



Case No. SCSL-2004-15-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
ISSA SESAY  
MORRIS KALLON  
AUGUSTINE GBAO

MONDAY, 10 JUNE 2008  
9.54 A.M.  
TRIAL (AMENDED)

TRIAL CHAMBER I

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Before the Judges:	Benjamin Mutanga Itoe, Presiding Bankole Thompson Pierre Boutet
For Chambers:	Mr Felix Nkongho Ms Hana Heineken Ms Isabelle Gilles
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Charles Hardaway Mr Vincent Wagona
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
For the accused Morris Kallon:	Mr Kennedy Ogeto Ms Lois Mbafor
For the accused Augustine Gbao:	Mr John Cammegh Mr Scott Martin

1 [RUF10JUNE08A-BP]

2 [Tuesday, 10 June 2008

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.54 a.m.]

6 [The witness entered Court]

7 WITNESS: DAG-101 [Continued]

8 CROSS-EXAMINED BY MR WAGONA: [Continued]

9 PRESIDING JUDGE: Good morning, learned counsel. We are  
10 resuming our proceedings. Mr Wagona, you may continue with your  
11 cross-examination of this witness.

12 MR WAGONA: Yes, thank you, my Lords.

13 Q. Good morning, witness.

14 A. Good morning.

15 Q. Now, yesterday you had said that Augustine Gbao was not a  
16 combatant; do you remember?

17 A. Yes.

18 Q. But do you accept that the G5, IDU, IO, and MP units were  
19 also working towards the RUF war effort?

20 A. Yes.

21 Q. And in this case the IDU, IO and MP were supposed to ensure  
22 that RUF combatants do not commit crimes against civilians?

23 A. Yes.

24 Q. And the IDU, IO and MP were also supposed to ensure that  
25 RUF combatants who commit crimes against civilians are punished?

26 A. Yeah.

27 Q. And I would put it to you, witness --

28 A. Um-hmm.

29 Q. -- that as overall security commander, Augustine Gbao was

1 in command of the G5, IO, IDU and MP units; what do you say about  
2 that?

3 A. Pardon?

4 Q. I'm saying to you that Augustine Gbao, as overall security  
5 commander, was in command of the G5, IO, IDU and MP units: What  
6 do you say about that?

7 A. Gbao was in command of the IDU unit. The other units have  
8 their own commanders. Like the -- they had the overall MP  
9 commander, the overall IO commander, they had their own  
10 commanders.

11 Q. Well, what I'm saying to you is that those overall unit  
12 commanders you are referring to --

13 A. Um-hmm.

14 Q. -- were reporting to Gbao as overall security commander?

15 A. Yeah. Yeah, they were reporting to him at joint effort  
16 level.

17 Q. At joint effort level?

18 A. Yeah.

19 Q. That is the joint effort of the G5, IO, IDU and MP unit?

20 A. Yeah, that is -- when they come together, that's when the  
21 Joint Security Board come together, whenever there was a crime  
22 for investigation, when they come together they do the  
23 investigation; they pass on the report to him for onwards  
24 transmission.

25 Q. But I'm suggesting to you that that would be when he is  
26 acting as the Chairman of the Joint Security Board of  
27 Investigations?

28 A. Yeah.

29 Q. And are you saying -- and you say that his only role was

1 just to transmit the recommendations?

2 A. Yeah, that's what I know.

3 Q. But if that was his only role, why wouldn't the Joint  
4 Security panel of investigations just send their report directly  
5 to the leader?

6 A. Pardon?

7 Q. If he had no role to play, apart from just transmitting the  
8 report --

9 A. Um-hmm.

10 PRESIDING JUDGE: Mr Wagona, I think there should be a  
11 finality to --

12 MR WAGONA: I will leave that, My Lord.

13 PRESIDING JUDGE: -- some of this, as this witness has been  
14 very categorical to say that, you know, Gbao was to transmit the  
15 report and that he didn't have anything to do with the report,  
16 that to change or to make further recommendations. That is what  
17 she said. I think we have to live with that evidence, whether we  
18 like it or not.

19 MR WAGONA:

20 Q. Well, do you accept that Gbao, as the Chairman of the Joint  
21 Security Board, would advise the Joint Security Panel of  
22 Investigations?

23 A. What sort of advice do you mean? I don't get you clear.

24 Q. During their proceedings --

25 A. Um-hmm.

26 Q. -- he would from time to time advise the panel?

27 A. Yeah, on their job areas to do their work properly and in  
28 the right form.

29 Q. Isn't it also correct that there would be cases like major

1 crimes in which Augustine Gbao himself would chair the  
2 investigations?

3 A. Well --

4 PRESIDING JUDGE: When you say "himself," what do you mean,  
5 Mr Wagona?

6 MR WAGONA: He would chair the panel of the investigations  
7 himself.

8 PRESIDING JUDGE: I beg your pardon, Mr Wagona? I mean, in  
9 serious crimes he would chair the panel of investigations  
10 himself?

11 MR WAGONA: Yes.

12 THE WITNESS: May I go ahead, My Lord?

13 PRESIDING JUDGE: Yes.

14 THE WITNESS: Well, in most cases, in serious cases, the  
15 district IDU commander will chair the panel -- the panel, yeah.

16 MR WAGONA:

17 Q. Well, I'm asking you about Gbao. Would Augustine Gbao also  
18 chair the panel in some serious cases?

19 A. That is not to my knowledge. Most times the IDU chaired  
20 the -- I mean -- chaired the investigation -- the district IDU.

21 Q. But did you hear about more than 60 civilians who were  
22 killed in Kailahun after the intervention on allegations that  
23 they were Kamajors?

24 A. Yeah, I heard -- I heard that information.

25 Q. Did you hear that Augustine Gbao himself chaired the panel  
26 of investigations in that case?

27 A. I don't know; I was not there. I was not there and I don't  
28 want to say hearsay, hearsay. I don't want to lie. I was not  
29 there.

1 Q. And I would suggest to you that Augustine Gbao, in some  
2 cases, would instruct the panel concerning what punishment they  
3 should impose.

4 A. Mmm?

5 Q. I'm suggesting to you that Augustine Gbao would in some  
6 serious cases instruct the panel concerning what punishment they  
7 should impose.

8 A. Well, punishments were laid down. I don't feel Gbao was  
9 just giving punishments from his own consent. They were laid  
10 down punishments for major crimes and minor crimes. So the  
11 punishments were recommended according to the rules and  
12 regulations of the movement, not self instruction or self  
13 punishment levied on people, no. People don't give punishments  
14 by themselves.

15 Q. So if he was to tell them what punishment, it would have to  
16 be a punishment which was already --

17 A. It was there, it was a laid down punishment.

18 Q. But you would accept that he could tell the panel that:  
19 Punish this person according to this laid down punishment?

20 A. No, no, no, no. That's why he submit the report to the  
21 high in command. He has to pass the order that such-and-such  
22 punishment should be given to such-and-such person for  
23 such-and-such crime.

24 Q. And would the High Command give that in writing?

25 A. Mmm?

26 Q. Would the High Command give that order in writing?

27 A. Most times would just pass the order orally.

28 Q. To who?

29 A. Mmm?

1 Q. To who?

2 A. The serious crimes, they will send the order to Gbao for  
3 him to pass the message to the MPs because they were responsible  
4 for the punishment.

5 Q. Now, from 1996 to 2000, RUF commanders in Kailahun Town  
6 would move around with their bodyguards; not so?

7 A. Mmm?

8 Q. I'm asking you whether from 1996 and 2000, it's correct  
9 that in Kailahun Town RUF commanders would be with their  
10 bodyguards?

11 A. Well, some were passing around with some few bodyguards.

12 Q. And these bodyguards --

13 A. Not all of them. Not all commanders were passing around  
14 with bodyguards.

15 Q. But those who passed around with the bodyguards, the  
16 bodyguards would be armed; not so?

17 A. Yes, some were having arms.

18 Q. And when you came to Freetown during the junta, you would  
19 also see that commanders were having -- moving around with their  
20 armed bodyguards; not so?

21 A. Yeah.

22 Q. And during this time --

23 A. Wait, wait. Pardon? When we came to Freetown?

24 Q. When you came to Freetown?

25 A. Yeah. What you were asking about?

26 Q. Well, I had asked you --

27 A. Clarify.

28 Q. -- whether when you came to Freetown you would also see  
29 that commanders were having -- moving with their armed

1 bodyguards?

2 A. Yeah, a few, yeah. Few are moving with their armed  
3 bodyguards.

4 Q. And during this time, Kailahun Town or Freetown was not a  
5 front line?

6 A. Aah, aah, aah.

7 Q. So it would not be correct to say that armed bodyguards  
8 were only used in the war situation?

9 A. Let me understand the question properly, please.

10 Q. It would not be correct to suggest that commanders would  
11 only need to use bodyguards when they were in a war situation;  
12 they used their bodyguards all the time, not so?

13 A. Well, that one, I would not say so, because it was just a  
14 ceasefire and they never declared war was completely over, that  
15 they should not use, or they should not have their securities  
16 with them. That one I can't really tell, exactly.

17 Q. Now, some of the children who you said some RUF combatants  
18 gave guns, and made them to act as their bodyguards, would have  
19 been under 15 years of age; is that correct?

