



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 [Tuesday, 28 August 2012]

2 [Open session]

3 [The accused present]

4 [Upon resuming at 9.23 a.m.]

5 JUSTICE DOHERTY: Good morning. I should explain that the
6 delay in starting this morning was due to an unexpected
7 administrative problem or procedural problem that I will deal
8 with as soon as I take appearances. So I'll take I appearances
9 first, deal with that, and then we will proceed with the
10 evidence.

11 Mr Herbst and Kigali generally, are you hearing me?

12 MR HERBST: Yes, we are, your Honour, loud and clear. Good
13 morning to you and everyone in Freetown.

14 JUSTICE DOHERTY: Thank you, Mr Herbst.

15 MR METZGER: Indeed, your Honour, good morning to you and
16 everyone in Freetown.

17 JUSTICE DOHERTY: I'll take appearances. Mr Herbst.

18 MR HERBST: Robert Herbst, independent counsel for the
19 Prosecution. And after your Honour deals with the administrative
20 matter, I have one very brief preliminary matter.

21 JUSTICE DOHERTY: Very well. I'll take appearances and
22 then we'll deal with that.

23 In Freetown, appearances, please.

24 MR NICOL-WILSON: Your Honour, Melron Nicol-Wilson for
25 Hassan Papa Bangura. I also have one brief preliminary matter to
26 deal with.

27 JUSTICE DOHERTY: Very good. Yes.

28 CHIEF TAKU: May it please your Honour, Chief Charles Taku
29 for Mr Samuel Kargbo. I have a brief preliminary application to

1 make, your Honour, with regard to the record of yesterday.

2 JUSTICE DOHERTY: My goodness. We've all got
3 administrative matters. And in Kigali.

4 MR METZGER: Good morning, your Honour. Kevin Metzger for
5 Santigie Borbor Kanu. I have no preliminary matters but may be
6 required to deal with those raised by others. I also hold a
7 watching brief for Mr Brima Bazzy Kamara this morning,
8 Mr Serry-Kamal being, as it were, in transit.

9 JUSTICE DOHERTY: Thank you, Mr Metzger. I will now deal
10 with my preliminary administrative matter. And then I will go to
11 the others in succession that they were noted to me.

12 On the 23rd of August in the morning, I issued an order for
13 expedited filing in this case. It was an order relating to
14 counsel for Kanu's motion which was filed on 22nd of August in
15 the afternoon. In that order, I ordered expedited filing, got
16 the response by independent counsel would be filed by 1500 hours
17 Hague time, being 1700 Freetown time, and the reply would be
18 filed by 12 o'clock The Hague time, 1400 Freetown time on
19 Tuesday, 28th of August. The response was to be filed on 27th
20 August.

21 When we inquired last night for the response, we were
22 informed that - it became apparent that, in fact, this order for
23 expedited filing, although given, was not filed at all, and it
24 would follow, therefore, that it was not served, and it would
25 also follow that no response could have been filed because the
26 independent counsel not being served, would not be aware of it.
27 The filing will be rectified, but I still need to get a response
28 and a reply filed.

29 So Mr Herbst, I'm not sure if you're aware of this order

1 now, because this came to light this morning - very late last
2 night and this morning. So first of all, I want you to advise
3 me: (A) first, are you aware of this order; and secondly, how
4 much time you will require to conform by filing a response? I
5 will then ask Mr Metzger the same question.

6 MR HERBST: Your Honour, I was just handed a few minutes
7 ago the order for the first time and I became aware only at that
8 time, a few minutes ago, as to what even the issue was, even
9 though an inquiry was made of me last night, as to what filing
10 was expected of me, I can only respond that --

11 JUSTICE DOHERTY: If you've only received it this minute, I
12 would assume that Mr Metzger has likewise only received it this
13 minute. So in fairness to both of you, I will stand both your
14 replies down to my inquiry until you both consider and review the
15 order. So I will stand any reply down to allow you to think
16 about it. We'll deal with it after the first break. So that is
17 now deferred.

18 I will now turn to Mr Nicol-Wilson's preliminary matter.

19 MR NICOL-WILSON: Your Honour, this is an issue that I was
20 going to deal with in a different manner, but I have received
21 instructions from my client to notify the Trial Chamber. I was
22 instructed on Friday and I did not because I wanted to deal with
23 it in a different manner which I think was going to be the right
24 way to deal with it, and yesterday again I was instructed and I
25 did not also notify the Trial Chamber. But I have realised I'm
26 having difficulties with my client for not notifying the Trial
27 Chamber because I wanted to deal with this issue in a different
28 manner. So this morning I visited my client again at 7.30 a.m.,
29 and I agreed to act upon his instructions.

1 During the cross-examination of Mr Ibrahim Bazy Kamara,
2 the learned independent counsel referred to the statement
3 attached to the Defence pre-trial brief which was made by my
4 client on 26 May 2012 and signed by him. Immediately the
5 independent counsel put certain questions to Mr Kamara about my
6 client having stated in the statement referred to that he
7 instructed him to go and see lawyer Mansaray. My client called
8 me from the dock and said there is a mistake in this statement,
9 that the person who called him and instructed him to see lawyer
10 Mansaray is Tamba Alex Brima. So it should have been Brima and
11 not Bazy.

12 So I told him that since he had consented to testify, I
13 will put him in the witness box and then we'll clarify this
14 situation with regards to the statement. But he has insisted
15 that at the earliest opportunity the Trial Chamber should be
16 notified, notwithstanding the fact that I want to clear this
17 issue up once I put him in the witness box.

18 I also told him that there is a likelihood he will not get
19 into the witness box before Monday when certain changes will
20 occur in the proceedings. So he insisted that this is the right
21 time for me to notify the Court, even though it will clarify
22 the ambiguity or the -

23 THE INTERPRETER: Your Honour, the telephone and the Krio
24 interpreters both has not been connected. We just discovered
25 that it has not been connected. We would like to connect with
26 Kigali now.

27 JUSTICE DOHERTY: Have you been able to interpret what
28 Mr Nicol-Wilson has been saying?

29 THE INTERPRETER: Some of it.

1 JUSTICE DOHERTY: I'll just ask Mr Nicol-Wilson to have a
2 seat. Apparently the telephone for the Krio interpreters was not
3 properly connected, so not everything you have said has been
4 recorded. They are going to inform me when it's connected and
5 then we'll resume.

6 MR METZGER: May it please your Honour, I don't know if you
7 can hear me.

8 JUSTICE DOHERTY: I can hear you, Mr Metzger, but you may
9 also have to wait for interpreters to make sure that they --

10 THE INTERPRETER: Your Honour, the phone has now been
11 connected.

12 JUSTICE DOHERTY: The phone has been connected. So
13 Mr Metzger, were you going to say something about the
14 translation? Because Mr Nicol-Wilson has not finished his
15 submissions.

16 MR METZGER: I was simply going to say I have taken
17 instructions from my client and for Mr Kamara, whose brief I hold
18 for today. They are both content that there has to be no
19 repetition of what Mr Nicol-Wilson has said. They are content
20 that between myself explaining and what they have heard, they are
21 content for the matter to continue from here on.

22 JUSTICE DOHERTY: Thank you for that indication,
23 Mr Metzger, it's very helpful.

24 Mr Nicol-Wilson, there is no need to repeat what you've
25 said, just continue - I think I've got the gist of your
26 application.

27 MR NICOL-WILSON: I have a few more statements to make.

28 JUSTICE DOHERTY: Yes, please continue.

29 MR NICOL-WILSON: The mistake the client drew my attention

1 to starts from the third to the last paragraph, which starts with
2 the word, "After some time Bazy called me and said if I know any
3 lawyer Mansaray." My client has indicated to me and has insisted
4 that it was Tamba Alex Brima that called him and asked if he knew
5 any lawyer Mansaray, and it was not Bazy.

6 Also the next paragraph - no, the next page which starts
7 that, "Mr Mansaray told us that TF1-334 has nothing to say that
8 will make this Court release", it should be "Brima and others",
9 not "Bazy".

10 Your Honour, like I said, this is an issue I wanted to deal
11 with in my examination-in-chief, but the client is not
12 comfortable with that position and has instructed me to notify
13 the Trial Chamber now that it was not Bazy who instructed him to
14 go over to the office of lawyer Mansaray, it was Tamba Alex
15 Brima.

16 Those are my submissions. I have already taken a
17 supplemental statement from my client this morning with regards
18 to this position, which he will sign sometime today.

19 JUSTICE DOHERTY: First, Mr Nicol-Wilson, I can readily
20 appreciate the professional conflict you find yourself in and
21 that you have acted upon instructions quite properly.

22 This may or may not, I do not know, cause independent
23 counsel to seek to re-examine Kamara. What I will do is ask
24 independent counsel to consider the situation and indicate if he
25 wants to have Kamara recalled. In view of the fact that Kamara's
26 counsel is not here, it would not be proper to have him recalled
27 today.

28 Mr Herbst, you've heard both Mr Nicol-Wilson's submission
29 to the Court and my comment. I think this is another matter --

1 MR HERBST: [Overlapping speakers].

2 JUSTICE DOHERTY: -- which you may wish to consider, weigh
3 up, and give the Court an indication if you wish to take any
4 action in the light of the factual submissions put before us.
5 Again, I think I will visit that after the break. Would that --

6 MR HERBST: Your Honour, may I make a [overlapping
7 speakers].

8 JUSTICE DOHERTY: Yes, please do.

9 MR HERBST: If I might make a suggestion, your Honour, it
10 seems to me that Mr Nicol-Wilson also has now for the first time
11 expressed an intention to have his client take the witness stand.
12 And it seems to me that any decision about recalling Kamara, in
13 light of the extraordinary circumstance that we just heard,
14 should probably await that testimony, if in fact [indiscernible]
15 call for cross-examination that --

16 MR METZGER: [Indiscernible].

17 JUSTICE DOHERTY: Mr Metzger, I would be grateful if you
18 would not speak. Your voice is being transmitted and I can't
19 hear Mr Herbst clearly.

20 Mr Herbst, you mentioned any decision to call Kamara would
21 probably await, and then I didn't hear the rest of what you said.
22 Please repeat it.

23 MR HERBST: Certainly, your Honour. I had said that I
24 think that decision would more properly await both Mr Bangura's
25 testimony, should my understanding of what his counsel said be
26 accurate and should also await any cross-examination that would
27 occur in connection with this change of statement. So it seems
28 to me that that would make the most sense and be the most
29 efficient way to handle this situation because I probably would

1 not be able to make an informed decision on whether to recall
2 Mr Kamara until I hear the answers in both direct and
3 cross-examination.

4 JUSTICE DOHERTY: I will therefore not make any ruling on
5 this matter. Recalling Kamara obviously would have to be the
6 subject of an application, and by asking you to comment I am not
7 pre-empting an application or indicating how I would react to
8 such an application. But in the light of your statement that it
9 should await, I will not take further action.

10 I note that Mr Nicol-Wilson intends to file some documents.
11 Again, he's under no obligation to do so, but if he does it will
12 be dealt with accordingly.

13 So basically, the change is noted and no further action
14 will be taken at this time. Any applications from either side
15 will be entertained in the normal way.

16 So that's your matter, Mr Nicol-Wilson. Now we come to -
17 sorry, Mr Nicol-Wilson, you wish to say something?

18 MR NICOL-WILSON: No, I just wish to say grateful,
19 your Honour.

20 JUSTICE DOHERTY: You're welcome.

21 Chief Taku.

22 CHIEF TAKU: Yes, your Honour, thank you very much and good
23 morning. Your Honour, as I've done over a period of twelve
24 years, every morning before coming to Court I read the
25 proceedings of the previous day.

26 JUSTICE DOHERTY: Very wise, Chief Taku. I keep
27 discovering little things too late in the day to do anything
28 about them myself.

29 CHIEF TAKU: Yes, your Honour. And I read the transcripts

1 of the proceedings of yesterday, and I discovered, your Honour,
2 that these transcripts - my entire cross-examination of Mr Bazzy
3 and part of your Honour's further investigation did not appear.
4 And I think it might have been done when they said they were
5 changing the tape. And therefore I'm cognisant of the fact that
6 any amendment of the transcripts - one issue has to be done
7 pursuant to an application, I'm applying that your Honour's order
8 that if it didn't appear in the tape, then they should - that
9 they should get the video recording of the proceedings and use
10 that to assist the court reporters and those involved with this
11 to transcribe what was said during my cross-examination and parts
12 of your Honour at the end of the trial yesterday.

13 It would be very difficult now to recall Mr Kamara just to
14 put the same questions or to repeat what he said.

15 [Indiscernible] your notes. But in addition to your notes, if
16 there's a video recording of the proceedings, that may assist.
17 In similar circumstances we had that at the ICTR and the video
18 recording assisted in resolving the problem.

19 Your Honour would look at - I can't see the page here. The
20 pages are not mentioned. But it is - the proceedings of
21 yesterday. Thank you. Thank you so much.

22 JUSTICE DOHERTY: Thank you, Chief Taku. As you know, our
23 transcribers are very efficient and they have to cope with so
24 many different accents and pronunciations, but I do recall
25 yesterday we were under some pressure because the detainees had
26 to be taken back to the centre in Kigali and there was a time
27 limit. So it is quite possible that owing to the changing of the
28 tape, something was omitted or overlooked.

29 I will ask, during the course of the break, our CMS

1 facilities how this can be rectified and because if there is part
2 of the transcript omitted, then it is important that it is in and
3 I will make an order accordingly under Rule 81B.

4 So Mr Court Attendant, you heard the application. I would
5 ask that you liaise with the transcribers and make the video
6 recording, if that is what is required, available.

7 What will be necessary, I suspect, is for you to identify
8 which page or which line or which time - because there's a time
9 on the side of the transcripts as well - so that that can be
10 clearly identified. Perhaps you could liaise with Mr Court
11 Officer during the course of the break so as they can be
12 identified and come back to me if necessary.

13 CHIEF TAKU: Most obliged, your Honour.

14 JUSTICE DOHERTY: If there's no other matters, we will now
15 go into --

16 MR HERBST: Your Honour.

17 JUSTICE DOHERTY: Yes, Mr Herbst.

18 MR HERBST: Your Honour, I did have one application.

19 JUSTICE DOHERTY: You did indeed. You're quite right.
20 Please proceed.

21 MR HERBST: Thank you very much, your Honour. Your Honour
22 will recall that I think sometime early last week I had explained
23 the contents of a letter that I had received from the office of
24 the Prosecutor relating to disclosures that the Prosecutor wished
25 to make in connection with the outstanding matter from Mr Saffa's
26 testimony.

27 I have - thereafter I sent the two versions of disclosures
28 that the Prosecutor had attached to their letter to our very
29 helpful Court Officer, who has sent the two different versions of

1 the information to the Court in Freetown so that they can be
2 given to your Honour to look at in camera to make a determination
3 as to which should be disclosed. I believe that that was how we
4 left the matter early last week. So I wanted to just make
5 mention of the fact that it had been delivered today to Freetown
6 for your Honour's perusal.

7 JUSTICE DOHERTY: And it has been disclosed to the parties,
8 is that correct, under the Rules?

9 MR HERBST: No, your Honour, because it was my
10 understanding - what I had said was that the Prosecutor had
11 offered two versions: One a full version of the entry and
12 because of the protected - the security --

13 JUSTICE DOHERTY: Sorry, you're quite right, Mr Herbst. I
14 recall that now. Yes. So basically [overlapping speakers].

15 MR HERBST: So [overlapping speakers].

16 JUSTICE DOHERTY: Go ahead.

17 MR HERBST: I'm sorry, your Honour. So basically what I
18 have sent to you via the offices of the Court is the full contact
19 detail and the proffer that the Prosecutor wished to make.

20 Your Honour, at the first break I will just look at these
21 two documents again to make sure that they accord with what I had
22 sent. I just want to make sure that in fact they are the two
23 different versions. So I will do that at the first break.

24 JUSTICE DOHERTY: Very well, Mr Herbst. We will revisit
25 this issue after the first break. I will ensure that I've got
26 Rule 75 and 66 and so on in front of me when we do revisit it.

27 MR HERBST: Actually, your Honour, I've just looked again
28 at it and they are fine. So they can be handed to your Honour.
29 The first one is the full contact entry, it's two pages, and then

1 the third page is the proffer, and the proffer is one page and
2 it's headed by the words "in relation to the security concerns
3 expressed, the Prosecution proffers the following." So that one
4 is the proffer, and your Honour will be able to see it.

5 JUSTICE DOHERTY: Thank you. Once I have it, I will
6 consider it, as I said, in the light of the Rules relating to
7 both disclosure and protection, and I'll make a ruling on it.

