



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

-V-

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

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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 [Monday, 3 September 2012]

2 [Open session]

3 [The accused present]

4 [The Court resumed at 9.06 a.m.]

5 JUSTICE DOHERTY: Good morning. First can you hear us in  
6 Kigali? And in particular, can Mr Kanu and Mr Kamara hear us in  
7 Kigali?

8 THE INTERPRETER: Yes, your Honour, we are getting you  
9 clearly and loudly.

10 JUSTICE DOHERTY: Thank you very much. Now I will take  
11 appearances, Kigali.

12 MR HERBST: Your Honour, Robert Herbst, independent counsel  
13 for the Prosecution.

14 JUSTICE DOHERTY: Thank you, Mr Herbst.  
15 And here in Freetown?

16 MR NICOL-WILSON: Good morning, your Honour. Melron  
17 Nicol-Wilson for Hassan Papa Bangura.

18 JUSTICE DOHERTY: Thank you, Mr Nicol-Wilson.

19 CHIEF TAKU: May it please your Honour, Chief Charles Taku  
20 for Mr Samuel Kargbo.

21 JUSTICE DOHERTY: Thank you, Chief Taku.

22 CHIEF TAKU: Your Honour, at the end of the day, I will  
23 respectfully wish to raise a scheduling issue in chambers if  
24 your Honour would find time to accommodate me.

25 JUSTICE DOHERTY: I will certainly do that.

26 CHIEF TAKU: Thank you, your Honour.

27 JUSTICE DOHERTY: I will note for purposes of record that  
28 Mr Metzger, with the permission of his client and with my  
29 agreement, will be - will not be in Court today. He's

1 travelling. And he has agreed with Mr Serry-Kamal to have a  
2 watching brief to protect the interests of his witness. So his  
3 absence is with my agreement and the agreement of his client.

4 I note that Mr Serry-Kamal is not here, but at least we can  
5 start the preliminary noncontentious matters such as swearing the  
6 witness, et cetera, whilst we're waiting for him to come.

7 Mr Nicol-Wilson, you have indicated that your client  
8 will be giving evidence - you said under oath, but of course he  
9 can affirm if he so wishes. We'll proceed with his evidence.

10 MR NICOL-WILSON: Your Honour, he's a Christian, and he  
11 would like to give his evidence under oath.

12 JUSTICE DOHERTY: Very good. I'm glad to hear that.

13 Mr Herbst, I hope you can hear clearly whilst we take the  
14 evidence of Mr Bangura.

15 Mr Bangura, please come to the witness box.

16 What language will the witness use, Mr Nicol-Wilson?

17 MR NICOL-WILSON: The witness will testify in Krio.

18 JUSTICE DOHERTY: Thank you.

19 HASSAN PAPA BANGURA,

20 SWORN AND EXAMINED BY MR NICOL-WILSON:

21 JUSTICE DOHERTY: What language will the witness use,  
22 Mr Nicol-Wilson?

23 MR NICOL-WILSON: The witness will testify in Krio.

24 JUSTICE DOHERTY: Thank you. Please proceed,

25 Mr Nicol-Wilson.

26 MR NICOL-WILSON:

27 Q. Good morning, Mr Bangura.

28 A. Good morning, Mr Nicol-Wilson.

29 Q. Now, I want you to listen to the Krio interpreter and not

1 to listen to the English questions that I'll be putting to you.  
2 Listen to the interpretation before you answer. I know you can  
3 understand English, but you are more fluent in Krio. So listen  
4 carefully to the Krio interpreter before you answer to the  
5 questions.

6 Now, can you tell the Court what your full names are?

7 A. My name is Hassan Papa Bangura.

8 Q. Now, can you tell the Court what is your marital status?

9 A. I am married and I have a child.

10 Q. How old is your child?

11 A. Twelve years old now.

12 Q. Now, can you tell the Court whether your wife is employed?

13 A. My wife does not work. She does not do anything.

14 Q. Now, can you briefly outline your marital responsibilities  
15 since your wife does not work?

16 A. Well, my responsibility is to take care of my wife, and the  
17 only way that I take care of her is that I have a vehicle that is  
18 normally rented out, sometimes for a week or for a month, and  
19 that's the means I use to sustain her.

20 Q. So you are a self-employed individual?

21 A. Yes, I work for myself, not for anybody.

22 Q. Now, can you tell the Court which part of Sierra Leone you  
23 were born and when?

24 A. I was born in the Wilberforce Barracks in 1972, December 3.

25 Q. And where in Sierra Leone did you grow up?

26 A. I grew up in the Wilberforce Barracks.

27 Q. Can you also tell the Court which school you attended?

28 A. I attended the Services Secondary School.

29 Q. Is that school in a barracks environment, or is it out of a

1 barracks environment?

2 A. I started school in the barracks, Services Primary.

3 Q. Now, when did you join the Sierra Leone Army?

4 A. I joined the Sierra Leone Army in 1991, May 3.

5 Q. And how long did your training last for?

6 A. Well, our training lasted for three months.

7 Q. Is it normal for soldiers to be trained for three months?

8 A. No, it's not normal for a soldier to be trained for three  
9 months, because when I was born they used to train soldiers for  
10 one year, six months. But during those days, because of the war,  
11 we were trained for three months.

12 MR HERBST: Your Honour, I'm sorry to interject, but I'm  
13 experiencing the same problem that I've had before in that I hear  
14 the witness and the interpreter at the same time. They block  
15 each other out and I'm unable to hear - I was unable to hear  
16 virtually all of that answer. It may be possible to turn down  
17 the witness's mic in my line. I think when we were here in June  
18 and July that worked, but that's the only observation I can make.

19 JUSTICE DOHERTY: First of all, I'll ask the technical  
20 staff to help with that. The witness is speaking quite softly  
21 but clearly. If it's the transmission, I will ask Mr Court  
22 Officer to turn his mic down - the volume a little bit and see if  
23 that helps. Otherwise, I would ask our technicians here if they  
24 could look at the transmission from the interpreters' booth. For  
25 the last answer I will read my note, again not the official  
26 record, but my note. Answer: No, it is not normal for soldiers  
27 to be trained for three months. When I was born, soldiers were  
28 trained for one year and six months. In those days because of  
29 the war, they were trained for three months. If any counsel

1 wishes to correct that.

2 MR NICOL-WILSON: That's the correct recording,  
3 your Honour.

4 JUSTICE DOHERTY: Thank you. Please proceed,  
5 Mr Nicol-Wilson.

6 MR NICOL-WILSON:

7 Q. Now, after you completed your military training, were you  
8 deployed?

9 A. Yes, after our training, I was deployed at Daru.

10 Q. Now you say Daru, were you deployed at the barracks, or at  
11 the front line, or at the town? Where in Daru were you deployed?

12 A. I was deployed in the Daru Barracks in the eastern part of  
13 this country.

14 Q. And for how long were you deployed at the Daru Barracks?

15 A. I was there from 1991 to close to 1992, when I was  
16 transferred to Kono.

17 Q. Now, did your deployment involve any combat action, or you  
18 were merely deployed in a barracks situation?

19 A. My deployment was on a combat action, because at those  
20 times the rebels were fighting and we were resisting them.

21 Q. Now, do you go by any - are you known by any other name  
22 besides the name Hassan Papa Bangura?

23 A. Yes. My popular name that is known by many is Bomb Blast.

24 Q. How did you come to be known by the name Bomb Blast?

25 A. If I can tell this Court, at that time that the RUF were  
26 advancing on Freetown, I ambushed them, and at that time I used a  
27 bomb to ambush them. Since then, the men started calling me Bomb  
28 Blast.

29 Q. Can you recall what year was that?

1 A. I think it was around 2000 or 1999, if I can recall.

2 Q. Now, I notice that you took the oath using the Christian  
3 affirmation. Are you a Christian?

4 A. Yes, I'm a Born Again Christian.

5 Q. Now, can you tell the Court a little bit about your  
6 religious life?

7 A. Yes, presently since I've been here, that's the one thing  
8 I've been missing in my life. Because when I was out, I was  
9 punctual in church. I always went to church on Mondays,  
10 Wednesdays, Fridays, and Sundays. I always participated in  
11 church activities. For instance, if we had a crusade or revival,  
12 I always participated in those. I helped to put things in order.

13 Q. Now, let's go to the year 2000. In that year were you  
14 appointed to head any group of soldiers?

15 A. Yes.

16 Q. Which group were you appointed to head?

17 A. Well, at that time I was appointed to head the West Side  
18 men. I led them because they were ex-soldiers. They were  
19 soldiers, not ex-soldiers, at that time.

20 Q. So who appointed you to head the West Side soldiers?

21 A. Well, at that time it was the Government of Sierra Leone.  
22 Because heading the army at that time was Tom Carew, and it was  
23 he who appointed me to be there.

24 JUSTICE DOHERTY: Mr Nicol-Wilson, I'll just note  
25 Mr Serry-Kamal's appearance. Please proceed.

26 MR NICOL-WILSON: Yes, your Honour.

27 MR SERRY-KAMAL: [Microphone not activated] sorry I'm late.  
28 I appear for the first accused, and I hold a brief for Kanu.

29 JUSTICE DOHERTY: Thank you, Mr Serry-Kamal. We have noted

1 Mr Metzger is absent with permission and you're holding that  
2 brief. Thank you.

3 Proceed.

4 MR NICOL-WILSON:

5 Q. Now can you tell the Court what were your responsibilities  
6 as head of the West Side group of soldiers?

7 A. At that time my responsibility was that I was paying them.  
8 I collected their ration for them. That was my responsibility.

9 JUSTICE DOHERTY: Just before we move on, can we have the  
10 spelling of the person who appointed Mr Hassan Papa Bangura.

11 MR NICOL-WILSON:

12 Q. Now, you said you were appointed by Mr Tom Carew. He was  
13 head of the army. Can you spell his name?

14 A. Let the interpreters help me.

15 MR NICOL-WILSON: Your Honour, I think it's T-O-M for Tom  
16 and C-A-R-E-W for Carew.

17 JUSTICE DOHERTY: Yes, I think we have that on record, in  
18 fact.

19 MR NICOL-WILSON:

20 Q. Now, when you say you pay salaries to the soldiers, what do  
21 you mean? Do you pay them personally, or what?

22 A. I was collecting the salaries in town and pay them on the  
23 ground. We had a voucher where everyone signed when you received  
24 your salary.

25 Q. Now, let's go to the year 2004. Were you arrested in that  
26 year and detained in the central prison at Pademba Road?

27 A. Yes, I was arrested in 2000. I was arrested in 2000 and  
28 detained at the Pademba prison.

29 Q. Now, why were you arrested in the year 2000 and detained at

1 the Pademba Road Prison?

2 A. Well, at that time that I was arrested, I had come to  
3 collect salaries. As I was collecting the salaries, a conflict  
4 erupted at the house where I was. Five Five had come to the  
5 house. He said they had collected a vehicle from him, and he  
6 said my boys had collected that vehicle. But when he came at  
7 that time, I was not there and he came and collected all my  
8 property that I had left there, including money, and they took  
9 them away. When I came back, I decided to meet them there where  
10 they were staying, so that I could retrieve especially what they  
11 had taken from me. And at that time we went into firing. After  
12 that, I was arrested and taken to Pademba together with all my  
13 men, whilst Five Five was taken to Cockerill.

14 Q. Now, when you say you went to the house where Five Five was  
15 living to retrieve your property, who were you accompanied by  
16 when you went to retrieve your property?

17 A. Well, I was with my men, including 334, Bobson. We went  
18 there and attacked the men because they had come to us and  
19 attacked us and collected - and taken most of our property.

20 Q. Mr Witness, I want you to speak a little bit slowly so that  
21 the interpreter could get exactly all what you are saying. Now,  
22 you also said that you were arrested after that incident and  
23 taken to Pademba Road prison. Can you name some of the people  
24 you were arrested with as a result of that incident?

25 MR HERBST: I was, your Honour. I was trying to - trying  
26 to interject and say that I [i ndi scernible] static.

27 JUSTICE DOHERTY: Mr Herbst, I can hardly hear you myself.  
28 But you did say there was a lot of static. So we'll just pause  
29 for a moment and I'll ask the technicians, both at your end and

1 our end, to see if there's anything that can be done. I'll check  
2 in a moment with you.

3 Mr Court Officer, any success with the static?

4 THE COURT OFFICER: Your Honour, I just spoke to the  
5 technicians and they are working on it.

6 JUSTICE DOHERTY: We'll just give it a few more minutes.

7 Mr Herbst, can you hear me any better now? Kigali, are you  
8 hearing me?

9 MR HERBST: Yes, I do hear you, your Honour.

10 JUSTICE DOHERTY: All right. We'll give it another try.

11 Mr Nicol-Wilson, please proceed.

12 MR HERBST: Your Honour, before we proceed, I did not hear  
13 [i ndi scerni bl e] the questi on and answer [i ndi scerni bl e].

14 JUSTICE DOHERTY: The last two questions and answers  
15 related as follows: Have you attended any Outreach of the  
16 Special Court for Sierra Leone? And the witness said, I have not  
17 attended an Outreach. I don't know what is Outreach is. He was  
18 then asked did he know who was a protected witness, and he said  
19 he did not know who was a protected witness - who a protected  
20 witness is. So Mr Nicol-Wilson was about to proceed when we  
21 tried to sort out the static.

22 Mr Nicol-Wilson, please proceed.

23 MR NICOL-WILSON:

24 Q. Now, can you tell the Court when you first knew about the  
25 concept of a protected witness?

26 A. It was when this trial started that I knew about that.

27 Q. So in November and December 2010 did you know whether  
28 Alimamy Bobson Sesay was a protected witness?

29 A. No, I never knew that.

1 Q. In November 2010 were you interacting with witness Alimamy  
2 Bobson Sesay?

3 A. Yes, we used to interact. We used to talk and do things in  
4 common.

5 Q. Was there any common place you'd normally meet during  
6 November and December 2010?

7 A. Yes, we used to meet, at times at Sweissy and sometimes in  
8 church. In my own church or his own church, we used to meet  
9 there.

10 MR HERBST: Sorry, your Honour.

11 JUSTICE DOHERTY: Yes, Mr Herbst.

12 MR HERBST: Can you hear me? I didn't hear the last  
13 [i ndi scerni bl e].

14 JUSTICE DOHERTY: The witness was asked was there a place  
15 they met in November and December 2010, and the witness answered,  
16 Yes, we used to meet at Sweissy and in church, his church and my  
17 church.

18 MR HERBST: Thank you, your Honour [i ndi scerni bl e].

19 JUSTICE DOHERTY: I didn't hear the last bit of what you  
20 said, Mr Herbst.

21 MR HERBST: I said the static is back [i ndi scerni bl e].

22 MR NICOL-WILSON: Your Honour, I can't hear anything  
23 Mr Herbst is saying.

24 JUSTICE DOHERTY: Neither can I. We'll just have to pause.

25 Mr Court Officer, we cannot hear Kigali clearly. Can you  
26 ask our technicians if they can help.

27 THE COURT OFFICER: Very well, your Honour.

28 JUSTICE DOHERTY: Mr Court Officer, any report?

29 THE COURT OFFICER: Your Honour, the lines are busy so I

1 guess they are working on it. I can't communicate with them.

2 JUSTICE DOHERTY: Mr Herbst, can you hear me any better?

3 MR HERBST: I can, your Honour.

4 JUSTICE DOHERTY: Oh, you're nice and clear now, so we'll  
5 keep going. I may have inadvertently turned off the witness's  
6 microphone so if that can be put on again, Mr Court Officer.  
7 Mr Nicol-Wilson, please proceed.

8 MR HERBST: Your Honour, I wonder if I could have the last  
9 question and answer before Mr Nicol-Wilson proceeds?

10 JUSTICE DOHERTY: Yes. The witness was asked what place  
11 that they met in November/December. This was following questions  
12 about interacting with Sesay, 334. And he says, Yes, we met in  
13 Sweissy and in church. That's what I've recorded.

14 Please proceed, Mr Nicol-Wilson.

15 MR NICOL-WILSON: As your Honour pleases.

16 JUSTICE DOHERTY: Just for the record, Mr Kamara may leave  
17 the Court precincts under escort.

18 MR NICOL-WILSON:

19 Q. So now how would you describe the communication flow  
20 between yourself and Alimamy bob Sesay in November and December  
21 2010?

22 A. We usually just spoke commonly. When he had a problem he  
23 would tell me. At that time his frustration was that - he always  
24 told me that he wanted to leave this country. He wanted to go to  
25 his sister in France. At one time he told me that his sisters  
26 went to Holland to pick him up, but they did not allow him to go.  
27 So he's had that frustration and he's been telling me that. But  
28 we don't have any other talk apart from that.

29 MR HERBST: Your Honour, I hate to interject again. If

1 your Honour can hear me.

2 JUSTICE DOHERTY: Very clearly.

3 MR HERBST: [Indiscernible] Your Honour, the line is clear,  
4 but now we have the situation where the witness's line is open,  
5 whereas before when we had the static the witness's line was  
6 closed as far as I was hearing and so I could hear the  
7 interpreter clearly. And now in this last answer the two men  
8 were speaking at the same time and I could not get the answer.

9 JUSTICE DOHERTY: First of all, I'll ask the technicians  
10 again to look at this. I'm not sure where the fault lies,  
11 whether it's Kigali or here. And I will also read the answer to  
12 you that I have recorded, again noting it's not official. We  
13 used to speak commonly. When he had a problem, he would tell me.  
14 He was frustrated. He wanted to go to France. His sisters even  
15 went to Holland to collect him, but he was not allowed to go.  
16 But there was no other talk apart from that.

17 Mr Nicol-Wilson, do you agree with that?

18 MR NICOL-WILSON: Yes, your Honour.

19 THE COURT OFFICER: Your Honour, sorry to interrupt. We  
20 are advised from Kigali that the technician - the interpreters  
21 have to again do the same thing we've been practising all last  
22 week or so, that they wait for the witness to finish speaking and  
23 give a little bit of a pause before picking up from there. That  
24 way they don't interrupt the line and cause the static. These  
25 are just possible measures we could take. Thank you.

26 JUSTICE DOHERTY: Mr Interpreter, do you and your  
27 colleagues understand the procedure that the technical staff want  
28 you to adopt?

29 THE INTERPRETER: We do understand, your Honour, but it

1 will be very difficult for us to be accurate in our  
2 interpretation if we adhere to it strictly, especially when he is  
3 giving long answers.

4 MR NICOL-WILSON: Your Honour, I would also advise --

5 MR HERBST: Your Honour, if I could interject.

6 JUSTICE DOHERTY: Mr Herbst, Mr Nicol-Wilson is speaking.  
7 Please let him speak.

8 MR NICOL-WILSON: Your Honour, I would also advise the  
9 witness to speak slowly so the interpreter can get what he is  
10 saying and interpret. And also raise your voice a little bit,  
11 please.

12 JUSTICE DOHERTY: Now, Mr Herbst.

13 MR HERBST: Yes, your Honour, I apologise for speaking. I  
14 did not hear Mr Nicol-Wilson was speaking when I started.

15 JUSTICE DOHERTY: Yes.

16 MR HERBST: I think, your Honour, there's a technical fix  
17 to this in that if they turn down the witness's mic for us, we  
18 will not hear him. We will basically hear the English  
19 interpreter. That was how it was going through the static, until  
20 the static became so bad that I could not hear. But we had a  
21 situation at some point in the past where we were free of static  
22 and also the witness's mic really could not be heard much at all  
23 here. We were then able to --

24 JUSTICE DOHERTY: Very well, Mr Herbst, I understand the  
25 situation.

26 Mr Court Officer, please turn down the witness's  
27 microphone. We have to hear him, of course. We'll give this a  
28 trial run and see how it goes.

29 A. Well, I can name 334, Bobson Sesay were all arrested, Eddie

1 - Pastor Eddie, Issa Mansaray, Mohamed Sankoh, and others.

2 Q. So when you were arrested, were you tried for the incident?  
3 Were you taken to Court for that incident?

4 A. No, we were not tried. We were just there. They never  
5 tried us.

6 Q. And how long were you in prison for?

7 A. We spent four years there. Four years.

8 JUSTICE DOHERTY: Mr Nicol-Wilson, I want to ask the  
9 witness a question.

10 MR NICOL-WILSON: Yes, your Honour.

11 JUSTICE DOHERTY: Mr Bangura, were you one of the 14 people  
12 that was held without a warrant at Pademba Road prison from 2000  
13 to 2004?

14 THE WITNESS: Yes, your Honour.

15 JUSTICE DOHERTY: And you will remember me coming and  
16 speaking to you in 2004.

17 THE WITNESS: Your Honour, that's a long time, but I can  
18 remember. Because it's been a long time. Because at that time  
19 we were having a lot of visitors who were coming to talk to us,  
20 the Red Cross --

21 JUSTICE DOHERTY: Don't worry about it. If there's going  
22 to be an issue on this, I will repeat the statement I made during  
23 the AFRC trial concerning these 14 men. But it's not going to be  
24 an issue. I'll only raise it if it is.

25 MR NICOL-WILSON: I'm grateful, your Honour.

26 Q. So you spent four years in prison. When were you released?

27 A. We were released on 21 August 2004.

28 Q. Do you remember some of the people you were released with  
29 on that day?

1 A. Some of the people I was released with were 334, Bobson  
2 Sesay, and some of the others I've named before, were all  
3 released together.

4 Q. Now, Mr Witness, let me take you to another subject matter  
5 dealing with your relationship with some people whose names have  
6 been mentioned in this Court. Do you know Tamba Alex Bri ma?

7 A. Yes, I know him. I can say he is my elder brother.

8 Q. Now, how do you know him?

9 A. Well, I had known him since childhood, because since I was  
10 born, we were all bred in the same barracks and all of us joined  
11 the army at the same time.

12 Q. Now, do you know Ibrahim Bazzy Kamara?

13 A. Yes, I know him. I know Ibrahim Bazzy Kamara. We were in  
14 the same Wilberforce Barracks, Wilberforce Village with the same  
15 people, and we joined the army at the same time and were in the  
16 same company during training school.

17 Q. Now, do you know Five Five, Mr Santi gie Borbor Kanu?

18 A. Yes, I know Five Five too, because we were also in the army  
19 during the NPRC days. He was with Strasser and I was with Maada  
20 Bio.

21 Q. Now, do you know Mr Samuel Kargbo, otherwise known as Sammy  
22 Ragga?

23 A. Yes can, I know Sammy Ragga. We were all in the army too,  
24 and we were all in the prison together. I know him very well.  
25 He was my friend.

26 Q. Now, you have also stated that you know somebody you  
27 described as 334. Is that Alimamy Bobson Sesay?

28 A. Yes, Alimamy Bobson Sesay, I know him very well.

29 Q. Can you tell the Court a little bit about your

1 relationship?

2 A. Yes. Our relationship was cordial. We were doing things  
3 in common with Alimamy Bobson Sesay. He was working with me. He  
4 always assists when required.

5 Q. Now, do you know anything about his Christian life?

6 A. Yes, I know. Because we all attended the same church from  
7 prison up to Flaming. We've been in the same church up to the  
8 time recently he left Flaming and joined another church in the  
9 east end. We used to visit. When they had any programme in the  
10 east end in that church, he would invite me and I would go there.  
11 If we had a programme at Flaming too, I would invite him and he  
12 would join me.