20 A. Go over that.

21 Q. Well, you had said that there were RUF combatants --

22 A. Please, sorry, let me have a drink.

23 Q. Okay, please.

24 A. Yeah. Um-hmm. Okay.

25 Q. You remember you had said that some RUF combatants were in  
26 the habit of making children carry guns and act as their  
27 bodyguards?

28 A. Yeah.

29 Q. And is it correct that some of those children would be



1 children of under 15 years of age?

2 A. Yeah.

3 Q. And this practice, where some RUF combatants were using  
4 such children --

5 A. Yeah.

6 Q. -- to carry guns and act as their bodyguards --

7 A. Um-hmm.

8 Q. -- is a practice that went on from 1996 even up to the year  
9 2000; Not so?

10 A. Mmm.

11 Q. What's the answer?

12 A. Mmm?

13 Q. Are you saying "yes" or --

14 A. What? Let me get the question properly. Go over the  
15 question.

16 Q. I'm saying that this practice --

17 A. Um-hmm.

18 Q. -- where some RUF combatants --

19 A. Um-hmm.

20 Q. -- would give children guns and make them act as their  
21 bodyguards --

22 A. Um-hmm.

23 Q. -- is a practice that took place from 1996 even up to the  
24 year 2000; Is that correct?

25 A. Er, you see, this children's issue earlier -- the leader  
26 actually made it clear that children should not be used. And --

27 PRESIDING JUDGE: Madam -- madam, please, you know, let's  
28 shorten the debate. You can talk of other things but answer the  
29 question first, please.

1 THE WITNESS: Okay, yes.

2 PRESIDING JUDGE: Can you put the question to her again,  
3 please.

4 MR WAGONA:

5 Q. Madam, the question is: This practice of some RUF  
6 combatants --

7 A. Um-hmm.

8 Q. -- giving guns to children and making them act as their  
9 bodyguards --

10 A. Um-hmm.

11 Q. -- is something that took place from 1996 even up to the  
12 year 2000; Is that correct?

13 A. Yes.

14 PRESIDING JUDGE: Madam, you were going to explain  
15 something. Can you now explain, please?

16 THE WITNESS: Yes, My Lord. What I was just trying to say  
17 was that, that was really a laid down rule by the leader himself,  
18 Foday Sankoh, the use of those children, and the law was  
19 effective up to the time when the leader was arrested and taken  
20 to Ivory Coast. So when Sam Bockarie took over, the law was  
21 weakened and these things went on, up to what you are saying '99,  
22 because he was still in power. So that is just what I wanted to  
23 put across.

24 MR WAGONA:

25 Q. So since the law weakened, some RUF commanders would have  
26 also started using children in a similar way; is that correct?

27 A. No, no. I know of the -- the combatants. I know of the  
28 combatants using the boys. I know of the combatants. That's  
29 what I saw.

1 Q. Now, yesterday, you were asked by Mr Cammegh as to whether  
2 Augustine Gbao had bodyguards; do you remember that?

3 A. Yes.

4 Q. And your answer was that he had bodyguards who were above  
5 21 years?

6 A. Yes.

7 Q. Do you remember giving that answer?

8 A. Yes.

9 Q. Why did you say that he had bodyguards who were above 21  
10 years?

11 A. Why did I say that?

12 Q. Yes, when nobody had asked you to give the age?

13 A. Well, according to how I saw the -- the -- the bodyguards,  
14 I just speculated their age and in fact not speculation actually.  
15 Those were all above that, for sure. Nobody asked me but it's  
16 what I know, so I will say it. Whether they asked me or not, I  
17 will say what I know.

18 Q. But I'm saying to you that he also had some bodyguards --

19 A. Um-hmm.

20 Q. -- who were below 15 years of age; what do you say?

21 A. No. He never had bodyguard below 20 years.

22 Q. Now, you remember Exhibit 273, the RUF ideology book you  
23 were looking at yesterday?

24 A. We turn to the place? Do you want?

25 Q. I don't know if we still have copies of that. I have my  
26 own copy of that, but I'm not sure if there's another copy we can  
27 give to the witness?

28 MR JORDASH: It's on the desk.

29 THE WITNESS: There is a copy.

1 MR WAGONA:

2 Q. Oh, you have the copy?

3 A. Yes.

4 Q. And yesterday you were reading through it. Is that  
5 correct?

6 A. I just glanced through them. There was not much time to  
7 read this whole booklet so --

8 Q. Okay.

9 A. You want to make reference to it then you can go to the  
10 page.

11 Q. Well, what I would like to suggest to you is this?

12 A. Or go there. Um-hmm.

13 Q. That it's not written anywhere in that book that the RUF  
14 ideology was against the use of child combatants. Are you able  
15 to help me with an answer to that?

16 A. Pardon?

17 Q. I'm saying that that book does not contain anything which  
18 states that the RUF ideology was against the use of child  
19 combatants?

20 MR CAMMEGH: Sorry to interrupt. I object to the question  
21 on the basis that there is no reason to assume that this lady is  
22 familiar with the vast amount of detail contained in this book  
23 and, for that reason, I would suggest the question is a bit  
24 unfair.

25 JUDGE BOUTET: Well, she was asked yesterday to take  
26 knowledge of that book. She was given the time to look at the  
27 book and she was asked if she was familiar or not to answer some  
28 questions in cross-examination by the first accused. Why is it  
29 now not permissible?

1 MR CAMMEGH: I've made the point, Your Honour. If  
2 Your Honours are against me, I'll sit down.

3 PRESIDING JUDGE: Mr Wagona, please proceed.

4 MR WAGONA:

5 Q. Okay. Witness, you had said that it was a laid down rule  
6 that the RUF will not use child combatants. Now, my question is:  
7 Are you able to assist me with where I can find that?

8 PRESIDING JUDGE: Where?

9 THE WITNESS: Where?

10 MR WAGONA:

11 Q. Yeah, where it is laid down?

12 A. In this book?

13 Q. If it is not in this book it may be somewhere else -- laid  
14 down somewhere else.

15 A. Well, it was really spelt out clearly to us by the leader,  
16 Foday Sankoh.

17 PRESIDING JUDGE: Mr Wagona -- Mr Wagona.

18 MR WAGONA: Yes, My Lord.

19 PRESIDING JUDGE: I'm sure you wanted to refer the witness  
20 to the ideology and to the rules and so on. Do you want to refer  
21 her to those rules?

22 MR WAGONA: That is correct, My Lord. I'll get back to  
23 that. Thank you.

24 Q. Now, if, if the RUF ideology was against use of child  
25 combatants, would you expect that to be stated in that RUF  
26 ideology book?

27 A. Pardon?

28 Q. If the RUF ideology was against use of child combatants --

29 A. Um-hmm.

1 Q. -- would you expect that to be stated in that RUF ideology  
2 book?

3 A. Yes.

4 Q. Now, witness, I read in your summary, which was given to me  
5 by the lawyers for Mr Gbao --

6 A. Um-hmm.

7 Q. -- where it states that you said: "It is true that raping  
8 took place during the war but it was at the front line and mainly  
9 when the Liberians were heading the war." Did you tell that to  
10 the lawyers of Mr Gbao?

11 A. Yes.

12 Q. So is it your evidence --

13 A. Yes.

14 Q. -- that raping was taking place, but it was not as much as  
15 when the Liberians were heading the war?

16 A. Yes.

17 Q. And so you would know that in 1997 and '98, for example, in  
18 the front lines in Kailahun, some RUF combatants were raping  
19 women; is that correct?

20 A. No. No, that is not to my knowledge.

21 Q. So where was the raping taking place that you were  
22 referring to?

23 A. At, in Bunumbu. When Bunumbu was captured, these Liberians  
24 were there. That's 1991 I'm talking about, when we were brought,  
25 and the Liberian combatants were now going around bringing the  
26 civilians to town. During that exercise a lot of raping  
27 informations, reports were brought in, at that front line end,  
28 when Bunumbu was newly captured. That was -- I was there when we  
29 were brought in town.

1 Q. But raping was also taking place after the Liberians had  
2 left; Not so?

3 A. Well -- er-- well, that one -- that one was not much to my  
4 knowledge.

5 Q. It was not much to your knowledge?

6 A. Mmm.

7 Q. What do you mean by that?

8 A. Well, I know of raping more when the Liberians were there.  
9 That's what I'm saying.

10 Q. So it was less when the Liberians had left?

11 A. Yeah.

12 PRESIDING JUDGE: I hope you did not put words in the  
13 witness's mouth.

14 MR WAGONA: Well, I can ask the question, My Lord, to avoid  
15 that possibility.

16 PRESIDING JUDGE: I think we should be fair. She has said  
17 what she said and very clearly. It is not to her knowledge, you  
18 know, that raping --

19 THE WITNESS: Mmm.

20 PRESIDING JUDGE: -- was taking place.

21 THE WITNESS: After the Liberians left, there was --

22 PRESIDING JUDGE: After the Liberians you know left. It's  
23 not to her knowledge. You may proceed. I just wanted to draw  
24 your attention to that because you don't want to draw a  
25 conclusion because you are putting to her now you know that --

26 MR WAGONA: My Lord.

27 PRESIDING JUDGE: -- it was taking place after they left  
28 but less. That is not what she said.

29 MR WAGONA: My Lord, I asked the question because her

1 answer was "It was not much to my knowledge."

2 THE WITNESS: It was not to my knowledge and when you again  
3 repeated the questions that's what I said.

4 PRESIDING JUDGE: And she said "it was not much to my  
5 knowledge." Does it mean that the raping was less? Is that what  
6 it means?