8 If there's no other preliminary issues, then we will now
9 proceed on to evidence. Mr Metzger, you have indicated that
10 Mr Kanu is likely to give evidence, it wasn't definite, but
11 please advise us of the situation.

12 MR METZGER: The time has come to be definite. He will be
13 giving evidence.

14 JUSTICE DOHERTY: Very well

15 MR METZGER: Although in fairness, I believe that I had
16 been more than simply preliminarily on the point that he was
17 going to give evidence. I had indicated that he would when
18 required.

19 Your Honour, just before we go to that, may I just address
20 very briefly the point that has just been raised by Mr Herbst?

21 JUSTICE DOHERTY: Yes. I haven't seen the document, so I'm
22 not sure if this is the time. But tell me what you want to say.

23 MR METZGER: I can say it very succinctly, I hope. I had
24 understood that the Prosecution's proffer would have been by now
25 been proffered and that it would be the second document which
26 contained fuller information that would require assistance from
27 your Honour. But I'm not sure whether I got that right or the
28 Prosecution is simply seeking to put both of these before
29 your Honour in case none of them ought to be disclosed.

1 MR HERBST: Your Honour, that was not my understanding. It
2 was my understanding that I was to submit both possibilities to
3 your Honour for a determination as to which one would be offered.
4 Because if your Honour determines that the full - that despite
5 the concerns of the Prosecution, that the full version be
6 disclosed, it would be unnecessary and incomplete to offer the
7 proffer.

8 JUSTICE DOHERTY: Yes. I basically have to bear in mind
9 the protection of the witness and I have to look and compare both
10 of them to see if both the concerns and rights of the protected
11 witness and the rights of the accused to disclosure, how they can
12 be contrasted and weighed up. So I will look at both documents
13 and I'll undertake to do that as quickly as I can, given the
14 other matters that are pressing as well.

15 So I will look at both, and I will reach a decision.

16 Mr Metzger, please put your --

17 MR METZGER: In the circumstances, your Honour, I hope to
18 make, one, a brief statement, and secondly, to place, as it were,
19 a caveat should anything turn on it, because I'm now calling my
20 client, and I don't know if there's anything that he can deal
21 with in that information, I wouldn't have taken instructions on
22 it. I just raise that at this point. And with your Honour's
23 leave, I will open the case for Mr Kanu.

24 JUSTICE DOHERTY: Yes, I'll just comment that the practice
25 of this Court and this Trial Chamber has been to allow counsel
26 for an accused person time to consider disclosure, and I will
27 bear that practice in mind when I look at these documents. So
28 your caveat is noted. Please call Mr Kanu. Will Mr Kanu give
29 sworn evidence?

1 MR METZGER: Indeed, your Honour.

2 JUSTICE DOHERTY: And which language, so as we can ensure
3 the interpreters are in place?

4 MR METZGER: In Krio, your Honour.

5 JUSTICE DOHERTY: Thank you. I think the Krio interpreters
6 are in position. Is that correct, Mr Interpreter?

7 THE INTERPRETER: Yes, your Honour.

8 JUSTICE DOHERTY: Very good. Please proceed and have the
9 witness sworn.

10 MR HERBST: Your Honour, while the witness is being sworn,
11 I assume that Mr Metzger is waiving his opportunity to make a
12 preliminary statement at the outset of his case, but I didn't
13 know whether that ought to be formally noted or not on the
14 record.

15 JUSTICE DOHERTY: First of all, we'll have no talking and
16 running around during the taking of the oath. Proper regard must
17 be had to the oath; it is a sacrosanct procedure.

18 So I will say there's no obligation on counsel to make a
19 statement. If Mr Metzger wished to do so, he is at liberty to do
20 so. It's not mandatory. And if he wishes to proceed with his
21 evidence, which is quite often the normal course in this Trial
22 Chamber, then he's equally at liberty to do that.

23 Mr Metzger, are you going to proceed with [overlapping
24 speakers].

25 MR METZGER: Your Honour --

26 JUSTICE DOHERTY: Yes, Mr Metzger, please.

27 MR METZGER: I am content to make a brief opening
28 statement, but I'm also content and was going to take the
29 opportunity to waive that, shall we say, privilege, in view of

1 the constriction of time that we have in this case. I will, of
2 course, have the opportunity to address your Honour at the end of
3 the case, and that I will fully take advantage of.

4 JUSTICE DOHERTY: Very well then. That deals with that
5 matter. Please have Mr Kanu sworn, and we will proceed on into
6 his evidence.

7 SANTI GIE BORBOR KANU

8 SWORN AND EXAMINED:

9 MR METZGER:

10 Q. Mr Kanu, could you give your full name and your current
11 address for the Court record?

12 A. My full name is Santi gie Borbor Kanu. I am presently
13 staying in the Mpanga Prison in Rwanda.

14 Q. Thank you, Mr Kanu. I'm going to ask you to try and speak
15 slowly so the interpreters can hear you, and so that they can
16 then translate to the relevant parties who need to hear you.
17 Thank you, Mr Kanu. First of all, Mr Kanu, I don't think there's
18 any dispute that you were in the Sierra Leone Armed Forces; is
19 that the case?

20 A. Yes, I was in the Sierra Leone Army. I said I was in the
21 Sierra Leone Army.

22 Q. Now, can I ask you how and when you came to join the army?

23 A. First of all, I joined the army on 1 December 1990. How
24 did I join the army? It was through my sister's boyfriend,
25 Mr Scott. First of all, I met him and he asked me to apply at
26 the bank. When I applied to the *NDD Bank, I was unfortunate. I
27 didn't go through. I went back to his office and told him that I
28 was not accepted. Then he asked me if I would like to join the
29 military, and I said yes. Then he said, "Well, I have one of my

1 friends called Colonel *Lymon. Then he took out his
2 complimentary card. Then he wrote on it, and he gave it to me.
3 And he said I should go to him and tell him that he sent me to
4 him.

5 Early in the morning at 5.30, I got up and went. He was
6 sleeping. I waited for him until he woke up. Then I met him and
7 greeted him. Then I told him that I was sent to him by Mr Scott,
8 because I didn't know him. Then I gave him the complimentary
9 card, the card that had been given to me by Mr Scott to give to
10 him. He went back inside. Then he called Mr Scott on his land
11 phone. Then Mr Scott said, "Yes, that's my boy. I send him to
12 you." I never knew Colonel Lymon, nor did he know me. That was
13 the first time he said I should come to the house. He said I had
14 spoken - I had spoken to Mr Scott. I attended college with him.
15 I was - I was with him now and in military terms, I was his *bat
16 man, and in civilian terms we call that houseboy. I was helping
17 him. At the end of the month, they would pay me. That was in
18 1989.

19 Then at one point he asked me if I would like to join the
20 military. Then I said yes. He said, "Don't go to the military.
21 Stay with me." At that time the war was raging in Liberia. I
22 told him, "Pa, I would like to join too so that I'll be someone."
23 Then he said, "Okay, here is the card. Go." That was in
24 December 1990. December 1, 1990. That is what happened, sir.

25 Q. Thank you, Mr Kanu. Before we move on to the next phase,
26 can I ask you immediately before you went to see Colonel Lymon,
27 before you applied for the *NDP, what were your ambitions?

28 A. Well, I attended West African Methodist *collegiate
29 secondary school. I sat to my O level in 1986. I had passes in

1 accounting, business method, commerce, economics, and I applied
2 to be admitted in form 6. But my caretaker Mama *Mason died, so
3 I couldn't go to form 6. The woman who was bringing me up died,
4 so I was unable to go to the form 6.

5 Q. What did you do then between 1986 and 1989 since you were
6 not able to go to the sixth form?

7 A. It was in 1986 that I sat to my O levels. I was not doing
8 anything. I was staying with my sister, who was selling. I was
9 staying with her until 1989, when I went to Pa Lymon.

10 Q. So Mr Kanu, you join the army or enlisted on the 1st
11 December 1990. How long did your training last?

12 A. Well, it was in December 1, 1990, that we went to the
13 training school at the *Benguema training centre. We were under
14 training, and the man who gave me the card, Colonel Lymon, to
15 join the army, came with the boat. They came to give us numbers,
16 and I had the most senior number, 18164955, which is my soldier
17 number. Most of my friends at the training school did not know
18 my name, so they were calling me Five Five. Five Five. That is
19 how I got the name Five Five.

20 Q. What happened when you finished training at Benguema and
21 when was that?

22 A. Thank you very much, sir. It was in 1990. We were on this
23 training in December - January of '91, February '91, March '91,
24 and on 23rd March 1991 there was a rebel *incursion into Sierra
25 Leone.

26 JUSTICE DOHERTY: Mr Metzger, before you continue with your
27 evidence, I would ask Mr Witness to spell some of the names that
28 we have had. I would ask him to spell Colonel Leeman - Lymon, I
29 think was the pronunciation. Also the lady who was looking after

1 him, he referred to as his caretaker Mama Mason, and the name of
2 the training school Benguema. Mr Kanu, can you spell those for
3 the record, please.

4 THE WITNESS: Colonel Lymon is spelled as C-O-L-O-N-E-L.
5 That's colonel. And Lymon is spelled as L-Y-M-O-N. Then my
6 younger sister's name is Isatu Baby Khanu. I-S-A-T-U B-A-B-Y
7 K-H-A-N-U. Isatu Baby Kanu. She's my younger sister. When Mama
8 Mason died, she was taking care of me.

9 JUSTICE DOHERTY: Is Mason spelled M-A-S-O-N?

10 THE WITNESS: Yes, Mrs Mason. M-A-S-O-N, your Honour.

11 JUSTICE DOHERTY: Thank you. And Benguema?

12 THE WITNESS: Benguema is spelled as B-E-N-G-U-E-M-A.

13 JUSTICE DOHERTY: Thank you very much, Mr Kanu.

14 Please proceed, Mr Metzger.

15 MR METZGER: Your Honour, there was one name that he
16 mentioned, which was Major Thoronka. Do you want him to spell
17 that as well?

18 JUSTICE DOHERTY: Yes, indeed. I overlooked that. Thank
19 you.

20 THE WITNESS: Major M-A-J-O-R. Thoronka is
21 T-H-O-R-O-N-K-A.

22 JUSTICE DOHERTY: Thank you for that reminder, Mr Metzger.
23 We'll proceed.

24 Yes, Mr Herbst.

25 MR HERBST: As long as we've stopped, I didn't catch his
26 training number that he gave. I know it ended in 55, but could
27 we have once again the full number? He gave it, but I didn't
28 catch it.

29 JUSTICE DOHERTY: Yes. Mr Kanu, please give us your number

1 again. You did read it out once.

2 THE WITNESS: Yes, your Honour. My number at the training
3 school, I was the most senior man at the training school. The
4 number is SLA 18164955. That's my number, ma'am.

5 JUSTICE DOHERTY: Thank you. Please proceed, Mr Metzger.

6 MR METZGER: Thank you.

7 Q. Mr Kanu, I think we got to the point where you told us that
8 the rebel incursion commenced on 23 March 1991. What happened to
9 you after that?

10 A. When the rebel incursion started on 23rd of March 1991, in
11 the eastern province in Kailahun. On 24th of March 1991, they
12 took - they took two companies from Benguema, the A Company and
13 the B Company. I was in the A Company and I was the most senior
14 man. They came at night and they blew a fire alarm. And in the
15 military way they blew that alarm, they would ask us to fall in,
16 and we all fell in. All of us fell in.

17 THE INTERPRETER: Your Honour, can he repeat this part of
18 his answer slowly.

19 JUSTICE DOHERTY: Mr Kamara, the interpreter needs you to
20 repeat what you said. Pick up where you said "we all fell in".

21 THE WITNESS: They blew fire alarm. In the military, they
22 will blow a fire alarm for all of us to fall in.

23 JUSTICE DOHERTY: Continue.

24 THE WITNESS: Then all of us fell in, those of us who were
25 at Benguema. All the companies - we had eight companies - so all
26 of us fell in.

27 MR METZGER: Your Honour, may Mr Kamara be excused
28 [overlapping speakers].

29 JUSTICE DOHERTY: Yes, under escort, certainly.

1 Proceed, Mr Metzger.

2 MR METZGER:

3 Q. Mr Kanu, you just said all eight companies fell in. What
4 happened after that?

5 A. Six companies were asked to fall out. It was only the A
6 and B Company that were asked to board the vehicle. The man who
7 went for us was Major Jah Tucker.

8 JUSTICE DOHERTY: Please spell the name - the surname.

9 A. J-A-H T-U-C-K-E-R, Tucker. We boarded the four vehicles
10 and the military truck. We left Benguema for Kailahun in the
11 Daru barracks. From Daru Barracks in the morning they took us to
12 a place near the Liberia border.

13 THE INTERPRETER: Your Honour, can he call the name of the
14 place again?

15 JUSTICE DOHERTY: Mr Kanu, please name the place that you
16 were taken to at the Liberian border so the interpreter can hear
17 it clearly.

18 THE WITNESS: When we got to Daru Barracks, in the morning
19 we were asked to fall in again. Then we were divided into
20 platoons. We went from Jabama, from Jabama to Mogbama and from
21 there we went to the Liberian border.

22 JUSTICE DOHERTY: Please spell the two places you have
23 named witness.

24 MR METZGER: Start with Daru? Or does ma'am know Daru
25 already?

26 JUSTICE DOHERTY: D-A-R-U but Jabama.

27 MR METZGER:

28 Q. Can we start with Jabama, please?

29 A. Jabama. J-A-B-A-M-A. Jabama.

1 Q. The next one?

2 A. From Jabama we went to M-O-G-B-A-M-A.

3 Q. Thank you, Mr Kanu. Now, I don't need to ask you - if
4 anybody wants to ask you questions about what happened during the
5 war, I'm sure they will. I understand there's no dispute that
6 you were arrested in the year 2003; is that correct?

7 A. Yes, your Honour, 2003, January 18 I was arrested for a
8 coup attempt at Johnny Paul's compound by cassava farm at 5.30 in
9 the evening Sierra Leone time. That is what happened, sir.

10 Q. From 1991 that you've told us about when you went to like
11 until 2003, were you a member of the Sierra Leone Armed Forces?

12 A. Of course, up to now I am receiving my pension from the
13 Sierra Leone Army. From 1991 I was a soldier and we were
14 fighting against the RUF. We fought in the eastern province in
15 Kailahun against the RUF. They came to Jabama, but luckily I was
16 in Liberia. We withdrew and came back to Daru to reorganise and
17 prepare for another attack.

18 Q. Mr Kanu, I won't ask you any more about that at the moment.
19 You know why you are before this Court; is that the case?

20 A. Presently, sir, they said --

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

23 JUSTICE DOHERTY: Pause, Mr Kanu. Pause, Mr Kanu, the line
24 is not working clearly. Can you start again repeating your
25 answer. Repeat it slowly, and I can see you're close to the
26 microphone, but keep close to the microphone.

27 Mr Interpreter, if it's still breaking up, please tell me.

28 THE INTERPRETER: I will, your Honour.

29 JUSTICE DOHERTY: Proceed, Mr Kanu.

1 THE WITNESS: I and my brother have been charged for
2 contempt of Court, Ibrahim Bazy Kamara. That's why I'm here
3 presently.

4 MR METZGER:

5 Q. Can you tell us about how you came to know Ibrahim Bazy
6 Kamara?

7 A. Well, Ibrahim Bazy Kamara, if I'm not mistaken, I can say
8 he's my relative. I was born in the Wilberforce Village, but I
9 was not bred there. I grew up in Tengbeh Town, but when I joined
10 the army --

11 JUSTICE DOHERTY: Please spell it, please.

12 THE WITNESS: I said when I joined the army --

13 THE INTERPRETER: Your Honour, the line was breaking up. I
14 did not get some of his answer.

15 JUSTICE DOHERTY: Mr Kanu, again there's a problem with the
16 line. You said when you joined the army. Please continue from
17 there, and please also spell Tengbeh town.

18 THE WITNESS: Tengbeh Town. Tengbeh Town is spelled as
19 T-E-N-G-B-E-H T-O-W-N. Tengbeh Town.

20 JUSTICE DOHERTY: Thank you. Now continue with your
21 answer, please.

22 THE WITNESS: Yes, your Honour. I said when I joined the
23 army during the NPRC days, that's when I saw Ibrahim Bazy
24 Kamara. At that time I was with Captain Strasser as his personal
25 bodyguard. I saw him - I saw him at the Kabassa Lodge with the
26 Attorney-General, and I asked him if he had joined the army and
27 he said yes.

28 MR METZGER:

29 Q. Did you develop any sort of relationship with Mr Kamara in

1 the army?

2 A. Well, the only relationship I had with Mr Kamara was that
3 during the NPRC he was with the Attorney-General, and I was with
4 the chairman of the NPRC, Captain Strasser.