13 JUSTICE DOHERTY: May we have the spelling of Flaming,  
14 please.

15 MR NICOL-WILSON: Your Honour, it's F-L-A-M-I-N-G.

16 JUSTICE DOHERTY: Thank you. Please proceed.

17 MR NICOL-WILSON:

18 Q. Besides being Christian brothers, do you have any other  
19 relationship with Alimamy Bobson Sesay?

20 A. Yes, we were - just like I said, the relationship was so  
21 cordial between myself and Alimamy Bobson Sesay because I usually  
22 visited him, and he does likewise. We used to go down to  
23 Sweissy, and at Sweissy we used to discuss. Our relationship was  
24 not that barred. It was cordial. We had a cordial relationship.

25 Q. Now, do you have any relationship with the President of the  
26 Republic of Sierra Leone?

27 A. Well, my relationship is not that strong as I can say,  
28 because the way the President knew me, we had a group called  
29 AGPAD, Action Group For Peace and Development. That's a group

1 that preaches against violence. That was how he knew me. And  
2 his bodyguard, Idrissa Kamara, is my brother because the two of  
3 us are close. The two of us are close because he's my elder  
4 brother.

5 Q. Now, you mentioned a group you said is called Action Group  
6 For Peace and Development, AGPAD. What is the purpose of that  
7 group?

8 A. Well, that group is one that preaches peace and since - we  
9 had formed it since 2007. It deals with all ex-combatants from  
10 all the fighting groups. So it's a group that always preaches  
11 against violence and preaches peace.

12 Q. Now, are you in a position to tell this Court some of the  
13 members of that group?

14 A. Yes. Sammy Ragga is a member and so is Alimamy Bobson  
15 Sesay. We have so many members like Cisco and most of the  
16 ex-combatants.

17 Q. Now, you've told this Court that you were released from  
18 prison in 2004. After your release did you participate in  
19 activities in the Special Court?

20 A. Never. I never participated in the Special Court  
21 proceedings.

22 Q. Was there any advance made to you by the Prosecution for  
23 you to testify at the Special Court during the AFRC trial?

24 A. Yes, they approached me to testify, and I told them plainly  
25 that I can't do that. Because of the incident that had happened  
26 between myself and Five Five, I was thinking that if I came, they  
27 would think that that was why I had come to testify. So that was  
28 why I did not accept to testify.

29 Q. Now, were you requested by the Defence to testify as a

1 Defence witness?

2 A. Yes, they too approached me. But just like I said, I  
3 explained the same to them, that I can't do that. I didn't want  
4 to interfere in Special Court affairs. That was what I told  
5 them.

6 Q. Now, between 2004 when you were released, and 2010, did you  
7 attend any Outreach programme organised by the Special Court?

8 A. No, I never attended any Outreach programme. In fact, I  
9 don't know what Outreach is.

10 Q. Now, in November and December 2010, did you know who a  
11 protected witness is within the concept of the Special Court?

12 A. No, I never knew who a protected witness is.

13 MR HERBST: Excuse me, your Honour.

14 MR NICOL-WILSON: Your Honour, I think Mr Herbst is trying  
15 to get --

16 JUSTICE DOHERTY: Sorry, Mr Herbst, were you speaking?

17 MR HERBST: I was, your Honour. I was trying to - trying  
18 to interject and say that I [indiscernible] static.

19 JUSTICE DOHERTY: Mr Herbst, I can hardly hear you myself.  
20 But you did say there was a lot of static. So we'll just pause  
21 for a moment and I'll ask the technicians, both at your end and  
22 our end, to see if there's anything that can be done. I'll check  
23 in a moment with you.

24 Mr Court Officer, any success with the static?

25 THE COURT OFFICER: Your Honour, I just spoke to the  
26 technicians and they are working on it.

27 JUSTICE DOHERTY: We'll just give it a few more minutes.

28 Mr Herbst, can you hear me any better now? Kigali, are you  
29 hearing me?

1 MR HERBST: Yes, I do hear you, your Honour.

2 JUSTICE DOHERTY: All right. We'll give it another try.

3 Mr Nicol-Wilson, please proceed.

4 MR HERBST: Your Honour, before we proceed, I did not hear  
5 [i ndi scerni ble] the questi on and answer [i ndi scerni ble].

6 JUSTICE DOHERTY: The last two questions and answers  
7 related as follows: Have you attended any Outreach of the  
8 Special Court for Sierra Leone? And the witness said, I have not  
9 attended an Outreach. I don't know what is Outreach is. He was  
10 then asked did he know who was a protected witness, and he said  
11 he did not know who was a protected witness - who a protected  
12 witness is. So Mr Nicol-Wilson was about to proceed when we  
13 tried to sort out the static.

14 Mr Nicol-Wilson, please proceed.

15 MR NICOL-WILSON:

16 Q. Now, can you tell the Court when you first knew about the  
17 concept of a protected witness?

18 A. It was when this trial started that I knew about that.

19 Q. So in November and December 2010 did you know whether  
20 Alimamy Bobson Sesay was a protected witness?

21 A. No, I never knew that.

22 Q. In November 2010 were you interacting with witness Alimamy  
23 Bobson Sesay?

24 A. Yes, we used to interact. We used to talk and do things in  
25 common.

26 Q. Was there any common place you'd normally meet during  
27 November and December 2010?

28 A. Yes, we used to meet, at times at Sweissy and sometimes in  
29 church. In my own church or his own church, we used to meet

1 there.

2 MR HERBST: Sorry, your Honour.

3 JUSTICE DOHERTY: Yes, Mr Herbst.

4 MR HERBST: Can you hear me? I didn't hear the last  
5 [i ndi scerni bl e].

6 JUSTICE DOHERTY: The witness was asked was there a place  
7 they met in November and December 2010, and the witness answered,  
8 Yes, we used to meet at Sweissy and in church, his church and my  
9 church.

10 MR HERBST: Thank you, your Honour [i ndi scerni bl e].

11 JUSTICE DOHERTY: I didn't hear the last bit of what you  
12 said, Mr Herbst.

13 MR HERBST: I said the static is back [i ndi scerni bl e].

14 MR NICOL-WILSON: Your Honour, I can't hear anything  
15 Mr Herbst is saying.

16 JUSTICE DOHERTY: Neither can I. We'll just have to pause.

17 Mr Court Officer, we cannot hear Kigali clearly. Can you  
18 ask our technicians if they can help.

19 THE COURT OFFICER: Very well, your Honour.

20 JUSTICE DOHERTY: Mr Court Officer, any report?

21 THE COURT OFFICER: Your Honour, the lines are busy so I  
22 guess they are working on it. I can't communicate with them.

23 JUSTICE DOHERTY: Mr Herbst, can you hear me any better?

24 MR HERBST: I can, your Honour.

25 JUSTICE DOHERTY: Oh, you're nice and clear now, so we'll  
26 keep going. I may have inadvertently turned off the witness's  
27 microphone so if that can be put on again, Mr Court Officer.  
28 Mr Nicol-Wilson, please proceed.

29 MR HERBST: Your Honour, I wonder if I could have the last

1 question and answer before Mr Nicol-Wilson proceeds?

2 JUSTICE DOHERTY: Yes. The witness was asked what place  
3 that they met in November/December. This was following questions  
4 about interacting with Sesay, 334. And he says, Yes, we met in  
5 Sweissy and in church. That's what I've recorded.

6 Please proceed, Mr Nicol-Wilson.

7 MR NICOL-WILSON: As your Honour pleases.

8 JUSTICE DOHERTY: Just for the record, Mr Kamara may leave  
9 the Court precincts under escort.

10 MR NICOL-WILSON:

11 Q. So now how would you describe the communication flow  
12 between yourself and Alimamy bob Sesay in November and December  
13 2010?

14 A. We usually just spoke commonly. When he had a problem he  
15 would tell me. At that time his frustration was that - he always  
16 told me that he wanted to leave this country. He wanted to go to  
17 his sister in France. At one time he told me that his sisters  
18 went to Holland to pick him up, but they did not allow him to go.  
19 So he's had that frustration and he's been telling me that. But  
20 we don't have any other talk apart from that.

21 MR HERBST: Your Honour, I hate to interject again. If  
22 your Honour can hear me.

23 JUSTICE DOHERTY: Very clearly.

24 MR HERBST: [Indiscernible] Your Honour, the line is clear,  
25 but now we have the situation where the witness's line is open,  
26 whereas before when we had the static the witness's line was  
27 closed as far as I was hearing and so I could hear the  
28 interpreter clearly. And now in this last answer the two men  
29 were speaking at the same time and I could not get the answer.

1 JUSTICE DOHERTY: First of all, I'll ask the technicians  
2 again to look at this. I'm not sure where the fault lies,  
3 whether it's Kigali or here. And I will also read the answer to  
4 you that I have recorded, again noting it's not official. We  
5 used to speak commonly. When he had a problem, he would tell me.  
6 He was frustrated. He wanted to go to France. His sisters even  
7 went to Holland to collect him, but he was not allowed to go.  
8 But there was no other talk apart from that.

9 Mr Nicol-Wilson, do you agree with that?

10 MR NICOL-WILSON: Yes, your Honour.

11 THE COURT OFFICER: Your Honour, sorry to interrupt. We  
12 are advised from Kigali that the technician - the interpreters  
13 have to again do the same thing we've been practising all last  
14 week or so, that they wait for the witness to finish speaking and  
15 give a little bit of a pause before picking up from there. That  
16 way they don't interrupt the line and cause the static. These  
17 are just possible measures we could take. Thank you.

18 JUSTICE DOHERTY: Mr Interpreter, do you and your  
19 colleagues understand the procedure that the technical staff want  
20 you to adopt?

21 THE INTERPRETER: We do understand, your Honour, but it  
22 will be very difficult for us to be accurate in our  
23 interpretation if we adhere to it strictly, especially when he is  
24 giving long answers.

25 MR NICOL-WILSON: Your Honour, I would also advise --

26 MR HERBST: Your Honour, if I could interject.

27 JUSTICE DOHERTY: Mr Herbst, Mr Nicol-Wilson is speaking.  
28 Please let him speak.

29 MR NICOL-WILSON: Your Honour, I would also advise the

1 witness to speak slowly so the interpreter can get what he is  
2 saying and interpret. And also raise your voice a little bit,  
3 please.

4 JUSTICE DOHERTY: Now, Mr Herbst.

5 MR HERBST: Yes, your Honour, I apologise for speaking. I  
6 did not hear Mr Nicol-Wilson was speaking when I started.

7 JUSTICE DOHERTY: Yes.

8 MR HERBST: I think, your Honour, there's a technical fix  
9 to this in that if they turn down the witness's mic for us, we  
10 will not hear him. We will basically hear the English  
11 interpreter. That was how it was going through the static, until  
12 the static became so bad that I could not hear. But we had a  
13 situation at some point in the past where we were free of static  
14 and also the witness's mic really could not be heard much at all  
15 here. We were then able to --

16 JUSTICE DOHERTY: Very well, Mr Herbst, I understand the  
17 situation.

18 Mr Court Officer, please turn down the witness's  
19 microphone. We have to hear him, of course. We'll give this a  
20 trial run and see how it goes.

21 THE COURT OFFICER: Your Honour, I did that already. But  
22 also he listens through that same means so if he goes too far  
23 down, he could hardly hear because the volume is also responsible  
24 for what he hears.

25 JUSTICE DOHERTY: Mr Herbst, you've heard both interpreter  
26 and the Court Officer explain the difficulties that could ensue.  
27 It's important, of course, that the witness and the interpreter  
28 hear clearly as well.

29 MR HERBST: Yes, indeed, your Honour. I understand.

1 JUSTICE DOHERTY: Mr Nicol-Wilson has instructed the  
2 witness to ensure that he speaks slowly and pauses at the end of  
3 each sentence in order to allow the interpreters to work. So  
4 let's hope that that won't - that won't lead to people talking  
5 across themselves.

6 MR NICOL-WILSON:

7 Q. Now, Mr Witness, in November 2010 were you communicating  
8 with the AFRC convicts in Rwanda?

9 A. Yes, we used to talk. They used to call me and we would  
10 talk.

11 Q. Also, was it in November 2010 that you started  
12 communicating with the AFRC convicts in Rwanda?

13 A. No, they've been calling me apart from that time. We've  
14 been talking anyway.

15 Q. Are you saying they've been calling you before November  
16 2010?

17 A. Yes.

18 Q. During those calls, were you in a position to know which  
19 particular person is calling you?

20 A. No, I was unable to know who was calling. And when the  
21 call comes in, as soon as I pick up the call, the person - I  
22 would only know when the person is speaking that this is Brima or  
23 Bazy speaking.

24 Q. So why was it impossible for you --

25 MR HERBST: Your Honour, excuse me. Excuse me, sorry to  
26 interrupt Mr Nicol-Wilson, but could I have that answer back? It  
27 was not heard clearly. The two voices were --

28 JUSTICE DOHERTY: Yes, the answer as I've noted it is, No,  
29 I was unable to know who was calling. When I picked the call,

1 only when they speak do I know if it is Bazzy or Brima - I think  
2 he called him Brima. Yes, Brima or Bazzy.

3 MR NICOL-WILSON: I will make it more clear, your Honour.

4 JUSTICE DOHERTY: Certainly, Mr Nicol-Wilson.

5 MR NICOL-WILSON:

6 Q. Why was it impossible for you to know who would be calling  
7 you from Rwanda?

8 A. Because they used to call me with one number. It was when  
9 I picked up the call that I would know whom I was talking to.

10 Q. Now, in December also 2010, were you communicating with the  
11 AFRC people in Rwanda?

12 A. Yes, they and I used to talk. They used to call me and we  
13 would talk.

14 Q. Let me be more specific. In November and December 2010,  
15 did you receive phone calls from Rwanda from Tamba Alex Brima?

16 A. Yes, Tamba Brima call me at that time.

17 Q. Also in November and December 2010, did you receive phone  
18 calls from Ibrahim Bazzy Kamara?

19 A. Yes, I received phone calls. They and I, we used to talk.  
20 We do talk.

21 Q. Also in November and December 2010, did you receive phone  
22 calls from Santi gie Borbor Kanu?

23 A. No, Santi gie Borbor Kanu has never called me. The way  
24 Santi gie Borbor Kanu and I talk is when Brima calls me at times,  
25 that I would inquire about him, that where is Santi gie Borbor  
26 Kanu and where is Five Five. Then we would talk.

27 Sometimes when Bazzy calls me, I would inquire about him,  
28 and sometimes Bazzy would tell me "Your man is there", Five Five,  
29 and we would talk. But he's never called me. Never. He's never

1 called me.

2 MR HERBST: Your Honour, I'm constrained to ask again for  
3 the Court's assistance. I did not hear the answer.

4 JUSTICE DOHERTY: The question was, Did you receive calls  
5 from Santigie Borbor Kanu? And he said, No, Santigie Borbor Kanu  
6 never called me. The way Santigie Borbor Kanu spoke was where  
7 Kamara or Brima called. I would say, "Where is Santigie Kanu?  
8 Where is Five Five?" And sometimes they would call me and say,  
9 "Your man is here." But he never called me. Never.

10 MR NICOL-WILSON:

11 Q. So of the two people who normally call you, Bazzy and Tamba  
12 Alex Brima, which one do you speak with more often?

13 A. The one that I talk to frequently is Tamba Brima. I talk  
14 most times with Tamba Brima, because he is my brother.

15 MR NICOL-WILSON: Your Honour, I have handed over two  
16 photos to the Court Officer which I want him to put to the  
17 witness.

18 JUSTICE DOHERTY: Have copies been made available to  
19 counsel for the Prosecution?

20 MR NICOL-WILSON: That's what he's now doing, your Honour.

21 JUSTICE DOHERTY: Mr Serry-Kamal wants to say something.

22 MR SERRY-KAMAL: [Microphone not activated] copies also be  
23 made [i ndi scerni bl e].

24 JUSTICE DOHERTY: Yes, that will happen automatically.

25 Mr Herbst in Kigali, Mr Nicol-Wilson is going to put two  
26 copies - two photographs to the witness. We're making copies so  
27 they can be scanned to you first of all and to Defence counsel.

28 I would think from the way this is developing, there hasn't  
29 been a prior disclosure of these photos, Mr Nicol-Wilson; is that

1 correct?

2 MR NICOL-WILSON: Yes, your Honour.

3 JUSTICE DOHERTY: So Mr Herbst, you can inform me in due  
4 course if you require time to consider these photos prior to  
5 cross-examining on them.

6 In the meantime, I will direct that they be served on  
7 everyone.

8 MR HERBST: I appreciate that, your Honour. Thank you.

9 THE COURT OFFICER: [In Kigali] Madam [indiscernible].

10 JUSTICE DOHERTY: I can hear the Court Manager's voice, but  
11 I didn't hear clearly what was said. Please repeat.

12 THE COURT OFFICER: [In Kigali] [Indiscernible] I was  
13 asking permission to address the Court. It is very difficult for  
14 us to hear anything from the witness in Kigali, because the  
15 witness and the interpreter are [indiscernible] together and it's  
16 coming in in a jumble. So we cannot ascertain anything the  
17 witness is saying. So I don't know how we're going to deal with  
18 that, but the technicians need to do something. And also the  
19 witness needs to wait until the interpreter has finished  
20 interpreting before he starts another sentence.

21 JUSTICE DOHERTY: Mr Bangura, did you hear what the Court  
22 Manager in Kigali said?

23 THE WITNESS: Yes, your Honour.

24 JUSTICE DOHERTY: Now, it's important that Mr Kamara and  
25 Mr Kanu hear what you're saying. So again we ask that you stop  
26 at the end of each sentence. I appreciate that that's not always  
27 easy, because you have a flow of thinking in your mind and you  
28 want to say it. But if you can try and - so as other people can  
29 hear in Kigali. So you must wait for the interpreter to finish.

1 MR NICOL-WILSON:

2 Q. Mr Witness, I will also insist again that you speak slowly,  
3 one sentence at a time, and then you pause and then you continue.  
4 Otherwise, most of what you are saying will not be recorded and  
5 interpreted?

6 MR NICOL-WILSON: Now, your Honour, I don't know if I  
7 should give an indication as to what these two photos are before  
8 I lead the witness on them.

9 JUSTICE DOHERTY: I have no problem with the witness  
10 identifying the photographs. Are they to be given to the witness  
11 one at a time or together?

12 MR NICOL-WILSON: One at a time. The first one is the one  
13 with the car.

14 JUSTICE DOHERTY: All counsel have them first. They should  
15 have them before I do and at the same time as the witness.

16 MR NICOL-WILSON: Your Honour, then I would respectfully  
17 crave your indulgence for one or two minutes so I tie up that  
18 area before I proceed with examination.

19 JUSTICE DOHERTY: Yes, proceed.

20 MR HERBST: Your Honour, it's Mr Herbst here in Kigali.

21 JUSTICE DOHERTY: Yes, I can hear you, Mr Herbst. Yes.

22 MR HERBST: I just wanted the Court to know that I  
23 [i ndi scerni bl e] receive the photographs.

24 JUSTICE DOHERTY: You and everybody else, Mr Herbst. Don't  
25 worry. Perhaps you can alert us when you get them, and then  
26 Mr Nicol-Wilson can proceed. But they are still being processed  
27 by Mr Court Manager.

28 MR HERBST: I see. I didn't realise that, your Honour, but  
29 I certainly will advise the Court when they come.

1 MR NICOL-WILSON: Your Honour, I just want to confirm also  
2 whether the witness is getting the Krio interpretation as I put  
3 questions to him.

4 THE WITNESS: Yes, I'm getting the Krio interpretation.

5 MR NICOL-WILSON: Your Honour, I'll proceed whilst we get  
6 the photographs.

7 JUSTICE DOHERTY: Very good, Mr Nicol-Wilson.

8 MR NICOL-WILSON:

9 Q. Now, you said, Mr Witness, that the person you normally  
10 speak with more often is Tamba Alex Brima; is that correct?

11 A. Yes, your Honour.

12 Q. Have you at any time made a call to the AFRC people in  
13 Rwanda from Freetown? Have you ever called them?

14 A. No, I've never called them. They always called me.

15 Q. Now, also earlier in your testimony you mentioned that you  
16 are a member of the an organisation called AGPAD. Is that what  
17 you told this Court?

18 JUSTICE DOHERTY: Mr Nicol-Wilson, can we have the spelling  
19 of that acronym, please?

20 MR NICOL-WILSON: It's A-G-P-A-D. AGPAD, which the witness  
21 said is Action Group For --

22 JUSTICE DOHERTY: Peace and Development.

23 MR NICOL-WILSON: -- Peace and Development, exactly.

24 Q. You also told this Court that that group preaches  
25 nonviolence. Is that what you said?

26 A. Yes, your Honour.

27 Q. Now, how do you go about sensitising members about your  
28 campaign of nonviolence? How do you go about sensitising members  
29 of the public about your campaign of nonviolence with this group?

1 A. Well, normally we go through ex-combatants and preach to  
2 them about violence, that they shouldn't allow anybody to use  
3 them to commit violence. We always preached peace to them. We  
4 have handbills that we print that we share out to people.  
5 Sometimes we post them on our cars and there are cards that we  
6 post as well. That is what we normally do.

7 Q. Also you have told this Court that you have a car which you  
8 normally hire out in order to make a living; is that correct?

9 A. Yes, it's correct.

10 Q. Now, do you have any poster affixed to any part of that  
11 car?

12 A. Yes, your Honour.

13 Q. What poster do you have affixed to that car you have  
14 described?

15 A. One is using ex-combatants against political --

16 THE INTERPRETER: Your Honour, can he repeat this answer  
17 more clearly?

18 JUSTICE DOHERTY: Mr Bangura, the interpreter didn't get  
19 you clearly. Please repeat your answer.

20 THE WITNESS: I said one is this a poster that we use that  
21 has "Stop using ex-combatants as political tools for violence."  
22 That is what is written on it.

23 JUSTICE DOHERTY: The witness, when he was answering the  
24 question, was holding up a card. So --

25 MR NICOL-WILSON: I'll lead him on that now.

26 JUSTICE DOHERTY: Thank you.

27 MR NICOL-WILSON:

28 Q. Do you have a picture or a photo of your car with that  
29 poster affixed to it?

1 A. Yes, I have the photograph.

2 Q. Would you like the Court to have a look at that photograph?

3 A. Yes.

4 MR NICOL-WILSON: Your Honour, I wish to tender that  
5 photograph as Defence Bangura 1.

6 JUSTICE DOHERTY: First of all, Mr Herbst, have you seen  
7 this - have you received your scanned copy of this?

8 MR HERBST: No, your Honour, I haven't. I notice that the  
9 Court Officer, though, is absent from the courtroom. I'll see if  
10 we can find her and perhaps it's already sent.

11 JUSTICE DOHERTY: I'll stand down the application until  
12 that's done, and then I will deal with the application.

13 Proceed, Mr Nicol-Wilson.

14 MR NICOL-WILSON: As your Honour pleases.

15 Q. Now, Mr Bangura, put those pictures aside for the time  
16 being. We'll come back to them.

17 Now, do you know why you are before this Court? Do you  
18 know why you have been charged?

19 A. Well, they charged me with contempt. They said knowingly  
20 and willfully interfering with the Special Court administration.  
21 That was what I was charged with.

22 Q. Do you know that you've also been indicted on allegations  
23 that you offered a bribe to a witness who has given testimony  
24 before the Trial Chamber?

25 A. Yes, that is what is in the charge.

26 MR HERBST: Your Honour, I haven't objected before, but  
27 that question was leading and I would object to it.

28 JUSTICE DOHERTY: Mr Nicol-Wilson, there have been a few  
29 leading questions. But since no objection was taken, I did not

1 raise it. We are now coming to the issue, so you should not  
2 lead.