7 MR WAGONA: That's why I was asking that question.

8 PRESIDING JUDGE: We wouldn't want inferences. We need  
9 very precise responses. This is a criminal proceedings and we  
10 have to be very careful with the evidence that goes on the  
11 record.

12 MR WAGONA:

13 Q. Witness, you spoke of a case when you say Augustine Gbao  
14 stopped some RUF combatants from forcing some women who had been  
15 brought from the front line to become their wives; do you recall  
16 that?

17 A. Yeah.

18 Q. And when was that?

19 A. That was -- that was sometime in '96 when we were in Giema,  
20 when these civilians were captured and they were -- the  
21 combatants were bringing them to -- to the office in Giema for  
22 screening. Before they could bring them, they would engage the  
23 -- some of the women by mouth. They would say this is my wife  
24 and they will have their -- they will have their own partners in  
25 mind. So when they come, they will report to the office that:  
26 CO, this is my own woman. So when you screen them, after you are  
27 finished with them, they are going to take them as their wives.  
28 So right from the office point, that one will be stopped. They  
29 will not be allowed to -- to be taken away by these combatants as



1 wi ves.

2 Q. Who was the CO?

3 A. Hmm?

4 Q. You said CO.

5 A. [Laughs].

6 Q. You referred to CO? Who was CO?

7 A. CO - that's how we are calling the -- most of the  
8 authorities.

9 PRESIDING JUDGE: We mean the name? Do you have the name,  
10 madam, of the CO at that time?

11 THE WITNESS: At that time? [Sniggers].

12 PRESIDING JUDGE: Yes.

13 THE WITNESS: The authorities were all called CO. That was  
14 just a respect given to the higher authorities.

15 MR WAGONA:

16 Q. Yeah, well, in that incident was the CO Augustine Gbao?

17 A. Mmm?

18 Q. In that incident you are talking about?

19 A. Um-hmm.

20 Q. Was the CO Augustine Gbao?

21 A. Yeah.

22 Q. So he was the one in the screening office; is that correct?

23 A. Yeah. When -- yes, they will bring them to the IDU office,  
24 who will be there to do the screening with the district IDU  
25 overseeing it. But when they bring the civilians he -- he come  
26 with standing. He will still come around to see them, at least  
27 talk to them, yeah, that sort of things. But we will do the  
28 screening and all the rest of it. So while he comes around the  
29 civilians to talk to them, that's the time the boys, the

1 combatants will say: CO, this is my woman, this is my woman, you  
2 know, just in that kind of mood. That is it.

3 Q. So in that particular incident, when he would intervene, he  
4 was using - exercising his authority as overall IDU commander; Is  
5 that correct?

6 A. Mmm?

7 Q. In that particular incident, when he intervened, is it  
8 correct that he was exercising his authority as overall IDU  
9 commander?

10 A. Well, not necessarily exercising his authority as a  
11 commander, but as his responsibility to those civilians, because  
12 he was responsible to those civilians as security and all the  
13 rest of it.

14 Q. So what you are saying is that --

15 A. Mm-hmm.

16 Q. -- Augustine Gbao was also responsible for civilians; Is  
17 that what you are saying?

18 A. He was responsible for defending the lives and properties  
19 of these civilians.

20 Q. Including?

21 A. Including what?

22 Q. Women who were brought from the front line; is that  
23 correct?

24 A. These are all civilians; whether women or men, they are all  
25 civilians. As long as they are not combatants, they are  
26 civilians.

27 Q. Now, did you hear of any other incident, after that one,  
28 where Augustine Gbao intervened in a similar way to stop  
29 combatants from taking women?

1 A. Er -- combatants taking women besides their example?

2 Q. Yes.

3 A. But that one happens many, many times. Whenever these  
4 people were brought and even within, even within. Even some of  
5 the civilians, who were partners to these combatants, when they  
6 feel like having -- do not have love for these people again, when  
7 there is any problem he will try to settle it peacefully.

8 Q. Okay. When did it happen again?

9 A. Well, I said it happened many, many times when the  
10 civilians were brought. I cannot -- I never recorded the times  
11 it happened.

12 Q. So that would have happened also in 1997, for example; is  
13 that correct?

14 A. Mmm?

15 Q. Would it have also happened in 1997?

16 A. In 1997?

17 Q. Yes; did it also happen in 1997?

18 A. Well, in 1997 -- well, during the peace time, no. During  
19 the peace time I think everybody was in normal position.

20 Q. So there was no such incident?

21 A. Of what? Forced marriage?

22 Q. Of when RUF combatants wanted to take women --

23 A. Nothing, nothing like that.

24 Q. -- Like in the example you gave, and Gbao intervened--

25 A. Nothing like that. That's what I saying. Everybody was  
26 now in settled in their normal position. There was nothing like  
27 that.

28 Q. Now, you know that in 1999 to 2000, Augustine Gbao was  
29 based in Makeni; do you know that?

1 A. Yes.

2 Q. And you know that while he was based in Makeni, during that  
3 time, he was the RUF commander in charge of Makeni. Do you know  
4 that?

5 A. Mmm?

6 Q. Do you know that while he was based in Makeni, he was the  
7 RUF commander in charge of Makeni?

8 A. I don't know.

9 Q. Now, the next questions I'm going to be asking you, I'll be  
10 referring to the information you recorded in Exhibit 383; the  
11 first document you recorded.

12 A. Where?

13 Q. You remember before, just before you started testifying,  
14 you filled in a document?

15 A. Er -- the paper I --

16 Q. Yes. Yes. Don't mention the content of the information,  
17 but do you recall the document you filled in and the information  
18 was taken to be confidential; do you recall that?

19 A. You mean the paper I filled yesterday?

20 Q. Yes; do you recall that?

21 A. Yeah.

22 Q. So I'm going to ask you about the person you wrote in that  
23 paper, but I'm only going to refer to the exhibit?

24 A. What is the exhibit you mean?

25 Q. The exhibit was marked as 383. That paper which you wrote  
26 on --

27 A. Mmm.

28 Q. -- was called Exhibit 383?

29 A. Don't let me come to call people's name here.

1 Q. That's why I'm cautioning you. Don't call the name.

2 A. Well, you have to guide me properly.

3 Q. I will not call the name. I will only say the person whose  
4 name you wrote in the exhibit?

5 A. Mmm.

6 Q. That's how I'm going to put the question; do you understand  
7 that?

8 A. Yes.

9 Q. So when you are also answering, don't call any name?

10 A. Okay. Go ahead. You are coming -- you want me to -- okay.  
11 Okay. I will try. Go ahead.

12 Q. The first question I'm going to ask you is, that you would  
13 accept that you are a person who served in the RUF together with  
14 that person whose name you wrote in Exhibit 383 from the  
15 beginning of the war up to the end; do you agree with that?

16 A. Yes.

17 Q. And you personally served in the RUF all the way because  
18 you were loyal to the RUF; not so?

19 A. Pardon?

20 PRESIDING JUDGE: Mr Wagona, please, just a moment. Yes,  
21 Mr Wagona.

22 MR WAGONA:

23 Q. Witness, the next question I've asked you is that do you  
24 accept that you served in the RUF from beginning to end because  
25 you were very loyal to the RUF?

26 A. Yes, because I was loyal to the RUF [REDACTED].

27 MR WAGONA: My Lords, may that be redacted? The last part.

28 PRESIDING JUDGE: It should be redacted, indeed. Let it be  
29 redacted. That mention there should be redacted from the

1 records, please. It should just read that "I was loyal to the  
2 RUF movement."

3 THE WITNESS: Okay.

4 MR WAGONA:

5 Q. And it would be the case that both yourself, and the person  
6 named in Exhibit 383, were both loyal to Augustine Gbao; is that  
7 correct?

8 A. Yes.

9 Q. And that person who is named in that exhibit, is it correct  
10 that he is currently working for Gbao; is it correct?

11 A. Mmm?

12 Q. Is it correct that that person who is mentioned in Exhibit  
13 383 --

14 A. Um-hmm.

15 Q. -- is at the present moment --

16 A. Um-hmm.

17 Q. -- working for Augustine Gbao?

18 A. Mmm, well --

19 JUDGE BOUTET: What's the answer? You've signaled  
20 something with your head, I don't know if it's a yes or a no or  
21 so. Can we hear the answer? Madam witness --

22 THE WITNESS: Mmm?

23 JUDGE BOUTET: -- what is your answer to that question?

24 THE WITNESS: Yeah, say your question again.

25 MR WAGONA:

26 Q. The question is: Is it correct that that person named in  
27 Exhibit 383 --

28 A. Um-hmm.

29 Q. -- is at the present moment employed to work for

1 Augustine Gbao; is that correct?

2 A. If the -- the person is presently employed to work for  
3 Gbao?

4 Q. Yes; is that correct?

5 A. [Indiscernible]

6 PRESIDING JUDGE: Is Gbao paying him from custody?

7 THE WITNESS: [Indiscernible] I don't [indiscernible].

8 PRESIDING JUDGE: Let's be clear on this question, please.

9 THE WITNESS: Mmm.

10 JUSTICE BOUTET: [Inaudible].

11 PRESIDING JUDGE: Well, that is it. That is what I wanted  
12 to clarify.

13 THE WITNESS: Then clarify, because I don't know. Gbao --

14 MR WAGONA:

15 Q. My question is, is it correct --

16 A. [Indiscernible] somebody work for him.

17 Q. -- is it correct that that person is currently employed to  
18 work for Gbao; is that correct, or not?

19 A. No. I -- I -- I don't know.

20 Q. Is it correct to say that he is working on the Gbao  
21 Defence?

22 A. If he is working on the Gbao Defence?

23 Q. Yes, please. For the Gbao Defence.

24 A. Well, I don't understand much. Clarify it better for me,  
25 please. What actually do you mean? I don't understand you much.