5 Q. Do you know Mr Alex Tamba Bri ma?

6 A. Yes, I know Alex Tamba Bri ma.

7 Q. How did you come to know him?

8 A. Well, Tamba Bri ma, we were all with Captain Strasser. I
9 knew him during the NPRC.

10 Q. Do you know the witness Samuel Kargbo, also known as Ragga?

11 A. That man, let the world know the truth today, I never knew
12 him. I only saw him on screen. I never saw him in my life. I
13 only saw him on this screen that he's Sammy Ragga. Even as he's
14 sitting there, I don't know him. I only saw him on screen.

15 Q. Have you ever spoken to Mr Samuel Kargbo also known as
16 Ragga?

17 A. Pa, I never knew that man. I've never spoken to him. I
18 only saw him on this screen, so he and I - I've never known him,
19 sir. Look at him sitting in front of that screen. Let him ask
20 him. I only saw him on this screen.

21 Q. You heard him give evidence in previous proceedings of this
22 case that he spoke to you over the telephone; is that correct
23 whilst you were in Mpanga Prison?

24 A. That man, Pa, I've never spoken to that man. Never. I
25 don't even know him, sir. I've never spoken to him. I have
26 people that I talk to. I have never known him, sir.

27 Q. We'll come back to people you speak to when you are at
28 Mpanga Prison. Let me ask you, do you know the defendant Hassan
29 Papa Bangura?

1 A. Yes, I know Hassan Papa Bangura, sir. We were all
2 soldiers.

3 Q. How did you come to know him during the army or otherwise?

4 A. Well, Hassan Papa Bangura, it was during the army. From
5 there we all became honourables during the AFRC, so we are all
6 colleagues.

7 MR HERBST: Your Honour, I'm sorry, but I did not hear all
8 of that translation. I wonder if I could get that repeated.

9 JUSTICE DOHERTY: Mr Kanu, please repeat your answer so it
10 can be interpreted again and given to - into the record. You
11 said - you were asked how you came to know Hassan Papa Bangura.
12 You said it was during the army. Please continue your answer.

13 THE WITNESS: Yes, your Honour. I said Hassan Papa
14 Bangura, I knew him during the army.

15 JUSTICE DOHERTY: I think I heard you say something also to
16 the effect that you were all honourables in the AFRC. Did I hear
17 that correctly?

18 THE WITNESS: Of course. Of course during the AFRC, all of
19 us became honourables. He's my colleague.

20 MR METZGER:

21 Q. Do you know the witness TF1-334, Mr Alimamy Bobson Sesay?

22 A. Yes. TF1-334, Alimamy Bobson Sesay, I know him, sir.

23 Q. How did you come to know him?

24 A. TF1-334? I knew him through Papa. He was his boy.

25 Q. For the avoidance of doubt, could you tell the Court who
26 you knew as Papa?

27 A. Hassan Papa Bangura is my colleague. He's Papa. That's
28 how we call him.

29 Q. Thank you, now, was that during the army time or through

1 some other means?

2 A. Who, sir?

3 Q. Sorry, you're quite right. Mr Bobson Sesay - Alimamy
4 Bobson Sesay?

5 A. Yes, sir. I said I knew him through my colleague Hassan
6 Papa Bangura. He was with him, sir.

7 Q. Did you have any relationship --

8 MR HERBST: Excuse me, I didn't hear the last word of that
9 translation. He was something.

10 MR METZGER: He was with him.

11 MR HERBST: Thank you.

12 MR METZGER:

13 Q. Did you have any relationship with Alimamy Bobson Sesay?

14 A. What? That man? I want the world to know the truth today.
15 Let the entire Sierra Leone know the truth about what happened
16 between myself and that man. That man caused me and my brother
17 to fight each other. What happened, sir, during May 8, 2000,
18 after Foday Sankoh's incident in Freetown, sir, luckily one of my
19 friends who was a civilian had come from America to visit his
20 people. He came with two vehicles, but he had sold one and it
21 had remained one. He came with vehicles, but he had sold two,
22 and it remained one that he had given to me for safekeeping. It
23 was a jeep. It was a jeep. I took - I took that car and kept it
24 at Kabassa Lodge because that was where we were staying during
25 the NPRC days.

26 JUSTICE DOHERTY: Please spell Kabassa Lodge.

27 THE WITNESS: K-A-B-A-S-S-A L-O-D-G-E.

28 JUSTICE DOHERTY: Thank you. Please continue, Mr Kanu.

29 THE WITNESS: Luckily, I was not at home. I was with Tamba

1 Brima at Juba Hill. When I came Tamba said, "Papa has taken the
2 vehicle." Then I said, "Okay, I'll meet him and take it away
3 from him." It took about two or three days. The man who gave me
4 the vehicle for safekeeping came and asked me to return it. I
5 said it was with my friend, and I will take it from him and give
6 it to you. After a week, the man came again and I told him to
7 hold on.

8 MR METZGER:

9 Q. [Indiscernible] technical people need to look at it. Are
10 we okay now?

11 THE COURT OFFICER: [In Kigali] Yes.

12 MR METZGER: Thank you, your Honour. I think the offending
13 article has been taken from the building.

14 MR HERBST: I wonder though, could we - the last thing I
15 got was two or three days a man came to ask for the car. I
16 wonder if we could have the testimony from there so I can --

17 JUSTICE DOHERTY: Just before I ask the witness to repeat,
18 what offending article are we talking about?

19 MR HERBST: It was a small battery, your Honour.

20 JUSTICE DOHERTY: I see.

21 MR HERBST: But it was a very loud crack.

22 JUSTICE DOHERTY: I see. Very well, that's sorted out.

23 Mr Witness, Mr Kanu, you said the man came after a week.
24 He came again. And continue from there.

25 THE WITNESS: Witness when the man came back, I told him
26 that the vehicle was with my friend and that I will take it away
27 from him. The man too was a civilian.

28 THE INTERPRETER: Your Honour, can he repeat his answer
29 slowly.

1 JUSTICE DOHERTY: Mr Kanu, please repeat your answer for
2 the interpreter. Please repeat it slowly.

3 THE WITNESS: I said the man who gave me the vehicle for
4 safekeeping, after a week or so, he became impatient and made a
5 complain about me to Johnny Paul. Then Johnny Paul called me and
6 asked me if I had the man's vehicle, and I said yes, sir. I said
7 but the vehicle was with Papa, but that I would take it away from
8 him and give it back to him. That evening then I drove to Papa's
9 house in Babadorie.

10 Q. Could you spell Babadorie, please.

11 A. B-A-B-A-D-O-R-I-E. When I went at Papa's house in
12 Babadorie, luckily Papa was in his bedroom. I met TF1-334,
13 Alimamy Bobson Sesay at the gate. Then I told him that I had
14 come to see Papa. Your Honour, I want you to excuse me to tell
15 the world what that man told me.

16 JUSTICE DOHERTY: Yes, you continue.

17 THE INTERPRETER: Your Honour, can he just repeat?

18 THE WITNESS: He insulted my mother. He insulted my mother
19 in a very bad way.

20 MR METZGER:

21 Q. Mr Kanu, I think you told the Court that he abused your
22 mother in a very bad way, and for the record certainly in Krio,
23 you repeated those words that were used; is that correct?

24 A. Yes, sir. That is what he said, he was having a gun. Then
25 I said, "Eh, Bobby, are you insulting my mother?" I was mute:
26 Then he started again, "You're mother's a cunt. You wouldn't
27 take this vehicle from here." Luckily, sir, a boy was with him
28 called Issa came down and said, "Eh, Bobson, are you the one
29 insulting *Brah's mother?" He said, "Bobby, --

1 Q. Can you slow down, Mr Kanu. I can hear both languages, and
2 it's very difficult for the interpreter. I know you are a bit
3 under pressure at the moment and you feel upset, but take your
4 time and give your evidence. Pause to allow the interpreter. If
5 you start again from where --

6 MR METZGER: Your Honour, may he start again from where he
7 was talking about Issa?

8 JUSTICE DOHERTY: Yes, I think that would be an appropriate
9 place.

10 MR METZGER:

11 Q. Mr Kanu, start from where you were explaining what Issa
12 said to you after this incident you have just described?

13 A. Luckily, sir, Issa came down. I think he heard the noise.
14 He met Bobby insulting my mother.

15 MR METZGER:

16 Q. [Indiscernible] who is this Bobby you are referring to?

17 A. This TF1-334, Alimamy Bobson Sesay, he is the Bobby.

18 Q. Please continue, Mr Kanu.

19 A. Then Issa said, "Bobby, are you the one insulting Brah's
20 mother?" Then I asked Issa about Papa. He said Brah was
21 sleeping. I said, "Okay, I'm going." Then I went away. Luckily
22 - because even in Sierra Leone when somebody insults your mother,
23 you'll be annoyed. Let the world know the truth today.

24 MR HERBST: I'm sorry, your Honour, but because the two men
25 were speaking at the same time, witness and the interpreter, I
26 could not hear the translation.

27 MR METZGER:

28 Q. Mr Kanu, can you take it slowly. Start again sentence by
29 sentence. Explain what you were saying about Sierra Leone and

1 abusing one's mother?

2 A. Yes, sir. The man came to this Court and said he would
3 like the world to know the truth. I too would like the world to
4 know the truth. Then I said, "Issa, I am going." Then I left
5 him and made complaints to Johnny Paul. I said, "Pa, the vehicle
6 you asked me to go and take, I went there and I did not meet
7 Papa, but I met Papa's boy." I said, "That man has insulted my
8 mother today." On that day Johnny Paul said he would call Papa.
9 Then I said, "I will go back there to get the vehicle." That was
10 the following morning. When I went there, I did not meet my
11 brother. They said he had gone to Cockerill to get his salary.
12 Because that is where they were paying West Side. I met his --

13 Q. I think the interpreter may like you to repeat what you
14 understood Mr Bangura had gone to do at Cockerill. Start from
15 there, please, slowly.

16 A. I said during that piece he was in care of he was in charge
17 of Cockerill West Side. He used to take salary.

18 THE INTERPRETER: Your Honour, this answer is not very
19 clear from the witness.

20 JUSTICE DOHERTY: Why is that, Mr Interpreter?

21 MR METZGER: I'll try it again. I'll try and take it
22 slowly.

23 Q. Mr Kanu, you say that Mr - sorry. You say that Mr Bangura
24 was in charge of what? Just give us that answer for the moment.

25 A. He was in charge of West Side.

26 Q. Who was it that appointed him to be in charge of West Side?

27 A. The government knew. It was even Keru, because it was Keru
28 who was CDS. [Overlapping microphones]

29 JUSTICE DOHERTY: Please spell Keru.

1 MR HERBST: Your Honour, I am sorry to interrupt. The
2 witness jumped on the interpreter, and I did not hear the answer.
3 And I apologise, but they were both speaking at the same time.

4 MR METZGER: Your Honour, can I try and prevent anybody
5 being jumped on?

6 Q. Mr Kanu, you say that Mr Bangura was appointed by the
7 government, and then you mentioned a name. First of all, can you
8 tell us that name and spell it and then stop?

9 A. I said the government. It was the CDS - the Sierra Leonean
10 Army Brigadier Keru. He put him in charge of the West Side - to
11 be paying the boys at the West Side.

12 Q. Can you spell the name Keru for us, please?

13 A. Well, I spell it as K-E-R-U.

14 Q. Just in terms of note, your Honour, there is a more common
15 spelling for the name Keru, but I don't propose to give evidence.
16 If you ask, I'm happy to give it.

17 JUSTICE DOHERTY: I have seen it spelled differently, but
18 unless the identity of this Keru becomes an issue, then the
19 record will speak for itself in the way that the witness has
20 spelled the name.

21 MR METZGER:

22 Q. You told us that Brigadier Keru was the CDS, and he had
23 placed Mr Bangura in charge of payment for the West Side; is that
24 correct?

25 A. Yes, sir.

26 Q. You also mentioned Mr Bangura was also in charge of
27 something else in relation to the West Side - so payment of the
28 West Side and what else?

29 A. He used to come for ration. And in the military when we

1 talk about ration, we are talking about logistics; things like
2 rice and the salary to pay them.

3 Q. Thank you. So to continue with where we were, you had told
4 this Court you understood that Mr Bangura had gone to Cockerill
5 in order to carry out those duties; that is correct?

6 A. Yes, sir. So I drove to the place but did not meet him
7 there. Luckily for me, I met one of his boys Foday Bah. I asked
8 him for Papa.

9 Q. Keep [microphone not activated]?

10 A. Then Foday Bah said, "Papa is not here. He's gone to
11 Cockerill."

12 JUSTICE DOHERTY: The name was Foday Bah; is that correct,
13 Mr Kanu?

14 THE WITNESS: Foday Bah, F-O-D-A-H B-A-H. Foday Bah.

15 JUSTICE DOHERTY: Thank you, please continue.

16 THE WITNESS: When we went to Johnny Paul, luckily in the
17 evening some minutes to 5, then Papa came.

18 THE INTERPRETER: Your Honour, can he repeat his answer
19 more slowly.

20 JUSTICE DOHERTY: Mr Kanu, please repeat your answer.

21 THE WITNESS: I saw Bobby.

22 MR HERBST: I'm sorry to interrupt, but I can't really
23 understand the testimony - the translation because two men are
24 speaking at the same time.

25 JUSTICE DOHERTY: Does this mean, Mr Herbst, you're hearing
26 both the interpreter and the witness? Because I hear the witness
27 in the background, but the interpreter's voice is coming across
28 very clearly. So are you hearing something else? It may require
29 rectification.

1 MR HERBST: Your Honour, because the witness is right here
2 at the same table. If the witness is not speaking, then I only
3 hear the interpreter. But what's happening is that the witness
4 is not pausing sufficiently, and the interpreter starts to
5 interpret and then both men are speaking at the same time.
6 That's the problem. I understand the problem, but --

7 JUSTICE DOHERTY: Mr Kanu, as you know, everything you say
8 is interpreted. The interpreter needs time to speak, and the
9 transcribers need time to write down what is said. So it's
10 important that we fully understand what you're saying, and
11 therefore it is important that you stop at the end of each
12 sentence. Otherwise, we will lose some of what you're saying. I
13 know you're anxious to tell us the story, but you must try and
14 pause. Did you understand me?

15 THE WITNESS: Yes, your Honour.

16 MR HERBST: What I heard was at 10 of 5 in the afternoon,
17 and then I didn't hear anything more or understand anything more.
18 He said happened something at 10 of 5.

19 JUSTICE DOHERTY: Mr Kanu, I think you should pick up your
20 evidence where you said so you went to Johnny Paul, and then you
21 explained about the time and who you saw. Repeat that answer.

22 THE WITNESS: Yes, your Honour. I said I went to Johnny
23 Paul to make a complaint.

24 MR METZGER:

25 Q. And then what happened?

26 A. Then I went to Papa's house in Babadorie, but I did not
27 meet him there. But Foday Bah, who is deceased now, I met him at
28 the house and asked him. Then we went. I think when Papa came,
29 they went to meet at Juba Hill together with 334, Alimamy Bobson

1 Sesay. They started shooting at me and I hid away. I was in the
2 bush. I was behind Momoh's house at Juba Hill. I saw Bobby with
3 the RPG, and he was saying that they will kill me today. I ran
4 up to UNAMSIL who were at Kabassa Lodge. That's where I hid.
5 Johnny Paul too was at Juba Hill. He sent for Papa and others to
6 be arrested. He said all of us should be arrested. Luckily,
7 they arrested them first. Then they took them to Pademba Road.
8 When I came to him, he said I too should go to Pademba Road.
9 Then I asked him, "Pa, should I go to Pademba Road? They took my
10 car." Luckily, one man who was with him, Pa Nicol, said "Let's
11 take this man to Cockerill." He and Mandereh.

12 THE INTERPRETER: Your Honour, can he repeat this last name
13 slowly.

14 THE WITNESS: Baba Kandeh.

15 MR METZGER: Can you spell those names for us?

16 A. Pa Nicol is Pa - we called him Pa Nicol. He was a Krio Pa
17 with Johnny Paul. P-A, Pa, N-I-C-O-L. Pa Nicol. Mandereh,
18 M-A-N-D-E-R-E-H, Mandereh. That's how we called him.

19 JUSTICE DOHERTY: Thank you, Mr Kanu. I note the time. I
20 think it is time for the Kigali break. So we will adjourn for 45
21 minutes and resume Court --

22 MR METZGER: Will your Honour take the last name first.

23 JUSTICE DOHERTY: Certainly. That was Pa - yes, certainly
24 I'll take that name.

25 MR METZGER: Baba Kandeh.

26 JUSTICE DOHERTY: Yes, I will take the spelling of that for
27 the record.

28 THE WITNESS: B-A-B-A, Baba, K-A-N-D-E-H. Baba Kandeh.

29 JUSTICE DOHERTY: Thank you, Mr Kanu. I heard that

1 clearly. We will now take the break, and we will resume Court at
2 11.50 Freetown time, which I think is 1.50 Kigali time.