3 MR NICOL-WILSON: Yes, your Honour, I will. The reason why  
4 I led him on certain issues before --

5 JUSTICE DOHERTY: No, it's not been objected to, so it's  
6 not in issue.

7 MR NICOL-WILSON: And even the objection Mr Herbst just  
8 raises because I considered that issue not to be a contentious  
9 one.

10 JUSTICE DOHERTY: In fact, it's part of the indictment, so  
11 it's a borderline issue. So we'll just put a marker here that  
12 now as we're coming to the crux of the issues before the Court.

13 MR NICOL-WILSON:

14 Q. Now, Mr Witness, let us go to the allegations for which you  
15 are before this Court. In November 2010, did you receive any  
16 call from anybody in Rwanda as a result of which you did certain  
17 things in Freetown?

18 A. No.

19 MR NICOL-WILSON: I'll repeat the question again. I think  
20 it's an interpretation problem.

21 Q. In November 2010, did you receive any call from anyone in  
22 Rwanda as a result of which you visited any lawyer?

23 A. Yes.

24 Q. Now, can you tell the Court who called you on that  
25 particular occasion?

26 A. Yes. At that particular time, my brother Mr Tamba Brima  
27 called me and told me that Samuel Kargbo was to meet me so that  
28 we can go to one lawyer Mansaray. That was what he told me at  
29 that time.

1 MR HERBST: Your Honour, I'm sorry to have to ask this  
2 again, but because of the two men speaking at the same time,  
3 could you give me that answer, please?

4 JUSTICE DOHERTY: My note is, "Yes" --

5 MR HERBST: I heard this - I heard him say that  
6 [i ndi scerni bl e] called me and told me that, and then there was a  
7 mention of Mr Kargbo, and I lost - I couldn't get it.

8 JUSTICE DOHERTY: Yes. At that time my brother Tamba  
9 called me and told me that Kargbo was to go to one lawyer  
10 Mansaray.

11 MR NICOL-WILSON: No, your Honour, let me get the witness  
12 to repeat the answer again.

13 Q. Now, who called you?

14 A. It was Tamba Brima who called me.

15 Q. And what did Tamba Brima tell you?

16 A. Tamba Brima told me that Samuel Kargbo was to meet me so  
17 that I can take him to lawyer Mansaray. That was what he told  
18 me.

19 MR HERBST: I'm sorry, your Honour. Again could I have the  
20 answer?

21 JUSTICE DOHERTY: "Tamba Brima told me that Samuel Kargbo  
22 was to meet me so I could take him to lawyer Mansaray."

23 Agreed, Mr Nicol-Wilson?

24 MR NICOL-WILSON: Yes, your Honour.

25 Q. Now, did Samuel Kargbo meet you to take him to the office  
26 of lawyer Mansaray after that telephone conversation?

27 A. Yes, Mr Kargbo later met me.

28 Q. Witness, go slowly, please.

29 A. Yes, Mr Kargbo later met me and we went to lawyer Mansaray.

1 Q. Now, can you tell the Court where Samuel Kargbo met you?

2 A. Samuel Kargbo met me at Sweissy.

3 Q. And how did you proceed from Sweissy to the office of  
4 Lawyer Mansaray?

5 A. Well, when Samuel Kargbo called me and asked me where I  
6 was, I told him I was at Sweissy and that he should meet me  
7 there. He met me there, he and Alimamy Bobson Sesay. But  
8 Alimamy Bobson Sesay was a taxi driver at that time. Both of  
9 them came. They picked me up from there and I told him - I told  
10 them that Lawyer Mansaray said he was at Robert Street and that  
11 they should drop me off there. So we drove to Lawyer Mansaray.

12 MR HERBST: I'm sorry, your Honour. I have to ask again,  
13 but could I have the answer?

14 JUSTICE DOHERTY: Yes. Samuel Kargbo called me. He asked  
15 me where he was. I told him he should meet me at Sweissy. He  
16 was with Alimamy Bobson Sesay. Sesay was a taxi driver at that  
17 time. Kargbo told me that Mansaray's office was in Robert  
18 Street, so we drove there.

19 MR NICOL-WILSON:

20 Q. Now, between Sweissy and the office of Lawyer Mansaray, did  
21 you have any conversation with anyone?

22 A. Well, during that time, I did not talk to anybody in the  
23 vehicle, because at that time Lawyer Mansaray was calling me over  
24 the telephone and telling me that he wanted to go. That was what  
25 we were talking. And I used - I was having other calls apart  
26 from that. But we did not discuss anything on the way. We did  
27 not discuss anything.

28 MR HERBST: Your Honour, we're experiencing the same  
29 problem. I'm very sorry to have to ask again for the answer, but

1 I'm constrained to do so so I know what was said.

2 JUSTICE DOHERTY: The answer was, During that time we did  
3 not talk about anything because Mansaray was calling me, saying  
4 he wanted to go. Other calls came apart from that.

5 MR NICOL-WILSON:

6 Q. When you said other calls came, what do you mean?

7 A. Well, these were calls that were my personal calls when  
8 someone calls me and we would talk. Those are the calls I'm  
9 referring to.

10 Q. So what happened --

11 MR HERBST: I'm sorry, your Honour - excuse me,  
12 Mr Nicol-Wilson. I'm very sorry. I heard the part that said  
13 "personal calls came", but I didn't hear after that.

14 JUSTICE DOHERTY: Someone would call me and we would talk.

15 MR HERBST: Thank you.

16 JUSTICE DOHERTY: Incidentally, Mr Herbst, have you got the  
17 copies of the photographs now?

18 I'm not getting an answer, so continue, Mr Nicol-Wilson.

19 MR HERBST: Your Honour, can you hear me now?

20 JUSTICE DOHERTY: Yes, I can. Yes.

21 MR HERBST: Your Honour, I'm informed that the Court  
22 Officer has been absent from the courtroom because she's on the  
23 phone with the Registrar, and therefore there's no one here who  
24 can retrieve the photographs.

25 JUSTICE DOHERTY: What we'll do, Mr Herbst, as soon as you  
26 get them, you alert us. I think that's the more constructive  
27 approach.

28 Mr Nicol-Wilson, please proceed.

29 MR NICOL-WILSON:

1 Q. Now, you said you drove from Sweissy to the office of the  
2 lawyer Mansaray and then Alimamy Bobson Sesay drove the two of  
3 you, yourself and Sammy Ragga; is that correct?

4 A. Yes, that's correct.

5 Q. Was anyone else in the vehicle?

6 A. No.

7 Q. Can you tell the Court what happened when you went to the  
8 office of lawyer Mansaray? And please speak slowly.

9 A. Well, when we went to lawyer Mansaray, Sammy Ragga  
10 explained, he told lawyer Mansaray that Tamba Brima and Bazy  
11 told him to talk to 334 for him to recant his testimony to help  
12 them. He said but Tamba Brima had called him and told him for  
13 him to come and ask for advice. He said so that's the advice  
14 they've come to seek so that he can advise him.

15 And the lawyer replied, he said Mr Bobson Sesay has nothing  
16 to say that will cause a reduction in those men's sentences or  
17 freedom. He said he should forget about Bobson Sesay. That is  
18 what he advised us.

19 MR HERBST: Your Honour, may I have that answer again,  
20 please?

21 JUSTICE DOHERTY: Yes. Just let me make a note. When we  
22 went to lawyer Mansaray, Sammy Kargbo explained. He told  
23 Mansaray that Tamba Brima and Bazy had told him to talk to 334 -  
24 to Bobson Sesay to recant his testimony to help them. But Tamba  
25 Brima had told him to come for advice. Lawyer - just a moment.  
26 I did say to talk to him, to Bobson Sesay, to recant his  
27 testimony to help them. Yes, I think I've repeated that. But  
28 Tamba Brima told him to come for advice. Lawyer Mansaray said  
29 that Bobson Sesay had nothing to say that would help those men's

1 sentence. He said forget about Bobson Sesay. Did he add "or  
2 conviction"? I was just making a note when Mr Herbst spoke.

3 MR NICOL-WILSON: He said, There is nothing Bobson Sesay  
4 will say that will cause a reduction in the sentence of those  
5 men.

6 JUSTICE DOHERTY: It's just a reduction in the sentence.  
7 Thank you, Mr Nicol-Wilson.

8 MR HERBST: [Indiscernible].

9 MR NICOL-WILSON:

10 Q. Did lawyer Mansaray say anything else besides what you've  
11 just mentioned?

12 A. Yes. The other thing he told us there was that - he said  
13 since those men who are there only want to be freed, if they call  
14 you just tell them that you are trying to write to an NGO for you  
15 to get funds. That was the other advice he gave us. That is if  
16 they called us. Because as they are the only thing they want to  
17 do is be freed, so if they call you, just tell them lies - lies  
18 like that. That was what he told us.

19 MR HERBST: Your Honour, again I have to make that same  
20 request [indiscernible].

21 JUSTICE DOHERTY: Yes. The other thing he told us is since  
22 those men only want to be free, if they call them, tell them you  
23 are trying to write to an NGO for help. If they call, just tell  
24 them lies - lies like that.

25 MR HERBST: Your Honour, I can tell the Court now that I've  
26 been handed these two photos.

27 MR NICOL-WILSON: Yes.

28 Q. Mr Witness, do you have a photo of your car with an AGPAD  
29 sticker attached to it?

1 A. Yes, your Honour.

2 Q. Would you like the Court to see that photo?

3 A. Yes, your Honour.

4 MR NICOL-WILSON: Your Honour, I wish to tender that  
5 picture.

6 JUSTICE DOHERTY: I have before me a photograph of a car  
7 with three stickers on it, one of which says - has the  
8 highlighted words "Say 'No' to violence."

9 Mr Herbst, you've, I understand, got a copy. Are you  
10 able to see the copy clearly? And if so, what is your response  
11 to the application?

12 MR HERBST: Your Honour, I have it. I can see it clearly.  
13 My only response is I'm hard put to see the relevance of the  
14 photos or the subject matter. I did not object previously, but  
15 with respect to these photos, I just see no relevance.

16 JUSTICE DOHERTY: Well, this witness is an accused person.  
17 Accused persons have a certain leeway, I suppose would be a  
18 nonlegal word, in the evidence that they give on their own  
19 behalf. I will admit the photograph and wait and relevance,  
20 et cetera, can be a matter for submission.

21 So you had actually tendered - tried to tender the  
22 other document, Mr Nicol-Wilson.

23 MR NICOL-WILSON: Yes, your Honour.

24 JUSTICE DOHERTY: And I will now ask for Mr Herbst's  
25 response on the first one that you had not received, Mr Herbst,  
26 it's the one which has a heading "Stop using ex-combatants as  
27 political tools for violence".

28 MR NICOL-WILSON: Your Honour, just a matter of clarity.  
29 The second photograph, which appears to be like a bill, is part

1 of the photograph attached to the back of the vehicle. It's just  
2 a bigger --

3 JUSTICE DOHERTY: Yes, I can understand that. The reason I  
4 read out the bit that I read is because it was the bit most  
5 clearly visible to me. But I do see that it is the same as the  
6 documents I've just described.

7 MR NICOL-WILSON: It's one photograph. One picture, but  
8 two photographs.

9 JUSTICE DOHERTY: I thought he had two photographs. I  
10 thought I saw Mr --

11 MR NICOL-WILSON: Yes, but from the same vehicle. One is a  
12 smaller version and the other one is a bigger version.

13 JUSTICE DOHERTY: Just to be clear, so this - what the  
14 witness described as a card is actually a close-up of the back of  
15 the vehicle.

16 MR NICOL-WILSON: Exactly, your Honour.

17 JUSTICE DOHERTY: I understand the situation now.

18 Mr Herbst, in actual fact, there aren't two exhibits.  
19 There's one exhibit and for purposes of clarity, part of that  
20 exhibit has been highlighted for easier reading.

21 So I will, as I said - I note your observations and  
22 relevance. As I said, this is an accused person. There is a  
23 certain leeway to an accused in the evidence he adduces, and  
24 questions of relevance will, of course, become pertinent in  
25 submission in the final assessment of all the evidence.

26 So I will allow the document in. It will be one document,  
27 that is, the back of the car, which will become Exhibit D Bangura  
28 1. I will call the close-up D Bangura 1A to show that it is the  
29 same exhibit.

1 Proceed, Mr Nicol-Wilson.

2 MR NICOL-WILSON:

3 Q. Mr Witness, now let's go back to this meeting at the office  
4 of Lawyer Mansaray. Who are the people who were present at that  
5 meeting?

6 A. It was Samuel Kargbo and I and Lawyer Mansaray. It was  
7 just the three of us who were there.

8 Q. You mentioned something about Alimamy Bobson Sesay driving  
9 you to the meeting. What happened to him when you got to the  
10 office of Lawyer Mansaray?

11 A. He just dropped us off and went away.

12 Q. Now can you tell the Court what happened after the meeting  
13 at the office of Lawyer Mansaray?

14 A. After the meeting, because Sammy Ragga had someone who was  
15 waiting for him - that is his girlfriend, I can say - after the  
16 meeting, they went their way and I went my way.

17 MR HERBST: Your Honour, may I have that answer again?

18 JUSTICE DOHERTY: After the meeting, because Sammy Kargbo  
19 had someone waiting for him. His girlfriend, I'd say. He went  
20 his way and I went my way.

21 MR NICOL-WILSON:

22 Q. Now, on that day did you receive any call from anyone from  
23 Rwanda after the meeting at Lawyer Mansaray's office?

24 A. Say that again.

25 Q. After the meeting at Lawyer Mansaray's office, did you  
26 receive a phone call from anyone from Rwanda?

27 A. No. No, I did not receive any other call.

28 Q. The next day after the meeting at Lawyer Mansaray's office  
29 did you receive a call from anyone from Rwanda?

1 A. No.

2 Q. As far as the matters you went to lawyer Mansaray's office  
3 to discuss are concerned, did you have cause to discuss those  
4 issues with anyone after that meeting at lawyer Mansaray's  
5 office?

6 A. Well, after we had left his office, after that time Tamba  
7 Brima called me and asked me if we had gone to lawyer Mansaray,  
8 and I said yes, we went there and Sammy Ragga had explained. I  
9 said, but we were trying to write to an NGO as per lawyer  
10 Mansaray's advice. That was what I told him. Since then, he  
11 never asked me anything about that again.

12 Q. Now, in --

13 MR HERBST: Your Honour, can you hear me [i ndi scerni bl e].

14 JUSTICE DOHERTY: I hear you now, Mr Herbst.

15 MR HERBST: Yes, your Honour, I had asked again - I had  
16 said I was constrained again to ask for the Court's assistance in  
17 allowing me the answer again.

18 JUSTICE DOHERTY: Don't worry about it, Mr Herbst. It's  
19 better that we get it all down. After we left his office and we  
20 had asked - Tamba Brima called and asked if we went to Mansaray's  
21 office. And I said yes, Sammy Kargbo explained, and I said we  
22 were trying to write to an NGO like the lawyer told us. Since  
23 that he has never asked about that again.

24 MR NICOL-WILSON:

25 Q. In early 2011 did you receive a call from anyone as a  
26 result of which you came over to the Special Court?

27 A. Yes, I received a phone call - and your Honour, I want to  
28 draw your attention to this. One day I received a phone call  
29 from Mr Serry-Kamal, and he said - he asked who was talking, and

1 I said it was Bomb Blast. And he said - he said - this is lawyer  
2 Serry-Kamal speaking. He asked me where I was, and I said I was  
3 at home. Then he told me he wanted to see me. He said there is  
4 someone who wants to talk to you. And I said okay, where are  
5 you, sir?

6 JUSTICE DOHERTY: If you could pause at the end of each  
7 sentence so the interpreter can keep up with you. It's  
8 important. Also the transcribers need to keep up. Continue  
9 slowly.

10 MR HERBST: Your Honour [overlapping speakers].

11 THE WITNESS: Then I asked him where he was.

12 JUSTICE DOHERTY: Pause, Mr Bangura. Mr Herbst is  
13 speaking.

14 Yes, Mr Herbst.

15 MR HERBST: Your Honour, I thought [indiscernible] might be  
16 appropriate to ask for the answer up to this point, as  
17 your Honour please.

18 JUSTICE DOHERTY: Yes. The answer is, Yes, I received a  
19 phone call. Your Honour, I want to draw your attention to this.  
20 A call was from Serry-Kamal. He asked who was speaking. I said  
21 Bomb Blast. He asked where I was. I said I was at home.

22 Mr Bangura, if you could please pick up your answer  
23 from the point where you said, "I said I was at home."

24 THE WITNESS: Yes. Then he told me he wanted to see me.  
25 There is someone who wanted to talk to me. Then I asked him his  
26 whereabouts. Then he directed me to where he was. I went and  
27 met him at Lightfoot Boston Street. I met him down on the  
28 street.

29 Your Honour, that was the first time for Mr Serry and I to

1 talk. I know him as the Attorney-General, but he never knew me.  
2 That was the first time that he saw me, and that was the first  
3 time that he spoke to me. When I met him there, I introduced  
4 myself to him. Then he said, 'in fact I am waiting for you.  
5 Come and let's go.' Then I boarded his vehicle. Then he drove  
6 off to - he brought me to the Special Court. And when he brought  
7 me to the Special Court, I was confused at that time because I  
8 just felt that this person that I had come to talk to was going  
9 to ask me about the war. So I was confused. So he took me to a  
10 man, the man whom he said wanted to talk to me. So your Honour,  
11 that was what happened. It was a real surprise to me.

12 MR HERBST: Your Honour, may I have the rest when you get a  
13 chance.

14 JUSTICE DOHERTY: Then he told me he wanted to see me. He  
15 said someone wanted to talk to me. I asked his whereabouts. We  
16 met at Lightfoot Boston Street. I met him down in the street. I  
17 knew him as the Attorney-General, but I had never met him. I  
18 introduced myself. He said, "In fact, I am waiting for you." We  
19 boarded his vehicle - excuse me, I boarded his vehicle. He  
20 brought me to the Special Court. When he brought me to the  
21 Special Court, I was confused. I thought he was going to talk to  
22 me about the war. Then he said he brought - I was confused when  
23 he said he brought me to a man who said he wanted to talk to me.  
24 It was a real surprise to me.

25 As always, Mr Nicol-Wilson, I'll look to you for any --

26 MR NICOL-WILSON: I'll clarify some issues which I think  
27 have not been recorded correctly, your Honour.

28 Q. Now, you said lawyer Serry-Kamal brought you to the Special  
29 Court and said someone at the Court wants to talk to you; is that

1 correct?

2 A. Yes.

3 Q. Before coming to the Special Court, did he tell you why he  
4 was going to bring you over to the Special Court?

5 A. No, he never told me.

6 Q. Now, when you came to the Special Court, who did you meet?  
7 Who wanted to talk to you?

8 A. Well, it was Mr Herbst. He was the one he showed me to.

9 Q. Before that day in which Lawyer Serry-Kamal brought you to  
10 the Special Court, have you ever met with Mr Herbst?

11 A. Yes.

12 Q. When was that?

13 A. Well, at the time that they wanted me to testify in this  
14 Court. It was at that time that he met me and talked to me for  
15 me to testify in this Court. But I told him - and I explained to  
16 him that I won't be able to.

17 Q. Can you recall which year was that --

18 MR HERBST: Your Honour, excuse me. Excuse me,  
19 Mr Nicol-Wilson, I apologise for the interruption, but I need to  
20 hear that answer again, please.

21 JUSTICE DOHERTY: The question was when, and the answer  
22 was, At the time they wanted me to testify in this Court. He  
23 said he wanted me to testify, and I said I could not or I did  
24 not.

25 The last bit, Mr Nicol-Wilson, can you assist me?

26 MR NICOL-WILSON:

27 Q. Now let me go slowly, Mr Witness, and make the question  
28 more simple. You said Lawyer Serry-Kamal brought you over to the  
29 Special Court and said somebody wants to speak with you; is that

1 correct?

2 A. Yes, your Honour.

3 Q. And you said the person was Mr Herbst?

4 A. Yes, your Honour.

5 Q. Now, the question I am putting to you is was that the first  
6 time you met Mr Herbst?

7 A. No, that was not the first time.

8 Q. Now, can you tell the Court the first time you met with  
9 Mr Herbst?

10 A. Well, the first time that I met Mr Herbst was at one time  
11 that he met me and told me - and requested me to testify against  
12 the AFRC brothers. But since I had had that problem with Five  
13 Five, I told him that I won't be able to.

14 Q. Where was that meeting where you were requested to testify?

15 MR HERBST: Excuse me, Mr Nicol-Wilson, I apologise --

16 JUSTICE DOHERTY: Yes.

17 MR HERBST: -- but I did not hear the previous answer in  
18 full. I would appreciate it.

19 JUSTICE DOHERTY: The first time he met me was when he  
20 asked me to testify against the AFRC brothers, and I said I could  
21 not because of that incident with Five Five.

22 Again I note this is my note and I hope it's correct.

23 MR NICOL-WILSON: It's correct, your Honour.

24 Q. And where was that meeting?

25 THE INTERPRETER: Your Honour, can the witness kindly start  
26 his answer again.

27 JUSTICE DOHERTY: [Microphone not activated].

28 THE INTERPRETER: And your Honour, can he be asked to  
29 kindly wait for me to complete my answers before he continues his

1 answer because the people in Kigali are saying they are not  
2 hearing anything when I'm interpreting.

3 JUSTICE DOHERTY: Mr Bangura, two things. First of all,  
4 the interpreter could not hear you clearly, so I would like you  
5 to start your answer again and repeat what you said. And  
6 secondly, because you have not waited for the interpreter to  
7 finish speaking, the people in Kigali cannot hear the  
8 interpretation. So two things there: Repeat the answer; and  
9 wait at the end.

10 THE WITNESS: Yes, your Honour.

11 MR NICOL-WILSON:

12 Q. Now my question is you said you've met with Mr Herbst  
13 before that day and I asked you where was the meeting between  
14 yourself and Mr Herbst.

15 A. By this King Harman Road. There are government buildings  
16 there. So when he called and asked where he would meet me, I  
17 told him to meet me there. That was where we sat down and we  
18 spoke, and I told him my mind. That's all I can say.

19 JUSTICE DOHERTY: For purposes of record did you say King  
20 Harman Road?

21 THE WITNESS: Yes, your Honour.

22 JUSTICE DOHERTY: Does the transcriber need a spelling of  
23 that? Mr Herbst, what are you saying?

24 MR HERBST: Could I ask again for the answer?

25 JUSTICE DOHERTY: We met by King Harman Road. There are  
26 government buildings there. So he asked me that where to meet,  
27 we sat down and spoke.

28 THE INTERPRETER: Your Honour, the people in Kigali are  
29 still complaining that they are not hearing anything because the

1 witness is still speaking over me.

2 JUSTICE DOHERTY: Now, Mr Bangura, we got that answer, but  
3 you're not waiting long enough to let the interpretation be  
4 completed. So Kigali doesn't hear. And as you've heard me say  
5 this morning, it's important that Mr Kamara and Mr Kanu hear what  
6 you're saying. So when the interpretation finishes, wait.

7 MR NICOL-WILSON:

8 Q. Mr Witness, please speak slowly. It is very important that  
9 your evidence is being recorded and interpreted.

10 Now, can you recall which year was that that you had this  
11 meeting at King Harman Road?

12 A. Well, it was during the time that the AFRC trial was on.  
13 It was at that time.

14 MR NICOL-WILSON: Your Honour, I'm just looking at the  
15 clock and if your Honour wants to have a break, I think this is a  
16 convenient time.

