that you would have to -
8 withdrawn.

9 What did you - what did you say to Mr Bangura in response
10 to his question about the sentence you just testified to -
11 question or questions?

12 A. Say that again.

13 Q. What did you say to Mr Bangura in response to his question
14 about the sentence that you just related to us?

15 A. I just told him about what the Rwandan sentencing is. That
16 was what I explained to him.

17 JUSTICE DOHERTY: Mr Interpreter, I'm sorry, but I couldn't
18 make out what you were saying. Please repeat it. It did not
19 come across clearly.

20 THE INTERPRETER: "I just explained to him what the Rwandan
21 sentencing is. That was what I explained to him."

22 JUSTICE DOHERTY: Thank you.

23 UNIDENTIFIED SPEAKER: [Indiscernible].

24 JUSTICE DOHERTY: [Indiscernible].

25 MR HERBST:

26 Q. But you never asked him to do anything for you. Is that
27 your testimony before this Court?

28 A. I was not expecting any Court to come again --

29 THE INTERPRETER: Your Honour, can he repeat the last part

1 of his answer? Or the entire answer, in fact.

2 JUSTICE DOHERTY: Mr Kamara.

3 THE WITNESS: I said, I was not expecting any Court, so I
4 was not expecting Mr Bangura --

5 THE INTERPRETER: I did not hear the rest, your Honour.

6 MR HERBST: I'll try to clarify that, your Honour.

7 JUSTICE DOHERTY: Very well.

8 MR HERBST:

9 Q. So, Mr Kamara, are you saying you never asked Mr Bangura to
10 do anything for you; is that correct?

11 A. No. No. You said to give --

12 THE INTERPRETER: Your Honour, the line is extremely bad.
13 I can't hear a thing he's saying.

14 THE WITNESS: Now you're asking me again if I did never
15 asked Mr Bangura to do something for me?

16 MR HERBST:

17 Q. Did you ever ask him to do anything for you or did you not
18 ask?

19 A. I don't think I asked him to do anything for me.

20 Q. So you never - you never asked him to contact anybody for
21 you; is that correct?

22 MR NICOL-WILSON: Your Honour, the same objection -
23 objection again. Learned counsel keep going over the evidence.
24 The witness has stated he did not ask Mr Bangura to do anything
25 for him in the very generic sense of the word.

26 JUSTICE DOHERTY: No. Actually, Mr Nicol-Wilson
27 [i ndi scerni bl e] I do not think I asked him. There's an ambi gui ty
28 there, so I will allow the questi on [i ndi scerni bl e].

29 MR HERBST:

1 Q. Mr Kamara, is it your testimony to this Court that you
2 never asked Mr Bangura to contact any witness or anyone for you
3 in connection with any of your legal affairs?

4 A. No.

5 Q. Is that correct or that is not correct? You did or you did
6 not?

7 A. I did not.

8 Q. Thank you. Now, you said a minute or two ago in response
9 to my question that you were not - you were normally not
10 expecting the Court to do anything for you. Did I hear that
11 correctly?

12 A. Say that again.

13 [Video link disconnected]

14 [Video link restored]

15 THE COURT OFFICER: [In Kigali] Mr Alpha, can you hear me?

16 THE COURT OFFICER: Yes, I can hear you, chief. I can hear
17 you. Can you hear me?

18 THE COURT OFFICER: [In Kigali] I can. Thank you.

19 THE COURT OFFICER: Your Honour, we lost the link just
20 about the point Mr Herbst was repeating the question to the
21 witness, where he said, is it your testimony, and just about that
22 point we lost him.

23 JUSTICE DOHERTY: I think the witness did start an answer,
24 but in the circumstances, I'll ask Mr Herbst to put the question
25 again and I'll ask Mr Kamara to [indiscernible].

26 Mr Herbst, please put the question again.

27 MR HERBST: Thank you.

28 JUSTICE DOHERTY: [Indiscernible].

29 MR HERBST:

1 Q. Mr Kamara, did you say a few minutes ago in an answer to
2 one of my questions that you were not expecting the Special Court
3 to do anything for you?