26 Q. My question is --

27 A. Mmm.

28 Q. -- is it correct that the person named in Exhibit 383 is  
29 currently employed and is working on the Gbao Defence?

1 MR CAMMEGH: Sorry to interrupt.

2 PRESIDING JUDGE: Yes.

3 MR CAMMEGH: I don't want this lady to be further  
4 embarrassed. I'm quite happy to admit, on behalf of  
5 Augustine Gbao, that the man in question has been working as --  
6 in an official capacity since April 2006 for my team.

7 JUDGE BOUTET: Yes, but why is this an embarrassment? It's  
8 a very simple question. She knows or she doesn't. It's yes or  
9 no. I mean, I don't see the embarrassment with that particular  
10 question, Mr Cammegh. I disagree with you. It's fine that you  
11 inform the Court of that; we appreciate. But I think she can  
12 answer the question. She doesn't know, she can say, "I don't  
13 know." I don't see the embarrassment, to use your word, with  
14 that particular question.

15 MR CAMMEGH: Well, Your Honour, I don't know what's in her  
16 mind either.

17 JUDGE BOUTET: I don't know either. But Mr Cammegh, she is  
18 an intelligent person. If she doesn't know, she can say, "I  
19 don't know," or she can say "yes" or "maybe" or whatever it is.

20 MR CAMMEGH: I -- I -- I --

21 JUDGE BOUTET: She is quite capable of answering that  
22 question.

23 MR CAMMEGH: She certainly is, but I would -- as I said, I  
24 would just like to put it on record that certainly we have  
25 nothing to hide about making that -- that admission. I don't  
26 like the word "admission" because it sounds as if we're admitting  
27 to something that we've done wrong, and it's a pity that this  
28 line of questioning is being pursued, but there we are.  
29 Your Honour, I am --



1 JUSTICE BOUTET: Well, this is no time for argument.

2 PRESIDING JUDGE: It is not unfortunate, Mr Cammegh. It  
3 isn't unfortunate. You know, when you start looking at -- on  
4 issues of credibility of witnesses, I mean, issues like this are  
5 likely to arise. They are not very far fetched. They are right  
6 there, you know, and I'm sure that is why, you know, that  
7 question is put.

8 MR CAMMEGH: I don't disagree with Your Honour at all, but  
9 it's the impression that is -- well, I won't say any more. Let  
10 the question be put again.

11 PRESIDING JUDGE: You've done -- you've done the job. I  
12 mean, you've been very forthright and candid, you know, so say --

13 MR CAMMEGH: Yes.

14 PRESIDING JUDGE: -- to admit that he has been working for  
15 your Defence team since 2006.

16 MR CAMMEGH: And of course, Your Honour, the information  
17 was declared right at the beginning of the testimony in a  
18 documentary manner. But I'm not going to say any more. Let the  
19 question be put again.

20 PRESIDING JUDGE: Do we -- do we still need the question  
21 really?

22 MR WAGONA: No, My Lord, I was going to just move on.

23 PRESIDING JUDGE: I don't think we need the question  
24 because you have answered it, you know.

25 MR WAGONA:

26 Q. Witness, I'm going to suggest that the person named in  
27 Exhibit 383 advised you to come and testify for Gbao; what do you  
28 say about that?

29 A. He never advised me to come and testify for Gbao, and in

1 fact, he never actually -- he never advised me to come and  
2 testify for Gbao. I decided for myself to come and testify for  
3 Gbao, since I was working with him and he is not actually  
4 supposed to have been brought to this Court. So I decided to  
5 come and do it for myself. I'm in Kailahun, and the person you  
6 are talking about is here, even though maybe he may be working in  
7 the team. But I decided for myself. I decided for myself to  
8 come and testify in the interests of that gentleman.

9 Q. But I would also suggest that the two of you have been  
10 discussing the evidence --

11 MR CAMMEGH: I'm sorry --

12 MR WAGONA:

13 Q. -- given by other witnesses in this Court.

14 A. Okay -- [overlapping speakers].

15 MR CAMMEGH: I am sorry, Your Honour, I object to that  
16 question. Once again Mr Wagona has done the same thing: He has  
17 made a suggestion to a witness which is founded on no evidence  
18 whatsoever. This has to stop. I'm sorry to sound so cross  
19 about it --

20 JUDGE BOUTET: What's your objection? What's your  
21 objection?

22 MR CAMMEGH: How can that suggestion be made in the absence  
23 of any evidence at all?

24 JUDGE BOUTET: What do you mean "absence of any evidence"?  
25 With your admission, what's the problem? I don't see the  
26 objection on a statement. What's the substance of your  
27 objection?

28 MR CAMMEGH: Well, Your Honour, it's quite clear what's  
29 going on here. The Prosecution are, in a very thinly-veiled way,

1 attempting to put some sort of impropriety in the fact that a  
2 certain person --

3 JUDGE BOUTET: Maybe if you have to pursue that, maybe the  
4 witness should be excused and then we'll hear what you have to  
5 say about that.

6 MR CAMMEGH: Well, let her be excused, please.

7 [Witness leaves courtroom]

8 PRESIDING JUDGE: Yes.

9 JUDGE BOUTET: Yes, Mr Cammegh.

10 MR OGETO: Sorry, My Lord, could Mr Kallon use the  
11 restroom, please?

12 PRESIDING JUDGE: Yes, please, he may.

13 JUDGE BOUTET: And I would like to know from you what you  
14 mean by "once again," because I thought we had discussed the  
15 issue yesterday and it was -- we decided it was quite proper. So  
16 I don't know what's the "once again".

17 MR CAMMEGH: I'm not referring to that issue, Your Honour,  
18 I'm referring to previous occasions.

19 JUDGE BOUTET: What do you mean "once again"? I mean --

20 MR CAMMEGH: Well, there have been many occasions --

21 JUDGE BOUTET: -- if these weren't proper questions, we've  
22 sanctioned them and we disallowed them. So what's this matter  
23 about "once again"?

24 MR CAMMEGH: Your Honour, this method has been used  
25 throughout the entire Defence case. It's been going on for more  
26 than a year, the Prosecution's habit of making assertions to  
27 witnesses which are not founded on any evidence.

28 PRESIDING JUDGE: And whenever those assertions have been  
29 made and they are proper, we have overruled them and we have

1 upheld them if they have not been -- if they were not -- if they  
2 were proper.

3 MR CAMMEGH: I know that Your Honours have. I haven't  
4 objected to any until my Defence case, so that's why I've been  
5 silent on the issue until now. Can I just deal with it very  
6 briefly.

7 If Mr Wagona asks the witness a question in these terms:  
8 "Have you been discussing your evidence with the man on the piece  
9 of paper?" there's no objection to that. But to actually  
10 suggest, or, in other words, make an assertion that -- because  
11 the suggestion is -- it is -- it's an assertion -- an implied  
12 assertion that that is what she's been doing, then I do object.  
13 If the issue wasn't terribly important I wouldn't mind, but what  
14 is clearly being attempted here by the Prosecution, without any  
15 evidence to sustain their position, is to create a -- to cast a  
16 shadow over the propriety of this lady's dealings with another  
17 member of the Gbao Defence team.

18 In other words, the purpose, I suggest, is to attempt to  
19 cause the judges -- the Tribunal to suspect that there has been  
20 some manner of concoction or coaching between she and someone who  
21 she used to be very close to.

22 Now, I do object to that, because if the Prosecution have  
23 got evidence that that is what's been going on, then let them put  
24 that to the witness. But you can't just suggest to a witness:  
25 Oh, you've been discussing your evidence with this person. The  
26 motive is clear. It's to suggest concoction --

27 PRESIDING JUDGE: Mr Cammegh -- Mr Cammegh, what is  
28 improper with that question? Mr Wagona, for the Prosecution, is  
29 cross-examining, and he is allowed, with the latitude in

1 cross-examination, to explore many grounds and even start from  
2 irrelevancies before he comes to the concrete.

3 MR CAMMEGH: Of course.

4 PRESIDING JUDGE: These are the Rules of cross-examination.

5 MR CAMMEGH: Of course [indiscernible].

6 PRESIDING JUDGE: But he has put this question across and  
7 there is -- there is no rule of inacceptability of a question in  
8 cross-examination that should be based on the fact that there has  
9 been no evidence adduced by the Prosecution to this. This is a  
10 novelty which you are propounding, and I am not aware of that.