17 JUSTICE DOHERTY: Very good. That's fine, Mr Nicol-Wilson.  
18 I was just noting it.

19 We will take the Kigali lunchtime break. We will resume  
20 Court at 11.45 Freetown time, which I think is 1345 Kigali time.

21 [The Court adjourned at 11.00 a.m.]

22 [The Court resumed at 11.45 a.m.]

23 JUSTICE DOHERTY: Mr Nicol-Wilson, please proceed.

24 Can you hear us in Kigali?

25 THE COURT OFFICER: [In Kigali] Yes, we can, Madam.

26 MR NICOL-WILSON:

27 Q. Mr Witness, I want to admonish you again to speak slow and  
28 to break in between sentences so the interpreter can get what you  
29 are saying. If you speak very fast, even the judge will not be

1 able to record your testimony.

2 Now, before the break, you said you came over to the  
3 Special Court to meet with someone who wanted to speak with you.  
4 Is that correct?

5 A. Yes, your Honour.

6 Q. Now, can you tell the Court what transpired during that  
7 meeting with the person who wanted to speak with you who you have  
8 described as Mr Herbst?

9 A. At the time that we went there, he introduced himself to me  
10 that he was an independent investigator. Then he started asking  
11 me some questions. That was what happened.

12 Q. Now --

13 MR HERBST: Your Honour, excuse me.

14 JUSTICE DOHERTY: Yes, Mr Herbst.

15 MR HERBST: Your Honour, I think I heard that he introduced  
16 himself to me as an independent counsel. Did I hear that  
17 correctly?

18 JUSTICE DOHERTY: Investigator. Independent investigator.  
19 "Then he asked me some questions."

20 MR NICOL-WILSON:

21 Q. Now, who were the people who were present during this  
22 meeting with the independent investigator?

23 A. Mr Serry-Kamal, Mr Akimbobola, and Mr Herbst.

24 MR HERBST: Your Honour, for clarification purposes, I  
25 thought that this question by Mr Nicol-Wilson related to the  
26 first meeting back during the time of the AFRC trial. Am I  
27 mistaken about that?

28 JUSTICE DOHERTY: My understanding is that it's the more  
29 recent one in early - well, we haven't got a date and I won't put

1 a date in anybody's mind. The reason I say that is because it  
2 refers back to an answer which says you said someone wanted to  
3 speak to you. So I'm taking it it's - but let Mr Nicol-Wilson  
4 clarify it for record.

5 MR NICOL-WILSON: Yes, your Honour, I will.

6 I'm sorry, Mr Herbst, I will clarify it.

7 Q. Now, Mr Witness, you said in 2011 you came over to the  
8 Special Court with lawyer Serry-Kamal; is that correct?

9 A. Yes, your Honour.

10 Q. Now I am going to ask you about - some questions relating  
11 to that meeting in 2011 at the Special Court. Do you understand?

12 A. Yes, your Honour.

13 Q. For clarity, you also said earlier on that the meeting  
14 during the AFRC trial was at King Harman Road, not at the Special  
15 Court; is that you said?

16 A. Yes, your Honour.

17 Q. So let's go to the meeting at the Special Court. Now, I  
18 asked you just now those who were present at that meeting. Can  
19 you repeat your answer?

20 A. Mr Herbst, Mr Akimbobola, and Mr Serry-Kamal, and I.

21 Q. Now, was there any interpreter at the meeting?

22 A. No, we hadn't any interpreter there. There was no  
23 interpreter there.

24 JUSTICE DOHERTY: Continue, Mr Nicol-Wilson. We're hearing  
25 voices from Kigali. If either the accused persons or someone  
26 else is speaking, please do not speak close to the table  
27 microphone, as what you're saying in private is being transmitted  
28 to the world at large.

29 Mr Nicol-Wilson, please proceed.

1 MR NICOL-WILSON:

2 Q. Now I am going to remind you about some issues which were  
3 discussed at that meeting, for you to confirm it or for you to  
4 deny. At that meeting did you tell the independent investigator  
5 that it was Brima who contacted you to go over to the office of  
6 lawyer Mansaray?

7 A. Yes.

8 MR HERBST: Your Honour, I'm going to ask that this be done  
9 in a nonleading way.

10 JUSTICE DOHERTY: I think that would be appropriate,  
11 Mr Nicol-Wilson. Please do not lead at this point.

12 MR NICOL-WILSON: Yes, your Honour, it's very important.

13 Q. Now, what did you tell the investigator at that meeting in  
14 connection with the instructions you received from Rwanda?

15 A. I told him that Brima had told me that Samuel Kargbo was  
16 coming to meet me for us to go to lawyer Mansaray, and indeed we  
17 went to lawyer Mansaray, where Sammy Ragga explained to lawyer  
18 Mansaray exactly what I have just explained to the Court.

19 MR HERBST: Could I have that answer once again?

20 JUSTICE DOHERTY: I told him that Brima had told me that  
21 Kargbo was coming to go to lawyer Mansaray, and indeed we went to  
22 lawyer Mansaray and Sammy Ragga explained what I have told to the  
23 Court.

24 MR NICOL-WILSON:

25 Q. At that meeting did you make a statement to the independent  
26 investigator - a statement?

27 A. No, I did not make any statement.

28 Q. So can you describe exactly what happened during the  
29 meeting? Generally. Not what was discussed. Can you describe

1 what happened, now that you've said you did not make a statement?

2 A. Well, Mr Herbst was sitting on the other side in front of  
3 me, while Mr Serry and I were sitting on the other side. He was  
4 speaking English. Then I was talking to him too. Once in a  
5 while Mr Akimbobola would speak and Mr Serry, too. The English  
6 that he was speaking, truly I did not understand.

7 MR HERBST: Your Honour, may we have that [i ndi scerni bl e]?

8 JUSTICE DOHERTY: I've got the following: Mr Herbst was  
9 sitting on the other side in front of me, Mr Serry-Kamal and I on  
10 the other side. Mr Herbst was speaking. I spoke. Sometimes  
11 Akimbobola spoke and sometimes Serry-Kamal spoke. "The English  
12 he was speaking, truly I did not understand it."

13 MR NICOL-WILSON:

14 Q. Now, whose English are you referring to when you said the  
15 English he was speaking I could not understand properly? Who?

16 A. Mr Herbst.

17 Q. Now, what happened after this meeting?

18 A. After the meeting, we went back. Mr Serry took me back.  
19 After the meeting Mr Serry took me back and dropped me off in  
20 town.

21 Q. Now, you've heard the testimony of Alimamy Bobson Sesay  
22 during these proceedings; is that correct?

23 A. Yes.

24 Q. Now, Mr Sesay said certain things that I'm going to put to  
25 you at this stage. During his testimony Mr Sesay said you spoke  
26 to him on Mr Samuel Kargbo's phone when they were together at  
27 Wellington on the way to Newton; is that correct?

28 A. No, it's never correct. I never called Samuel Ragga to  
29 talk to Mr Bobson Sesay. First of all, if I wanted to talk to

1 Mr Bobson Sesay, I need not to have called Sammy Ragga because I  
2 have Bobby's number. Bobby and I do talk. If I wanted to talk  
3 to Bobby, I would have called him through his number. I wouldn't  
4 have called Sammy Ragga. I never did. Also --

5 MR HERBST: Excuse me, Mr Nicol-Wilson. I'm sorry. May I  
6 have that answer?

7 JUSTICE DOHERTY: As I noted it. Never. I did not need to  
8 call Ragga. "I have Bobby's number." If I needed to talk to  
9 him, I would have called him. I did not call him through Ragga.

10 MR NICOL-WILSON:

11 Q. Now, Alimamy Bobson Sesay also said during that  
12 conversation you told him that is what those men said. Is that  
13 what you did?

14 A. No, I never told him that.

15 Q. Also during his testimony, Alimamy Bobson Sesay said during  
16 the trip from Sweissy to the office of lawyer Mansaray you asked  
17 him if he would like 10 thousand dollars to recant; is that  
18 correct?

19 A. No, I never asked him that, and I never said that to him.

20 Q. Mr Sesay also said during his testimony that after the  
21 meeting of the office of lawyer Mansaray, he came Sweissy; is  
22 that correct?

23 A. No, I did not go to Sweissy. After the meeting, I went  
24 directly to my house.

25 Q. Mr Sesay also said that when you came to Sweissy, you told  
26 him that he should not be afraid to help; that if there is anyone  
27 that should be afraid of, it is you and Ragga. Did you say that  
28 to Mr Sesay?

29 A. No, I never said that to him. I never said that to him.

1 Never.

2 Q. Now, you also heard the testimony of Mr Samuel Kargbo, and  
3 I'm going to put some statements to you that he made for your  
4 reaction. Mr Kargbo said that during the trip from Sweissy to  
5 the office of lawyer Mansaray, you asked 334 how much money he  
6 would want those men to give to him. Did you ask 334 that  
7 question?

8 A. No, I never asked him those questions. He's lying. I  
9 never asked him. Why should I go away? I was having calls from  
10 lawyer Mansaray and other people too. I never said that.

11 Q. Mr Kargbo also said that --

12 MR HERBST: Mr Nicol-Wilson, I apologise. I would like to  
13 hear that answer again if that is possible.

14 JUSTICE DOHERTY: "Never. I never asked him. I never  
15 asked him. That is a lie. During that time there was calls from  
16 lawyer Mansaray and other people." I may have inadvertently  
17 switched over the witness's microphone.

18 Mr Court Officer, could you switch it back on, please.

19 Yes, Mr Nicol-Wilson, please proceed.

20 MR NICOL-WILSON: Yes, your Honour.

21 JUSTICE DOHERTY: Very good. Please proceed.

22 THE WITNESS: Mr Sammy Kargbo also said during his  
23 testimony that after the meeting at lawyer Mansaray's office both  
24 of you returned to Sweissy and met 334 there; is that correct?

25 A. No, that's not correct. It never happened. Like I told  
26 you a while ago, Samuel Kargbo had someone who was waiting for  
27 him outside. So when we came out, he & that person went their  
28 own way and I went mine. We never met at Sweissy.

29 Q. Who was that person who was waiting outside the office of

1 Lawyer Mansaray?

2 MR HERBST: I'm sorry. Excuse me, Mr Nicol-Wilson. I  
3 apologise again, but both men were speaking, and I could not hear  
4 the answer.

5 JUSTICE DOHERTY: The answer was "That is not correct. I  
6 said Kargbo had somebody waiting for him outside. We went our  
7 ways."

8 MR NICOL-WILSON:

9 Q. Now, Mr Witness, who was that person who was waiting for  
10 Samuel Kargbo outside the office of Lawyer Mansaray?

11 A. She was one of his girlfriends called Aisha. She was  
12 waiting for her outside. She was waiting for him outside. So  
13 after the meeting, he came out and they went their way.

14 MR NICOL-WILSON: Your Honour, I-S-H-A.

15 THE COURT OFFICER: Your Honour, I'm sorry to interrupt. I  
16 still get complaints from Kigali. It would seem because we - we  
17 have done all the regular amounts so far. We've spoken to the  
18 witness to be waiting, not to speak over the interpreter, and  
19 from our estimation, it seems he's doing that. But it seems that  
20 the problem still keeps continuing, and so there is a possibility  
21 that the technical problem is still with us, and something needs  
22 to be done about it. Every moment we still keep getting Kigali  
23 saying they're not hearing.

24 THE COURT OFFICER: [In Kigali] Madam --

25 JUSTICE DOHERTY: Yes. Mr Nicol-Wilson, have a seat. Yes.

26 THE COURT OFFICER: [In Kigali] [indiscernible] speaking  
27 over the interpreters. Any time he does that, we can't hear in  
28 Kigali. And he does not make a break, let the interpreter speak,  
29 before he continues. He goes through, he flows, and does not

1 give a break. And if he does not give a break, we can not hear  
2 in Kigali.

3 JUSTICE DOHERTY: Who is this person who keeps talking over  
4 the interpreters? I didn't hear the name.

5 THE COURT OFFICER: [In Kigali] the witness. Mr Bangura  
6 keeps talking over the interpreter. He needs to break at the end  
7 of each sentence. That's the only way we can hear.

8 JUSTICE DOHERTY: Now, Mr Bangura, did you hear all that is  
9 being said by the Court Officer and the Court manager in Kigali?

10 THE WITNESS: Yes, your Honour. That's what I'm doing.  
11 I'm really waiting for the interpreters to interpret to me before  
12 I speak.

13 JUSTICE DOHERTY: Well, we'll try another way.

14 THE COURT OFFICER: Your Honour, I think the witness is  
15 getting the Krio interpretation instead of the English. So he  
16 hardly knows when to stop for me to finish. I think he's getting  
17 the Krio interpretation.

18 MR NICOL-WILSON: I think that's the problem, your Honour.

19 JUSTICE DOHERTY: I think it is, too. I don't want --  
20 don't particularly want to enter arena in a here, but someone has  
21 to indicate to the witness when he can start again.  
22 Mr Nicol-Wilson, are you hearing the English interpretation?

23 MR NICOL-WILSON: Yes, your Honour.

24 JUSTICE DOHERTY: Perhaps it would be appropriate for you  
25 to give some indication, maybe raising your hand or - to show the  
26 witness to start again. I will note that you're doing it under  
27 direction so that there is no suggestion that you're signaling to  
28 him in any way.

29 Mr Bangura, what we're going to try to do - because we have

1 two interpreters, one in Krio, one in English - when you see  
2 Mr Nicol-Wilson just indicating to you that you can start  
3 speaking again, you start speaking, that means the English  
4 interpreter has finished. Do you understand? Mr Bangura has  
5 nodded his head in agreement.

6 THE WITNESS: Thank you, your Honour.

7 JUSTICE DOHERTY: Mr Nicol-Wilson, let's try this regime.

8 MR NICOL-WILSON:

9 Q. Now, I'm going to ask you a question I asked you earlier  
10 on. You said somebody was waiting for Mr Samuel Kargbo outside  
11 the office of lawyer Mansaray on the day you had the meeting.  
12 Can you tell the Court who that person is?

13 A. His girlfriend called Aisha. She was waiting for him.

14 Q. Now, Mr Kargbo also said that after that meeting when the  
15 two of you were at Sweissy with 334, you told 334 not to be  
16 afraid to help the people in Rwanda. Is that what happened?

17 A. No, I never told him that.

18 Q. Now, did you at any time offer a bribe to 334 in return for  
19 him to change his testimony given at the Special Court during the  
20 AFRC trial?

21 A. No, I never told 334 that. Never.

22 Q. Did you at any time give a bribe to 334 so that he could  
23 change his testimony given at the Special Court during the AFRC  
24 trial?

25 A. No. I never told him that, and I never said that to him.  
26 Never.

27 JUSTICE DOHERTY: Mr Bangura, the question was: Did you  
28 give him a bribe?

29 THE WITNESS: No, ma'am. I did not give him a bribe.

1 MR NICOL-WILSON:

2 Q. Did you persuade 334 to change his testimony given during  
3 the AFRC trial at the Special Court?

4 A. Never. He and I never discussed that. Never. Had I told  
5 334 that he should have testified to that in this Court, because  
6 we talked commonly. Never, I never told him that.

7 Q. Did you in November and December of 2010 knew that 334 was  
8 a protected witness?

9 A. No, I never knew he was a protected witness. Never.

10 MR NICOL-WILSON: Your Honour, I just want to confer with  
11 my legal assistants to verify whether this will be the end of --

12 JUSTICE DOHERTY: Take your time, Mr Nicol-Wilson.

13 MR NICOL-WILSON: Your Honour, that will be all. I have no  
14 further questions.

15 HER LADYSHIP: Thank you, Mr Nicol-Wilson. Mr Herbst, you  
16 have heard the evidence-in-chief. Please proceed with your  
17 cross-examination.

18 HASSAN PAPA BANGURA,

19 CROSS-EXAMINATION BY MR HERBST:

20 Q. Good afternoon, Mr Bangura.

21 A. Good afternoon, Mr Herbst.

22 Q. Mr Bangura, in June 2012 did you approach 334 in Swissy?

23 A. No. He and I never spoke. He and I never spoke.

24 Q. During the weeks or month before this case began, had you  
25 seen Mr Sesay's statement, that is 334's statement?

26 A. Yes, I saw it. I saw it through my lawyer.

27 Q. And did you see and understand that there were areas of  
28 334's statement that involved you? Yes or no?

29 A. No.

1 Q. When you reviewed the statement of 334 before this trial  
2 began, are you telling this Court that you did not see the  
3 portion of Mr Sesay's statement that involved you and the  
4 communication with 334 --

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

6 JUSTICE DOHERTY: Yes, just a minute, Mr Herbst.

7 MR NICOL-WILSON: Your Honour, the witness has answered the  
8 question, and there is finality to answers put during  
9 cross-examination. The witness said he looked at the statement,  
10 he did not see any area involving him, and Mr Herbst is asking  
11 the question again.

12 JUSTICE DOHERTY: Yes, you are, Mr Herbst. I want to be  
13 sure that the witness fully understood the last question, so I  
14 will intervene at this point.

15 When you said you did not see parts of Mr Sesay's statement  
16 that involved you, you understand the question is: Did you read  
17 bits of that statement mentioning you? Did you read it and did  
18 you understand what you read?

19 THE WITNESS: They read it out to me and I did not see any  
20 area that involved me.

21 JUSTICE DOHERTY: Thank you. That's clear. Proceed,  
22 Mr Herbst.

23 MR HERBST: Thank you, your Honour.

24 Q. So I put to you, Mr Bangura, that in June of 2012 before  
25 this trial started, you told 334 that you had seen his statement,  
26 that there were areas of the statement that involved you, and  
27 asked him to help you as a brother by leaving those portions of  
28 his statement out of his testimony. What do you say to that,  
29 sir?

1 A. No, I never told him that. I never requested that of him.

2 No.

3 Q. Now, on or about Saturday on or about June 15, 2012, were  
4 you in the offices of the Special Court?

5 JUSTICE DOHERTY: Mr Herbst, the offices of the Special  
6 Court are pretty big and quite wide. I think in fairness to the  
7 witness you should either specify if it was an office, or if it  
8 was the precincts so the grounds of the Court. I would like to  
9 be a little clearer on this.

10 MR HERBST: Thank you, your Honour. I should have said the  
11 premises or precincts of the Court, the grounds of the Court.

12 Q. On 15 June 2012, Mr Bangura, were you on the grounds or  
13 premises of the Special Court?

14 A. Yes, I came here to the Special Court to my lawyer.

15 Q. Did you call 334 on his cell phone that day?

16 A. No, I never called him.

17 Q. Now, Mr Bangura, did you ever discuss - withdrawn. Do you  
18 know Keh-For-Keh?

19 A. I know Keh-For-Keh.

20 Q. How well do you know Keh-For-Keh?

21 A. I know Keh-For-Keh in the Army. It was during the military  
22 days that I knew him.

23 Q. Have you continued to have contact with Keh-For-Keh after  
24 the Army days?

25 A. Yes, we used to talk. We've been talking, yes,  
26 Keh-For-Keh.

27 Q. And in November and December of 2010 did you talk with  
28 Keh-For-Keh?

29 A. What do you mean, talk to him? How? By phone, or face to

1 face?

2 Q. Well, let me put another question to you. After you got  
3 out of prison, I think you said in 2004, did you have occasion to  
4 see and meet on occasion with Keh-For-Keh?

5 A. Like I have told you, we were all in the Army with  
6 Keh-For-Keh. When Keh-For-Keh normally wants to see me, we were  
7 all together. In the first place, I was their boss. We were all  
8 together. We've been talking. Yes.

9 MR HERBST: I'm sorry, your Honour, to have to ask this  
10 again, but I do think it's important that I do hear the answer.  
11 May I have it again?

12 JUSTICE DOHERTY: "Like I told you, we were all in the Army  
13 with Keh-For-Keh." When Keh-For-Keh wants to see me, I was their  
14 boss. I talk with him, yes.

15 MR HERBST:

16 Q. In the years after 2004, 2005, how often did you meet or  
17 talk with him?

18 A. Mr Herbst, just like I have told you, we normally meet.  
19 Everybody has his own visitor. He does. But, like, that man,  
20 normally where I am, when he comes there, we talk. But he has  
21 his own business. It's not that he's always where I am. He has  
22 his own business and I have mine. But when he comes to where I  
23 am, we do talk.

24 MR HERBST: Your Honour, I'm afraid I'm going to have to  
25 ask for that answer again.

26 JUSTICE DOHERTY: Just like I told you, we normally talk.  
27 We have our own business. When he comes to where I am, we talk.  
28 He has his own business and I mine. When he comes, we talk.

29 MR HERBST:

1 Q. And is the place of your coming together sometimes Sweissy?

2 A. When Keh-For-Keh comes to Sweissy and meets me there, we  
3 will talk. If I'm at the beach on Sundays or Saturdays, he goes  
4 there. He will meet me there. It's not just Sweissy.

5 MR HERBST: Again, your Honour, I didn't hear it.

6 JUSTICE DOHERTY: If we meet there, we talk. If he goes to  
7 the beach Saturday or Sunday and we meet there, we talk. "It is  
8 not just Sweissy."

9 MR HERBST:

10 Q. And was this true in the last half of 2010 as well, that  
11 you would normally talk with him when you met together?

12 A. Mr Herbst, I've told you this, that Keh-For-Keh and I do  
13 talk. I won't tell lies to you. That man and I do talk. He's  
14 my boy. We do talk.

15 MR HERBST: Your Honour, I'm not going to ask for that one,  
16 because I heard the last part of it, which is probably good  
17 enough for our purposes. But I do want to note that our regime  
18 has broken down. But let me proceed.

19 Q. When you say "He's my boy", did you have his phone number  
20 in 2010?

21 A. Keh-For-Keh is a man who doesn't last long with the phone.  
22 He gives you this number today, and the other day when you meet  
23 he'll give you another number. He does not last long with a  
24 phone. So he and I do not normally talk much on the phone,  
25 except that when he meets me where I am, he will talk to me.

26 MR HERBST: Your Honour, may I have that answer, please.

27 JUSTICE DOHERTY: Keh-For-Keh is a man who does not last  
28 long with a phone. He gives a number, and days later he gives  
29 another number. He does not last long with the phone. We meet

1 and we talk. I think the witness also said he doesn't all often.

2 But Mr Nicol-Wilson, is that correct?

3 MR NICOL-WILSON: Yes, your Honour.

4 JUSTICE DOHERTY: Yes, he said he does not call often.

5 MR NICOL-WILSON: Exactly, Your Honour.

6 MR HERBST:

7 Q. Now, Mr Bangura, did you ever discuss with Keh-For-Keh,  
8 either by himself or in the presence of others, the idea or  
9 subject of persuading witnesses to recant their testimony to  
10 assist the convicts in Rwanda?

11 A. No, I never said that to him. We've never had that kind of  
12 discussion.

13 JUSTICE DOHERTY: Continue, Mr Herbst.

14 MR HERBST: Thank you, your Honour. Just for the sake of  
15 completeness - well, actually I'll withdraw that. I'll go on to  
16 something else, your Honour.

17 Q. Mr Bangura, you described meeting a person that you said  
18 was me at some point during the AFRC trial. Do you remember that  
19 testimony on direct examination?

20 A. Yes, I recall.

21 Q. And that was sometime in 2006 or 2007? What year was that?

22 A. It was during the AFRC trial.

23 Q. Do you remember what years the AFRC trial took place in?

24 A. I can't recall. But I can recall that you and I spoke. I  
25 can recall that, that you and I spoke. And it was you who called  
26 me. Then we spoke.