3 Mr Kanu, you are now under oath, and you should not discuss
4 your evidence with anyone else. Did you understand?

5 THE WITNESS: Yes, your Honour.

6 JUSTICE DOHERTY: Thank you. Please adjourn Court to 11.50
7 Freetown time.

8 [The Court adjourned at 11.05 a.m.]

9 [The Court resumed at 11.39 a.m.]

10 JUSTICE DOHERTY: Good morning. Can Kigali hear us
11 clearly?

12 MR HERBST: Yes, your Honour, good afternoon.

13 MR METZGER: Good afternoon, your Honour.

14 JUSTICE DOHERTY: Thank you, Mr Metzger and Mr Herbst.
15 Perhaps before I ask you to continue, I did stand down that
16 matter of the expedited filing order to allow both counsel to
17 look at the order and to ask Mr Herbst - really the ball is in
18 your Court as to how much time you will require. I had allowed
19 you five days. I'm obviously very concerned that this is going
20 to cause a delay, so can you give me an indication of how much
21 time you will require to file a response?

22 MR HERBST: Your Honour, I've just had some of the previous
23 briefs and decisions printed out for me and I've had a chance
24 to - after gulping down a quick lunch - to take a look at some of
25 them. I haven't made my way through it, but it's apparent to me
26 that I have to - in order to respond, I have to go back and look
27 at what was filed. But apparently some of the references that
28 were made with respect to some of the defence filings that were
29 made after your Honour's decision. I will try to get a response

1 to your Honour - today is Tuesday - by Thursday, if not earlier.
2 And although I do note, I guess, that - perhaps I should --

3 JUSTICE DOHERTY: Maybe that will be wise. I give the
4 following indication. If you require more time to look at the
5 documentation - and there is a bit of a history of documentation
6 leading up to this particular motion - then I will revisit my
7 inquiry later in the day when you've had a chance to look at it.
8 Alternatively, I will provisionally set it for Friday afternoon
9 and a reply by - I'll reword it. Provisionally set it for
10 Thursday afternoon and reply by Friday noon Freetown time, unless
11 you raise the issue again either today or first thing tomorrow
12 morning after you've had an opportunity to look at all the
13 documents.

14 MR HERBST: That sounds fine, your Honour. Could you just
15 repeat the time on Thursday that you had provisionally set for
16 us?

17 JUSTICE DOHERTY: 4:00 Freetown time.

18 MR HERBST: And would it be possible to reply orally on or
19 before that time as opposed to in paper, since we're all here
20 assembled? That might make it a little easier.

21 JUSTICE DOHERTY: My initial reaction is that that should
22 not cause a problem, as we have proper records here and official
23 transcribers, and we could extract such a response from the
24 transcriber's record and I could put it in as an annexure to a
25 written decision, and likewise a reply could be catered for in
26 that way. I would observe the time limits unless Mr Metzger
27 indicated to me that he was going to waive any time limits.

28 MR HERBST: Your Honour, I thank the Court for its courtesy
29 in that.

1 MR METZGER: Your Honour, I'm content with whatever your
2 Honour finds expedient. But as things stand at present, I am due
3 to leave Kigali tomorrow night for Thursday morning. That may be
4 more hopeful than practical, but obviously I am now in the
5 situation that Mr Serry-Kamal was in when he had to make his
6 arrangements, and I'm very concerned on the fiscal front if I
7 should have to go much beyond Wednesday. That may affect - if I
8 were travelling on the Wednesday night/Thursday morning, I would
9 be arriving in Freetown pretty close to the time when your Honour
10 wishes to deal with this.

11 MR HERBST: Your Honour, I have some views about the
12 logistics and the travel issue, but I think that may be best
13 taken up in chambers.

14 JUSTICE DOHERTY: Very well. What I'll say is this: The
15 delay cannot be attributed to either counsel, and therefore
16 either counsel must not be prejudiced by the delay in the service
17 of the document. We are all anxious to get the evidence
18 completed, and this has to be dealt with before that evidence can
19 be considered completed. So I will retain the Thursday
20 expectation, let me call it, for an oral argument from Mr Herbst,
21 and dependent upon the practical situation on Thursday with
22 regard to you, Mr Metzger, I will then allow you the time, plus
23 the travel or whatever else, and have a reply thereafter. I'm
24 obviously very concerned about this, because I also have to do a
25 decision and this is really is going to be a difficult matter to
26 deal with as far as time is concerned.

27 So I'm going to leave it at Thursday for Mr Herbst's oral
28 response and see how things go with you, Mr Metzger.

29 MR METZGER: I appreciate your Honour's considerations and

1 I thank you.

2 JUSTICE DOHERTY: The other practical application was from
3 Chief Taku this morning, and again I invited counsel to check
4 with the transcribers to ensure that the record is available. Is
5 there any other order or direction required from the Bench, Chief
6 Taku, in relation to that application of yours?

7 CHIEF TAKU: Your Honour, I met the court reporter, and
8 they said they will look into the system and try to correct the
9 transcript, perhaps by the end of the day.

10 JUSTICE DOHERTY: Fine. I have notes, of course, of all of
11 what you said and what the witness said, but not everything I
12 said. I will certainly make those notes available to the
13 transcribers if it should assist them, with the obvious caveat
14 that my notes are not an official record; they're my notes. But
15 they will be available if required.

16 CHIEF TAKU: Thank you, your Honour.

17 JUSTICE DOHERTY: If there is no other - if the
18 administrative matters are dealt with this morning, we will now
19 proceed on with the evidence of Mr Kanu.

20 Mr Kanu, I would again remind you that you're under oath.
21 You're obliged to tell the truth by that oath, and I will ask
22 your counsel to continue with his questions.

23 Mr Metzger, please proceed.

24 MR METZGER: Thank you, your Honour.

25 Q. Mr Kanu, may I also take the opportunity of reminding you
26 to speak slowly, remembering that what you're saying is being
27 translated into English and what is said in English is translated
28 into Krio for you; yes?

29 A. Okay, sir.

1 Q. Just before we broke up for the short adjournment, you were
2 telling us that you were being taken to Cockerill after the
3 incident at Juba Hill?

4 A. Yes, sir. After what happened at Juba Hill, I was taken to
5 Cockerill.

6 Q. Yes?

7 A. I was at Cockerill whilst my brother and the other men were
8 at Pademba Road.

9 Q. By your brother, you said Papa; is that correct?

10 A. Of course. Hassan Papa Bangura, sir.

11 Q. And you said there were others. Are you at this point able
12 to tell us who the others were that were in Pademba Road with
13 Papa?

14 A. Yes, sir, TFI-334, Alimamy Bobson Sesay, and one Eddie, who
15 is also called Maf, Pastor Eddie.

16 Q. Well, let's move on, please. What happened with you when
17 you were taken to Cockerill?

18 A. What happened, sir, after this firing at Cockerill - sorry,
19 at Juba Hill, then the Pa said all of us should be arrested. But
20 like I said, Pa Nicol said I should be taken to Cockerill, and I
21 was taken to Cockerill. I was at Cockerill in detention with the
22 military police. I was there for about nine months when I was
23 released after they begged for me.

24 Q. After those nine months when you were released, what did
25 you do?

26 A. After the nine months when I was released --

27 THE INTERPRETER: Your Honour, the line is breaking up, I
28 can't hear him clearly.

29 JUSTICE DOHERTY: Pause, Mr Kanu. There is a problem with

1 the line. Please repeat slowly what you've said.

2 THE WITNESS: Yes, your Honour. I said after the nine
3 months when I was released from Cockerill, I went back to Johnny
4 Paul at CCP.

5 MR METZGER:

6 Q. Where were you from the time you went back to the Johnny
7 Paul until you were arrested in 2003?

8 A. Where I was? I was at Juba Hill, sir.

9 Q. Did you continue to work in the Army, or did you do
10 something else?

11 A. From then on I was not working in the Army any longer. I
12 just used to go to Cockerill for my pension. Because when we
13 came, they told us that all of us should go to DDI.

14 JUSTICE DOHERTY: Mr Kanu, you've used two sets of
15 initials: CCP and DDI. Please explain what those two separate
16 sets of initials stand for.

17 THE WITNESS: CCP means Commission For The Consolidation Of
18 Peace.

19 JUSTICE DOHERTY: Thank you. And the other one?

20 MR METZGER:

21 Q. DDR?

22 A. DDR is Disarmament And Demobilisation Program, I think.
23 Something like that.

24 JUSTICE DOHERTY: Please continue, Mr Metzger.

25 MR METZGER:

26 Q. Does the R perhaps stand for --

27 MR HERBST: Just one minute, your Honour. It does occur to
28 me that part of my problem in hearing may be that I'm listening -
29 I'm not hearing the witness through the ambient air, which I

1 thought might be the problem. I'm actually getting the channel
2 rather than just the interpreter's channel. I don't know whether
3 that can be remedied, but I just want that out there.

4 JUSTICE DOHERTY: Can it be checked with our technical
5 staff in Kigali first? Then if that cannot be rectified there,
6 please contact Mr Court Attendant here and we'll do something
7 this end if we can. Mr Metzger, please continue.

8 MR METZGER: I was going to suggest if there is no
9 objection, that the R in DDR is reintegration.

10 JUSTICE DOHERTY: Certainly that's what it was called in
11 other trials. I'm not sure if it's a judicial matter or not, but
12 I think I can put it in record.

13 MR METZGER: Thank you, your Honour.

14 Q. Mr Kanu, just to answer that question in relation to DDR,
15 on reflection can you remember what the R stands for?

16 A. D stands for disarmament, the other D is for
17 demobilisation, and the R for re-integration.

18 Q. Now, Mr Kanu, as we know you were arrested in 2003, and you
19 ended up in the Special Court.

20 A. Yes. I was arrested in 2003 and taken to Pademba Road,
21 sir.

22 Q. In due course you were tried before the Special Court?

23 A. Of course, sir.

24 MR METZGER: Sorry, your Honour, we were just having a tape
25 change.

26 Q. You were convicted and sent to serve your sentence at
27 Mpanga Prison in Rwanda; is that correct?

28 A. Yes, sir. I was convicted and given 50 years and sent to
29 Rwanda to serve my prison term.

1 Q. Can you remember when you arrived in Rwanda?

2 A. Yes, sir. We left Freetown on 31 October on Saturday, and
3 we arrived in Rwanda on the 1st of November 2009.

4 Q. And since then have you been incarcerated at Mpanga Prison?

5 A. Yes, sir. Up until now that is where I am.

6 THE INTERPRETER: Your Honour, the rest of the witness's
7 answer was not clear because the line was breaking up.

8 JUSTICE DOHERTY: Mr Kanu, please repeat the last part of
9 your answer after you said "up to now that is where I am".

10 THE WITNESS: Your Honour, I said up until now I am staying
11 at Mpanga Prison. It was for this case that we were brought to
12 Kigali from prison.

13 JUSTICE DOHERTY: Mr Metzger, please continue.

14 MR METZGER: We have heard evidence, Mr Kanu, that you were
15 allowed to make and receive telephone calls while in Mpanga
16 Prison. Do you agree with that?

17 A. Yes, sir.

18 Q. Now, can you tell us, first of all, since you have been
19 imprisoned at Mpanga, whether you have ever called Mr Samuel
20 Kargbo?

21 A. Like I said, I only knew that man on this screen. I have
22 never known him.

23 Q. Just for the record, please, Mr Kanu, can you say whether
24 or not you ever called on the telephone Mr Samuel Kargbo?

25 A. I never had his number.

26 Q. Can I ask you the same question about Mr Hassan Papa
27 Bangura. Have you ever telephoned him from Mpanga Prison?

28 A. Well, Hassan Papa Bangura, sir, like I told you, he's our
29 colleague and brother. His brother, Tamba Brimer, when he called

1 him they will talk. Then Tamba will tell him not to forget his
2 sister and children because they were girls. Because they were
3 staying close - because they are staying close, I used to hear
4 Tamba tell him that.

5 MR HERBST: I'm sorry, your Honour, it was because they
6 were something - I didn't hear the interpretation.

7 JUSTICE DOHERTY: Is it because they were girls, is that
8 the bit you're referring to, Mr Herbst?

9 MR METZGER: So close, your Honour.

10 JUSTICE DOHERTY: And they were close. Continue, Mr Kanu.
11 Or Mr Metzger, if you have another question of the witness.

12 MR METZGER: Yes. You've just told us that you heard
13 Mr Brimer speaking to Mr Bangura sometimes. Do carry on. Have
14 you ever spoken to Mr Bangura on the telephone?

15 A. Like I said, when Tamba finish talking to him, he will call
16 me and Bazzy and say, "Your man is on the line, come and talk to
17 him."

18 Q. Have you ever called Mr Bangura yourself?

19 A. No, sir. Most times it is Tamba who called him telling him
20 to take care of his children at home.

21 Q. During the times that you have spoken to Mr Bangura, have
22 you ever mentioned a review of your case, sentence, or
23 conviction?

24 A. No, sir.

25 THE INTERPRETER: Your Honour, the line was breaking up. I
26 didn't hear the beginning of the answer.

27 JUSTICE DOHERTY: Mr Kanu, please repeat your answer for
28 the interpreter as the line was not clear. Please repeat.

29 THE WITNESS: I said when I usually spoke to Papa, I'll

1 tell him that you are close to the part now. That is - I mean
2 the president. I usually told him not to forget us.

3 MR HERBST: I'm sorry, your Honour. I think Mr Metzger was
4 speaking and the interpreter was speaking. I am sure that was
5 inadvertent, but I cannot hear the interpretation.

6 MR METZGER: I was trying to slow the witness down because
7 I can hear the interpretation from Kelson, as well as the Krio
8 interpretation, and sometimes Mr Kanu tries to speak after he
9 hears his interpretation while Kelson is interpreting. And
10 that's a little bit of a problem.

11 HER LADYSHIP: Mr Herbst, did you get the part - Mr Herbst,
12 did you hear the answer when he was asked to tell him you are now
13 close to the Pa, that is the president, did you get this part of
14 the answer? Because I would like the witness to continue from
15 there.

16 MR HERBST: What I heard was I tell him, meaning Bangura,
17 that you were close to the president. That's the only thing I
18 heard, your Honour.

19 JUSTICE DOHERTY: That's on record. Please continue from
20 there, Mr Kanu.

21 MR METZGER: Please continue, Mr Kanu. Again, slowly and
22 stop after every sentence and wait for the translation into
23 English to finish.

24 THE WITNESS: I usually told him you are close to the Pa
25 now. Do not forget about us. Put our case across to the Pa. He
26 told me yes, you should keep praying, he would say we would try
27 to put your case across to the Pa.

28 MR METZGER: When you asked him, in that way, to put your
29 case across to the Pa, what was it that you were trying to

1 achi eve.

2 A. Well, yes, sir, when I say to put the case across to the
3 Pa, because this Court say the president of the day has the power
4 to grant pardon. That is what Pa *Kaba said.

5 MR HERBST: I didn't hear who had said that. I know he
6 identified it, but I did not hear the person in the translation
7 as to who said that, your Honour, I apologise.

8 JUSTICE DOHERTY: Mr Kanu, repeat your answer, please.

9 THE WITNESS: What answer, your Honour?

10 JUSTICE DOHERTY: Who was the person who said the president
11 has the power to grant pardon? Name the person again.

12 THE WITNESS: Well, according to the statute, it said the
13 president of the day has the power to grant pardon. The
14 president.

15 JUSTICE DOHERTY: Thank you. Please continue, Mr Metzger.

16 MR HERBST: Your Honour, I'm sorry, but I also realise now
17 that I'm hearing three channels. I'm hearing the witness, I'm
18 hearing the female interpreter, and I'm hearing Kelson at the
19 same time. I don't know if everybody is hearing that but that's
20 part of my problem. And I didn't hear the name of the person who
21 even translation, the clarification, I didn't hear who.

22 JUSTICE DOHERTY: He said it was the statute, the statute
23 was what he said. We're going to have to try and sort this out.

24 Mr Court Officer.

25 THE COURT OFFICER [in Kigali]: I just want to listen to
26 his earphones to see what's going on with his channels. Just
27 give me five minutes, please, ma'am.

28 [Technical difficulties]

29 JUSTICE DOHERTY: Yes, Mr Metzger. I've heard the

1 exchange, and I hope the problem is resolved. Please continue
2 and Mr Herbst no doubt will tell us if there continues to be a
3 problem. Your next question, please.