11 MR CAMMEGH: Well --

12 PRESIDING JUDGE: I mean, if a question is -- if I'm in  
13 cross-examination, maybe my practice -- which dates as far back  
14 as 1968, when I was called to the bar -- is obsolete. Maybe it  
15 is. But I think I've been current, you know, with the  
16 developments in the law. I'm not saying I know all of it, but  
17 I've been very, very current, you know, with the law, and I'm not  
18 informed that the Prosecution's questions must only be grounded  
19 on evidence which has already been adduced by the Prosecution --

20 MR CAMMEGH: Your Honour [indiscernible] --

21 PRESIDING JUDGE: -- when it is in cross-examination.

22 MR CAMMEGH: Yes.

23 PRESIDING JUDGE: Yes.

24 JUDGE BOUTET: And that applies to all the parties. But --  
25 I'm sorry, Justice Thompson. On this -- this particular issue,  
26 you know the name that is on that piece of paper yourself,  
27 Mr Cammegh, so what's the impropriety by the Prosecution and what  
28 is unfair about this? I mean, I would say that in the normal  
29 life activity, it would not be abnormal for one to discuss or not

1 -- to discuss or not. I mean, what's so improper about this? I  
2 am -- leaving aside the fact that that particular person may have  
3 been working for -- for your team, what is improper in the fact  
4 that -- given the name and the relationship between that person  
5 and the witness about this question? I'm really at a loss to  
6 understand that. I mean, I need to be convinced of that, leaving  
7 aside any other consideration. Justice Thompson, I'm sorry.

8 JUDGE THOMPSON: Yes. Mr Cammegh, I would think that we  
9 are in an area which is rather very clear, as far as I understand  
10 the law. I do not understand the object of cross-examination to  
11 be to harass, intimidate, or humiliate a witness, and if that is  
12 not the purpose of the question being put, then I think it's a  
13 permissible question. I also understand the law to be that under  
14 cross-examination, no suggestion of fraud, of the commission of a  
15 crime, or misconduct, must be put to a witness unless there are  
16 material and they are supported on reasonable grounds. That is  
17 my understanding of the law, and I don't think this question does  
18 come near that yet. It may be that if the suggestion was that  
19 there's been a conspiracy, then I would say -- and speaking for  
20 myself -- that such a question would be impermissible.

21 MR CAMMEGH: Can I deal with Your Honour's points in turn.  
22 His Honour Justice Itoe makes, I think, a valuable point which --  
23 and it's worth us reminding ourselves of this: That we do come  
24 from different jurisdictions and I haven't been around anywhere  
25 near as long as His Honour Justice Itoe has but certainly in my  
26 practice in my jurisdiction, that type of question would  
27 certainly be frowned upon and I couched this yesterday. If the  
28 question had been put as a question rather than a suggestion,  
29 there's no problem but in my submission, if a suggestion or an

1 implied assertion is to be made it can only be made in the light  
2 of certain evidence justifying that assertion. Otherwise, it has  
3 to be framed in the term of a question. I'll give one example.  
4 I was once involved in a murder trial in the Old Bailey and one  
5 -- a line of our defence was it wasn't our client who committed  
6 the murder, it was actually the main Prosecution witness. There  
7 was no evidence -- admissible evidence that the witness had  
8 committed the murder. But it was our instructions that he had.  
9 And my leader, Queens Counsel, put the matter to the witness in  
10 this way: Did you commit the murder? That was the only way he  
11 was allowed to do it. He would not in his practice or in his  
12 experience, and certainly the Court would not have tolerated him  
13 to have actually put that to the witness in the absence of any  
14 particular evidence. In relation to His Honour Justice Boutet's  
15 point, well I hope I've just answered that. What I find  
16 objectionable is that an implied assertion is put to the witness  
17 in the absence of any eyewitness or any type of evidence to  
18 support it. Now, what is objectionable and this is the nub of it  
19 and I think this feeds into His Honour Justice Thompson's  
20 remarks, is this: It may be that this line of questioning --  
21 this -- this style of questioning is permissible to Your Honours  
22 and His Honour Justice Thompson says it doesn't come anywhere  
23 near the allegation of conspiracy or anything like that. But  
24 what are the Prosecution going to do with this in their final  
25 brief.

26 PRESIDING JUDGE: Justice Thompson said he was speaking for  
27 himself.

28 MR CAMMEGH: I'm sorry.

29 PRESIDING JUDGE: Justice Thompson said he was speaking for

1 himself.

2 JUDGE THOMPSON: Yes.

3 PRESIDING JUDGE: These are matters which can be explored.

4 MR CAMMEGH: Yeah, yeah. I'm trying to deal with  
5 your Honours' s points one-by-one.

6 PRESIDING JUDGE: [Indiscernible]

7 JUDGE THOMPSON: Yes, and I follow you that way, in fact, I  
8 did say and I wish to emphasise again that I'm speaking for  
9 myself --

10 MR CAMMEGH: I understand that.

11 JUDGE THOMPSON: -- when it comes to articulating the law.

12 MR CAMMEGH: Yes.

13 JUDGE THOMPSON: And that's what I have indicated and I  
14 stand by what I said as far as the law is concerned --

15 MR CAMMEGH: Yes.

16 JUDGE THOMPSON: -- and as far as I understand it.

17 MR CAMMEGH: That's why I was hoping to deal with it  
18 one-by-one and naming Your Honours as I went to try and deal with  
19 it in a methodical fashion.

20 PRESIDING JUDGE: And you are doing it well.

21 MR CAMMEGH: Thank you. It comes to this, in my submission  
22 and as I said this rather addresses the point that His Honour  
23 Justice Thompson made. How are the Prosecution going to seek to  
24 deal with these answers in their final brief? Are they simply  
25 going to make a casual neutral reference, in which case what's  
26 the point of that? Or are they, in fact, going to seek in their  
27 final brief to drive a wedge between this witness and the truth  
28 between this witness and her credibility by referring in a -- in  
29 a derogatory fashion, for want of a better word, to the fact that



1 she was close to this man and this man has been working for the  
2 Gbao team for over two years. There's no smoke without fire.  
3 Members -- I'm sorry, I nearly said members of the jury.  
4 Your Honours, will I'm sure --

5 PRESIDING JUDGE: You would not be too far from there. We  
6 are also an embodiment of a jury. There's no problem.

7 MR CAMMEGH: Your Honours, I'm sure -- well, I suggest  
8 there is a very strong possibility that the Prosecution will seek  
9 to use these circumstances in order to raise the possibility that  
10 some kind of concoction or conspiracy had taken place. That's  
11 the mischief with this sort of question. Now, if the question is  
12 put --

13 JUDGE BOUTET: What would be improper without going that  
14 far to say we should not believe this particular witness because  
15 -- I mean and these questions we say go to credibility and  
16 obviously they are an attack on credibility. This is the obvious  
17 line of questioning at this particular moment. I'm not in their  
18 head but they are saying in their final brief you should not  
19 believe this particular witness because, what's improper about  
20 this.

21 JUDGE THOMPSON: But let me make the point that clearly the  
22 law is, as far as I understand it, if a suggestion is being put  
23 to a witness that he has committed a crime, that question would  
24 be impermissible.

25 MR CAMMEGH: Of course.

26 JUDGE THOMPSON: If it's not based on reasonable grounds  
27 and it's not material to the issues in controversy between the  
28 parties. And this is where I part company on the question of  
29 what is an impermissible question and what is not a impermissible

1 question under cross-examination when it comes to suggestion of  
2 misconduct on the part of a witness or alleged availed commission  
3 of a crime, and I stand by the law in what I said.

4 JUDGE BOUTET: I should add I do not disagree with my  
5 learned friend.

6 PRESIDING JUDGE: I do not disagree with the statement of  
7 law either but I'm saying that again these are very, very elastic  
8 issues which are based on elastic grounds, you know, where there  
9 may be arguments, you know, one way or the other as it could be,  
10 you know, in any contention in law. But I do not disagree with  
11 the propositions, you know, which are written down in the books.  
12 They are there.

13 JUDGE BOUTET: And if they argue in their pleadings that  
14 there's been a conspiracy, well we are certainly entitled to  
15 understand why they are suggesting when there is no proof of  
16 that. I mean, you're going a step much further away and --  
17 because you are presuming that the Prosecution in this case here  
18 is going to go that route, as such. Well, the question --

19 MR CAMMEGH: I am.

20 JUDGE BOUTET: -- given the relationship that you know of  
21 between this witness and the person in question, I would say is a  
22 perfectly legitimate and fair question, so you've gone a step  
23 further in the direction of --

24 MR CAMMEGH: I have. Of course, yes.

25 JUDGE BOUTET: Yeah, but --

26 MR CAMMEGH: I'm trying to see what this could lead to. I  
27 mean, my position is this: This is a lady who is an obvious  
28 target for this sort of line of questioning, but if that line of  
29 questioning is going to be pursued my submission is let it be

1 pursued with -- with grounds. I can see Your Honours are against  
2 me, but I can see also that I've been allowed to make my point  
3 and I think Your Honours are aware of what I'm saying. So I will  
4 drop the objection now. But I -- I will obviously seek to  
5 re-examine to some extent on this issue and with Your Honours'  
6 leave, perhaps I'll be able to do that.

7 JUDGE BOUTET: As you know we objected to one of your  
8 questions in cross-examination of witness on some of these  
9 grounds, as such because you were trying to put to the witness  
10 the commission of a possible crime, as such and we said no, you  
11 shouldn't go there. And you know what I mean.

12 MR CAMMEGH: Yes. Yes. I think.

13 PRESIDING JUDGE: Anyway, since you have retracted the  
14 objection, you know, that is --

15 MR CAMMEGH: I'm happy that we've had a mature debate on  
16 the subject and I'm happy that Your Honours have allowed me to  
17 set forth my views.