27 Q. Why are you so sure that it was me?

28 A. Because I know that you talked to me. I know that you  
29 talked to me. I know you, yes.

1 Q. Now, the second time you say you met me was the meeting at  
2 the Special Court, correct?

3 A. Yes, it's correct. That was the second time you and I met.

4 Q. Now, in that meeting - first of all, do you remember the  
5 month in 2011 that that meeting took place?

6 A. I can't recall the month. I can't recall the date.

7 Q. Well, let me ask you this: Did you meet with me on the  
8 premises of the Special Court on 20 April 2011? Would that  
9 timeframe seem reasonable to you?

10 A. I know that we met, but I can't remember the date or the  
11 hour. But we met and we spoke, I know that.

12 Q. And how long did the meeting last, Mr Bangura?

13 A. I can't tell you. I don't know how long. I hadn't a watch  
14 with me. I don't know.

15 Q. Now, you earlier said that Mr Akimbobola was present; do  
16 you remember that testimony?

17 A. Yes, I said Akimbobola was present. I've already said that  
18 here.

19 Q. And I'm going to tell you, Mr Witness, that Mr Akimbobola  
20 translated your words from the Krio to me where necessary. Yes  
21 or no?

22 A. Mr Akimbobola just used to come in. As you and I were  
23 talking, he just used to come in. So was Mr Serry-Kamal. But it  
24 was not a translation. He was just there.

25 MR HERBST: I'm sorry to ask this again, but the two men  
26 were speaking over each other. May I hear the answer?

27 JUSTICE DOHERTY: Akimbobola just came in as you and I were  
28 speaking, but he did not translate. Just you and I, and I think  
29 there was a reference to Mr Serry-Kamal that I didn't get noted

1 down.

2 Mr Nicol-Wilson, can you assist me, please?

3 MR NICOL-WILSON: He said and so was Lawyer Serry-Kamal.  
4 They would just come in, but they were not translating.

5 JUSTICE DOHERTY: Thank you. That is the correct  
6 translation.

7 Did you hear, Mr Herbst?

8 MR HERBST: Yes, I did, your Honour, thank you.

9 Q. Isn't it true, Mr Witness, that Mr Serry-Kamal translated  
10 or clarified your Krio statements to me where he thought  
11 Mr Akimbobola's translation was not spot on, meaning completely  
12 accurate?

13 A. Like I've just told you, once we were talking, they would  
14 just come in. They were not there as translators. They would  
15 just come in as we were speaking.

16 MR HERBST: I'm afraid I'm going to have to ask for that  
17 answer as well, your Honour.

18 JUSTICE DOHERTY: They would just come in. Like I told  
19 you, they would just come in. They were not translating.

20 MR HERBST:

21 Q. I also put it to you, Mr Witness, that not long before the  
22 end of the interview, that you and Mr Akimbobola and  
23 Mr Serry-Kamal all agreed that we were communicating well without  
24 an official interpreter; yes or no?

25 A. No. We did not - we never agreed. No.

26 Q. Thank you, Mr Witness. Now, before I asked you any  
27 questions, that is, at the beginning of the interview, in the  
28 presence of Mr Serry-Kamal and Mr Akimbobola, I advised you of  
29 your rights, did I not; yes or no?

1 A. No, did you not advise me.

2 Q. And I further put it to you, Mr Bangura, that you - before  
3 you answered any questions, that you acknowledged to me and to  
4 Mr Serry-Kamal and to Mr Akimbobola that Mr Serry-Kamal was your  
5 counsel and that you understood your rights; yes or no?

6 A. No, Mr Serry-Kamal never was my lawyer. He's never  
7 represented me in this country. I only saw him that day because  
8 he said - I only respected him that day because he was  
9 attorney-general. In fact, that was the first day that he knew  
10 me.

11 MR HERBST: I'm afraid, your Honour, I'll need that answer  
12 as well.

13 JUSTICE DOHERTY: Just give me a moment. No,  
14 Mr Serry-Kamal was never my lawyer. He never represented me.  
15 That was the first day to meet him. I respected him because he  
16 was the attorney-general.

17 Proceed, Mr Herbst.

18 MR HERBST:

19 Q. Mr Witness, why did you think Mr Serry-Kamal was present at  
20 the interview if he was not there to function as your attorney  
21 and to protect your rights?

22 A. I don't know. I don't know. Because Mr Serry-Kamal is not  
23 my lawyer. That was the first day for him to know me and the  
24 first day for us to talk. So I did not know exactly what was  
25 there, because he's never represented me as a lawyer. Look at  
26 him sitting here. Ask him if he's ever represented me.

27 Q. Well, Mr Bangura, I cannot ask him that question now. I  
28 can only ask you questions. And my next question to you is are  
29 you telling this Court that Mr Serry-Kamal never told you that he

1 was coming to this interview as your counsel and to protect your  
2 rights?

3 A. No, he never told me. He and I never discussed that.

4 Q. Now, I further put it to you, Mr Bangura, that before I  
5 asked you any questions and before I gave you any - and before  
6 you gave me any answers, that you acknowledged to me and all of  
7 us in the room that you were willing to answer questions, knowing  
8 that your answers could conceivably be used against you in  
9 proceedings before the Special Court; yes or no?

10 A. No, you never told me that.

11 Q. Now, Mr Bangura, I want to ask you questions about the  
12 witness statements that you gave in this case dated 26 May 2012.

13 MR HERBST: I would ask that it be placed before the  
14 witness.

15 JUSTICE DOHERTY: Mr Court Officer, if you have a copy,  
16 please put it before the witness.

17 CHIEF TAKU: Mr Kargbo would like to leave the room.

18 JUSTICE DOHERTY: Mr Kargbo may be escorted out.

19 THE COURT OFFICER: Your Honour, what's the reference  
20 again?

21 JUSTICE DOHERTY: It's document attached to Mr Bangura's  
22 pre-trial brief and it is document number 22, dated 30 May 2012.

23 Mr Court Officer, if you show me I'll identify it for you.

24 Mr Herbst, you were going to say something.

25 MR HERBST: Yes, your Honour. I've been advised that  
26 Mr Kanu would like to be excused on the same basis as earlier.

27 JUSTICE DOHERTY: Yes, certainly. Mr Kanu can be escorted  
28 out.

29 Show it first to Mr Nicol-Wilson so Mr Nicol-Wilson can

1 confirm it's the document annexed to - Mr Herbst, you actually  
2 said it was a statement of the 22nd. If my memory is right, the  
3 statement is actually the 26th. The document I have is dated 26  
4 May 2012.

5 MR HERBST: Your Honour, I thought that I did say 26th May  
6 and if I didn't, I stand corrected.

7 JUSTICE DOHERTY: I may have recorded it wrong. As long as  
8 we're in agreement that it's 26 May. Yes, the document is now  
9 before the witness.

10 BY MR HERBST:

11 Q. Now, Mr Bangura, this is the statement that was attached to  
12 your Defence pre-trial brief that was filed on 30 May 2012,  
13 correct?

14 A. That is what you said.

15 Q. Well, let me ask you this, Mr Witness. On the first page  
16 of the statement is that your signature at the bottom?

17 A. Yes, that's my signature.

18 Q. And on the second page, if you'd be kind enough to turn to  
19 the second page of the statement, is that your signature at the  
20 bottom?

21 A. Yes, it's my signature.

22 Q. And turning to the third and last page of the statement, is  
23 that your signature at the bottom of that page as well?

24 A. Yes, it's my signature.

25 Q. Now, Mr Witness, at the outset of your direct examination  
26 your attorney, Mr Nicol-Wilson, stated to the Court that you  
27 understand English. Do you remember that statement by your  
28 attorney?

29 A. I don't recall that. I did not hear him say I understand

1 English.

2 Q. Well, let me ask you the question straight out. Do you  
3 understand English?

4 A. No, I do not understand English. I did not go to school.

5 Q. Do you read English? Are you able to read English at all?

6 A. I said, I did not go to school.

7 Q. Yes, I understand that, but what is the answer to my  
8 question? Are you able to read English at all?

9 A. Mr Herbst, I have told you that I did not go to school. I  
10 am unable. Whatever is here, you just have to go to the point.

11 MR HERBST: Your Honour, I wonder if I could ask for the  
12 Court's assistance. I am trying to get an answer to my question  
13 as to whether the witness can read English at all.

14 JUSTICE DOHERTY: He said he is unable.

15 MR HERBST: I thank you.

16 Q. Mr witness, why did you place your signature at the end of  
17 each page of this statement?

18 A. My lawyer asked me to sign. That's why I signed.

19 Q. And did your lawyer tell you that by signing on each page  
20 of the statement that you were signing for its accuracy, that you  
21 were attesting to its accuracy by your signature on each page?

22 A. No, he just asked me to sign them.

23 JUSTICE DOHERTY: I'm a little concerned that we're coming  
24 into issues of privilege here and no objection has been raised or  
25 taken, and therefore I haven't said anything, but I am going to  
26 be watching this carefully.

27 Proceed, Mr Herbst.

28 MR HERBST: I understand, your Honour.

29 Q. Was the first page of this statement read to you before you

1 affixed your signature at the bottom of the page?

2 A. They did not read it out to me. My lawyer came with it and  
3 he asked me to just sign it.

4 Q. Are you saying that you signed this statement in three  
5 places at the bottom of each page without understanding, without  
6 knowing what was in it?

7 A. Yes. If you find out even the last time when they were  
8 talking about this statement, when you hear it with respect to  
9 Bazy going to that lawyer, in respect of that, I objected to the  
10 lawyer because I remembered what I said. I told him that. I  
11 made that correction.

12 Q. Let me [i ndi scerni ble].

13 JUSTICE DOHERTY: The answer was yes. Even the last time  
14 when you read out about Bazy going to the lawyer, I objected. I  
15 corrected that.

16 MR HERBST:

17 Q. Did you affix your signature to the bottom of the pages of  
18 this 26 May 2012 statement on 26 May 2012?

19 A. Yes.

20 MR NICOL-WILSON: Your Honour.

21 JUSTICE DOHERTY: Yes.

22 MR NICOL-WILSON: I will not object at this stage, but if  
23 the object of this cross-examination is to investigate my client  
24 and myself's confidential relationship and privilege, I'll be  
25 objecting because I cannot see the purpose of the questions put  
26 by Mr Herbst to the witness.

27 And also I want to point out that matters that should be  
28 put to a witness during cross-examination are matters that will  
29 have been raised during examination-in-chief. I did not discuss

1 issues of that statement during my examination-in-chief of the  
2 witness, and therefore, such matters should not be discussed or  
3 questions should not be put to the witness arising from a  
4 confidential statement he made which was attached to a Defence  
5 pre-trial brief. I deliberately avoided going into that  
6 statement because I am still convinced that I owe a duty of  
7 confidentiality to my client. And Mr Herbst is now trying to  
8 breach that duty I owe to my client by deliberately questioning  
9 him about how he came to sign that statement.

10 I have already indicated to the Court before that my client  
11 has pointed that there is a mistake in that statement which has  
12 been corrected in another statement which has been filed. So  
13 unless Mr Herbst is able to tell me why he's asking those  
14 questions, what is the reason for that line of cross-examination,  
15 I will be objecting to any further question on that issue.

16 JUSTICE DOHERTY: Thank you, Mr Nicol-Wilson.

17 Your response, Mr Herbst?

18 MR HERBST: Your Honour, I'm not attempting to intrude on  
19 privilege in any way. I'm asking these questions because in my  
20 experience and in every jurisdiction with which I am familiar,  
21 when a witness signs each page of a statement, it is usually to  
22 indicate that he has read or had read to him the statement, that  
23 he's had a chance to review it, and that he is abiding by it.

24 Now, I haven't yet asked - I was about to ask about his  
25 knowledge of how this statement was going to be used and whether  
26 he understood it was going to be put into official proceedings in  
27 a case in which he is an accused.

28 But it is certainly, in light of the extraordinary  
29 circumstances of not only the rendering of the statement and what

1 this witness has testified to about his lack of knowledge of some  
2 that occurred in terms of reading, apparently, signed it without  
3 evincing any interest about what was in it. And in light of the  
4 changes that were made that I'm going.

5 To explore, I think that the questions are perfectly  
6 appropriate and highly relevant in light of what was changed and  
7 what was not changed. And I think it's appropriate to explore  
8 both the statement and the amended statement in that regard. And  
9 it has a lot to do as well with the witness's credibility. It's  
10 not just the substance of what the witness is testifying to, but  
11 his credibility. And he did testify to one version of events and  
12 I think I'm entitled to explore that in light of the two  
13 inconsistent statements.

14 JUSTICE DOHERTY: There are two aspects to this objection  
15 and I'll deal with the second issue first, which was that matters  
16 that were not put in examination-in-chief could not be put in  
17 cross-examination. The rules of the Special Court are unlike  
18 some of the other international criminal tribunals as the Special  
19 Court's rules do not limit cross-examination to issues that have  
20 come up in chief but allow issues to be put to the witness with  
21 the usual proviso as to relevance under 89C. In fact, our rules  
22 go any further and limit it to relevance and not such as in the  
23 ICTY with the additional aspect of probative value.

24 On the other first matter, which is the objection of  
25 matters being confidential, I agree with Mr Herbst when it comes  
26 to cross-examining how a statement was signed. When, for  
27 example, it is a record of interview between the police or an  
28 investigator and an accused person, it is standard to ask an  
29 accused person with records of interview with the police how he

1 came to sign, if he read, or if it was interpreted, et cetera.

2 This case has an added aspect to it. We are not dealing  
3 with a police investigating type statement. This is a statement  
4 that was made between lawyer and client.

5 The witness himself in a previous answer said that he  
6 objected to something that was in this statement. He said, "I  
7 objected to it. I corrected it."

8 I consider, therefore, that the content of those statements  
9 and the matter that he objected to and corrected can be put to  
10 him in cross-examination, but on issues relating to discussions  
11 between him and his counsel leading up to the drafting of that  
12 document should not be put to him as I consider they're  
13 privileged and the issue of privilege has not been raised.

14 Admittedly it wasn't the client that raised the issue of  
15 privilege, but his counsel is representing him and I think his  
16 counsel is entitled to raise it.

17 Therefore you have some scope, Mr Herbst, but you do not  
18 have - you can't ask any more questions about how they impinge on  
19 the lawyer/client relationship leading to the drafting of either  
20 of those statements. Please continue. I trust I'm clear on --

21 MR HERBST: Yes, your Honour, and I'm going to try to  
22 conduct the rest of the questioning about the statement without  
23 asking about the communications.

24 Q. Now, with respect to this 26 May 2012 statement that you  
25 have before you, Mr Witness, did you understand when you signed  
26 the statement that it was going to be submitted in an official  
27 proceeding before this Court, that is a case in which you were  
28 one of the accused?

29 A. No, they did not tell me that.

1 Q. Why did you think you were preparing this statement and  
2 signing this statement on 26 May 2012?

3 A. Well, it's because of the charges that were brought  
4 forward. That was why I signed them.

5 Q. I put it to you, Mr Bangura, that you knew when you signed  
6 this statement that it was going to be submitted on your behalf  
7 in this case to contest the charges against you, yes or no?

8 A. No.

9 MR HERBST: Now, your Honour, I would like to have the  
10 supplemental witness statement placed before the witness and  
11 that's contained in the document that's numbered 055.

12 JUSTICE DOHERTY: Yes, I have that. Just one moment,  
13 please. We're just getting a copy to place before the witness.  
14 Please show it to Mr Nicol-Wilson before placing it before the  
15 witness.

16 Incidentally, Mr Herbst, I notice it's just about quarter  
17 past 1 and time for the Freetown break. So I'm going to let you  
18 put that question, Mr Herbst, and then if it's a convenient point  
19 to break, we will do so.

20 Mr Bangura, you've seen the paper. Turn it over so you  
21 know what you're looking at.

22 THE WITNESS: Yes, my Lord, I have seen it, ma'am.

23 BY MR HERBST:

24 Q. And is this the supplemental or witness statement amending  
25 the original witness statement that you -- I apologise, I didn't  
26 have my microphone.

27 JUSTICE DOHERTY: We heard you very clearly. Mr Bangura,  
28 did you hear the question asked by Mr Herbst? And I did not hear  
29 a reply.

1 THE WITNESS: No, ma'am, I did not hear, ma'am.

2 JUSTICE DOHERTY: Mr Herbst, please put the question again  
3 and then we'll take the Freetown break.

4 BY MR HERBST:

5 Q. Mr Bangura, is this the supplemental witness statement that  
6 you prepared and signed on 28 August 2012?

7 A. Yes, your Honour.

8 JUSTICE DOHERTY: Mr Herbst, I'm now going to take the  
9 Freetown break. Before I do that, I have had a note passed up to  
10 me earlier today asking if Mr Kanu's diaries could be handed back  
11 to him. The reason they were retained is for you and Mr Metzger  
12 to identify the pages that were actually going to be tendered as  
13 exhibits. If that's been done, they can be handed back. If it's  
14 not been done, they will have to be retained by Madam Court  
15 Manager until it's agreed. So if you can let me know after the  
16 break, I'll make the appropriate objections.

17 Mr Court Officer, please adjourn the Court for  
18 three-quarters of an hour, that's 2.00 here.

19 [The Court adjourned at 1.11 p.m.]

20 [The Court resumed at 2.05 p.m.]

21 JUSTICE DOHERTY: I notice Mr Nicol-Wilson's not here.  
22 He's usually very prompt.

23 Whilst I'm just waiting for him to come, Mr Herbst, I  
24 mentioned this question of the diaries of Mr Kanu and asked if  
25 you and Mr Metzger had been able to identify and agree the pages  
26 that might be tendered as exhibits. Were you able to do that  
27 before Mr Metzger left?

28 MR HERBST: Your Honour, we were not able to do that before  
29 Mr Metzger left, and I have not heard from him yet today as to

1 whether he has been able to do that. I think he has indicated  
2 that he will do that. So when I get a chance to talk to him, if  
3 he hasn't done it, I will endeavour to do it myself.

4 JUSTICE DOHERTY: In that case, I would prefer that those  
5 documents are held by Madam Court Manager until we finally  
6 identify which pages are to be tendered and possibly even deal  
7 with the tender, and then they can be returned. We will address  
8 it the first time Mr Metzger comes back into Court.

9 As Mr Nicol-Wilson is now with us, I will ask you to  
10 proceed with your cross-examination.

11 MR NICOL-WILSON: Your Honour, my apologies for coming in  
12 late. I was using the gents.

13 JUSTICE DOHERTY: Well, as I was saying, you're usually the  
14 first, so no exception has been taken, Mr Nicol-Wilson.

15 Mr Herbst, please proceed.

16 MR HERBST: Before I put my next question, I wonder if I  
17 could ask the assistance of the Court. Right now I'm still  
18 scheduled to travel out of here this evening. I did ask Friday  
19 or Saturday whether the travel office of the Court could  
20 accommodate me by changing my travel to coordinate with  
21 your Honour's. But we haven't heard, despite making some  
22 inquiries today, we haven't heard anything from the travel  
23 office. I would be grateful if we could have something along  
24 those lines by the end of the day.

25 JUSTICE DOHERTY: I think that would be very prudent. I  
26 will ask my associate to deal with that. Just a moment, please.  
27 And Chief Taku is also on his feet.

28 Yes, Chief Taku.

29 CHIEF TAKU: Yes, your Honour. I rise, your Honour, to say

1 that my application this afternoon was in the same respect, but  
2 there is no reason for your Honour to schedule that meeting after  
3 Court because I did some consultation with the - Mr Herbst and  
4 they said they should be able to leave here at the end of the  
5 proceedings on Friday. My travel was scheduled for tomorrow, and  
6 I did ask from the Defence office if they were in the process to  
7 change my flight to Friday. And in my consultation, I've decided  
8 it's better to sit and listen to all this evidence and also to  
9 what instructions or orders your Honour will give before the  
10 close of the trial, or before the close of the session, as the  
11 case may be.

12 JUSTICE DOHERTY: That's fine, Chief Taku. I was going to  
13 arrange to see you, but as you know, as a matter of policy, we  
14 never see one counsel alone. I was going to liaise with  
15 Mr Herbst. So if that's been resolved, then I don't need to do  
16 anything further about it. Instead - just a moment.

17 Mr Herbst --

18 CHIEF TAKU: Just to urge your Honour to give instruction  
19 along the same line as Mr Herbst so that I know my situation,  
20 because the clients in Kenya were waiting for me since yesterday.

21 JUSTICE DOHERTY: [Microphone not activated].

22 CHIEF TAKU: As soon as I know the travel office has  
23 prepared instructions, I will be able to communicate with them  
24 that I will come there on Saturday.

25 JUSTICE DOHERTY: Thank you, Chief Taku. We're making the  
26 appropriate inquiries. As soon as I receive an appropriate  
27 response, I will advert to you.

28 THE COURT OFFICER: I am informed by Madam Court Officer  
29 the travel department has made arrangements but they have not

1 gotten back to --

2 JUSTICE DOHERTY: We've got it under control, thank you.

3 Mr Herbst, please continue with your cross-examination.

4 For purposes of record, I know that you were referring the

5 witness to the supplemental statement of 28 August.

6 Mr Bangura, have you still got that paper in front of you?

7 THE WITNESS: Yes, your Honour.

8 JUSTICE DOHERTY: Very good.

9 Mr Herbst, proceed. Mr Herbst, did you hear me?

10 Mr Herbst, I can see you speaking, but I'm not hearing anything.

11 Just pause a moment.

12 I think we've got a connection.

13 Mr Herbst, can you hear me now?

14 MR HERBST: I can hear you now. I was able to hear you,  
15 your Honour, but I don't think you were able to hear me. But can  
16 you hear me now?

17 JUSTICE DOHERTY: I can hear you very clearly. Please  
18 proceed with your cross-examination. The witness has  
19 acknowledged that he has the supplemental statement before him.

20 MR HERBST:

21 Q. Mr Witness, is that your signature at the bottom of the  
22 one-page statement?

23 THE INTERPRETER: Your Honour, the Krio interpreters are  
24 saying Mr Herbst's microphone is echoing a lot. They can't hear  
25 him.

26 JUSTICE DOHERTY: Whilst Mr Court Officer will try and see  
27 what can be done about it. Please tell your counsel counterparts  
28 that the question was, "Is that signature at the bottom of the  
29 page yours?"

1 THE INTERPRETER: We've heard, your Honour.

2 THE WITNESS: Yes, your Honour.

3 JUSTICE DOHERTY: Try again, Mr Herbst.

4 MR HERBST: Thank you, your Honour.

5 Q. And is the written name Hassan Papa Bangura, is that in  
6 your handwriting?

7 JUSTICE DOHERTY: Did the interpreters hear?

8 THE INTERPRETER: Yes, they did, your Honour.

9 JUSTICE DOHERTY: Good.

10 Your answer, please, Mr Bangura.

11 THE WITNESS: Yes, your Honour.

12 MR HERBST:

13 Q. The numbers 28/8/2012, is that your handwriting?

14 A. Yes, sir.

15 Q. And did you read this statement before you signed and dated  
16 the statement?

17 A. Yes, your Honour. They read it out to me.

18 Q. Now, I would like to draw your attention back to the first  
19 statement, the one of 26 May 2012; is that still before you?

20 A. Yes, your Honour.

21 Q. Mr Bangura, I thought I heard, in response to my question  
22 as to whether you either understood English in any respect or can  
23 you read English in any respect, I thought as part of your answer  
24 you said that you did not go to school. Did I hear that  
25 correctly?