4 MR METZGER:

5 Q. Mr Kanu, you mentioned a name when you were talking about
6 the president. What name was that?

7 A. The current president, his Excellency Ernest Bai Koroma.

8 Q. And who was the president at the time of the statute?

9 A. At that time it was the former president, Alhaji Tejan
10 Kabbah.

11 Q. Thank you, Mr Kanu. I hope that clarifies the issue. I'm
12 intending to move on, your Honour.

13 JUSTICE DOHERTY: Yes, please do so.

14 BY MR METZGER:

15 Q. It has been alleged, Mr Kanu, that you have spoken to
16 people with a view to getting witnesses who testified at your
17 trial at the AFRC to come and change their testimony. Have you
18 ever done so?

19 A. To no one, sir, no one. I never spoke to anybody.

20 Q. It has also been particularly suggested that a telephone
21 was passed to you some time in late November and that you spoke
22 to Alimamy Bobson Sesay and asked him to help you. Is that true?

23 A. That's a great lie, sir. Bobson Sesay since Pandemba Road.

24 THE INTERPRETER: Your Honour, the line is breaking up, I
25 can't hear him clearly.

26 JUSTICE DOHERTY: Pause, Mr Kanu. You'll have to repeat
27 your answer because the line is unclear. Pick up where you said
28 "Bobson Sesay since Pandemba Road".

29 THE WITNESS: I said mommy, since the time we were at

1 Pandemba Road, Bobson Sesay and I were not talking to each other.
2 It was only my brother and I who made peace because it was Kalla
3 and Beyor who prevailed on us.

4 JUSTICE DOHERTY: Please spell the two names, Kalla and
5 Beyor that you mentioned. Mr Interpreter, I'm not hearing
6 anything from you so - are we connected or not.

7 THE INTERPRETER: I'm not hearing anything from the
8 witness, your Honour.

9 JUSTICE DOHERTY: I see. Mr Court Officer, please check
10 what is happening with our line.

11 THE COURT OFFICER: Very well, your Honour. We lost the
12 link to Kigali and the technicians are trying to redial.

13 JUSTICE DOHERTY: We'll just have to wait.

14 THE INTERPRETER: Your Honour, can the interpreter use this
15 time for a quick bathroom break?

16 JUSTICE DOHERTY: Certainly, Mr Interpreter. Please let me
17 know when you get back.

18 [Technical difficulties]*

19 JUSTICE DOHERTY: The last matter I note was my request for
20 a spelling of the two names mentioned by the witness, Kalla and
21 Beyor. Let him spell them.

22 Mr witness.

23 MR METZGER: Your Honour, before we do that, can I just
24 check where before that, what the evidence was before that?
25 Because we didn't hear that request, but we know that he had
26 given an answer. What the witness's answer was that you
27 recorded?

28 JUSTICE DOHERTY: I have made - this is my note. That is a
29 great lie. Bobson Sesay, since Pademba Road, Bobson Sesay and I

1 were not talking to each other. Only my brother and I made peace
2 because it was Kalla and Beyor, or another name, who prevailed on
3 us. That is what I have recorded in my notes.

4 MR METZGER: Thank you, your Honour. I'll take it from
5 there.

6 Q. Mr Kanu, can you spell the names Kalla and Beyor slowly for
7 us, please?

8 A. Yes, sir. Kalla is spelled K-A-L-L-A. K-A-L-L-A, Kalla.

9 JUSTICE DOHERTY: Thank you. And the other name?

10 A. Beyor is B-E-Y-O-R.

11 JUSTICE DOHERTY: Thank you, Mr Kanu. Mr Metzger, proceed.

12 MR METZGER: Thank you, your Honour.

13 Q. So, Mr Kanu, you say that these two people prevailed on you
14 and your brother to make peace. Did you make peace?

15 HER LADYSHIP: Mr Metzger, I would like to be clear about
16 which brother we're talking about.

17 MR METZGER: I'm sorry. Your Honour maybe you didn't hear
18 the answer before. Can you start by saying which brother was it
19 they helped you to make peace with?

20 THE WITNESS: My brother that I'm talking about is Hassan
21 Papa Bangura with whom I had some problems.

22 MR METZGER:

23 Q. And what is the problem, or what were the problems that you
24 had with Papa Bangura that you needed to make peace about?

25 A. Well, it was during that firing when we were taken to
26 Pandemba Road.

27 Q. Did you make peace?

28 A. Yes. When I was taken there, like I said, Beyor and Kalla
29 called us, and they asked us to put everything behind us and to

1 make peace. So I usually went to his cell, and he would also
2 come to my cell.

3 Q. What about Mr Bobson Sesay, what was the situation with
4 him?

5 A. Mr Bobson Sesay, since I went to Pandemba Road, we never
6 spoke. It was at Pandemba Road that they were recruiting them to
7 testify against us at the Special Court. That's where they took
8 him, Bobson Sesay, Albama, and another man who is deceased now,
9 we called him Ranger, he's called Fattomah.

10 JUSTICE DOHERTY: Does your Honour want the spelling for
11 Albama and Fattomah? I think Albama we might have already had,
12 but just in case it's different.

13 MR HERBST: Your Honour, before we get to the spelling,
14 again because the two men were speaking at the same time, I heard
15 but with 334 we never spoke, and then there was another sentence,
16 and then they took him and Albama.

17 JUSTICE DOHERTY: My note - again, it's my note, that is
18 where at Pademba Road they were recruiting them to testify
19 against us. They took Albama and Ranger. And then the witness
20 gave Ranger's proper name, Fattomah and Mr Metzger is arranging
21 to have that spelled.

22 BY MR METZGER:

23 Q. Can you spell for us Albama?

24 A. Albama is spelled A-L-B-A-M-A, Albama.

25 Q. And can you spell Fattomah for us?

26 A. Fattomah is spelled F-A-T-T-O-M-A-H.

27 MR METZGER: Does your Honour want Ranger spelled?

28 JUSTICE DOHERTY: I think that's a fairly common English
29 term, so proceed, Mr Metzger.

1 MR METZGER:

2 Q. Mr Kanu, you can be asked about that in due course. I want
3 to concentrate on your relationship, if any, from that time with
4 Mr Alimamy Bobson Sesay. You say you have never spoken to him
5 since that time. Can you tell us why that is?

6 A. Yes, sir. Alimamy Bobson Sesay, he incited my brother to
7 fight against me --

8 MR HERBST: Sorry to interrupt. Two men were speaking and
9 I can't hear. I apologise.

10 JUSTICE DOHERTY: Mr Herbst, the answer was, "Yes, he
11 incited my brother to fight against me."

12 Continue, Mr Kanu.

13 THE WITNESS: And secondly, when he insulted my mother,
14 since then I avoided him. Even at Pademba Road I did not go
15 close to him.

16 MR METZGER:

17 Q. Mr Kanu, you explained earlier in your evidence about
18 Sierra Leone culture and the abuse that you suffered in relation
19 to your mother at this man's hands. What does that mean to you?
20 How did you feel about that incident?

21 A. Well, the Sierra Leone people [indiscernible]excuse me.

22 THE INTERPRETER: Your Honour, can he repeat this answer slowly?
23 I can't hear him clearly.

24 JUSTICE DOHERTY: Mr Kanu, there's a problem with the line.
25 Please repeat your answer for the interpreter.

26 MR METZGER:

27 Q. Can you go very, very slowly, please. I know you're
28 affected, Mr Kanu, but as slow as possible.

29 A. Yes, your Honour. I said in Sierra Leonean culture when

1 somebody says your mother's vagina - in Krio "your mammy ^
2 bombo, your mammy toto, your mammy pima," it means a lot when a
3 subordinate uses verbal invectives against your mother --

4 THE INTERPRETER: I did not hear the last word he used.

5 THE WITNESS: I was affected. It worried me. So I avoided
6 him. Even when we were at Pademba Road, I had nothing to do with
7 him. Except my brother, Hassan Papa Bangura, Colleh, Eddie, whom
8 we call Maf - now he's passed to Eddie - they were the ones I
9 talked to.

10 MR METZGER:

11 Q. So as far as Mr Alimamy Bobson Sesay was concerned, was he
12 someone that you trusted?

13 A. Pa, I do not trust that man. He's the man - since that
14 time that I was arrested by the Special Court, all of them came
15 and told lies. They would take him at 7 o'clock in the morning
16 and they would bring them at 7 o'clock in the evening. At that
17 time they would have been locked up, all three of them. Since
18 then I never trusted him, sir.

19 Q. If someone came to you and said Alimamy Bobson Sesay was
20 prepared to change his testimony and support you, what would you
21 say?

22 A. Say that again, sir.

23 Q. If somebody came and said that Alimamy Bobson Sesay was
24 prepared to change his testimony and give evidence for you in
25 this Court, in this court, in the Special Court, how would you
26 take that?

27 A. That man had a grudge against me. He wouldn't do it. He
28 and I never -- I believe that this Court has rules and
29 regulations according to the statute. When they talk about

1 pardon, from the president of the day, they talk about good
2 behaviour, comportment --

3 THE INTERPRETER: Your Honour, I did not get the last bit
4 after comportment.

5 THE WITNESS: Early release. That man and I never talked
6 about him coming to tell lies. Because he's a man who has a
7 grudge against me, sir.

8 MR METZGER:

9 Q. Thank you, Mr Kanu. Now, you brought some documents to
10 Court. We have the first one which we have marked, your Honour,
11 1A, B, and C. Can you take them?

12 JUSTICE DOHERTY: For purposes of record, I note that the
13 witness is holding what appears to be an A4 sheet of paper.

14 THE COURT OFFICER: [In Kigali] Can you give the judge
15 Exhibit 1A, B, and C.

16 MR METZGER: Your Honour, there will be five exhibits I
17 will be referring to.

18 JUSTICE DOHERTY: I'm looking for my Exhibit P1. Exhibit
19 1, P1 is a confidential plea agreement. Where does that fit in
20 with this?

21 MR METZGER: No, this would be an exhibit for Kanu, so
22 Defence for Kanu 1. There are five documents which are divided
23 into A, B, and C. In the case of 1A and B, in 2A and B, in 3 --

24 JUSTICE DOHERTY: So they're not exhibits. In other words,
25 they're documents going to be put to the witness that may become
26 exhibits.

27 MR METZGER: Indeed, your Honour. But I have made copies
28 available through the good officers of the Court manager here for
29 all parties, at least that was my understanding.

1 JUSTICE DOHERTY: Yes, I will ensure that counsel for
2 defence of Bangura and Kargbo are supplied with copies. And at
3 this point, they cannot be referred to as exhibits. Let me
4 ensure that copies are made available.

5 Mr Court Officer, can you - yes, I have those three pages
6 before me now.

7 Please proceed, Mr Metzger. And I note that other counsel
8 have them also. And can I assume that Mr Herbst has a copy?

9 MR HERBST: I do, indeed, your Honour. Thank you.

10 MR METZGER: In fact, Mr Herbst I believe has all five
11 documents.

12 JUSTICE DOHERTY: That's fine. We'll come to the others in
13 due course.

14 MR METZGER: Thank you, your Honour.

15 Q. First of all, this document before you, Mr Kanu, do you
16 have the original in your possession?

17 A. Yes, sir.

18 Q. Can you tell us what the document is?

19 A. This document, sir --

20 THE INTERPRETER: Your Honour, the line is not clear. I
21 can't hear him clearly.

22 JUSTICE DOHERTY: Pause, Mr Kanu.

23 MR METZGER: Can you say it again slowly.

24 JUSTICE DOHERTY: Yes. Thank you.

25 THE WITNESS: I said this document, sir --

26 THE INTERPRETER: Your Honour, it's still not clear to me.

27 JUSTICE DOHERTY: Again, Mr Kanu - Mr Kanu, you'll have to
28 repeat it, as Mr Metzger said, slowly. And please come a little
29 closer to the microphone. For purposes of record, I note that

1 the witness is waving around more than one page, and the page has
2 been folded in the middle -- correction, pages, three pages he
3 has shown me.

4 Mr Kanu, please repeat your answer. You started off saying
5 "this document, sir". Continue.

6 THE WITNESS: Yes, your Honour. I said this document, it
7 was recently that they gave us because they said we are calling
8 press man in Sierra Leone. They said we should give -- submit
9 numbers to the authorities in Mpanga, and they will send it to
10 Sierra Leone. This is the document. Some [indiscernible] is not
11 complete. This is mine, sir.

12 Q. The numbers reflected in the columns there, can you tell us
13 what they actually are?

14 A. These are telephone numbers that each of us give, sir.

15 Q. Have you ever given Samuel Kargbo's number?

16 A. No, sir. Here's the document, sir. Look at the document.
17 SBK, the initial.

18 THE INTERPRETER: Your Honour, the line is --

19 THE WITNESS: I don't know that man, sir. I only saw him
20 on the screen, sir.

21 MR METZGER: Thank you.

22 Q. I'm going to ask for you to look at another document.

23 MR METZGER: Your Honour, I'm content for that to be
24 exhibited as Defence for Kanu Exhibit 1.

25 JUSTICE DOHERTY: I want to hear responses, et cetera. At
26 this point, I'm going to mark it as *MFI-D1, marked for the
27 identification D1 because I'll wait to hear submissions. Now,
28 the witness referred to SBK initials just now, and I cannot see
29 that in the paper in front of me.

1 MR METZGER: If your Honour has 1A and looks on the extreme
2 right of the page as you hold the A4 in a horizontal fashion.

3 JUSTICE DOHERTY: I see. It's a handwritten SBK against
4 several numbers, by my calculation there is a total of ten SBKs.
5 Is that what you're referring to, Mr Metzger? Or more correctly,
6 is that what the witness is referring to?

7 Q. You were looking Mr Kanu, I think, at what we see at 3B and
8 telling us about this document. Can you continue, please?

9 A. Yes, sir. As I said, that this document is from Sierra
10 Leone when we were coming.

11 Q. There are numbers on this document, that's what I want you
12 to tell this Court about. Whose writing is on the document? Not
13 the type, the writing.

14 A. Well, the writing, if you see on the *Bo Bo Kanu, it's
15 like, I wrote it. A number like this. Mr Herbst was
16 [indiscernible] the prosecution witness. I just did not want to
17 talk, but your Honour, look at it. I can see it. I have never
18 known him.

19 MR HERBST: I'm sorry, your Honour, but I - and I didn't
20 want to interrupt the witness when he was talking, but in the
21 early part of the answer in terms who have wrote it, I didn't
22 hear the translation because both were speaking at the same time.

23 JUSTICE DOHERTY: The witness was asked whose writing, and
24 he said I did, see under Bo Bo Kanu, see I wrote it, look at it.
25 And he was holding it up. And I want him to - you were holding
26 it up for me to see, Mr Kanu. Please do that again and point out
27 what you were trying to show me. The witness has held up the two
28 pages.

29 THE WITNESS: Yes, your Honour, I said the writing. On my

1 side. I wrote it. I said Mr Herbst witness Samuel Kargbo, who
2 he said I knew. I want to tell him that I have never known him.

3 MR METZGER:

4 Q. You said something which the interpreter didn't catch,
5 Mr Kanu. You said you did not know Mr Kargbo and you said
6 something else. Can you repeat that for the Court record?

7 A. I said, Mama - Mr Herbst, the prosecutor, this prosecutor's
8 witness against me, that I am calling him. I want to give him
9 this paper for him to see to prove that Samuel Kargbo - even when
10 I joined the Army, even in the jungle - I never knew him. I only
11 saw him on the screen here that this is the Samuel Kargbo. So,
12 Mama, this is my paper here. That's why I give it to Mr Metzger.

13 Q. Thank you, Mr Kanu.

14 JUSTICE DOHERTY: Pause, Mr Metzger, I want to put - for
15 purposes of record, I note that the witness has identified by
16 pointing to the upper half of the paper. He also was
17 gesticulating and waving the paper while giving his answer.

18 Mr Metzger, please proceed.

19 MR METZGER: Thank you, your Honour. Now I would like for
20 us to look at the 4 - copied for all parties as 4A, B, and C.

21 JUSTICE DOHERTY: Before you do that, I will mark Kanu 2A
22 as *MFI-D2 and 3 as *MFI-D3. Each of those MFIs has two pages.

23 MR METZGER: Your Honour, yes. The original is one A4
24 sheet with type on the front and back.

25 JUSTICE DOHERTY: Oh, I understand. In that case, I will
26 amend the record to note that it's one page with writing both
27 typed and handwritten on each side.