18 PRESIDING JUDGE: Yes, I mean issues of law should not be  
19 neglected. This is a Court of law and I think opportunities  
20 should be given for the development of the law by encouraging  
21 useful arguments like this one, which is quite helpful in the  
22 determination of this issue. Thank you for withdrawing the  
23 objection. Can you bring in the witness, please.

24 MR CAMMEGH: Could Mr Gbao be excused for a moment, please.

25 PRESIDING JUDGE: Yes, he may, please.

26 [The witness enters Court]

27 PRESIDING JUDGE: Yes, you can put your question the way  
28 you put it.

29 MR WAGONA: Thank you, My Lords.

1 PRESIDING JUDGE: Yes.

2 MR WAGONA:

3 Q. Witness, my question was this.

4 A. Um-hmm.

5 Q. That I suggest to you that you and the person named in  
6 Exhibit 383 --

7 A. Um-hmm.

8 Q. -- have been discussing the evidence other witnesses have  
9 been giving in this Court; what do you say about that?

10 A. Clarify your question, please.

11 Q. I'm suggesting to you that you and the person named in  
12 Exhibit 383 have been discussing the evidence other witnesses  
13 have been giving in this Court; what do you say about that?

14 A. The evidence I am giving in this Court? Let me understand  
15 you properly, please.

16 Q. The evidence other witnesses have been giving in this  
17 Court?

18 A. The one I am giving?

19 PRESIDING JUDGE: Madam -- madam, counsel is asking you --  
20 is putting it to you.

21 THE WITNESS: Yeah.

22 PRESIDING JUDGE: That the person mentioned in Exhibit 383.

23 THE WITNESS: Um-hmm. Yeah.

24 PRESIDING JUDGE: Has been discussing with you the evidence  
25 -- that's before now -- has been discussing with you the evidence  
26 which other witnesses have been giving in this Court -- in this  
27 trial. That is what he is saying. Am I right, Mr Wagona?

28 MR WAGONA: Yes, My Lord.

29 PRESIDING JUDGE: Mr -- Mr Cammegh, is that -- does that

1 reflect the question.

2 MR CAMMEGH: Yes, I think so.

3 THE WITNESS: No. No, he has never been discussing with me  
4 the evidence giving in this Court.

5 MR WAGONA:

6 Q. That's okay. Thank you, but definitely you would like  
7 Augustine Gbao to be freed from this case because he was your  
8 commander; is that correct?

9 A. I want him to be free from this case. Well not actually  
10 because he was my commander but for the role he played. Because  
11 Gbao stood out rightly to defend the civilians from the soldiers.  
12 He never involved in any wrongdoing like doing bad to the  
13 civilians, neither soldiers and he was, in fact, sometimes  
14 molested by his colleagues and even the combatants because of  
15 these civilians defending the rights of the humans. So because  
16 of that I want Gbao actually to be free from this case. I don't  
17 want -- he is not to be free because he is my commander. That  
18 one is over. But because of the role he played in the war  
19 against humanity, defending the rights of human -- humans.  
20 That's why I want him to be free. He never did any wrong that he  
21 should be -- he should be in Court today, yeah.

22 Q. Okay. Thank you very much.

23 A. Thank you.

24 MR WAGONA: My Lords, that will be all.

25 PRESIDING JUDGE: Thank you, Mr Wagona. Yes, Mr Cammegh,  
26 any re-examination.

27 MR CAMMEGH: Very briefly if I may.

28 RE-EXAMINED BY MR CAMMEGH:

29 MR CAMMEGH:

1 Q. Madam Witness, can I ask you about the man whose name was  
2 written on the piece of paper by you yesterday?

3 A. Yes, but please let me drink.

4 Q. Yes, of course.

5 A. Um-hmm. Yes, you can go ahead.

6 Q. Thank you.

7 A. Thank you.

8 Q. Were -- were the two of you ever married?

9 A. Pardon?

10 Q. Were the two of you ever married?

11 JUDGE BOUTET: Mr Cammegh, aren't you moving in a risky  
12 area, given the confidential nature of that information? I mean,  
13 this is your witness. You know that our protective measures that  
14 have been granted at your request so --

15 MR CAMMEGH: I'll deal with it differently, Your Honour.

16 I'll deal with it differently.

17 Q. Between 2000 and 2006 where was that man?

18 A. Between 2000 and 2006?

19 Q. Yeah.

20 A. He was in prison.

21 Q. Yeah.

22 A. Pademba Prison.

23 Q. Was he ever convicted of anything?

24 A. Pardon?

25 Q. Was he ever found guilty of anything by a court?

26 A. Well, no. We were all arrested during that May 8 incident  
27 here in Freetown, due to that abduction issue.

28 Q. Let's not go into too much detail about arrests. I just  
29 wanted to --

1 A. We were just arrested and dropped off there.

2 Q. The answer I want is --

3 PRESIDING JUDGE: May 8 what year, madam?

4 THE WITNESS: 2000.

5 MR CAMMEGH:

6 Q. The answer I want is "yes" or "no" and my question is: Was  
7 he ever found guilty by a court of anything?

8 A. No.

9 Q. Right. Since early -- well, April 2006, have you regularly  
10 -- no. How regularly, how often have you seen that man?

11 A. Who?

12 Q. The man on the piece of paper?

13 A. I saw him often; we were in the same place.

14 Q. Yeah. Does he have a wife now?

15 A. Now?

16 Q. Yes; does he have a wife in Freetown?

17 A. He has never shown a woman to me. I don't know much about  
18 that.

19 Q. I'm not going to ask any more about this.

20 PRESIDING JUDGE: I was going to say you should stop.

21 MR CAMMEGH: Yeah.

22 Q. Where do you -- do you still live in Kailahun?

23 A. Yes.

24 Q. For the last two years has he spent the majority of his  
25 time in Freetown?

26 A. Yeah.

27 Q. Okay. Yesterday, you told my learned friend here,  
28 Mr Jordash, that there were occasions when commanders would have  
29 children carrying their guns away from the front line; do you

1 remember?

2 A. Pardon?

3 Q. Yesterday you told the gentleman who sits here --

4 A. Um-hmm.

5 Q. -- that there were occasions when behind the front lines  
6 there were some commanders who had children who would sometimes  
7 carry their guns -- some fighters, I'm corrected. There were  
8 some fighters who would have children carrying their guns as a  
9 sort of morale booster?

10 A. Yeah.

11 Q. When you agreed with Mr Wagona this morning that there was  
12 a practice among some fighters to have child combatants --

13 A. Um-hmm.

14 JUDGE BOUTET: But haven't you explored that in your  
15 examination-in-chief, Mr Cammegh? I'm looking at my notes and  
16 you did deal with child soldiers issues. You asked questions  
17 about that. Then this is not a new subject matter, as such.

18 MR CAMMEGH: It's not, that's right. But I'm just  
19 seeking --

20 JUDGE BOUTET: Why is this a permissible question in  
21 re-examination then? I would like to be convinced it is proper  
22 in re-examination.

23 MR CAMMEGH: It's simply in order to establish clarity  
24 because yesterday --

25 JUDGE BOUTET: Well, I'm wondering what clarity needs to be  
26 brought to this picture. I think we have the answer from the  
27 witness to Mr Jordash's question, and the Prosecution so, I mean,  
28 certainly in my view there is no ambiguity in these particular  
29 answers, as such.



1 MR CAMMEGH: I simply wanted to clear up what the witness  
2 meant this morning when she said that there was a practice. I  
3 wanted to clarify what that practice was because, to me, it  
4 seemed ambiguous but I'm going --

5 JUDGE THOMPSON: What sort of prejudice do you see to your  
6 side, if the records remain as they are?

7 MR CAMMEGH: I'm sorry, Your Honour.

8 JUDGE THOMPSON: What prejudice do you see to your side if  
9 the answer remains as it is? Because, usually, we allow  
10 re-examination in terms of its scope, based on the answer given  
11 in cross-examination, in relation to what was said in  
12 examination-in-chief, so what's the prejudice you're trying to --  
13 or what's the mischief, to use another metaphor, you are trying  
14 to cure now?

15 PRESIDING JUDGE: I, as Judge Thompson, would add what was  
16 said in examination-in-chief, what was also explored by  
17 Mr Jordash in cross-examination, and what has also been explored  
18 this morning by the Prosecution in their cross-examination? We  
19 think -- I would think, you know, that the records should remain  
20 as they are, and that going further would mean granting you an  
21 opportunity to pursue a further direct examination of this  
22 witness, which would be impermissible.

23 MR CAMMEGH: Well, I hear what Your Honours say. I will  
24 not.

25 JUDGE THOMPSON: There must be some disadvantage to your  
26 side. I don't perceive it at this point, anyway.

27 MR CAMMEGH: I won't pursue it, Your Honour.

28 PRESIDING JUDGE: All right.

29 MR CAMMEGH: I think that's all I have. Thank you very

1 much, madam.

2 PRESIDING JUDGE: Thank you. Madam Witness.

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: I'm sure you will feel relieved to hear  
5 that we have come to the end of your testimony.

6 THE WITNESS: Thank you, My Lord.

7 PRESIDING JUDGE: And that we are discharging you from this  
8 legal confinement in which you've found yourself for the past two  
9 days.