26 A. Yes, your Honour.

27 Q. Now, I direct your attention to the first paragraph of your  
28 statement. On the very first page, I will read it out to you so  
29 that there is no misunderstanding. It says, after your name, "I

1 was born on the 3rd of December 1972 in Freetown, Republic of  
2 Sierra Leone. I attended the Services Primary and Secondary  
3 School at Juba, Freetown. Upon completion of high school, I was  
4 enlisted into the Sierra Leone Armed Forces in 1991." I'm going  
5 to stop there. Did you understand what I read to you?

6 A. I understand, but they made a mistake because that is not  
7 what I told them.

8 Q. When you say "them", who are you referring to?

9 A. Well, the person who typed it.

10 MR HERBST: Sorry, your Honour. I didn't get that answer.

11 JUSTICE DOHERTY: "The person who typed it."

12 MR HERBST:

13 Q. Who was that person?

14 A. I don't know who typed it.

15 Q. Are you telling us, Mr Bangura, that you did not attend the  
16 Services Primary and Secondary School?

17 A. I have already told you that.

18 JUSTICE DOHERTY: Mr Bangura, I'm not clear what you mean  
19 by that answer. What are you saying?

20 THE WITNESS: He's trying to ask me, Ma'am, if I told this  
21 person this who typed this. I did not tell this person this.  
22 That's what I'm trying to say.

23 JUSTICE DOHERTY: The answer is different. We've moved  
24 from that point. This is a general question. Are you telling  
25 the Court that you did not attend the Services Primary School and  
26 secondary school --

27 A. I attended the Services Primary School, Ma'am.

28 MR HERBST:

29 Q. And was English one of the subjects that was taught in the

1 Services Primary School ?

2 A. You know that's a primary school .

3 MR HERBST: I'm sorry, your Honour. I heard something  
4 about the Primary School but I --

5 JUSTICE DOHERTY: "You know that is a primary school .

6 MR HERBST:

7 Q. Yes, and I'm asking you whether English was one of the  
8 subjects taught in the primary school ?

9 A. Yes, they taught us English. It's a primary school .

10 Q. Thank you. Now, did you attend secondary school ?

11 A. No.

12 Q. And with respect to the phrase "upon completion of high  
13 school" in the first paragraph of your statement, are you telling  
14 us that you did not complete high school ?

15 A. I have already told you that, that I did not complete high  
16 school .

17 Q. Did you attend high school at all ?

18 MR NICOL-WILSON: Objection, your Honour. I think the  
19 witness has answered the question.

20 JUSTICE DOHERTY: Well, he's somewhat confused me,  
21 Mr Nicol -Wilson, because I took the time to look at his first few  
22 questions this morning, and in the light of those answers, I  
23 would like to know whether he attended a high school .

24 MR NICOL-WILSON: As your Honour pleases.

25 JUSTICE DOHERTY: Perhaps the terminology used by the  
26 witness, Mr Herbst, was secondary school , which is a more common  
27 expression. If a high school and a secondary school are the same  
28 in your mind, then maybe we should be clear on that point. High  
29 school is not so commonly used in Sierra Leone terminology.

1 MR NICOL-WILSON: Exactly, your Honour. It's primary and  
2 secondary school.

3 MR HERBST: I'll amend my question.

4 Q. Mr Witness, did you attend any secondary school at all?

5 A. No. No, I did not attend any secondary school.

6 Q. Now, you earlier testified, Mr Witness, that you commanded  
7 troops during your army days, correct?

8 A. Yes.

9 Q. Did you have to using English to communicate with some of  
10 the troops?

11 A. Our local language.

12 Q. Do you speak any local languages other than Krio?

13 A. No, I only speak Krio.

14 Q. Did any of the troops under your command at any point  
15 during your army days speak a language other than Krio; that is,  
16 they did not speak Krio?

17 A. I only spoke Krio to them, and they did understand when I  
18 spoke Krio to them. I was not dealing with --

19 MR HERBST: Sorry, Judge. I didn't get all the answer.  
20 Again, there was people speaking on top of each other. I  
21 apologise.

22 JUSTICE DOHERTY: The answer I heard was, "I only spoke  
23 Krio to them and they understood me. I did not" - and there was  
24 nothing after "I did not."

25 MR HERBST:

26 Q. Mr Witness, are you telling us you did not speak English to  
27 any of the troops all the years that you were in the army?

28 A. I can't speak English. Is it everybody that goes to school  
29 that speaks English?

1 JUSTICE DOHERTY: That wasn't the question. That wasn't  
2 the question, Mr Bangura. Did you never, ever speak English to  
3 the soldiers under you?

4 THE WITNESS: No, we normally spoke Krio to the soldiers,  
5 not English. That's a general language.

6 JUSTICE DOHERTY: Thank you. Mr Herbst, you said  
7 something.

8 MR HERBST: Yes, your Honour. I had not - I had not been  
9 able to make out the previous answer, and I only heard part of  
10 this one.

11 JUSTICE DOHERTY: The witness said, "I cannot speak  
12 English." I pointed out that wasn't the question asked of him,  
13 and he responded, "We normally spoke Krio."

14 MR HERBST:

15 Q. I understand that you normally spoke Krio, Mr Witness, but  
16 I'm asking you whether, during the time you were in the army, and  
17 particularly when you were commanding troops, weren't there  
18 troops speaking English to you?

19 A. We spoke Krio. We did not speak any English. It was Krio.

20 MR HERBST: I thought I hear the witness say that no one  
21 spoke English; it was always Krio. But I'm not sure,  
22 your Honour.

23 JUSTICE DOHERTY: Yes, that's correct.

24 MR HERBST: Thank you.

25 Q. Now, with respect to your - this same statement, if you go  
26 to the second page of the statement under the words "the  
27 accusations" midway down the page, do you see where I'm --

28 JUSTICE DOHERTY: Just pause, Mr Herbst.

29 Mr Bangura, have you got the original statement dated 26th

1 of May?

2 We're just checking that the witness has the  
3 statement, Mr Herbst.

4 THE WITNESS: Yes, your Honour. Where has he been talking  
5 about?

6 JUSTICE DOHERTY: He hasn't spoken about that document yet,  
7 but Mr Court Officer will show it to you. Subheading "The  
8 accusations".

9 Proceed, Mr Herbst.

10 MR HERBST: Thank you, your Honour.

11 Q. Now, if you are on the second page, I want to direct your  
12 attention to the two paragraphs under the words "the accusations"  
13 and ask first, do you see the paragraphs that I'm speaking about?

14 A. Yes, your Honour.

15 Q. Now, as I understand it, these two paragraphs were not  
16 changed by your - or amended by your supplemental statement; am I  
17 correct?

18 JUSTICE DOHERTY: Which two paragraphs is this, Mr Herbst?  
19 Is it the first two under "the accusations"?

20 MR HERBST: It is indeed, your Honour.

21 Q. Am I correct, Mr Witness, that you did not amend or change  
22 these two paragraphs in your supplemental statement?

23 A. Say that again, Mr Herbst.

24 JUSTICE DOHERTY: Mr Herbst, in fairness to the witness,  
25 since he has said he can't read English, I think we should read  
26 those two paragraphs out to him. So he knows exactly what we're  
27 talking about.

28 MR HERBST: Let me do that, your Honour. I would be happy  
29 to do that.

1 Q. Mr Witness, the first paragraph - if it's okay with the  
2 Court, I'll do it one paragraph at a time.

3 JUSTICE DOHERTY: That would be sensible because there are  
4 several issues in those two paragraphs.

5 MR HERBST: Yes, indeed.

6 Q. Mr Witness, the first paragraph reads as follows: "One  
7 day, Bazzy called me on my mobile phone and said he wants to talk  
8 to Samuel Kargbo. And I handed over the phone to Samuel Kargbo,  
9 as Samuel Kargbo is always with me then." Did you understand  
10 what I read to you, sir?

11 A. Yes, I understand. But I think they made a mistake here.  
12 They made a mistake in this one. I never said so.

13 Q. Well, now, Mr Witness, showing you the supplemental witness  
14 statement. Do you have that in front of you? You did not  
15 correct the paragraph that I just read out to you; isn't that  
16 right; yes or no?

17 A. The one that you just read out to me is not correct.  
18 That's not what I said.

19 JUSTICE DOHERTY: Mr Bangura, the question is not whether  
20 it's correct or not. The question is that you didn't change it  
21 when you made your statement on 28th of August. Is that true or  
22 not true?

23 THE WITNESS: Well, Mammy, I really do not understand the  
24 differences. Because what I said was in respect of going to the  
25 lawyer, lawyer Mansaray, the Court. That is what I talked about.  
26 Because it was when they read it out on that day in Court here.  
27 That's when I realised that they had made a mistake. That was  
28 it, Ma'am. That was the correction that I made.

29 MR HERBST: [Indiscernible] nothing of that answer because

1 the witness did not pause. I would be grateful if the Court  
2 would enlighten me as to what he said.

3 JUSTICE DOHERTY: You asked a question, and the witness  
4 said: What you read is not correct. I said to the witness that  
5 that wasn't the question. The question related to a change  
6 between the two statements and the subsequent on 28th of August.  
7 And the witness replied: What I said was in respect of going to  
8 lawyer Mansaray. That is when I said it was not correct.

9 MR HERBST: Exactly.

10 Q. But you did not correct or attempt to correct anything else  
11 in the statement --

12 JUSTICE DOHERTY: "Correct" means that something is wrong.  
13 If you mean he didn't change it, then I think "change" is a more  
14 appropriate word.

15 MR HERBST: I agree with the Court.

16 Q. Mr Witness, you did not change anything else in the  
17 statement, other than matters relating to the lawyer Mansaray;  
18 isn't that right?

19 A. I changed them. The one that they read that I heard was  
20 the one I changed, because that was the correct thing. They made  
21 a mistake, and that was what I made known to the lawyer at that  
22 time.

23 JUSTICE DOHERTY: Continue, Mr Herbst.

24 MR HERBST: I'm sorry, your Honour. I was waiting until I  
25 could see your Honour stopped writing. Could I hear that answer.

26 JUSTICE DOHERTY: The answer was: I changed that one. I  
27 read. I changed it. They made a mistake and that I made known  
28 to them at the time.

29 MR HERBST:

1 Q. Mr Bangura, you were in Court when I asked Mr Kamara during  
2 his cross-examination about the material that I just read out to  
3 you in paragraph 1 under "accusations", weren't you?

4 A. Say that again, because I did not understand what you just  
5 said.

6 Q. I asked whether you were in Court during the portion of  
7 Mr Kamara's cross-examination where I put to him what you said in  
8 this witness statement in this paragraph that I read out to you a  
9 few minutes ago?

10 MR NICOL-WILSON: Your Honour.

11 JUSTICE DOHERTY: Yes, Mr Nicol-Wilson.

12 MR NICOL-WILSON: I just want to be guided by the records.  
13 I cannot recall Mr Herbst putting that first paragraph to Mr  
14 Kamara during his cross-examination.

15 JUSTICE DOHERTY: I actually have it all noted, and he did  
16 put it, according to my record, Mr Nicol-Wilson.

17 MR NICOL-WILSON: As your Honour pleases.

18 JUSTICE DOHERTY: Proceed, Mr Herbst.

19 MR HERBST: I'll ask the question again then, your Honour,  
20 in fairness to the witness.

21 Q. Were you in Court, Mr Witness, during the portion of the  
22 cross-examination of Mr Kamara in which I put to him the contents  
23 of this paragraph of your statement that I just read out to you a  
24 few minutes ago?

25 A. I was in Court, but I did not hear when you read this out.  
26 The one that I heard you read out is what I have spoken about.  
27 But I did not hear you read this one out. If I had heard it, I  
28 would have corrected it.

29 MR HERBST: Your Honour, may I have the answer when you get

1 a chance?

2 JUSTICE DOHERTY: "I was in Court, but I did not hear you  
3 read it out. If I heard it, I would have corrected it."

4 Now, I'm going to ask my associate for her assistance to  
5 actually locate that cross-examination of Kamara so that if a  
6 precise matter does arise, we'll have it before us.

7 MR HERBST:

8 Q. Mr Bangura, did you get a call from Bazy Kamara --

9 JUSTICE DOHERTY: Sorry, Mr Herbst. I didn't hear you  
10 because I had taken my earphones off.

11 MR HERBST: [Indiscernible] your Honour [indiscernible]  
12 portion of the question [indiscernible].

13 JUSTICE DOHERTY: Please repeat your question so I can hear  
14 it.

15 MR HERBST:

16 Q. Mr Witness, did Bazy Kamara call you on your mobile phone  
17 and say he wanted to talk to Samuel Kargbo?

18 A. Never. He never called me to tell me he wanted to talk to  
19 Samuel Kargbo.

20 Q. Well, were you often with Samuel Kargbo at the time, that  
21 is, in November of 2010?

22 A. Say that again.

23 Q. Were you often with Samuel Kargbo in November 2010?

24 A. Sometimes I am with Mr Kargbo, yes.

25 Q. In your statement you say, "As Samuel Kargbo always with me  
26 then." Was that statement true or false?

27 A. When they said that, that does not mean that we sleep  
28 together, we work together, we go everywhere together, but we  
29 normally do see - we are normally together. He is my friend.

1 That doesn't mean that wherever I go he will be with me, no.

2 MR HERBST: Your Honour, if the witness doesn't go sentence  
3 by sentence, there's no way I can hear and understand the answer.  
4 So I'm constrained again to ask the Court to review the answer  
5 with me.

6 JUSTICE DOHERTY: "When they said that, it does not mean  
7 that we sleep together, we go together. He is my friend. We do  
8 talk and go together."

9 Mr Bangura, you must stop at each sentence to allow the  
10 interpreters to do their job properly. Now continue.

11 THE WITNESS: Thank you, your Honour.

12 MR HERBST:

13 Q. Yes, Mr Witness, I understood that "always" doesn't mean  
14 every minute and second of every day, but I was really asking you  
15 whether in November 2010 Samuel Kargbo was often with you,  
16 whether he was often together with you. And I take it your  
17 answer is 'yes'; is that right?

18 A. No, you are not correct. I have told you that that man is  
19 my friend, but he was not with me for all the time. You're not  
20 correct.

21 MR HERBST: I heard, your Honour, that it's not correct,  
22 but I didn't hear the rest.

23 JUSTICE DOHERTY: "That man is my friend, but it does not  
24 mean he's with me all the time."

25 MR HERBST:

26 Q. I didn't say "all the time" in my question, Mr Bangura, I  
27 said "often". A lot of the time. Not all the time, but often or  
28 a lot of the time; is that correct?

29 JUSTICE DOHERTY: Your answer, Mr Bangura.

1 MR HERBST: Your Honour, I'm --

2 THE WITNESS: Your Honour, let them repeat the question,  
3 Ma'am.

4 JUSTICE DOHERTY: Please repeat your question, counsel. I  
5 don't think the witness heard it.

6 MR HERBST: Thank you, your Honour.

7 Q. Mr Bangura, I wasn't asking you - I was not asking you  
8 whether you were with Sammy Kargbo all of the time or always.  
9 Rather, I was asking you whether you were with Sammy Kargbo often  
10 or a lot of the time. Not always, but often or a lot of the  
11 time.

12 MR NICOL-WILSON: Your Honour, I will raise an objection.  
13 I just listened to the Krio interpretation and the interpreter  
14 said to the witness - he used the word again "often", and I'm  
15 sure the witness does not understand. I just listened to the  
16 Krio interpretation and the interpreter did not break the word  
17 "often" into Krio. She interpreted the word directly "often".

18 JUSTICE DOHERTY: Madam interpreter, can you put "often"  
19 into Krio, please, and re-ask the question again.

20 THE INTERPRETER: Your Honour, the interpreter did it a  
21 while ago and the witness apparently misunderstood the question.  
22 That's why she has [indiscernible] a lot of the time.

23 JUSTICE DOHERTY: You heard Mr Interpreter's explanation  
24 there.

25 Mr Bangura, do you understand the question that was asked  
26 of you?

27 THE WITNESS: Your Honour, that man and I, I have said that  
28 man is my friend. We'd be together, but not all of the time. He  
29 was not the only person I dealt with. There were many that I

1 deal with. Not all of time that we are together. I am at  
2 Wilberforce and he is in the east end. We do see each other, but  
3 not all the time. That's what I'm trying to say.

4 JUSTICE DOHERTY: Thank you, Mr Bangura. I think that  
5 settles it, Mr Herbst. I think we've explored that as far as we  
6 can go.

7 MR HERBST: Would your Honour be kind enough to let me know  
8 what the witness said in response to my question and then I'll  
9 move on.

10 JUSTICE DOHERTY: "That man is my friend. It is not all  
11 the time that we are together. I have many friends, but we deal  
12 with each other. He's in eastern Freetown, I'm in Wilberforce.  
13 It's not all the time that we are together." I suppose I'm  
14 entitled to point out that eastern Freetown and Wilberforce are a  
15 bit of a distance apart.

16 MR HERBST: Yes, your Honour, thank you.

17 Q. Mr Witness, my understanding of changes you made to this -  
18 your initial statement through your supplemental statement really  
19 had to do with substituting the name Alex Tamba Brima for Bazy  
20 Kamara in approximately four places in your original statement;  
21 am I correct?

22 A. No, you're not correct. You're not correct.

23 Q. Well, is it your testimony that it wasn't Bazy Kamara who  
24 called you on your mobile phone and said he wants to talk to  
25 Samuel Kargbo? Or are you saying that no one ever called and  
26 asked to speak to Samuel Kargbo?

27 A. Bazy never called me to say he wanted to talk to Samuel  
28 Kargbo. Neither did any of them call me to ask to speak to  
29 Samuel Kargbo. It was Brima who just called me to say Samuel

1 Kargbo was coming to meet me. That's it.

2 MR HERBST: Sorry, Judge, I only heard the first part of  
3 the answer in which the witness said Bazy Kamara did not call me  
4 on my cell phone.

5 JUSTICE DOHERTY: "Bazy did not call me to say to talk to  
6 Samuel Kargbo. No one called me to say to talk to Samuel Kargbo.  
7 It was Brima who called to say that Kargbo was to meet me."

8 MR HERBST:

9 Q. Mr Bangura, the first two paragraphs deal with matters in  
10 your statement that are purported to occur before you were asked  
11 to go to lawyer Mansaray, and with those you did not make any  
12 corrections to the statement; isn't that correct?

13 A. Read that area for me. Because what they read to me was  
14 what I corrected. Read for me to hear the one you are talking  
15 about.

16 Q. Well, since I read the first paragraph, why don't I read  
17 the second paragraph to you. It reads as follows: "He spoke",  
18 he meaning Bazy Kamara - "spoke with Samuel Kargbo for about 10  
19 minutes and then ended the conversation. I heard Samuel Kargbo  
20 giving his mobile number to Bazy while talking to him on my  
21 phone."

22 MR NICOL-WILSON: Your Honour --

23 JUSTICE DOHERTY: Pause, Mr Herbst. Mr Nicol-Wilson is on  
24 his feet.

25 Yes.

26 MR NICOL-WILSON: Your Honour, I think to be fair to the  
27 witness I want the statement before that one to be read as well.

28 JUSTICE DOHERTY: He had actually read that already,  
29 Mr Nicol-Wilson. Do you mean you want them read in conjunction?

1 MR NICOL-WILSON: Exactly, in conjunction with this latter  
2 statement he is now putting to the witness. Because he's  
3 basically taking one part of a whole transaction and putting it  
4 to the witness, leaving the remainder, and the witness might get  
5 more confused.

6 JUSTICE DOHERTY: I think to set the scene clearly,  
7 Mr Herbst, it would be beneficial to read the two, because you  
8 have continuity there and they are not very long.

9 MR HERBST: I'm happy to do that, your Honour.

10 Q. Mr Witness, I'm going to read these two paragraphs to you  
11 from your original May 26, 2012 statement. "One day Bazzy called  
12 me on my mobile phone and said he wants to talk to Samuel Kargbo,  
13 and I handed over the phone to Samuel Kargbo as Samuel Kargbo is  
14 always with me then. He spoke with Samuel Kargbo for about 10  
15 minutes and then ended the conversation. I heard Samuel Kargbo  
16 giving his mobile number to Bazzy while talking to him on my  
17 phone. Do you understand what I read to you?

18 A. I understand what you read to me, but what you read to me  
19 is not what I said. This is an error. I never said that. Bazzy  
20 never called me to say he wanted to talk to Samuel Kargbo.  
21 Never.

22 Q. So are you telling us, Mr Witness, that the first time  
23 anybody from Rwanda called you about this matter - thank you.  
24 Are you telling us, Mr Witness, that the first time any of the  
25 three convicted in Rwanda called you about this matter was when  
26 you were called and asked if you knew the lawyer Mansaray?

27 A. That's the only time that I know, that day that they called  
28 me to go to lawyer Mansaray. It was when we went to lawyer  
29 Mansaray that I knew exactly what the thing was. I never knew.

1 They never told me.

2 MR HERBST: May I have that answer, your Honour?

3 JUSTICE DOHERTY: "That was the only time I knew. They  
4 never told me. The first time I knew was when they called me to  
5 go to Lawyer Mansaray."

6 MR NICOL-WILSON: No, your Honour, he added that it was at  
7 Lawyer Mansaray's office that he knew what the thing was all  
8 about.

9 JUSTICE DOHERTY: I didn't hear that bit. I didn't hear  
10 Mr Interpreter say that. Did you hear that extra piece,  
11 Mr Herbst?

12 MR HERBST: I did.

13 JUSTICE DOHERTY: Continue.

14 MR HERBST:

15 Q. Now, are you telling us that when you received that call  
16 directing you to Mr Mansaray's office, that no one told you why  
17 they wanted you to go to Mr Mansaray's office?

18 A. Nobody told me. Nobody.

19 Q. And is it also your testimony that prior to that call  
20 Mr Kargbo never discussed with you any conversations that he had  
21 had with the three accused - the three convicts in Rwanda about  
22 the subject of whatever it was that was going to be discussed at  
23 Mr Mansaray's office?

24 A. Never. He never told me. He never told me that.

25 Q. So was it your understanding, Mr Bangura, that you were  
26 merely being asked to take Mr Kargbo to Mr Mansaray's office so  
27 that Mr Kargbo could discuss with Mr Mansaray a subject you knew  
28 nothing about?

29 A. They said I was to take Mr Kargbo to Lawyer Mansaray. I

1 did not know anything. I just took him there. I called him and  
2 I told him to join me to go to them and so it was when we went  
3 there that he explained. That was where I heard. He never told  
4 me anything.

5 MR HERBST: I'm afraid, your Honour, I have to ask you for  
6 that answer once you have it written down.

7 JUSTICE DOHERTY: They said to take Kargbo to Mansaray's  
8 office. They just asked me to take Kargbo to lawyer Mansaray.  
9 They never told me anything. It was when we got to lawyer  
10 Mansaray's office, Kargbo told him or explained to him.

11 MR HERBST:

12 Q. And are you telling this Court, Mr Bangura, that you didn't  
13 ask [overlapping speakers]?

14 A. I did not ask.

15 Q. [Overlapping speakers] Mr Kargbo to Mr Mansaray's office?

16 JUSTICE DOHERTY: The witness started answering your  
17 question before you completed it, Mr Herbst. Put the whole  
18 question to him as one, please.

19 MR HERBST:

20 Q. Are you telling this Court, Mr Bangura, that when you were  
21 asked to take Mr Kargbo to Mr Mansaray's office, you didn't ask  
22 the Rwanda convict on the phone who was asking you to do it why  
23 he wanted you to do it?