28 MR METZGER: Indeed, your Honour. Thank you.

29 JUSTICE DOHERTY: Please proceed.

1 MR METZGER: I hope that all parties have 4A, B, and C, or
2 MFI -D4.

3 JUSTICE DOHERTY: No. I'm just getting it from Mr Court
4 Officer. I have that before me. There are three parts to it;
5 4A, 4B, and 4C. Please proceed.

6 MR METZGER: I'm obliged.

7 Q. Mr Kanu, you have that paper in front of you, can you tell
8 us what it is?

9 A. Yes, sir. This paper here --

10 THE INTERPRETER: Your Honour, the line is not clear.

11 JUSTICE DOHERTY: Pause, Mr Kanu. The line has gone.
12 Start again from the beginning. And please speak slowly.

13 THE WITNESS: I said this paper that he gave to me, ma'am,
14 it's from Rwanda. You'll see it, ma'am. It has the dates, a
15 telephone number, it has a relationship column, it also has an
16 address column, and it has a date column. Then from there you
17 will you see my signature. You will see that here even Samuel
18 Kargbo, I'm giving it back to my lawyer so I show the prosecutor
19 that I've never known him. I only saw him here on the screen.
20 These are the numbers that were approved recently. Yes, sir.

21 Q. Can you confirm, Mr Kanu, that the document is entitled
22 "Application For Prisoners Authorised Call List"?

23 A. Of course, sir. This paper, sir, when you give the numbers
24 to the authorities, the Rwandan authorities here, Mr *Larry
25 *Sengabo, they will send it to Freetown at the Special Court.
26 When they approve it, they will send it to a Larry
27 [i ndi scerni ble] by email. After that, they would give it to us
28 and would have permission to call.

29 THE INTERPRETER: Your Honour, can he read the title that

1 he was just reading out.

2 JUSTICE DOHERTY: Mr Kanu, please read the title again.

3 THE WITNESS: Say again, ma'am.

4 JUSTICE DOHERTY: The interpreter needs you to repeat the
5 title you have read, as it was not clear. Please read out the
6 title again.

7 THE WITNESS: Yes, ma'am. I said this is the - when you
8 give the numbers from Rwanda here to the authorities, for
9 example, say Judge Doherty is my aunt, if I give the number in
10 Rwanda here, they will send it to the Special Court in Freetown.
11 They will call Judge Doherty and ask her if she knows *Santigie
12 *Bo Bo Kanu and she'll say yes, she's my nephew. They will
13 approve that number and send it to us here. Then they will
14 permit us to call. So these are the numbers, sir.

15 MR METZGER: Thank you. Your Honour, that would be *NFID
16 number 4 with those three pages.

17 JUSTICE DOHERTY: Yes.

18 MR METZGER:

19 Q. Mr Kanu, I'm going to ask you to be shown Prosecution
20 Exhibit P15 at the page for 30th of November 2010. Mr Kanu,
21 you've seen this page before? It's from the prison log dated
22 30th November 2010. And your name is second down from the top of
23 the page under the name of prisoners.

24 A. Yes, sir.

25 Q. There is what looks like relationship, it says brother.

26 A. Yes, sir.

27 Q. Then immediately after that there seems to be an arrow to
28 the line below that entry?

29 A. Yes, sir.

1 Q. Then there is a telephone number.

2 A. Yes, sir.

3 Q. And there is a signature next to that telephone number.

4 A. Yes, sir.

5 Q. Is that signature yours?

6 A. This signature here between god and man, I have held the
7 Bible, this is not mine.

8 Q. Can you explain the line there that we have looked at,
9 including the arrow, the telephone number, the signature, are you
10 able to help us with that?

11 A. Yes, sir.

12 MR HERBST: Well, your Honour, I'm going to object to the
13 form of that question. I don't know what's being asked.

14 JUSTICE DOHERTY: Mr Herbst, you were objecting to the form
15 of the question. Please - I didn't hear all of your objection
16 because there was another voice. Please restate it.

17 MR HERBST: Yes, your Honour. The question can he help us
18 with it, it doesn't really reveal what's being asked of the
19 witness. I don't understand what's being asked.

20 JUSTICE DOHERTY: First of all, Mr Metzger, can you give me
21 that page that you're referring to because Mr Court attendant was
22 giving me [overlapping speakers] - pardon?

23 MR METZGER: It's the 10th one in, 30th November 2010.
24 Much referred to during the cross-examination by Mr Herbst of
25 Mr Kamara.

26 HER LADYSHIP: Yes. I have it before me now. And I note
27 the brother and the arrow that you referred to. Now, there has
28 been an objection. When you said --

29 *End of Second - 7*

1 MR METZGER: Mr Kanu, you've heard what the judge has had
2 to say. Is that what you're referring to?

3 THE WITNESS: Yes, your Honour. When you say SBK, they are
4 initials.

5 MR METZGER: What I propose to do, your Honour - I'm sorry,
6 Mr Herbst.

7 MR HERBST: Your Honour, I wonder if it would be
8 appropriate at this time for me to request to examine very
9 briefly the original of the document with the witness.

10 JUSTICE DOHERTY: I think you should be entitled to look at
11 the original.

12 MR METZGER: The original will be the Court exhibit. The
13 copy is really for the ease of use and Mr Herbst is fully
14 entitled to make as much or as little use of it as he wishes.

15 JUSTICE DOHERTY: Whilst Mr Herbst is looking at the
16 original, Mr Kanu, I want you to hold up the pages that you have.
17 You've got three in front of you. And I want you to point to
18 those initials so I can see you pointing to them.

19 THE WITNESS: Your Honour, look at them.

20 JUSTICE DOHERTY: I can see Mr Kanu is pointing to --

21 [Overlapping speakers]

22 THE WITNESS: SBK, SBK, SBK, SBK.

23 JUSTICE DOHERTY: -- the handwritten SBKs.

24 THE WITNESS: These are the numbers.

25 [Overlapping speakers]

26 JUSTICE DOHERTY: Thank you. I have seen that on page Kanu
27 1A. Am I correct in noting that there are no initials SBK on the
28 pages marked Kanu 1B and Kanu 1C?

29 THE WITNESS: It is only on the first side, 10 numbers.

1 Ten numbers with SBK.

2 JUSTICE DOHERTY: Thank you, Mr Kanu. For purposes of
3 record I will note that the document which I have marked as MFID1
4 has 10 initials SBK, what appears to be handwriting, entered on
5 the first page which is headed Kanu 1A. There are no initials on
6 the other two pages, but there are three pages are the MFI.
7 Please proceed. Are counsel in agreement with that record?

8 MR METZGER: Yes, your Honour.

9 MR HERBST: Yes, I'm in agreement with that. Your Honour,
10 the Court Officer is absent from the courtroom and therefore I'm
11 reluctant to approach the witness to take a quick look at the
12 original.

13 MR METZGER: May I make a suggestion, your Honour? I'm
14 intending to put all these documents in and to offer them as
15 exhibits. I don't want to take an awful lot of time. I
16 anticipate, if anything, it will be for the prosecution to
17 cross-examine on them because they prove something in its absence
18 rather than in its presence, in my respectful submission. It
19 will be easier simply to produce the documents, identify them,
20 exhibit them. The copies are already in the prosecution's
21 possession. The originals will be held by the court for
22 inspection by the prosecution should he so require, and we can
23 sort of move swiftly on. I'm concerned about the time that will
24 be consumed if we try to adduce the evidence in another manner.

25 MR HERBST: Your Honour, I'm concerned about the time, too,
26 which is why I had really requested of Mr Metzger to look at the
27 originals. But I --

28 [Overlapping speakers]

29 JUSTICE DOHERTY: Stop arguing among yourselves. Where is

1 the Court Officer? I need those documents - that document to be
2 handed to counsel for the independent counsel. Can that be done?
3 Neither counsel should approach the witness.

4 THE COURT OFFICER: [In Kigali] I was actually out of the
5 Court answering a question for the registrar. That is why I was
6 out of the court.

7 JUSTICE DOHERTY: I didn't understand that now. So that
8 can be given.

9 MR METZGER: Your Honour, for the avoidance of doubt, could
10 Mr Herbst look at all the documents originals so that I could
11 continue? He has all the copies. He's never asked for the
12 originals of these. I have diaries that I don't intend to put as
13 exhibits, but Mr Kanu is prepared for him to examine. Your
14 Honour didn't rule on that matter, you may recall.

15 JUSTICE DOHERTY: I did rule on it. I said that once it
16 would be examined, I would, if there was a requirement for a
17 ruling, I would make it.

18 Whilst Mr Herbst is examining the original document, I note
19 that there is no date on this marked MFI. Mr Kanu, what is the
20 date that this document was prepared?

21 MR METZGER: Mr Kanu would like to be excused very briefly
22 under the normal circumstances.

23 JUSTICE DOHERTY: Yes, he may be escorted out. He's not to
24 discuss his evidence when he's outside.

25 ^ Format (off the record, Mr Kanu left the room).

26 MR METZGER: Mr Kanu is back. May I proceed?

27 JUSTICE DOHERTY: Please do so, Mr Metzger.

28 MR METZGER:

29 Q. Before we go on to the next document, Mr Kanu, that first

1 document that you've talked about, are you able to tell us when
2 it was that that document was given to you or came into your
3 possession?

4 A. Yes, sir. This one? It was recently.

5 THE INTERPRETER: Your Honour, the line is breaking up. I
6 can't hear him clearly.

7 JUSTICE DOHERTY: Mr Kanu, incidentally, Mr Kanu is holding
8 up the document. Repeat your answer slowly, Mr Kanu.

9 THE WITNESS: Yes, your Honour. I said it was in this past
10 November that we got this document.

11 MR METZGER:

12 Q. The last November that has gone past, November 2011?

13 A. Yes, sir, this past November, 2011.

14 Q. Can you take up the next document, please? Put that to one
15 side.

16 MR METZGER: Your Honour, this will be marked 2A and 2B.

17 BY MR METZGER:

18 Q. Can you tell us, please, Mr Kanu, what this document is?
19 And if you like, you can look at the original.

20 A. Yes, sir.

21 Q. Tell the Court, please.

22 A. This document, when we were coming from Sierra Leone, it
23 was the Court that sent it to the other authorities in Rwanda.
24 These were the numbers that we were calling, sir. It was the
25 Special Court that gave these to the Rwandan authorities.

26 Q. There is handwriting on the document, numbers written, and
27 perhaps some names. Can you tell us about those, please?

28 A. Well, here I can see Kamara, Brima.

29 Q. Mr Kanu, I want to ask you about the handwritten items. I

1 think we can recognise this as a list from the Special Court.

2 A. Yes, sir.

3 Q. Who wrote on this document?

4 A. Well, when some of us came, sir, some of us were writing on
5 this because some of the numbers we had were not going through.

6 Q. But can you say who wrote on this document? Was it you or
7 any of the others, all of you, some of you?

8 A. Well, I can see Brima. I have the same documents.

9 Q. Can you please look at the original?

10 A. I have seen the original, sir.

11 Q. Having looked at the original, what can you tell us about
12 it?

13 A. Well, on the original you will see K-H-A-N-U. I wrote some
14 of the numbers, sir. ^ Audio

15 MR HERBST: I'm sorry, I don't understand what the witness
16 is referring to, your Honour, and where on the document he's --

17 MR METZGER: I will do my best to assist. From looking at
18 the document Mr Kanu is holding up, it will assist all parties to
19 look at 3A and 3B.

20 JUSTICE DOHERTY: This one is marked 2A and 2B.

21 MR METZGER: Yes. In fact if you look at 3B --

22 ARBITRATOR: I haven't got 3B yet, let me get it. And I'm
23 not sure that counsel for the defence have it either. Mr Court
24 Officer, have we got a 3B, please?

25 MR METZGER: Can defence have all the documents at the same
26 time? It will help.

27 THE COURT OFFICER: [In Kigali] I think we have.

28 JUSTICE DOHERTY: I now have 3A and 3B before me, and so
29 have defence counsel here. Mr Kanu is holding a document up in

1 his hand. Which document are you holding in your hand, Mr Kanu?

2 MR METZGER: He's holding up actually 2A, 2B, 3A, 3B; they
3 are three A4 sheets of paper in a deteriorated condition.

4 JUSTICE DOHERTY: I can see that. Indeed, as you say,
5 Mr Metzger, they are a bit torn and tatty looking.

6 Now, you were going to point something out to us, Mr Kanu.
7 Please do so. Answer to Mr Metzger's question.

8 MR METZGER: [Overlapping speakers]

9 JUSTICE DOHERTY: Please respond to the objection.

10 MR METZGER: I'm asking him to look at that, if he can tell
11 us anything about that, if he can help us as far as this is
12 concerned.

13 MR HERBST: I have no problem with "can he tell us".

14 JUSTICE DOHERTY: Very well. The problem is can he tell us
15 about it. He said it's -- I've got his answer.

16 MR METZGER: I don't think he'd answered that particular
17 question.

18 JUSTICE DOHERTY: Certainly he has not.

19 [Overlapping speakers].

20 JUSTICE DOHERTY: Yes, that one is on record. Mr Kanu,
21 have you heard the question?

22 THE WITNESS: Say again, sir.

23 JUSTICE DOHERTY: Repeat your question, Mr Metzger.

24 MR METZGER: Your Honour.

25 Q. Mr Kanu, can you tell us anything about that line to which
26 I have referred you? For the 30 November which bears your name,
27 the word "brother", the arrow, the telephone number starting +232
28 and ending 8898, which has a signature next to it. Can you tell
29 us anything about those entries in that book?

1 A. Yes, sir. First of all, sir, if you look under the name
2 column, I want Judge Doherty to look there.

3 JUSTICE DOHERTY: I am looking at it.

4 THE INTERPRETER: Your Honour, the line was not clear, I'm
5 not getting him clearly.

6 JUSTICE DOHERTY: Just a minute, just a minute.

7 MR HERBST: I cannot understand what's --

8 [Overlapping speakers]

9 MR METZGER: Let me do it, I'll try and keep him in check.

10 JUSTICE DOHERTY: Mr Metzger, have the witness repeat his
11 answer. He said he wanted Judge Doherty to look at that name,
12 and I'm looking at the name. Please pick up from there.

13 MR METZGER:

14 Q. Take it very slowly. You wanted the judge to look at that
15 name and I think a particular portion of that name. Can you
16 firstly repeat where you want the judge to look?

17 A. Yes, sir. I want Judge Doherty to look on the name, you
18 will see ^ audio-- that's not my handwriting.

19 Q. Thank you. Now continue, again, please, keeping it slow.

20 A. Yes, sir. They put name calls, the third line, name
21 called. This is another example. This is not my handwriting,
22 sir.

23 Q. Go on to the next column, please.

24 A. Then the next one you see "time". There is an arrow there,
25 it's not time, there is an arrow there. When we came, sir, the
26 officers usually called us. They make the calls for us and when
27 they finish, we sign.

28 Q. I'm sorry, I was slightly distracted. You explained about
29 the arrow and the telephone number and you said when they finish,

1 you sign.

2 A. Yes, sir. I want Judge Doherty to look on the time. They
3 did not put any time there, they just put an arrow. You will see
4 the dubious act that is going on. To call a number, they put
5 there 232-3325-8898. I'm presenting all my diaries from Freetown
6 since 2003 when I went to the Special Court up to the time I came
7 to Rwanda. I have all of my diaries. This number here, it is
8 God who made human, I have never known this number. I said this
9 number, this number, 325-8898, I have never known this number,
10 never. Even the signature - I want Judge Doherty as the
11 presiding judge to look at it well.

12 JUSTICE DOHERTY: I'm looking at it very closely.

13 MR METZGER: Mr Kanu at this point wishes to tender all his
14 diaries and notes with all the numbers in them for perusal by
15 whomsoever wishes. They're far too voluminous to be made as
16 exhibits, but I leave that as a matter for your Honour. They are
17 open for inspection.

18 BY MR METZGER:

19 Q. Mr Kanu, these diaries and books that you are presenting to
20 the Court, will Mr Samuel Kargbo's number be found in them?

21 A. Please, sir, my diaries from Freetown, since when I was
22 arrested in 2003, September 17, up to present, I'll give Judge
23 Doherty my diaries, everything, for her to look at them if she
24 would find this number. I've never come across this number, sir.

25 Q. If she looks at the diaries, will she find Mr Kargbo's
26 number inside? Forget that number for the moment. Mr Kargbo's
27 telephone number.

28 A. You mean my diaries, sir? I'll give Judge Doherty, she'll
29 never find Samuel Kargbo's number there. Look at them, look at

1 all of them. I've given them to you, sir. Because everyone
2 serves God.

3 Q. Can I ask you the same question about Mr Hassan Papa
4 Bangura, will we find his telephone numbers in his diaries or any
5 of those lists?