10 THE WITNESS: Yeah.

11 PRESIDING JUDGE: We thank you for coming.

12 THE WITNESS: Yeah.

13 PRESIDING JUDGE: And we thank you for the evidence that  
14 you've given to this Tribunal, which would go a long way to  
15 assisting us in arriving at a decision in this matter, and we  
16 wish you all the best in the pursuit of your activities where you  
17 are living.

18 THE WITNESS: Yeah.

19 PRESIDING JUDGE: And I think I would -- and my colleagues  
20 wouldn't contradict me on this, you know -- commend your  
21 intelligence and your ease in expression and to say that I think  
22 you -- you hold something for the future of the women and the  
23 people of this country. Thank you very much --

24 THE WITNESS: Insha' Allah, My Lord.

25 PRESIDING JUDGE: -- for coming. We wish you a safe  
26 journey back.

27 THE WITNESS: Yeah. Thank you, My Lord. Thank you.

28 PRESIDING JUDGE: I am told by my colleague that I have his  
29 proxy; that is, that he joins me in what I've said about this

1 lady. You can take that bottle of water away and empty it as you  
2 are leaving; okay?

3 THE WITNESS: Okay. Thank you, My Lords.

4 PRESIDING JUDGE: Right.

5 [The witness stood down]

6 PRESIDING JUDGE: Yes, Mr Cammegh, the next witness.

7 MR CAMMEGH: Your Honour, I'm afraid to say that we don't  
8 have any further witnesses ready today, and I would be grateful  
9 if I could be given an opportunity to explain how this situation  
10 has arisen.

11 PRESIDING JUDGE: Yes, you may explain, please.

12 MR CAMMEGH: And in so doing, perhaps it's a good time for  
13 me to give the Court an overview of where the Gbao case is and  
14 to, as I said yesterday, assuage Your Honours of any fear.

15 PRESIDING JUDGE: Mr Cammegh, I just wanted to say -- I  
16 just wanted to say, you know, that on the motion that you filed  
17 yesterday --

18 MR CAMMEGH: Yes.

19 PRESIDING JUDGE: -- we have had an order for expedited  
20 filings, and I'm sure you'll receive it any time from now, so  
21 don't take us down that road.

22 MR CAMMEGH: No. Well thanks -- thank you --

23 PRESIDING JUDGE: Because we don't want to touch that at  
24 all until the Prosecution and you yourself finally have made a  
25 response to the Prosecution's submissions on your motion.

26 MR CAMMEGH: Well, thank you. Thank you for letting me  
27 know.

28 PRESIDING JUDGE: Right.

29 MR CAMMEGH: Now, there's no way around this. I'm terribly

1 sorry. In order for me to explain the absence of the next  
2 witness, I have to go into closed session for -- well, what will  
3 probably be no more than two minutes. I'm sorry, but there is no  
4 other way of doing it because for me to explain his absence, I  
5 necessarily have to --

6 PRESIDING JUDGE: We will take you for your word.

7 MR CAMMEGH: Thank you.

8 PRESIDING JUDGE: When you that you don't have the next  
9 witness. We know that you must have a good reason for that.

10 MR CAMMEGH: Well, thank you. He was, he is 018. 018  
11 tells us that he should -- and he is a brief witness, he is from  
12 the Makeni crime base, and deals more with a kind of character  
13 assessment, with some anecdotal evidence, than anything else. He  
14 is not an insider.

15 He says that he should be able to attend this Court on 16  
16 or 17 June, which is next Monday or Tuesday. The witness  
17 scheduled to follow 018, I'm relying on Mr Martin here to have  
18 given me the correct information, so any fault it will be his.  
19 The next witness scheduled on the list is 032; the one after 032  
20 was to be 003. We took the decision yesterday that we no longer  
21 feel it necessary to call those two core witnesses. I think the  
22 Court was notified yesterday, yesterday morning.

23 PRESIDING JUDGE: Yes.

24 MR CAMMEGH: We then come on to DAG-111. DAG 111 is from  
25 -- well, he is -- he concerns the UNAMSIL incident. I hear what  
26 Your Honours say. I will not touch upon the motion, save to say  
27 that within that motion one of the --

28 PRESIDING JUDGE: One of your prayers has been granted.

29 MR CAMMEGH: And --

1           PRESIDING JUDGE: I say one of your prayers in that motion  
2 has been granted.

3           MR CAMMEGH: Indeed. One of the other prayers was that we  
4 should not call any further UNAMSIL evidence until the issue has  
5 been disposed of, but that's not only reason why we're not ready  
6 with 111. The main reason, I have to admit, is that I have not  
7 had time to prepare the witness. "Prepare" is a word that I hate  
8 to use because, as Your Honours know from my jurisdiction, I've  
9 never prepared a witness in my life; we have solicitors to do  
10 that. It is an exhausting process, particularly when you have a  
11 witness who is an insider who is very important and, secondly, he  
12 is the only witness we have who cannot speak very good English  
13 so --

14           PRESIDING JUDGE: That's DAG-111.

15           MR CAMMEGH: Yes. It has to go through an interpreter and  
16 it takes a great deal of time. Can I then go on and tell the  
17 Court that it is most unlikely that we shall be calling DAG-113,  
18 who is a core witness. He concerned the killing of the Kamajors.  
19 Now, I can't guarantee that we're not going to call him, but  
20 we're fairly certain.

21           PRESIDING JUDGE: Who is this one?

22           MR CAMMEGH: 113.

23           JUDGE BOUTET: But you still have 047, 063 and 112 on your  
24 list.

25           MR CAMMEGH: Yes. Sorry, yes --

26           JUDGE BOUTET: That's the one you filed yesterday.

27           MR CAMMEGH: Yes, I'm coming to that now. The next  
28 scheduled witness will be 047, Makeni crime base. We will be  
29 asking him to testify. Again, he is largely anecdotal and won't

1 be very long. Can Your Honours please just repeat the numbers  
2 because I might have missed --

3 JUDGE BOUTET: 047, 063 and 112.

4 MR CAMMEGH: Right. 112 is the expert. He will testify  
5 and he is coming last, as per Your Honours' order. 067 -- 063 --

6 JUDGE BOUTET: Was 112 a protected witness? I never  
7 thought he was.

8 MR CAMMEGH: No, he is not. He is not.

9 PRESIDING JUDGE: Well, why is he referred as DAG-112? He  
10 should be referred to by name, not by --

11 MR CAMMEGH: Mr Hederstedt.

12 JUDGE BOUTET: Well, I just mention that because I follow  
13 what you filed, so you referred to him as DAG-112 so --

14 MR CAMMEGH: It's my mistake with the nomenclature. Sorry.  
15 Can I just consult Mr Martin for a moment, please?

16 PRESIDING JUDGE: Yes, please, you may.

17 MR CAMMEGH: Yes. Thank you for reminding me, Your Honour.  
18 063, unlikely that I shall be requiring him to testify now.

19 PRESIDING JUDGE: 0 --

20 MR CAMMEGH: 063.

21 PRESIDING JUDGE: 63.

22 MR CAMMEGH: Yes.

23 JUDGE THOMPSON: Will you repeat that? What is the  
24 probability?

25 MR CAMMEGH: It is unlikely that I shall be asking 063 to  
26 testify.

27 JUDGE THOMPSON: Very high probability?

28 MR CAMMEGH: Yes.

29 JUDGE BOUTET: So you have two witnesses that are unlikely

1 to be called, as of today. 113 and 063. I hear you well.

2 MR CAMMEGH: Yes. And of course this is the product of an  
3 evaluation as we go along, in terms of the evidence that the  
4 Court has heard.

5 Now, there is one witness on the backup list who we may  
6 request leave to put on to -- on to the core list, and that is  
7 DAG-104. He testifies as an insider, in particular to the murder  
8 of the Kamajors. So what it comes to is this: We expect to call  
9 111; we expect to call, with Your Honour's leave, 104; we will be  
10 calling 047; and we will be calling 112.

11 JUDGE BOUTET: No, the expert. The name.

12 MR CAMMEGH: I'm sorry, yes, I've done it again.  
13 Mr Hederstedt. Johann Hederstedt from Sweden. Now,  
14 Mr Hederstedt, I understand, will not be able to arrive until  
15 something like Friday the 20th. But it is clear that with just  
16 two insiders left, both of them testifying on a very narrow  
17 compass, and with one anecdotal witness -- two anecdotal  
18 witnesses, 018 and 047, it seems likely to me that the Gbao case  
19 will be very close to closing by the end of next week, apart from  
20 Mr Hederstedt. I am compelled to ask for an adjournment for --

21 PRESIDING JUDGE: To what date? That is the million dollar  
22 question.

23 MR CAMMEGH: Until Thursday.

24 JUDGE THOMPSON: Before you do that, may I inquire? So  
25 five witnesses you say are certain.

26 MR CAMMEGH: Yes.

27 JUDGE THOMPSON: There are others which are not certain.

28 MR CAMMEGH: Yes. The one --

29 PRESIDING JUDGE: Five, you say, there's five.

1 MR CAMMEGH: Can I just run through them again to ensure  
2 that it is five.

3 JUDGE THOMPSON: 018, 111.

4 MR CAMMEGH: 108, yes.

5 JUDGE THOMPSON: 104.

6 MR CAMMEGH: Yes.

7 PRESIDING JUDGE: With leave.

8 JUDGE THOMPSON: 047.

9 MR CAMMEGH: Yes.

10 JUDGE THOMPSON: And the expert.

11 MR CAMMEGH: That's it. With a very slim chance that we  
12 will want to call 063. It is a slim.

13 JUDGE THOMPSON: Unless you are pushed to the corner.

14 MR CAMMEGH: Yes.

15 JUDGE THOMPSON: All right.

16 MR CAMMEGH: Now, His Honour Judge Itoe asked how long do I  
17 want to adjourn for? Thursday, Thursday. I think that by  
18 Thursday --

19 PRESIDING JUDGE: You are borrowing the leaf from your  
20 brother Jordash. You didn't put it in terms of a week's  
21 adjournment. Certainly, not Thursday in two days' time.