24 A. No, I did not ask them. I did not ask them that. I did  
25 not ask them.

26 Q. You're telling this Court that when you were asked to take  
27 Mr Kargbo to Mr Mansaray's office, you had no knowledge that  
28 Mr Kargbo was going to discuss with Mr Mansaray the subject of  
29 334 recanting his testimony?

1 A. I did not have any idea.

2 MR HERBST: I didn't even hear the interpreter talking on  
3 that one, your Honour.

4 JUSTICE DOHERTY: "I did not have any idea." And could I  
5 just intervene at this point to advise both yourself, Mr Herbst,  
6 and Chief Taku, that our offices have made arrangements for Chief  
7 Taku to travel on 5 September and yourself, Mr Herbst, to travel  
8 on the 6th. So that's point of information, number one. And  
9 point of information number two is my associate has identified  
10 the transcripts relating to the cross-examination of Mr Kamara in  
11 relation to the Bangura statements. I'll just ask her to pass me  
12 up a date and page number so various counsel here present can  
13 locate them more easily on their own records. Just a minute.  
14 Continue with your questions while that's being done.

15 CHIEF TAKU: Thank you very much, your Honour.

16 MR HERBST: Your Honour, I'm now hearing nothing through my  
17 earphones. I'm only hearing through the speaker [overlapping  
18 speakers].

19 JUSTICE DOHERTY: What a pity. I had all sorts of  
20 information for you there, Mr Herbst. Let's try again. Can you  
21 hear me now?

22 MR NICOL-WILSON: The microphone is not on his head. It's  
23 on the technician's head.

24 MR HERBST: I wonder if you could speak once more,  
25 your Honour.

26 JUSTICE DOHERTY: It was to tell you two things: First,  
27 that it's been confirmed [overlapping speakers].

28 MR HERBST: [Indiscernible].

29 JUSTICE DOHERTY: You heard that bit.

1 MR HERBST: I heard what your Honour said [i ndi scerni bl e].

2 JUSTICE DOHERTY: And just --

3 MR HERBST: [Overl appi ng speakers] [i ndi scerni bl e].

4 JUSTICE DOHERTY: Just to let you know also, the questions  
5 relating to the cross-examination of Mr Kamara relating to  
6 Mr Bangura's statement, should any counsel need to refer to them,  
7 are on 23 August 2012 and they start towards the bottom of page  
8 1330 for ease of reference.

9 Proceed, Mr Herbst. I do not have a question  
10 recorded.

11 MR HERBST: No, I thank you, your Honour.

12 Q. Now, when you were present and you heard Mr Kargbo explain  
13 to Mr Mansaray that the subject of discussion was 334 recanting  
14 his testimony, did you say, "Oh, what do you mean? I've never  
15 heard anything about that before"? Did you say anything like  
16 that to Mr Mansaray or Mr Kargbo?

17 A. No, I never said anything like that, no. When the man  
18 explained, that was where I heard. I heard all the advice that  
19 Mr Mansaray gave.

20 Q. Well, on the way out after the meeting with Mr Mansaray did  
21 you ask Mr Kargbo, "What do you mean, 334 recanting his  
22 testimony"? "What do you mean that 334 has consented to recant  
23 his testimony?" Or anything like that. Did you ask Mr Kargbo?

24 A. No, I did not ask him. The lawyer had explained to me.  
25 The lawyer had explained exactly what the thing is. I don't know  
26 so I didn't bother to ask him. When he explained, the lawyer  
27 explained again. He told us in the office that 334 had nothing  
28 to talk that would cause the reduction in those men's sentences  
29 or to freedom. That was where I knew.

1 MR HERBST: I wonder if I could hear that one again.

2 JUSTICE DOHERTY: Certainly. No, I did not ask. The  
3 lawyer explained. When he asked the lawyer, the lawyer said  
4 again. He said that 334 had nothing to say for the reduction of  
5 the sentence - for that man's sentence or for freedom.

6 MR HERBST:

7 Q. You testified that Sammy Kargbo was your very close and  
8 good friend at that time, correct?

9 A. I have told you that Sammy Kargbo is my friend. I'm not  
10 dealing with Sammy Kargbo alone. I deal with a lot of them.  
11 He's my friend.

12 MR HERBST: Your Honour, I didn't hear anything before  
13 "he's my friend".

14 JUSTICE DOHERTY: I told you Kargbo is my friend. I am not  
15 dealing with Kargbo alone. He is my friend.

16 MR HERBST:

17 Q. And 334 was your friend too, right?

18 A. Yes, you are correct. He was my friend.

19 Q. A very good and close friend, correct?

20 A. A friend is a friend. I have already told you the man is  
21 my friend.

22 Q. And you're telling this Court that when you heard Mr Kargbo  
23 talk with Mr Mansaray about the subject of 334 recanting his  
24 testimony, you never asked thereafter, either Mr Kargbo or 334,  
25 what they were talking about?

26 A. I never asked them. I did not ask 334 and I did not ask  
27 Mr Kargbo. I had known - I had already known from the lawyer.

28 Q. And you never called the prison cell phone number to ask  
29 Mr Kamara or Mr Brima what that was all about?

1 JUSTICE DOHERTY: Was the question "you never asked"? I  
2 didn't hear the beginning, Mr Herbst.

3 MR HERBST: Yes, it was, your Honour.

4 JUSTICE DOHERTY: Thank you.

5 Mr Bangura, did you hear the question?

6 THE WITNESS: Let him repeat the question, Ma'am.

7 JUSTICE DOHERTY: Please repeat, Mr Herbst. I didn't hear  
8 it clearly.

9 MR HERBST:

10 Q. Mr Bangura, you're telling this Court that after the  
11 conversation in Mr Mansaray's office you never call either  
12 Mr Kamara or Mr Brima in the Rwanda prison to ask what that was  
13 all about?

14 A. No, I have never called them. I don't call those men.  
15 They call me sometimes. I don't call them. I have never told  
16 them.

17 Q. I put it to you, Mr Bangura, that you knew before the  
18 meeting with Mr Mansaray that the subject of 334 recanting his  
19 testimony was going to be brought up; yes or no?

20 A. No, sir, I did not know, sir.

21 Q. I put it to you, Mr Bangura, that before you were asked to  
22 go to lawyer Mansaray's office, you had discussed with both Sammy  
23 Kargbo and 334 the subject of 334 recanting his testimony; yes or  
24 no?

25 A. No, sir, I never discussed it with them.

26 Q. I put it to you, Mr Bangura, that in November 2010, several  
27 weeks before this meeting in Mr Mansaray's office, you had  
28 discussed with Mr Kamara, Mr Kanu, Mr Brima --

29 ACCUSED KANU: Your Honour, objection.

1 JUSTICE DOHERTY: Who is lodging an objection?

2 MR HERBST: [Indiscernible].

3 JUSTICE DOHERTY: Hold on, Mr Herbst. One moment, please.  
4 A voice in my earphone said "objection". Who is objecting,  
5 please?

6 MR HERBST: That was Mr Kanu, your Honour.

7 JUSTICE DOHERTY: Mr Serry-Kamal, can I take this objection  
8 or not? You've got a watching brief. I want to be very careful.

9 MR SERRY-KAMAL: Your Honour, I wanted counsel to complete  
10 his question before deciding whether to object to it or not.

11 JUSTICE DOHERTY: Very sensible.

12 MR SERRY-KAMAL: I was in the middle of asking the question  
13 when he was interrupted [overlapping speakers] wait for me  
14 [overlapping speakers].

15 JUSTICE DOHERTY: Yes, you are quite right, Mr Serry-Kamal.  
16 It would be appropriate to have the entire question.

17 Mr Herbst, start your question from the beginning for  
18 purposes of continuity. You started, "I put it to you November  
19 2010 several weeks before the meeting, you" - continue, please.

20 MR HERBST:

21 Q. You discussed with all three Rwanda convicts the subject of  
22 334 recanting his testimony; yes or no?

23 A. No, I and they never discussed that.

24 Q. I further put it to you, Mr Witness, that those convicted  
25 in Rwanda asked you to assist them by contacting 334 and  
26 persuading 334 to recant his testimony; yes or no?

27 A. No, that never happened. They never told me.

28 Q. And I put it to you, Mr Bangura, that you asked 334 to  
29 assist by changing his testimony and that you also discussed the

1 subject of money with 334; yes or no?

2 A. No, never. I never asked him that, and I never discussed  
3 that with him.

4 Q. Now, Mr Bangura, in the interview with me on 20 April 2011,  
5 you told me, in front of Mr Serry-Kamal and Mr Akimbobola, that  
6 you met 334 and asked him whether he would go to the Special  
7 Court and say he regretted his testimony; yes or no?

8 THE INTERPRETER: Your Honour, can I learned counsel kindly  
9 repeat his question slowly?

10 JUSTICE DOHERTY: Mr Herbst, you've hear the interpreters'  
11 request. Please repeat your question.

12 MR HERBST:

13 Q. I'm asking you, Mr Bangura, whether in the interview that  
14 you had with me on April 20, 2011, you told me in the presence of  
15 Mr Serry-Kamal and Mr Akimbobola that you met 334 and asked him  
16 whether he would go to the Special Court and say he regretted his  
17 testimony; yes or no?

18 A. No, that never happened. I never told you that. If I  
19 spoke to 334, won't 334 testify to that here? Wouldn't he have  
20 told you?

21 MR HERBST: May I have that answer, your Honour?

22 JUSTICE DOHERTY: "No, that never happened. I did not tell  
23 you that - I did not tell you that. Wouldn't 334 have testified  
24 to that if here in the Court?"

25 MR HERBST:

26 Q. 334 was not present at the interview, was he, Mr Bangura?

27 A. No, 334 was not there. But I have told you that I did not  
28 tell you that.

29 Q. I further put it to you, Mr Witness, that you told us -

1 that is myself, Mr Serry-Kamal, and Mr Akimbobola - that when you  
2 met 334 and asked whether - you asked him whether he would go to  
3 the Special Court and say he regretted his testimony, you added,  
4 "If we got together as a family and raised a small sum of money  
5 for him." You said that, didn't you; yes or no?

6 A. No, I never told you that. I never told you that.

7 Q. I further put it to you, Mr Bangura, that during the  
8 interview you told us that you went up alone to see Mr Mansaray  
9 [overlapping speakers]?

10 THE INTERPRETER: Can learned counsel please repeat the  
11 question more clearly for the interpreter.

12 JUSTICE DOHERTY: Mr Herbst, you've heard the interpreters'  
13 request, I think, that you repeat.

14 MR HERBST: No [indiscernible].

15 JUSTICE DOHERTY: The interpreter asked if you would speak  
16 - put it more clearly for him.

17 MR HERBST: I will try to do that. Thank you.

18 Q. I put it to you, Mr Witness, that during our interview in  
19 April 2011, you told us that you went up alone to see Mr Mansaray  
20 while Mr Ragga decided to stay --

21 JUSTICE DOHERTY: Just a minute. Mr Nicol-Wilson is on his  
22 feet and I have inadvertently switched off the witness's  
23 microphone.

24 Mr Nicol-Wilson.

25 MR NICOL-WILSON: Your Honour, I'm not objecting to the  
26 question, but I'm objecting to the trend of the question itself.  
27 Because Mr Herbst keeps saying that the witness told them,  
28 meaning lawyer Serry-Kamal, Mr Akimbobola and himself, and that's  
29 the wrong premise because this interview was done by the

1 independent investigator alone, even though other people were  
2 present. But he keeps, you know, repeating this phrase that "he  
3 told them", "he told them", and my understanding is that the  
4 witness was talking to him alone in the presence of other people.

5 MR HERBST: [Indiscernible].

6 JUSTICE DOHERTY: Sorry, Mr Herbst, I didn't hear you.  
7 Please repeat what you said.

8 MR HERBST: I'm sorry. I was going to briefly reply that  
9 Mr Akimbobola was there in an assisting investigative capacity  
10 with me, as well as someone fluent in both languages. I don't  
11 mind taking Mr Serry-Kamal out of the question, although  
12 [overlapping speakers].

13 JUSTICE DOHERTY: I think perhaps the most accurate way to  
14 reflect the situation would be to say "in the presence of  
15 Mr Serry-Kamal and Mr Akimbobola" and then it sets the scene for  
16 the witness as well.

17 MR HERBST: [Indiscernible] proceed.

18 Q. Mr Bangura, I put it to you that on 20 April 2011 you told  
19 me, in the presence of Mr Akimbobola and Mr Serry-Kamal, that you  
20 went up alone to see Mr Mansaray while Ragga decided to stay in  
21 the car; yes or no?

22 A. No, I never told you that. I never told you that. I told  
23 you that I went with Ragga.

24 Q. Now, at the time of your interview on 20 April 2011, you  
25 knew that Sammy Kargbo had been in to be interviewed on the day  
26 before on the 19th; isn't that right?

27 A. No, I don't know. I don't know that. Nobody told me that.

28 JUSTICE DOHERTY: Mr Herbst, I'm just going to interrupt  
29 you temporarily, because I note the time, and it's the time for

1 the two detainees to be taken back to the detention centre. But  
2 - so they should be able to leave the Court. But I would prefer  
3 to get this line of questioning completed, and they all are  
4 represented here. So I will ask the officials to take Kamara and  
5 Kanu, and we'll continue with the cross-examination. I note the  
6 nod from Defence counsel by consent.

7 MR NICOL-WILSON: Yes, your Honour. I think this line of  
8 cross-examination must be completed before we call it a day.

9 JUSTICE DOHERTY: Yes, that's by consent. Please continue  
10 with your questions, and Mr Kanu and Mr Kamara can leave the  
11 Court precincts.

12 The witness has responded that he did not know that.  
13 Continue, please.

14 MR HERBST:

15 Q. I put it to you, Mr Bangura, that you also told me at that  
16 time that you did not think that Mr Ragga totally knew what you  
17 were going to talk about with the lawyer; true or not true?

18 A. Say that again. I did not understand what you are trying  
19 to say.

20 Q. I put it to you, Mr Witness, that you told me during the  
21 same interview that you did not think that Sammy Ragga completely  
22 knew what you were going to talk about with the lawyer Mansaray,  
23 correct?

24 A. No, it's not correct. I never told you that. When it was  
25 Sammy Ragga who went and spoke before I knew? I told you that it  
26 was Sammy Ragga that spoke about it before I knew.

27 Q. And I put it to you also, Mr Witness, that you told me that  
28 you explained to the lawyer Mansaray that you had been sent to  
29 lawyer Mansaray because 334 had met you and told you that 334 now

1 regrets that he testified against the three Rwanda convicts; yes  
2 or no?

3 A. No, I never told you that, no.

4 Q. And I further put it to you that you told me that you told  
5 Mr Mansaray that as a family, they wanted to put a fund together  
6 to give to 334 so that 334 would help by telling the Court that  
7 he regretted having testified against them; yes or no?

8 A. No, I never told you that. I only told you that the lawyer  
9 said if those men call, let us tell them that we're to write an  
10 NGO. But I never told you that. That was the only money  
11 business that we talked about to the lawyer. I never told you  
12 that.

13 MR HERBST: Your Honour, I wonder if I could hear that  
14 answer.

15 JUSTICE DOHERTY: "No, I only told you that the lawyer said  
16 to tell them to write to an NGO. That was the only money  
17 business. No, I did not tell you that."

18 MR HERBST: Your Honour, I think that the rest of the  
19 questioning about the interview is going to pertain to the absent  
20 accused, and I don't think we should proceed further in their  
21 absence.

22 MR SERRY-KAMAL: Your Honour, I want Mr Herbst to know that  
23 I'm still representing Mr Bazy, and I hold a brief for Mr Kanu,  
24 so he can continue.

25 JUSTICE DOHERTY: You have heard Mr Serry-Kamal, who has  
26 said you should continue, as he holds a brief for Kanu and he's  
27 representing Kamara. So please continue in the light of  
28 counsel's submissions.

29 MR HERBST: I thank Mr Serry-Kamal. I'll put the next

1 question.

2 Q. I also put it to you, Mr Bangura, that you told me during  
3 this same interview that approximately 90 minutes after the  
4 meeting the Rwanda convicts called you and that normally you can  
5 talk to all three at once on the speaker phone; true or not true?

6 A. Repeat it all again, sir.

7 Q. I put it to you, Mr Bangura, that in that same interview  
8 you told me that approximately 90 minutes after the meeting with  
9 Mr Mansaray, the Rwanda convicts called you and normally you can  
10 talk to all three at once on the speaker phone; true or not true?

11 A. It's not true. I told you that after the meeting, I said  
12 Tamba Brima called me and I told him exactly what the lawyer had  
13 told me. That was what I told you.

14 Q. Isn't it true, Mr Bangura, that you can normally speak to  
15 all three men at one time on the speaker phone?

16 A. I have just explained that normally when Bazzy calls me,  
17 when I would have picked up the call and known who is speaking, I  
18 would have asked to talk to the other person. Yes, that was how  
19 we spoke. But we do speak. When I pick up the call, if it was  
20 Bazzy that called me, I would ask for Five Five and he would call  
21 him, and we would talk. If it was Tamba who called me, that's  
22 the same thing I'll do, and I'll talk to them. I'll ask.

23 MR HERBST: I would be grateful, your Honour, if after  
24 you've finished recording the answer in your notes, that you make  
25 the answer available to me to help me [i ndi scerni ble].

26 JUSTICE DOHERTY: "No, I told you normally when Bazzy  
27 phones me, I normally ask to speak to the others. If Bazzy  
28 phones me I ask", and he calls - sorry. I'll start again. "If  
29 Bazzy calls me, I ask for Five Five and I talk. If Tamba calls

1 me, I would ask him for the others."

2 MR HERBST: I thank the Court.

3 Q. And I thank you, Mr Bangura, for that answer, but that  
4 respectfully was not what I asked you. I asked you whether you  
5 were able to talk to all three men at once on the speaker phone  
6 of the prison cell phone; yes or no?

7 A. Yes, they and I used to talk. I have told you that.

8 MR HERBST: Your Honour, I think I've finished that area,  
9 and I think this would be a good stopping point if your Honour  
10 pleases. I would like to save some time before we adjourn to ask  
11 about the rest of the case and the witnesses tomorrow.

12 JUSTICE DOHERTY: Have you many more - sorry, let me see  
13 what Mr Serry-Kamal is going to say.

14 MR SERRY-KAMAL: Your Honour, without making an unnecessary  
15 demand on my learned friend, who is there working alone, but I  
16 would really crave his indulgence for us to continue for another  
17 30 minutes at least. So that we can go until 4 o'clock. That  
18 would be about 6 o'clock in Rwanda, and it would not be too dark  
19 at the time.

20 MR NICOL-WILSON: Your Honour, I will say unless he has  
21 completed his cross-examination, then it will be fair enough for  
22 him to take a break, if he has completed his cross-examination,  
23 because I heard him saying just now he wanted to inquire about  
24 witnesses for tomorrow. So I don't know whether I think he may  
25 have completed his cross-examination.

26 JUSTICE DOHERTY: Mr Herbst, you've heard both Defence  
27 counsel. They are both anxious for you to complete your  
28 cross-examination, as I am. If you are able to continue, I would  
29 appreciate it. If you are asking about tomorrow - is that what

1 you are were going to ask about, other witnesses?

2 MR HERBST: I wanted to say [i ndi scerni bl e] for that  
3 subject to be discussed before we broke for the day. I am - my  
4 next question, your Honour - I have not completed my  
5 cross-examination, but my next question is going to relate  
6 speci fically to Mr Kamara and reasons for the change in this  
7 witness's statement. So, again, if your Honour and  
8 Mr Serry-Kamal feels it's okay to go forward, I'll proceed into  
9 that area. I don't think I will finish the cross-examination  
10 today, but I'm happy to continue a little while longer if the  
11 Court wishes. I'm just mindful that Mr Kamara is not here,  
12 that's all. But if it's all right to continue, I will.

13 MR SERRY-KAMAL: But Mr Kamara's lawyer is here.

14 JUSTICE DOHERTY: Mr Kamara's lawyer has stressed that he  
15 is representing his client. He's at least twice indicated his  
16 willingness to continue, and he's anxious to continue and I can  
17 understand why because he may well need other things to do. So  
18 we will continue. We're short of time, so we'll make the best of  
19 it. I will allow time at the end, of course, to check on other  
20 witnesses.

21 So if you could continue, Mr Herbst.

22 MR HERBST: Thank you, your Honour.

23 Q. Now, you said in your original statement - this is the  
24 fifth paragraph under the word "accusations" on the second page.  
25 I want to read this out to the witness. "Samuel Kargbo explained  
26 to the lawyer that 334 has consented to recant his testimony, so  
27 Bazy said he must seek his legal advice on how to proceed."  
28 Now, that's what you had in your original statement, right,  
29 Mr Witness?

1 A. I told you that Sammy Kargbo said he called Brima and  
2 Bazy. He named the two of them. He said 334 was ready to  
3 change his statement. That was what he told the lawyer to seek  
4 his advice. I don't know any other thing.

5 MR HERBST: Your Honour, may I hear that answer?

6 JUSTICE DOHERTY: Yes, just give me one moment, please. He  
7 told - I heard - "Kargbo said he called Brima and Bazy, he named  
8 both of them, that 334 was ready to recant his testimony and he  
9 was to seek advice."

10 MR HERBST: I thank the Court.

11 Q. Okay. Now I want to direct your attention, Mr Bangura, to  
12 the third paragraph under the words "accusations", and I want to  
13 read that paragraph to you.

14 It says, "After some time, Bazy called and said if I know  
15 any lawyer Mansaray. I said no. He directed me to the lawyer's  
16 office and gave me his office address and mobile number. He said  
17 I should take Samuel Kargbo to that lawyer's office. I  
18 accepted." Now, that's what you said in your original statement,  
19 right?

20 A. No, no, no. That was not what I told you. I told you  
21 Brima. I did not tell you about Bazy. Bazy never told me  
22 that.

23 Q. I understand that you have changed your statement from  
24 Bazy to Brima. But my question is: What did you mean by "after  
25 some time Brima called"? "After some time" from what?

26 MR HERBST: Sorry, your Honour. I'm not hearing an answer.

27 JUSTICE DOHERTY: Mr Bangura, did you hear the question?

28 THE WITNESS: No, your Honour.

29 JUSTICE DOHERTY: Did you hear any of it at all?

1 THE WITNESS: No, your Honour. Let him repeat the  
2 questi on.

3 JUSTICE DOHERTY: Mr Herbst, could you please repeat your  
4 questi on slowly, please, so the interpreters pick it up.

5 MR HERBST: Yes, I will, your Honour. Thank you.

6 Q. My questi on was, Mr Wi tness: I understand you changed that  
7 paragraph to read "Brima" instead of "Bazzy" so that you want it  
8 to read, "After some time Brima called and said if I know any  
9 lawyer Mansaray." My questi on, sir, is: What did you mean by  
10 "after some time Brima called"? After some time from what?

11 A. I only know that it was Brima who called me. Bazzy has  
12 never called me. It is Brima that I know.

13 Q. Mr Wi tness, that's not what I'm asking you. I'm  
14 understanding that you have changed - you've wished to change  
15 your statement from "Bazzy" to "Brima". That is not my questi on.  
16 My questi on is what did you mean by the words "after some time  
17 Brima called and said if I know any lawyer Mansaray"? After some  
18 time from what? After some time had elapsed from what earlier  
19 event or action?

20 A. Except when Brima called me. That was the only thing I  
21 think I mean. I do not know exactly what that means, "After some  
22 time". The only time that I know was when Brima called me and  
23 said I should take Samuel to lawyer Mansaray. But I do not  
24 understand what.