6 A. Of course, sir. That man, I have told you that he's my
7 brother, I have his number. Because one day I met a man and I
8 told him to give me Papa's number and I entered it in my diary.
9 If talking about Papa's number, I have it.

10 MR HERBST: Your Honour, when the interpreter is speaking
11 and the witness is speaking, it's just impossible.

12 [Overlapping speakers]

13 JUSTICE DOHERTY: I've been watching the time, actually,
14 for the last 10 minutes. My intention was to adjourn at the half
15 hour in order to take the Freetown break because that would have
16 given us an hour and 40 minutes of evidence. I've let it go over
17 the time in order to complete this particular part of the answer.
18 So we have got two - there are two issues that will have to be
19 addressed when - we'll take a break now, but there are two issues
20 that will have to be address when we return. First is whether
21 these diaries, et cetera, that the witness has referred to are
22 actually being tendered are not, because I cannot be seen to be
23 looking at them if they are not being tendered. That's one
24 issue. And the other issue is your problem with the hearing and
25 clarity, Mr Herbst. So that is partly outside my control, given
26 that it's a technical issue.

27 I also have in mind that since Mr Kargbo's name is
28 mentioned and Mr Bangura's name is mentioned, their respective
29 counsels might want to have some comment on these diaries. So

1 we'll adjourn now for 45 minutes - sorry, Mr Herbst, you were
2 going to say something before we adjourn.

3 MR HERBST: Yes, before we adjourn, the last answer is of
4 some importance and I could not hear any of it.

5 JUSTICE DOHERTY: I have it put on record. I think I heard
6 it. Mr Kanu, I want you to repeat the last answer when you were
7 asked if we will find Mr Hassan Papa Bangura's number in your
8 diaries and you started your answer by saying "of course, that
9 man is my brother". Continue your answer so Mr Herbst can hear
10 it clearly.

11 THE WITNESS: Yes, your Honour. I said Hassan Papa Bangura
12 is my brother.

13 [Microphone not activated]

14 JUSTICE DOHERTY: Mr Kanu, you also said something about
15 one day you met. Continue to give that part of your answer.

16 THE WITNESS: I said one day I told Tamba Brima to give me
17 Papa's number for me to enter it in my diary.

18 JUSTICE DOHERTY: Mr Herbst, did you hear the answer?

19 MR HERBST: I did, your Honour. If that was all of it that
20 he had given previously, I've got it now.

21 JUSTICE DOHERTY: It was.

22 MR HERBST: I thank the Court.

23 JUSTICE DOHERTY: I didn't hear anything else.

24 MR HERBST: I don't think it's a problem with the line,
25 your Honour, at this point. I just think that the witness is not
26 pausing to let the interpreter interpret, and so that's why I'm
27 unable to hear the interpreter.

28 JUSTICE DOHERTY: We'll adjourn for the Freetown break.
29 The time is creeping up, so we will resume at - it's between 20

1 and a quarter to 2 on the Court clock. We will adjourn until
2 2.25 Freetown time.

3 MR HERBST: Your Honour, just before we adjourn, I
4 apologise to the Court, but I just want to make sure that at this
5 point now it's appropriate for me to examine the diaries, that
6 Mr Metzger will make them available to me.

7 JUSTICE DOHERTY: That is my understanding because I cannot
8 take the diaries in a vacuum. If they're being sought to be
9 tendered, I see no good legal reason why they shouldn't be
10 examined unless Mr Metzger points me to one.

11 MR METZGER: The only reason I can point to your Honour is
12 that they're here sitting, waiting, inviting Mr Herbst to spend
13 his time perusing them at his will.

14 JUSTICE DOHERTY: Very good. It appears that time is the
15 issue, not disclosure. I will adjourn until 2.25 Freetown time.
16 Please adjourn Court, Mr Court Officer.

17 THE COURT OFFICER: The Court is adjourned, just now.

18 [The Court adjourned at 1.39 a.m.]

19 [The Court resumed at 2.37 p.m.]

20 JUSTICE DOHERTY: Apologies, counsel. Again this time it's
21 matters from The Hague have delayed me getting into Court.

22 Mr Metzger, you were taking evidence from your client and
23 you were leading evidence relating to Mr Kanu's diaries. Please
24 proceed on.

25 MR HERBST: Your Honour, could I just raise one very quick
26 preliminary matter to inform the Court.

27 JUSTICE DOHERTY: Yes, Mr Herbst.

28 MR HERBST: Your Honour, over the last break I had a chance
29 to look quickly through the diaries and ascertain that it will be

1 necessary for me to use them in the cross-examination. So what
2 I've asked the Court Officer to do - and we're going to try to
3 cooperate on this - is to make copies this afternoon so that we
4 have them. And I would like the Court's permission to withdraw
5 those diaries over the evening break. Once the copies are made -
6 so we preserve the integrity of the originals - I'm going to ask
7 the Court's indulgence and permission to permit me to take
8 custody of the originals just overnight so that I can prepare my
9 cross-examination in the most efficient way possible. It will be
10 necessary for me to have both the originals and one copy so that
11 I can organise the cross-examination.

12 So that's my request to the Court. The books will not be
13 in my custody until they are copied so that the integrity isn't
14 questioned.

15 JUSTICE DOHERTY: I will ask Mr Metzger for his views on
16 this. My initial reaction - and I'll hear what Mr Metzger says -
17 is they are not actually within the custody of the Court because
18 they haven't actually been tendered. I do know that Mr Kanu said
19 several times that he wanted me to look at them. But that's not
20 a formal tender to put them within the custody of the Court.

21 So Mr Metzger, you've heard Mr Herbst's application. A
22 fair bit of this onus will be on you now in your attitude to that
23 application.

24 MR HERBST: Your Honour, before Mr Metzger speaks, could I
25 just say that I did hear Mr Metzger say that he was tendering the
26 diaries.

27 JUSTICE DOHERTY: I have noted he said his client wants to
28 tender all the diaries, but they are too voluminous and they are
29 open for inspection. That's my note of what he said. But I'm

1 talking about them being taken away by you. Because I don't have
2 them as a Court exhibit, I can't - I don't have the same control
3 over them. I have absolutely no doubt that you're not going to
4 be fiddling with them or extracting or adding, but let me hear
5 what Mr Metzger says.

6 I'm just going to get my reciprocal disclosure Rules in
7 front of me while you're speaking, Mr Metzger.

8 MR METZGER: Sure, your Honour. I'll wait for your Honour
9 to have those ready.

10 JUSTICE DOHERTY: I have the Rules before me. From what
11 Mr Kanu has said, I would note that Mr Kanu regard these as
12 exculpatory material on his side, but disclosure of exculpatory
13 material is a matter under 68 that the onus is on the Prosecutor,
14 not the Defence. So, Mr Metzger, what have you to say?

15 MR METZGER: I'm grateful indeed to your Honour. It seems
16 to me what Mr Kanu has said about this case throughout is that he
17 hasn't had any contact at all with Mr Kargbo, nor has he had
18 contact with Mr Bobson Sesay, and any contact that he has had
19 with Mr Bangura has been limited to social contact. That has
20 been disclosed to the Prosecution, as it were, ab initio, ie,
21 right from the first, and the reason for producing these diaries,
22 if one wants to put it on an exculpatory basis, is to support
23 what he says that these numbers are not in his diary.

24 Understanding the implications - and they are many and varied
25 logistically - of adducing all his diaries as evidence, it seemed
26 to me that to produce all of them in order to prove a negative
27 was unnecessary, that is to say, to make them evidence in the
28 case.

29 But because of what Mr Kanu has claimed, the diaries have

1 been disclosed to Mr Herbst. He may, if he wishes, make them
2 exhibits. I am considering, as I say, amongst other things,
3 costs and logistical implications and to support the evidence
4 that Mr Kanu says he doesn't have those notes.

5 So from my point of view if Mr Herbst wishes to approach
6 the matter in this way, I don't particularly mind and don't take
7 strenuous objection. I do note, of course, that as they are
8 diaries, they do contain some personal entries and we shall just
9 have to, as it were, look at that side of things and I'm sure
10 that Mr Herbst will use the utmost discretion when it comes to
11 personal matters.

12 MR HERBST: Your Honour, let me say -and I appreciate the
13 fact that Mr Metzger is not essentially objecting. I know what
14 he's talking about from having looked at some of the entries.
15 And personal entries like things that are written by family,
16 those kinds of things I have no intention of adducing. So I
17 understand what he's saying. I've taken his concern to heart,
18 and those are not going to be the subject of any examination.

19 MR METZGER: Thank you. And so the only thing that is left
20 for me to say is not being personally the owner of the diaries,
21 as to Mr Herbst taking the physical diaries themselves away,
22 whilst we may not, as it were, object to it, it must be a
23 personal thing for Mr Kanu. If they are introduced as exhibits
24 or parts thereof as exhibits, then the matter falls, as it were,
25 into your Honour's - I use the word advisedly - lap or hands, in
26 order for a decision to be made on that question.

27 As it stands at the moment, from a Defence point of view
28 representing Mr Kanu, I have no objection to the course of action
29 suggested by Mr Herbst, but I must stress that I do not and

1 cannot, unless permission is given, have my client's consent to
2 deal with it in that manner whilst he's in the witness box.

3 JUSTICE DOHERTY: Normally, of course, he's in the witness
4 box, he's under oath, and he cannot be approached. I would like
5 him to fully understand what is being asked. He has emphatically
6 put forward that I can read them, and what I think I will do is
7 this: I will tell Mr Kanu what Mr Herbst has asked. I will ask
8 him to consider it. And I think I will make one very, very
9 limited exception to allow you, Mr Metzger, to receive an
10 instruction from him on that very, very limited point. It's now
11 on record that I've given you that permission.

12 Mr Kanu, have you heard all that has been said, both by
13 your own counsel, by the prosecuting counsel, and by myself
14 concerning your diaries?

15 THE WITNESS: Yes, your Honour.

16 JUSTICE DOHERTY: Did you understand that Mr Herbst has
17 asked, first of all, to look at them; and secondly, to take them
18 from the Court precincts in order to look at them more carefully
19 outside Court working hours. Did you understand that?

20 THE WITNESS: Your Honour.

21 JUSTICE DOHERTY: Yes, Mr Interpreter.

22 THE INTERPRETER: The line is breaking up, your Honour. I
23 can't hear him clearly.

24 JUSTICE DOHERTY: Mr Kanu, Mr Interpreter cannot hear you
25 clearly. Please repeat your answer to my question.

26 THE WITNESS: Yes, your Honour. What I'm saying, ma'am, I
27 said I won't agree --

28 JUSTICE DOHERTY: I'm not asking you for an answer now.
29 I'm asking you to consider it and speak to Mr Metzger on this one

1 limited point after the - before we adjourn Court. So I'm going
2 to leave it in your head. You will give instructions on this one
3 limited point to Mr Metzger when - later. Do you hear me?

4 THE WITNESS: Yes, your Honour.

5 MR HERBST: Your Honour --

6 JUSTICE DOHERTY: Mr Herbst.

7 MR HERBST: I think I've heard what Mr Kanu said. But in
8 thinking about it also in the last two or three minutes, it
9 occurs to me that it might be preferable and more acceptable if,
10 after the documents are copied, I - and if the Court Officer is
11 willing, to examine the originals in her presence so that I would
12 not - so that she could assure that I have not altered anything
13 in the diaries.

14 One of the reasons I say that is because I notice there are
15 portions of the diary that - some pages that are - appear to be
16 torn out and so forth. So just so that everybody is assured that
17 my examination will not be long with them, I would suggest that
18 as a possible alternative that might resolve any --

19 JUSTICE DOHERTY: Mr Herbst, let's face it, the Court
20 officer is working very, very long hours under very considerable
21 pressure. She's running around trying to juggle two courts plus
22 the administration. I wouldn't impose it upon her unless she
23 agreed to do it. Therefore, I will --

24 MR HERBST: She has agreed. I'm sorry, your Honour, she
25 has agreed to do it and I wouldn't have asked without having
26 looked over my shoulder and gotten that assent.

27 JUSTICE DOHERTY: If she's agreeable, it would be my
28 preference to have an independent Court official present when you
29 looked at a document that is not an exhibit and has not been

1 formally tendered. So if she's willing to do it - and I will not
2 impose extra work on her, she's got enough to do - but if she's
3 willing to do it, that would be the much preferable way to have
4 it done rather than have the documents taken away. So if she is
5 willing to do it, then so be it, it can be examined in her
6 presence. If Mr Metzger wishes to nominate a neutral individual
7 to be there present as well, he's at liberty to do so.

8 MR METZGER: Thank you, your Honour.

9 JUSTICE DOHERTY: If that's resolved, Madam Court Manager,
10 are you willing to help?

11 THE COURT OFFICER: [In Kigali] Yes, ma'am, I'm willing to
12 help.

13 JUSTICE DOHERTY: Thank you very much. And if there is
14 someone else there, obviously that would be even better.

15 We will now proceed. That can be done after our detainee
16 witnesses have finished for the day.

17 Mr Kanu, your evidence - I again remind you of your oath.

18 Mr Metzger, please proceed.

19 MR METZGER:

20 Q. Mr Kanu, before we leave the diaries entirely, I'm going to
21 ask for you to look at at least one of the diaries which is still
22 in Court.

23 A. Yes, sir.

24 Q. You have told us that Mr Samuel Kargbo's number isn't in
25 your --

26 A. Yes, sir.

27 Q. [Overlapping speakers] you have told us that the number on
28 30 November --

29 A. Yes, sir.

1 Q. [Overlapping speakers] against your name isn't in your
2 diaries. I'm sorry if I said from the first time; I meant
3 diaries on both occasions.

4 A. Yes, sir.

5 MR HERBST: [Indiscernible] repeated then. I lost the
6 [i ndi scerni bl e].

7 MR METZGER:

8 Q. As a predicate, you have said that Mr Samuel Kargbo's
9 telephone phone is not in any of your diaries.

10 A. Yes, sir.

11 Q. Nor is it in any of the slips of paper or the pieces of
12 paper that are before the Court.

13 A. Yes, sir.

14 Q. You have also said that is the same for the number that
15 seems to be recorded against the arrow under your name on 30
16 November.

17 A. Yes, sir.

18 Q. Now, I have marked a page in your diary which on the
19 current diary - we'll leave the sticker on so Mr Herbst can
20 identify it. Can you tell us if it's on the second or third page
21 of that diary, please?

22 MR HERBST: Your Honour, I'd just interject for a minute.
23 Because there are I think five diaries, if we could just for the
24 record note which one we're talking about.

25 A. I can say it's on the first page, sir.

26 MR METZGER:

27 Q. For identification purposes, can you confirm that on the
28 very inside of the diary there are some personal pictures - no,
29 as you open the diary.

1 A. Yes, sir.

2 Q. I know that my learned friend Mr Herbst can see. Can you
3 raise it up so the Judge can see, and the other people in Court?

4 A. Yes, sir.

5 JUSTICE DOHERTY: Yes. For the purposes of record, I note
6 a photograph of a young lady - a young girl dressed in blue on
7 one side, and another picture of a young girl dressed a yellow
8 with white socks on the other page.

9 MR METZGER:

10 Q. For the purpose of record, the one in blue, is that a
11 school uniform or is that just in blue?

12 A. She's in a school uniform. Convent, sir.

13 Q. Now, just turn the pages until you get to the page that is
14 flagged.

15 A. The second picture, sir, that's my niece.

16 Q. Don't worry about the other pictures. I just want to ask
17 you for now - you can be asked about that by others [overlapping
18 speakers] --

19 A. Okay, sir.

20 Q. [Indiscernible]. Is there a telephone number on the page
21 you are now looking at?

22 A. Yes, sir.

23 Q. Can you raise that book up again so that all in the Court
24 can see either with their own eyes or through the video link?

25 A. Yes, sir. Look at it, sir.

26 JUSTICE DOHERTY: I can see what appears to be some numbers
27 on the right-hand side of the right-hand page.

28 MR METZGER:

29 Q. Can you confirm that in your writing at the top left-hand

1 side is written "Santigie" and beneath that "Mpanga"?

2 A. Yes, sir. It's my handwriting, sir.

3 Q. Can you read out the number that is written there for the
4 Court record?

5 A. This number +23277683879. That's what is here, sir.

6 Q. Can you remember when you wrote that in that diary?

7 A. Of course, sir. Yes, sir.

8 Q. Can you tell us about how you came to write it into your
9 diary?

10 A. Yes, sir. This was the time you came to investigate me.

11 THE INTERPRETER: Your Honour, can the witness kindly
12 repeat this answer? The line is breaking up.

13 JUSTICE DOHERTY: Mr Kanu, please repeat your answer, as
14 Mr Interpreter is having problems listening. The line is not
15 clear.