4 A. No, no, no, that's not the question. No, that's not what I
5 said.

6 Q. Were you expecting the Special Court to do something for
7 you in --

8 A. No.

9 Q. Were you expecting any other Court to do something for you?

10 A. I don't think there is another Court. I don't think I'm
11 expecting any Court.

12 Q. Now, if you have P-14 in front of you, Mr Kamara. Do you
13 still have that?

14 A. Which one?

15 Q. It's the MTN records. The Court Officer will assist you.
16 So I would like you to turn first to page 17 of 39. Do you have
17 that page in front of you?

18 A. I don't have it yet. I have it now.

19 Q. It's listed on 11/12 of 2010 at 7.07.19 p.m. Do you see
20 that call?

21 A. Say that again.

22 Q. About three quarters of the way down the page there is a
23 call, and you see the times of the call are in chronological
24 order. So if you go down to where it says 11/12/2010 at 7.07.19
25 p.m. and it has the number 6.55 p.m. Do you see that?

26 A. Yeah. Sure, I've seen it.

27 Q. Okay. Now, did you call Mr Bangura on November 12, 2010?

28 A. No. This call --

29 THE INTERPRETER: Your Honour, the witness is breaking in.

1 I can't hear what he's saying.

2 THE WITNESS: Let me repeat, your Honour. This call - I
3 did not call this man at this time. This man, like I said, we
4 used to call him. I do - I used to call him. Alex could call
5 him. Kanu could call him. But I did not make this call.

6 JUSTICE DOHERTY: [Indiscernible].

7 MR HERBST:

8 Q. You recognise that's Mr Bangura's telephone number, right?

9 A. Sure. I recognise that.

10 Q. How do you know - how do you know that you didn't make that
11 call?

12 A. Because when you look at the time, I didn't - I do not take
13 this long to talk to that man. No, no. We do not have long
14 conversation.

15 Q. So it's your testimony that because the record says the
16 call lasted about 11 minutes, 655 seconds, that you're confident
17 you didn't make that call. Is that what you're saying?

18 A. I am waiting for the interpreter. I am waiting for the
19 interpreter. Ask the question again. I did not get it clearly.

20 Q. Is the only reason that you're confident that you did not
21 make that telephone call to Mr Bangura is because of the duration
22 of the call of 655 seconds, that is, almost 11 minutes?

23 A. That is one point, and I can give you another point.

24 Q. Yes.

25 A. The other point is the time here, the 7.07. I'm not used
26 to calling - I'm not used to calling this man at this time. I
27 used to call him very early. Sometimes I wake him up from sleep.

28 Q. Well, what's the latest you ever called him in the day?

29 You say 7 p.m. is too late. So when is the latest time you would

1 ever call him?

2 A. I called him in the afternoon; sometimes in the morning.

3 Q. Okay. Look at the next page.

4 A. [Witness speaks Krio].

5 Q. Yeah, page 18 of 39. Tenth call down on the page is
6 another call to Mr Bangura; do you see that?

7 A. Yes.

8 Q. And that's a call the next day. That's a call the next day
9 on 13 November at 1.19 p.m.; do you see that?

10 A. Yes, I've seen it.

11 Q. [Indiscernible] make that call? Did you make that call?

12 A. Yes, this one I would say yes. I made this call because
13 this was the time that I was used to calling him. In the
14 afternoon, I'll talk to him for two minutes, three minutes, four
15 minutes, five minutes.

16 Q. And why were you trying to speak --

17 JUSTICE DOHERTY: Mr Herbst, I've got to interrupt, I
18 apologise, because we are up to the time limit, as you are aware,
19 when the two defendants have to be escorted back, so
20 unfortunately I have to interrupt [indiscernible].

21 Mr Kamara, you have taken the oath. I now have to adjourn,
22 as your escorts will be waiting to take you back. We will have
23 to resume tomorrow at the usual time. And I again remind you
24 that you are under oath and you are not to discuss your evidence
25 with any other person. Do you understand?

26 THE WITNESS: Yes, your Honour.

27 JUSTICE DOHERTY: Please adjourn Court until tomorrow at 9
28 o'clock Freetown time.

29 [The Court adjourned at 3.20 p.m. until

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9.00 a.m. the following day.]