25 MR HERBST: Your Honour, I'm sorry, but I could not hear  
26 the answer. I wonder if it could be reviewed for me.

27 JUSTICE DOHERTY: Yes. "I do not understand except when  
28 Brima called. The only time I know when Brima called and said to  
29 take Sammy to lawyer Mansaray. I do not understand."

1 MR HERBST:

2 Q. Mr Bangura, according to the words you used, they suggest  
3 that something happened before Mr Brima called and said if I know  
4 any lawyer Mansaray, because you used the words "after some  
5 time". I'm asking you what event or action that happened before  
6 that happened earlier were you referring to when you said "after  
7 some time"?

8 A. Nothing. Nothing. Absolutely nothing.

9 MR HERBST: Sorry, your Honour, I didn't hear the --

10 JUSTICE DOHERTY: "Nothing. Nothing, absolutely nothing."

11 MR HERBST: I thank the Court.

12 Q. Now, when you were called in November and December 2010 by  
13 the three men in Rwanda in the prison, did they call you on your  
14 number 23233810173?

15 A. I don't recall the number that they used, but I know that  
16 they only called me on one number. If you know that is the  
17 number that they are using, then I would answer to you.

18 MR HERBST: Your Honour, I thought I heard the witness say  
19 that he was not sure which of his numbers were called, but I'm  
20 not sure.

21 JUSTICE DOHERTY: He said he did not recall the number they  
22 used, but I know they called on one number and if you have the  
23 number, then - I'm not quite sure what he meant, but that's it.

24 MR HERBST: Well, I thought I had read out a number in my  
25 question [overlapping speakers].

26 JUSTICE DOHERTY: He did. In fairness to both the  
27 interpreter and to him, it was read rather fast. So maybe just  
28 read it slowly.

29 MR HERBST: Yes, your Honour, thank you.

1 Q. Was this the number that they called you on, Mr Bangura:  
2 23233810173?

3 A. I do not recall that that is the number. I only know that  
4 they called me on one number, but I did not put the number in my  
5 head.

6 MR HERBST: Your Honour, I think the witness said that he  
7 could not remember the number in his head, he wasn't sure whether  
8 that was the number that was called.

9 JUSTICE DOHERTY: That's essentially what he said. He  
10 said, "I do not recall if that is the number. They call me on  
11 only one number. I did not put the number in my head."

12 MR HERBST: Thank you.

13 Q. Now, since you were often with Mr Kargbo and Mr Kargbo was  
14 a very, very close friend, can you tell us what his phone number  
15 was at the time?

16 A. Whose phone number?

17 Q. Sammy Ragga's. Samuel Kargbo's.

18 A. I have Sammy Ragga's number, but I don't have it off head.  
19 I installed it.

20 Q. Was his number 033255597?

21 A. I don't have it off the top of my head, but it's in my  
22 phone. That's what I mean. I have his number in my phone, but  
23 not in my head.

24 Q. Now, you told us earlier today that you received  
25 Mr Mansaray's mobile phone number from one of the men in Rwanda,  
26 correct?

27 MR NICOL-WILSON: Objection, your Honour, that's not the  
28 evidence.

29 JUSTICE DOHERTY: Mr Nicol-Wilson, whilst I quickly check

1 my notes, can you tell me what was said?

2 MR NICOL-WILSON: The witness said he received a call from  
3 Tamba Alex Brima saying he must accompany Samuel Kargbo to the  
4 office of lawyer Mansaray. He did not say he received lawyer  
5 Mansaray's phone number from one of the convicts in Rwanda. If I  
6 recall rightly, he said while they were on their way to  
7 Mansaray's office, lawyer Mansaray called his own mobile phone, I  
8 think, and was giving him directions, or something like that.

9 JUSTICE DOHERTY: Mr Herbst, just a moment. Can you  
10 recall?

11 MR HERBST: Your Honour [indiscernible]. I acknowledge  
12 that the witness said it was Mr Brima, but in his statement  
13 originally he said it was Mr Kamara, and when I put the question  
14 I didn't use either name. I just [overlapping speakers].

15 JUSTICE DOHERTY: I appreciate that. I don't think that's  
16 Mr Nicol-Wilson's point. Mr Nicol-Wilson's point is that what  
17 the witness said - what you have said was that the question is  
18 you received Mansaray's mobile phone number, whereas in fact  
19 Mansaray phoned him, the witness. I think if --

20 MR HERBST: [Overlapping speakers].

21 JUSTICE DOHERTY: Just a moment. I think I'm beginning to  
22 see what's happening here. Mr Nicol-Wilson is referring to  
23 evidence adduced in Court today, which I recall, but if you are -  
24 yes, he's confirmed that. If you are putting what was in a  
25 statement, i.e. of 26 May or 28 August, I think you should put  
26 that, the fact that it was in a statement rather than in  
27 evidence, for purposes of fairness to the witness.

28 MR HERBST: [Indiscernible] Let me say that I thought the  
29 witness had said in direct examination that - and testified in

1 accordance with the third paragraph of his statement. There are  
2 two different facts: One is whether he was given by either  
3 Mr Brima or Mr Bazzy the lawyer's office address and phone  
4 number. That's a different - that's fact 1. Fact 2 is whether  
5 the lawyer called him on his cell phone. So I thought that he  
6 had testified to both. But if he has not, I think the way for me  
7 to handle this, your Honour, is to move at this point for the  
8 admission of both of his statements - because I asked - I  
9 cross-examined on it, and in fact the first statement - was  
10 originally said by Mr Nicol-Wilson that he would be relying on  
11 it.

12 But even apart from that, now that the witness has been  
13 extensively cross-examined on the statement, I think it's  
14 appropriate to put that statement in and in fairness to the  
15 witness to put both statements in and I've cross-examined him on  
16 both. Once the statements are in evidence, then I think I can  
17 ask - I can direct him to this, and I intend to ask him about  
18 both facts, fact number 1 and fact number 2.

19 MR SERRY-KAMAL: May I be heard, your Honour?

20 JUSTICE DOHERTY: Yes.

21 MR SERRY-KAMAL: I believe, your Honour, you did say that  
22 you would defer a ruling on the status of these statements when  
23 we said that the statements were filed confidentially and that  
24 [i ndi scerni bl e].

25 JUSTICE DOHERTY: I've actually ruled that they should be  
26 made public, both of them. I made that ruling in accordance with  
27 the practice direction paragraph 4B, and I gave my reasons. So  
28 that ruling is on record. So they are no longer confidential,  
29 Mr Serry-Kamal.

1           So I will now deal with the application to move both  
2 statements in as exhibits. I invite Mr Nicol-Wilson to reply to  
3 that application.

4           MR NICOL-WILSON: Your Honour, I have no objection.

5           JUSTICE DOHERTY: Thank you. Now, they will be Prosecution  
6 exhibits. I think it is appropriate to have them admitted  
7 because the witness is the author and he has been given an  
8 opportunity to explain them. So they will become P exhibits.  
9 And I think in the circumstances I might even put Mr Bangura's  
10 name on it to distinguish them from the other exhibits. So they  
11 will become Exhibits P Bangura 1, being the earlier document  
12 dated - statement of 26 May; and Exhibit P Bangura 2, which is a  
13 document of statement of 28 August.

14           As a matter of point, I have been trying to check my notes,  
15 and I have the part where the witness said that whilst they were  
16 driving, Mansaray was phoning him - the lawyer Mansaray was  
17 phoning him, which I think is the part that Mr Nicol-Wilson was  
18 referring to in chief.

19           So the documents are now in, and please proceed,  
20 Mr Herbst.

21           MR HERBST: [Indiscernible].

22 Q. Mr Witness, in the statement of 26 May 2012, you said, and  
23 I quote from the third paragraph, third sentence, for the record,  
24 "He directed me [indiscernible] office [indiscernible] his office  
25 address and mobile number."

26           THE INTERPRETER: Your Honour, learned counsel's line is  
27 bad and the interpreters are struggling to hear him.

28           JUSTICE DOHERTY: Indeed I can hear an echo on it,  
29 Mr Interpreter, you're right.

1           Mr Herbst, I don't know if it's a matter on the line or  
2 maybe you're a little far from your speaker. Mind you, if you  
3 were any closer to that speaker, you would be eating it. But  
4 please put the question again and let us hope we can all,  
5 including the interpreters, hear it better.

6           MR HERBST: [Indiscernible].

7           Q.     Mr Bangura, I'm reading now from the third paragraph under  
8 the words "the accusations" from the third sentence at the end of  
9 the first line, "He directed me to the lawyer's office and gave  
10 me his office address and mobile number." His office address and  
11 mobile number referring to Mr Mansaray's office address and  
12 mobile number. Did one of the men in Rwanda give you  
13 Mr Mansaray's office address and mobile number?

14          A.     No, they did not give it to me. They did not give it to  
15 me.

16          Q.     Well, didn't you make an appointment with Mr Mansaray to  
17 come at a certain day and time?

18          A.     As I told you, on that very day when Tamba told us to go,  
19 it was lawyer Mansaray who called me. So we went to him. That  
20 is it.

21          MR HERBST: May I have that answer, your Honour?

22          JUSTICE DOHERTY: "It was on that very day that Tamba told  
23 me lawyer Mansaray phoned me and told me to come to him."

24          MR HERBST:

25          Q.     You're saying that you didn't get a call to come to  
26 Mr Mansaray's office until the very day you went to Mansaray's  
27 office?

28          A.     Yes, I never had a call to go there. It was on that very  
29 day that Tamba called me that I went there.

1 Q. I didn't hear, as part of your direct testimony, nor do I  
2 see in the statement, that you said that Mr Brima told you when -  
3 what time to go to Mr Mansaray's office. So let me ask you: Did  
4 he tell you what time to go to Mr Mansaray's office?

5 A. No, he did not tell me. He just told me to take Sammy  
6 Ragga to Mr Mansaray.

7 Q. So how did you know when to take Sammy Ragga to  
8 Mr Mansaray's office?

9 A. Well, I just thought that that day that he told me was the  
10 day I should go. So that day that he told me, it was on that day  
11 that I told Sammy Ragga.

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

13 JUSTICE DOHERTY: "I just thought it was that day, that day  
14 he told me to go - to go to Mansaray's office."

15 MR HERBST:

16 Q. Mr Bangura, I put it to you that you must have called  
17 Mr Mansaray in advance and fixed a time with Mr Mansaray to come  
18 to his office; yes or no?

19 A. No, that's not true. That is not true at all.

20 Q. Didn't you tell us on direct examination that Mr Mansaray  
21 called you while you were in 334's car on the way to ask where  
22 you were?

23 JUSTICE DOHERTY: Now, could we just pause there to change  
24 the tape, please, Mr Herbst. I have noted your question.

25 MR HERBST: Yes, of course, your Honour. Thank you.

26 CHIEF TAKU: May it please your Honour, Mr Samuel Kargbo  
27 wants to leave the room.

28 JUSTICE DOHERTY: He may be escorted out. That's fine.

29 THE COURT OFFICER: The tape is changed, your Honour.

1 JUSTICE DOHERTY: Mr Herbst, the tape is now changed. Was  
2 that the complete question?

3 MR HERBST: Yes, it was, your Honour, but I have to confess  
4 I've totally lost track of what my own question was.

5 JUSTICE DOHERTY: The question I have noted is as follows:  
6 Did you not tell us that Mansaray called when you were on your  
7 way to ask you where you were?

8 MR HERBST: Yes.

9 Q. What is your answer, Mr Bangura, to that question?

10 A. Say that again, Ma'am.

11 JUSTICE DOHERTY: It wasn't me asking, Mr Bangura. It was  
12 Mr Herbst. Mr Herbst says that you told the Court that Mansaray  
13 called you when you were on your way to ask you where you were;  
14 is that correct?

15 THE WITNESS: Yes, your Honour.

16 MR HERBST:

17 Q. So he must have been expecting you at a particular time and  
18 when you didn't come, he called you to find out where you were,  
19 correct?

20 A. Yes. Yes, on that very day that we spoke. He knew I was  
21 coming. He had known that.

22 Q. Well, he must have known when you were coming, because you  
23 called him and made an appointment and told him when you were  
24 going to come, correct?

25 A. No, no, no. He called me and told me we should go there.  
26 So when the time came when we met, we went there.

27 MR HERBST: Sorry, your Honour. Would you give me that  
28 answer?

29 JUSTICE DOHERTY: "No, no, he called me and said we should

1 be coming. "

2 MR HERBST:

3 Q. Are you telling us that he called you and said you would be  
4 coming before he knew when you would be coming when you were in  
5 the car on the way?

6 A. Say the question again. I did not understand what you were  
7 saying.

8 Q. I put it to you, Mr Bangura, it doesn't make sense that  
9 Mr Mansaray would call you on your mobile phone number to ask  
10 where you were. And I think you said to tell you that he wanted  
11 to leave, unless you had told him in advance that you were coming  
12 at a certain time and you were late; yes or no?

13 A. Just as I have told you, I said it was the man that called  
14 me and told me he wanted to go out, so that's the thing. We had  
15 spoken before.

16 MR HERBST: Your Honour, could I hear that answer?

17 JUSTICE DOHERTY: I told you the man called me. He wanted  
18 to go out. We had spoken before.

19 MR HERBST:

20 Q. Yes, you had spoken before. And my question is when before  
21 had you spoken? Before he called you in the car --

22 A. The very day. The very day.

23 MR HERBST: [Indiscernible].

24 THE WITNESS: On the very day that Tamba told me, it was at  
25 that time that he called me and told me we should go there. He  
26 called to ask where we were, and I told him where we were.

27 MR HERBST: I didn't hear that answer. I have to ask for  
28 it.

29 JUSTICE DOHERTY: "The very day. The very day. The very

1 day that Tamba called me, he called me to ask where we were, and  
2 I told him where we were." It's a little ambiguous as to who  
3 called him, but I think the implication is clear.

4 MR HERBST: Yes, I do too.

5 Q. Mr Bangura, how did Mr Mansaray get your cell phone number  
6 to call you?

7 A. I don't know. I don't know how he got it. Probably Tamba  
8 who told me give it to him. I don't know.

9 MR HERBST: I heard "I don't know," but I didn't hear the  
10 rest of it, your Honour.

11 JUSTICE DOHERTY: I do not know. I do not know. Probably  
12 Tamba gave it to him to call.

13 MR HERBST:

14 Q. Are you sure, Mr Witness, that you didn't give it to  
15 Mr Mansaray on an earlier call?

16 A. No, that was the first time for Mr Mansaray to know me. He  
17 never knew me. That was the first day.

18 MR HERBST: Sorry, Judge. I couldn't get it.

19 JUSTICE DOHERTY: "No, that was the first day for  
20 Mr Mansaray to know me. That was the first day."

21 MR HERBST:

22 Q. Mr Bangura - well, withdrawn.

23 MR HERBST: Your Honour, I think this would be good  
24 stopping point for the evening.

25 JUSTICE DOHERTY: Have you many more questions, Mr Herbst?

26 MR HERBST: I do have more. It's clear we're not going to  
27 finish tonight, but I should finish tomorrow morning.

28 JUSTICE DOHERTY: How long will it be?

29 MR HERBST: Your Honour, I'll know that better after I've

1 had a chance to check my notes. But if your Honour holds on one  
2 minute.

3 MR SERRY-KAMAL: From previous experience, I think we'll  
4 need all of tomorrow, Mr Herbst.

5 MR HERBST: No, it will definitely not be all of tomorrow.  
6 I think a couple of hours, your Honour, at the most. If we're  
7 able to clear up the link or devise a system whereby I wouldn't  
8 have to ask almost every other question for the repetition of the  
9 answer, it would make it go faster. But...

10 JUSTICE DOHERTY: Mr Herbst, I might be good at some things  
11 but technological and electronics are definitely not one of them.

12 MR HERBST: I hear your Honour very loud and clear  
13 [i ndi scerni bl e].

14 JUSTICE DOHERTY: Sorry, Mr Herbst.

15 MR HERBST: I said I hear your Honour loudly and clearly on  
16 that point and I share - I'm the same way myself, I have to  
17 confess.

18 JUSTICE DOHERTY: Our technicians have worked hard and  
19 valiantly, I have to give them that. But one thing they are not  
20 is magicians. So before - just a moment. Let me allow the  
21 witness to go back to his usual position.

22 Mr Bangura, there are still some questions to be asked.  
23 Therefore, because you have taken the oath to tell the truth, you  
24 must not discuss your evidence with anyone else until all your  
25 evidence is finished. You understand that situation? You  
26 understand?

27 THE WITNESS: Yes, my Lord.

28 JUSTICE DOHERTY: Very good. You please go and sit with  
29 the officers at the back behind your counsel.

1           Now, Mr Herbst and I'm sure the rest of us, we're going to  
2 ask about the position on other witnesses. I suppose the best  
3 person to start with is yourself, Mr Serry-Kamal, because you had  
4 not actually completed your client's evidence.

5           MR SERRY-KAMAL: Your Honour, [i ndi scerni ble] expressing  
6 about the cross-examination of this witness, because I would  
7 ideally like to call my next witness as soon as Mr Herbst  
8 finishes his evidence - his cross-examination of this witness  
9 with the caveat that the last time my witness came to this  
10 compound he was asked out.

11          JUSTICE DOHERTY: Now, it's an interesting point. I've  
12 tried to make an inquiry about this. I think it's not  
13 appropriate to do so - make any comment in public.

14          MR SERRY-KAMAL: What I will do tomorrow is I'll let him  
15 stay at the reception and wait until we need him.

16          JUSTICE DOHERTY: That sound eminently sensible.

17          MR SERRY-KAMAL: I'll let him stay in my vehicle until we  
18 need him.

19          JUSTICE DOHERTY: That sounds eminently sensible.

20          MR SERRY-KAMAL: I'll let him stay in my vehicle until we  
21 need him.

22          JUSTICE DOHERTY: The reception will be well aware now that  
23 he's required for - as a witness. I will ensure that they are  
24 aware of that and that they can accommodate him.

25          MR SERRY-KAMAL: And Mr Herbst will be happy to hear that  
26 it will be Keh-For-Keh.

27          JUSTICE DOHERTY: Will you be - again without  
28 predetermining how you're going to run your case, will that be  
29 the one witness? Or there will be others?

1 MR SERRY-KAMAL: Well, it's the only witness I've been able  
2 to interview up to Saturday. I'm trying to interview some more  
3 witnesses today.

4 JUSTICE DOHERTY: Very well.

5 MR SERRY-KAMAL: I think I have one or two [indiscernible].

6 JUSTICE DOHERTY: Very well.

7 MR SERRY-KAMAL: [Indiscernible] in the office at 6.

8 JUSTICE DOHERTY: What I intend to do is this: I will  
9 provisionally instruct that Mr Keh-For-Keh be permitted into the  
10 reception of the Court awaiting his testimony at 11 o'clock - at  
11 11.45, that being the first break, and it could be that the  
12 cross-examination will be completed.

13 Would that be satisfactory, Mr Serry-Kamal?

14 MR SERRY-KAMAL: Whilst I will not hold my breath while the  
15 cross-examination - I would try and bring him here at 11 o'clock.

16 JUSTICE DOHERTY: Thank you. Now, that's Mr Serry-Kamal's  
17 witness, Mr Herbst. And I think Mr Nicol-Wilson also indicated  
18 on Saturday about a witness.

19 Mr Nicol-Wilson, are you in a position to advise us on  
20 that?

21 MR NICOL-WILSON: Your Honour, that is the position, which  
22 is going to be reviewed. But I want the cross-examination of my  
23 witness to be completed, and then I can sit with him and we will  
24 look at some tactical issues. It's highly possible we may not  
25 call any other witness.

26 JUSTICE DOHERTY: I can appreciate that situation, and I  
27 can well understand that you wish to do that. So I will not hold  
28 you one way or the other.

29 Now, that was - that was the questions relating to

1 witnesses, Mr Herbst. I hope you heard both counsel clearly. My  
2 next --

3 MR HERBST: Your Honour, I did - your Honour?

4 JUSTICE DOHERTY: Yes, I'm listening.

5 MR HERBST: To answer your question, I did hear both  
6 witnesses clearly. I wonder if I could make, through the Court,  
7 just one further inquiry of Mr Serry-Kamal. If he is going to  
8 call witnesses other than Keh-For-Keh - I understand he may not -  
9 but if he does, can we just have - can we just know who they  
10 would be or might be, so that I don't have to waste time and I  
11 can prepare for that cross?

12 MR SERRY-KAMAL: At this stage I will claim privilege.

13 JUSTICE DOHERTY: That's a new one on me, Mr Serry-Kamal.  
14 I haven't heard of that privilege before.

15 MR SERRY-KAMAL: [Microphone not activated] disclosing  
16 communications between me and my client.

17 JUSTICE DOHERTY: Can I make so bold as to say you gave an  
18 indication at Christo, the rock breaker at Regent.

19 MR NICOL-WILSON: It's not Mr Serry-Kamal. It's  
20 Mr Metzger.

21 JUSTICE DOHERTY: Yes, indeed. You're right, sorry.

22 MR NICOL-WILSON: He's on his way to Regent. He's back in  
23 town.

24 JUSTICE DOHERTY: I see.

25 Well, you know, in fairness, Mr Serry-Kamal, there is under  
26 the Rules a certain amount of - but let me read the Rules before  
27 I say anything I shouldn't.

28 MR SERRY-KAMAL: [Microphone not activated].

29 JUSTICE DOHERTY: Sorry?

1 MR SERRY-KAMAL: [Indiscernible].

2 JUSTICE DOHERTY: It seems to me, Mr Herbst, the reciprocal  
3 disclosures of evidence impose a mandatory obligation on the  
4 Prosecution to notify Defence of witnesses, and the Defence's  
5 mandatory obligation is in relation to alibi or diminished  
6 responsibility, neither of which arises in the case of Kamara.  
7 After that, it's - under 67C, the Prosecutor - to assist the  
8 Prosecutor with its disclosure obligations, the Defence may,  
9 prior to trial, provide the Prosecutor with the Defence case  
10 statement.

11 So whilst I have a considerable leeway under Rule 54, and,  
12 to some extent, under Rule 89, I do not think it extends to  
13 overcoming the both mandatory and discretionary provisions of 67.  
14 So I feel unable to direct Mr Serry-Kamal any further than I  
15 have.

16 MR HERBST: Your Honour, I understand what your Honour is  
17 saying. I'm sorry to hear it, particularly in light of the fact  
18 that I gave open-file discovery in my case more than a year  
19 before this trial started, and I am saddened by the  
20 close-to-the-vest manner in which privilege is being claimed at  
21 this late date. But I understand what your Honour is saying, and  
22 I won't press the point.

23 JUSTICE DOHERTY: Thank you, Mr Herbst. Obviously, if I  
24 was able to make a ruling that would expedite the case and allow  
25 for - sorry. Allow for preparation, I would have done so.

26 The one thing I can say is that in this Court at least, in  
27 this Trial Chamber, in the past if a party has been taken by  
28 surprise or a late disclosure of a document, the other party has  
29 been allowed time to prepare. That has been considered a remedy

1 in this Trial Chamber. I appreciate that time is not a commodity  
2 readily available to you, but I would entertain an application in  
3 the event that it is needed.

4 MR HERBST: Thank you, your Honour.

5 JUSTICE DOHERTY: If there's no other matters, I will  
6 adjourn Court until 9 o'clock tomorrow morning Freetown time and  
7 11 o'clock Kigali time. I am grateful to counsel for - all  
8 counsel for the extra time we have had today.

9 Please adjourn Court until 9 tomorrow.

10 [The Court adjourned at 4.20 p.m. until  
11 9.00 a.m. the following day]

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