16 MR METZGER:

17 Q. [Indiscernible] release my hand when I want you to
18 continue.

19 A. Yes, sir. This number, sir, when you came to investigate
20 me, it was raining, you and Mr James, the Mpanga Prison authority
21 --

22 Q. Do you mean James Ndemezo?

23 A. Yes, the one sitting behind you, sir.

24 Q. The spelling is N-D-E-M-E-Z-O-E - sorry, no E. I checked.
25 He's in Court. So N-D-E-M-E-Z-O?

26 JUSTICE DOHERTY: Thank you. Continue.

27 MR METZGER:

28 Q. Please continue.

29 A. He was in his office when he called me on his telephone, he

1 and Mr James. Then he asked me, he said, "Mr Kanu, I want to
2 give you so and so number." Then I said, "Call it out, sir."
3 Then he called it out for me. Then I wrote it down. Then I
4 said, "Please, sir, I don't know this number, sir."

5 THE INTERPRETER: Your Honour, can the witness repeat this
6 part of his answer slowly.

7 JUSTICE DOHERTY: You're going much too fast for the
8 interpreter, and also the transcribers must write it down.
9 Repeat your answer from where you said - that you said to
10 Mr James, "I said, 'Call it out' and I wrote it down." Continue
11 from there.

12 THE WITNESS: Your Honour, I said this number that I wrote
13 in this book, my lawyer Mr Metzger came to me together with one
14 Mr James Ndemezo at the Mpanga Prison. On that day it was
15 raining, so Mr Metzger called and said, "Mr Kanu, I want to give
16 you a number to know if you know it." Then I told him to "Call
17 it out, sir." Then he called it out. It was on that day that I
18 wrote this number, sir.

19 MR METZGER:

20 Q. Thank you, Mr Kanu. So you say that's the day you wrote
21 that number down. Were you going to say something else?

22 A. Yes, sir. When he asked me if I knew the number I said,
23 "No, sir, I don't know this number." It was on that day that I
24 wrote this number in this book, sir. Even when he went, I looked
25 through my diary and I did not find this number and I say, "Oh,
26 this number." So it was at that time that you came that I wrote
27 this number, sir. So if you ask me about this number, this is
28 what happened, sir, if I knew it, and I said no. So that's all,
29 sir.

1 MR METZGER: I will now ask if the witness can be given the
2 fifth document, which I hope is available for your Honour and my
3 colleagues in Freetown.

4 JUSTICE DOHERTY: Yes, I have a document in front of me - a
5 handwritten document dated 4 November. It has five pages.

6 MR METZGER: It should be typed, your Honour.

7 JUSTICE DOHERTY: And it's typed and it's got the title of
8 the Special Court for Sierra Leone, and it's addressed to the
9 witness from the Registrar of the Special Court. There's one
10 handwritten page at the back.

11 MR METZGER: Yes, the last page should be behind a letter
12 dated 19 January 2011.

13 JUSTICE DOHERTY: That's correct. That is the document
14 I've been given.

15 MR METZGER: [Indiscernible] Registrar. The original, for
16 your Honour's record, has got the material in handwriting written
17 on the back of that letter of 19 January 2011.

18 JUSTICE DOHERTY: I understand.

19 MR METZGER:

20 Q. Mr Kanu --

21 A. Yes, sir.

22 Q. -- these two documents together were sent to you by the
23 Registrar; is that correct?

24 A. Of course, sir. Yes, sir.

25 Q. Can you tell us briefly in relation to what these documents
26 were sent to you?

27 A. Well, this document was not sent to me alone. It was sent
28 to all eight of us. She copied each man, sir. He said it was
29 for a review - she said it was for a review, Madam Binta, the

1 Registrar.

2 Q. Now, we have heard that the Registrar came to visit in late
3 2010. Can you tell us whether the first document, dated 4
4 November 2010, was received before or after her visit to you at
5 Mpanga?

6 A. No, sir, it was after she had gone that she sent it.

7 Q. If we go to the next document dated 19 January 2011?

8 A. Yes, sir.

9 Q. [Overlapping speakers] acknowledges receipt of a letter
10 dated 20 December 2010 - the 19 January letter, yes?

11 A. 19 January 2011, sir.

12 Q. Can you tell us just very briefly what that letter was
13 about?

14 A. Well, this letter, sir, when you came to the Mpanga Prison
15 we were facing some constraints, sir.

16 MR HERBST: I apologise for interrupting, your Honour, but
17 I did not hear or understand that last answer - that portion of
18 the answer.

19 JUSTICE DOHERTY: Mr Kanu, according to my note, is that
20 when they came to Mpanga Prison they were facing some
21 constraints, and that's what I have heard to date.

22 Please, Mr Kanu, continue your answer from that point.

23 THE WITNESS: Yes, your Honour. As I've said, this letter,
24 dated 19 January 2011, when we came to Rwanda, we were facing
25 some constraints, Ma'am. They said whatever we wanted, we should
26 pass through the Rwandan legal authorities, the Bar Association,
27 and when we came, we investigated. They said the Rwandan goal
28 term is one for one. Then we said, "Let's look for someone."
29 Then we called for Pa Serry. We wrote to Madam Binta for a

1 lawyer. She said, "The Court hasn't got money." She said if we
2 wanted any lawyer, we should find one in Rwanda. We called the
3 Principal Defender, Mrs Carlton-Hanciles, to seek her advice,
4 that we wanted to take Pa Serry as our lawyer, all of us.

5 MR METZGER:

6 Q. When you said "Pa Serry", who do you mean?

7 A. When I say Pa Serry I'm referring to lawyer, AF
8 Serry-Kamal, who is Ibrahim Bazy's lawyer.

9 Q. Thank you, Mr Kanu. Now can you turn that letter around.
10 There is some handwriting there. Can you tell us about that?

11 A. Thank you, sir.

12 THE INTERPRETER: Your Honour, I did not get his answer
13 clearly. The line is breaking up.

14 JUSTICE DOHERTY: Mr Kanu, please repeat your answer for
15 the interpreter.

16 THE WITNESS: Yes, your Honour. Your Honour, I said when
17 we see this letter from the Registrar for us to get Pa Serry, she
18 told us to find a lawyer in Rwanda. Then we said, "The Rwandan
19 people do not know about our case. How could they fight our case
20 in Rwanda?" Then I wrote - I wrote at the back of this --

21 THE INTERPRETER: Your Honour, can he take this answer
22 slowly, the last part.

23 JUSTICE DOHERTY: Mr Kanu, please repeat the last part of
24 your answer. You were saying, "The Rwandan people do not know
25 our case." Continue from there.

26 THE WITNESS: Yes, Ma'am. I said, "The Rwandan people do
27 not know about our case. How could we find the people here to
28 fight our case?" It was at that time that I wrote at the back of
29 this. That is what happened, sir.

1 MR METZGER:

2 Q. Thank you, Mr Kanu.

3 MR METZGER: Your Honour, I proposing to do the last area
4 of my examination-in-chief, and I wondered whether it would be
5 appropriate at this point to invite all the material that Mr Kanu
6 has referred to in the order that they have been presented to the
7 Court as Defence for Kanu's exhibits 1 to 5.

8 JUSTICE DOHERTY: Mr Herbst, you have heard the
9 application. I will go through the documents one by one.

10 The first document is three pages of an undated list of
11 numbers, ten of which have the initials "SBK" at the side. Have
12 you any objecting to the tender of this document as an exhibit?

13 MR HERBST: Your Honour, I can't think of any, so I'm not
14 going to object.

15 JUSTICE DOHERTY: As we already have some Defence exhibits,
16 D1 and I think D2 for Mr Kargbo, I will call this exhibit D Kanu
17 1 to distinguish it from the other. I don't want to use the
18 initial K because there are three accused with the initial K.

19 So this will be exhibit D Kanu 1, and the pages will be D
20 Kanu 1A, 1B and 1C.

21 MR METZGER: Thank you.

22 JUSTICE DOHERTY: The next document is a two-page document
23 which is a photocopy of a rather battered two pages with lists of
24 names, status, relationship, address, and phone numbers, and it
25 has a certain amount of handwriting on it.

26 Mr Herbst?

27 MR HERBST: Your Honour, on this one I guess my objection
28 is not to the printed portions. I'm concerned about the
29 handwritten additions, because it was not clear to me from the

1 witness's testimony as to which ones he said - which handwritten
2 entries, I guess, for lack of a better word, were in his hand.
3 So would it be appropriate to do a brief voir dire of the witness
4 on the document? I don't know if that procedure is followed
5 here.

6 JUSTICE DOHERTY: What I can do is I can stand this one
7 down to the very end of his evidence, that is, examination,
8 cross-examination and re-examination, and if it's not clarified
9 at the end of that evidence, then we can deal with your
10 objections and seek further evidence before it can be considered
11 again. So that one is stood down to the end of evidence.

12 MR HERBST: That's fine. Your Honour, I would have the
13 same concern about 3A and B, and I only heard the witness testify
14 about B, not A. So those two problems I would flag for future
15 elaboration or discussion [i ndi scerni ble] again.

16 JUSTICE DOHERTY: Well, on that one, my recollection is
17 that he referred to his own name, which is on the first page,
18 which is not very - part of the photocopy hasn't come out on
19 ours, but certainly looks like "Kanu 3B" to me. So I will stand
20 it down as well, because both the A and the B are being put in,
21 and the A doesn't appear to relate to him. But there is quite a
22 lot of handwriting. So I will stand that one down also.

23 MR HERBST: I just wanted to add that with respect to that
24 one, the other two, you know, at the bottom of the page of 3B, do
25 not appear to relate to him, but also I didn't hear any testimony
26 about the handwritten notations on that.

27 JUSTICE DOHERTY: No, I don't recall any. So we'll stand
28 that down until the end of his evidence and revisit it.

29 MR HERBST: I thank the Court. With respect to 4A, I

1 guess, and 4B, as I understood the testimony I thought the
2 witness has said - but I could be wrong - that all of these were
3 written by him. If that's true, in other words, that his name is
4 written by him and all of the handwriting is written by him. If
5 that is the Court's recollection as well, I would not have
6 objection to that. Although I would say that, you know, it
7 relates to times in 2011. But since some of the diary entries
8 also relate to that period of time, and which I do intend to ask
9 him about, I'm not going to press that objection.

10 JUSTICE DOHERTY: Obviously the dates, et cetera, will go
11 to weight, and I will ask Mr Metzger to confirm your recollection
12 and mine that this was handwritten by the witness himself.

13 Mr Metzger, it was your witness.

14 MR METZGER: Your Honour, yes. This was a handwritten
15 document by himself by way of application for various people and
16 numbers to go on an authorised call list on the date of 7
17 November 2011.

18 JUSTICE DOHERTY: The witness is the author of the
19 document.

20 MR METZGER: Yes.

21 JUSTICE DOHERTY: So I don't see any great issue there,
22 Mr Herbst.

23 MR HERBST: I don't, your Honour. And with that
24 confirmation, I would not object to that document.

25 JUSTICE DOHERTY: This will become exhibit Kanu - D Kanu
26 2A, B and C.

27 I'll just continue now to D5 - MFI-D5 which is the
28 letters from the Registrar plus Mr Kanu's handwritten notation at
29 the back of one of the pages.

1 MR HERBST: Your Honour, again with respect to the November
2 4 - the 4 November 2010 letter, I don't know if Mr Metzger
3 intends to offer the handwritten notation on the left-hand margin
4 of the second page. I didn't hear any testimony about that. But
5 in terms of the body of the letter, I don't have objection to
6 that. So that would be - those are the first three pages of
7 Exhibit 5.

8 With respect to the last two pages, I don't have objection
9 to those pages. The witness has testified that the handwritten
10 entries are his on the second page. I would request of the
11 Court, since that letter refers to a 20 December 2010 letter from
12 Mr Kanu to the Registrar, that the Court requests from the
13 Registrar or Court Management a copy of the December 20 letter so
14 that we can see what that [i ndi scerni bl e].

15 I'm assuming Mr Metzger does not have a copy of that
16 letter, so I make that request and application for the Court
17 [i ndi scerni bl e].

18 JUSTICE DOHERTY: Two things: Mr Kanu, I'm going to ask
19 you a question. You see the letter from the Registrar addressed
20 to you which you said were sent to all eight prisoners? On the
21 second page of that letter there's some handwriting at the side.
22 One word is "vi si t"; the others are "Skype", "telephone", and
23 "Mpangas do not have any." So who wrote those words?

24 THE WITNESS: Yes, your Honour, I wrote them. Like number
25 4, I put there "vi si t".

26 JUSTICE DOHERTY: [Mi crophone not acti vated] have you got a
27 copy of the letter that you wrote on 20 December to the
28 Registrar? Do you have a copy yoursel f?

29 THE WITNESS: I did not write to her. She wrote to us.

1 MR HERBST: Your Honour, I'm not sure the witness
2 understood your question.

3 JUSTICE DOHERTY: I'm watching the time, because the two
4 detainees have to leave now to get back before lockdown.

5 Mr Kanu, there's a letter addressed to you from the
6 Registrar dated 19 January 2011. That letter starts by saying,
7 "I write to acknowledge receipt of your letter of 20 December
8 2010." That means to me that you wrote to the Registrar on 20
9 December 2010. Do you have a copy of the letter referred to?

10 THE WITNESS: This, Ma'am, it was all of us. All eight of
11 us.

12 JUSTICE DOHERTY: Mr --

13 THE WITNESS: Your Honour, are you getting me?

14 JUSTICE DOHERTY: I am indeed, Mr Kanu. I heard you very
15 clearly. You said it was written by all eight of you. That
16 makes things a bit different to an individual letter. It
17 involves other people, Mr Herbst.

18 MR METZGER: Your Honour, I think his answer was this
19 letter was written to all eight of them, this particular letter.

20 JUSTICE DOHERTY: I'm conscious of the time. There's
21 several issues involved in your application, Mr Herbst, one of
22 which applies to the Registrar, who is not represented, and whose
23 confidential documents are in issue.

24 I have to let the two detainees go. They must be taken
25 back, so I cannot rule on this until I hear further on the status
26 of the letter referred to.

27 Mr Metzger, before I direct that Mr Kanu and Mr Kamara be
28 taken and brought back to the centre where they are staying, is
29 there any other matter that you want to put before me now in the

1 presence of your witness?

2 MR METZGER: Your Honour, no. I simply wanted to ask him
3 two questions so that he would be released from his
4 examination-in-chief and Mr Herbst would know that he is ready to
5 go in the morning [overlapping speakers].

6 JUSTICE DOHERTY: That would be great if we could do that
7 very quickly. I've recorded my concerns. But if you can do
8 those two questions very quickly, please do so.

9 MR METZGER:

10 Q. Mr Kanu, did you ever offer anyone a bribe to change their
11 testimony?

12 A. Mr Metzger, never, sir.

13 Q. Secondly, did you try to plead with, threaten, or otherwise
14 interfere with anyone to change their testimony against you?

15 A. No, sir. Nobody.

16 MR METZGER: Your Honour, that is where normally my
17 examination-in-chief would finish [indiscernible].

18 JUSTICE DOHERTY: Thank you, Mr Metzger. That's a very
19 convenient place to adjourn.

20 I'm not going to adjourn the Court completely, but first of
21 all I'm going to direct Mr Kanu: That is part of your evidence.
22 There will be more questions tomorrow. I therefore remind you
23 that you are under oath and you must not discuss your evidence
24 with any other person. Do you understand?

25 A. Yes, your Honour, I will do, Ma.

26 JUSTICE DOHERTY: Very good. So I now authorise Madam
27 Court Manager that the two detainee witnesses can be taken back,
28 and I would ask has any counsel got any other matters that I need
29 to deal with that do not directly affect either Mr Kanu or

1 Mr Kamara.

2 Incidentally, Chief Taku, I have checked over the lunchtime
3 break and I understand that your concerns concerning the
4 transcript have now been rectified and that the entire transcript
5 is in order.

6 CHIEF TAKU: Thank you very much, your Honour. And thank
7 the court reporters also for their diligence.

8 JUSTICE DOHERTY: Yes, they acted on it right away.

9 Any other matters that I need to deal with that I can deal
10 with now before we adjourn the Court?

11 Mr Herbst, I have not have an opportunity to look
12 thoroughly at this disclosure issue because of other matters that
13 intervened and took up my time during the breaks, but I will
14 certainly do that as soon as I possibly can to get the evidence
15 moving on. If there's nothing else, we'll adjourn --

16 MR HERBST: I thank the Court.

17 JUSTICE DOHERTY: If there's nothing else, we will - please
18 adjourn Court until tomorrow at 9 o'clock Freetown time.

19 [The Court adjourned at 3.35 p.m. until 9.00
20 a.m. the following day]

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