22 MR CAMMEGH: Well, Mr Jordash's case was a lot more complex  
23 than ours. I'm sure we would all love a week off but I don't  
24 think I could look you in the face and ask for that.

25 PRESIDING JUDGE: With the same effect, maybe, a one week's  
26 adjournment.

27 MR CAMMEGH: I'm not sure: Is Your Honour offering me a  
28 week's adjournment?

29 PRESIDING JUDGE: If you are asking for an adjournment to



1 when?

2 JUDGE BOUTET: Thursday.

3 PRESIDING JUDGE: Oh, after tomorrow?

4 MR CAMMEGH: Yes.

5 PRESIDING JUDGE: Oh, well, oh, that's -- then I was  
6 mi sunderstandi ng you.

7 JUDGE THOMPSON: And tomorrow is a non-day.

8 PRESIDING JUDGE: I was mi sunderstandi ng you. I thought  
9 that you --

10 MR CAMMEGH: No, I'm simply asking for the rest of the day  
11 off. That's it.

12 PRESIDING JUDGE: Oh, well. Oh, well, it wasn't very clear  
13 in my mind so --

14 JUDGE BOUTET: Well, I would imagine it's not a day off.  
15 You mean, not sitting in Court; that's what you mean.

16 MR CAMMEGH: It won't be a day off, no.

17 JUDGE THOMPSON: A rare demonstration of magnanimity from  
18 your side.

19 MR CAMMEGH: Well, not that rare.

20 Now, I have to visit the motion very briefly. Your Honours  
21 will see that we're asking for an oral hearing then. I'm sure  
22 that I -- that will be decided before Thursday, as to whether  
23 that's permissible or not, but what we would appreciate is  
24 guidance from Your Honour now as to our request not to call any  
25 UNAMSIL evidence prior to Thursday, because we would prefer not  
26 to do so.

27 JUDGE BOUTET: Prior to Thursday this week?

28 MR CAMMEGH: Yes, I'm sorry, I put that very badly. We  
29 would -- Your Honour, I'm sorry. We would prefer not to call any

1 UNAMSIL evidence until the motion has been disposed of. I'm  
2 referring specifically to 111.

3 The problem, you see, he is next on the list, and what I'm  
4 asking then is for him to be put back, and we can get on with  
5 other witnesses in the meantime, while Your Honours deliberate on  
6 the motion. That's all I'm asking and what I would propose is  
7 that the next witness therefore should be 047.

8 PRESIDING JUDGE: 047?

9 MR CAMMEGH: Sorry, Your Honour, I'm reminded by Mr Martin  
10 that he does actually touch on UNAMSIL. Would Your Honours give  
11 me a second, please? I'm sorry about this.

12 PRESIDING JUDGE: Please take more seconds. Mr Cammegh,  
13 the Chamber after a brief deliberation, is minded to ordering a  
14 stay of the hearing of the evidence of the UNAMSIL witnesses  
15 until our decision is issued on this matter.

16 MR CAMMEGH: Thank you very much.

17 PRESIDING JUDGE: And since this impacts on your strategy  
18 for the calling of the witnesses, and since we now hear from  
19 Mr Scott Martin, who spoke to you that 047 also has something to  
20 say with --

21 MR CAMMEGH: Yes.

22 PRESIDING JUDGE: -- on UNAMSIL, so you can now give us a  
23 global picture of how you intend to proceed on Thursday?

24 MR CAMMEGH: Well, Your Honour, regrettably, I'm not sure,  
25 after all that I said, that we can, particularly in light of  
26 Your Honour's kind indication.

27 I think, given that 018 cannot be here until Monday, the  
28 only other non UNAMSIL witnesses who we are looking at are  
29 Mr Hederstedt, who Your Honours have ordered to come at the end,

1 and the possibility of calling 104 who deals with the murder of  
2 the Kamajors. The other witnesses -- I'm afraid deal with  
3 UNAMSIL, 111 --

4 PRESIDING JUDGE: What of 104? Can't we start with 104 on  
5 Thursday?

6 MR CAMMEGH: I was about to say, obviously Your Honours  
7 will have to give us leave, and we have to decide whether or not  
8 we want to call him.

9 Can I make a proposal: That we inform the Court by a  
10 certain time, if Your Honours would care to impose one tomorrow,  
11 as to whether we'll be ready to call him on Thursday. But, that  
12 said, I still think it will be difficult to fill -- to do any  
13 work on Friday.

14 JUDGE BOUTET: Yes, but before you can call him on  
15 Thursday, we have to grant leave that he be reinstated in the  
16 core list and you have to show good cause and so on. It's not  
17 just a simple saying: We want to call him. So you have to  
18 establish certain facts before.

19 MR JORDASH: I'm anxious to deal with 104, one way or the  
20 other by the end of this week, so I wonder if there's any way  
21 that could be expedited, with a view to us going on?

22 JUDGE BOUTET: Yeah, but you have to make an application.

23 MR CAMMEGH: Yes, we will do that. Excuse me.

24 MR JORDASH: Sorry, I don't mean to interrupt, but I  
25 understand 104 is on the backup list.

26 JUDGE BOUTET: I didn't hear what you were saying.

27 MR JORDASH: Sorry, I don't mean to interrupt and  
28 interfere, but I understood from Mr Martin that 104 is on the  
29 backup list and if he is on --

1 JUDGE BOUTET: That's what I hear. I don't know.

2 MR JORDASH: And if he is on the backup list he can be  
3 moved as per this Chamber's practice to the core list without  
4 consent from the Chamber; it can be done simply by notification  
5 to the parties. That was the practice began by the Prosecution,  
6 continued by the first and second accused and --

7 JUDGE BOUTET: Maybe you're right. I said "good cause."  
8 Maybe it's not necessary for that purpose.

9 MR JORDASH: Just to assist the Chamber.

10 PRESIDING JUDGE: Well, thank you, Mr Jordash.

11 MR CAMMEGH: I'm grateful for that. Can we in that case --

12 PRESIDING JUDGE: Have you proofed this witness?

13 MR CAMMEGH: Yes.

14 PRESIDING JUDGE: 104?

15 MR CAMMEGH: Yes, he been proofed. A statement was taken  
16 some time ago.

17 JUDGE BOUTET: And the summary disclosed?

18 MR CAMMEGH: Yes. I'm in Your Honours's hands.

19 PRESIDING JUDGE: We are in your hands. Indeed, it's for  
20 you to organise your time. Are you ready to go on on Thursday or  
21 not? If you have -- if you have -- because the assurance we have  
22 had from you is that you are going to keep the date -- the  
23 timeline, you know, for closing your case, so we would like to  
24 leave it to you to see whether you'll be handicapped in any way  
25 you know to take a witness on on Thursday or whether you want us  
26 to --

27 MR CAMMEGH: No, we won't be handicapped. I think what we  
28 should do is the -- I will have to meet the witness today and  
29 tomorrow, and we will make an undertaking to inform this Court,

1 by let's say 4 p.m. tomorrow as to whether we intend to call a  
2 witness on Thursday. I hope that would meet with everybody's  
3 approval. But, that said, I'm afraid it's going to be difficult  
4 for us to find work to do on Friday. I don't anticipate one of  
5 the four will take more than one day in total and unfortunately,  
6 because of the combination of the paucity of witnesses we have  
7 left, and Your Honours kind agreement to stay UNAMSIL proceedings  
8 until after the motion is decided, we simply haven't got anybody  
9 else that we can call.

10 PRESIDING JUDGE: So you're not in a position to inform us  
11 upfront now, you know, that you'll be ready to go on on Thursday?  
12 You only refer to communicate this information to us in the  
13 course of the day or tomorrow?

14 MR JORDASH: Well, Your Honour, he is a very significant  
15 witness, and a great deal of thought has to be put to this, and  
16 that involves me revisiting and analysing the Kamajor killing  
17 evidence. And that is not something, with respect, I would like  
18 to be forced to do by the end of today. I would appreciate most  
19 of tomorrow as well, but I would undertake that we will let the  
20 Court know by -- if this is all right with Your Honours -- to let  
21 the Court know by 4 o'clock tomorrow whether or not --

22 PRESIDING JUDGE: As to whether or not you'll be ready to  
23 go on with him on Thursday?

24 MR CAMMEGH: On Thursday.

25 PRESIDING JUDGE: You see, we too have other administrative  
26 decisions. I mean, we have decisions on other things to make and  
27 we would like to know from here where we're moving. We don't  
28 want to have something hanging on us.

29 MR CAMMEGH: If Your Honours would prefer me to propose to

1 call him on Friday, if we're going to call him, then I would be  
2 perfectly happy with that.

3 PRESIDING JUDGE: Let's go on on Friday, yes. This is what  
4 is --

5 JUDGE BOUTET: And Friday we proceed with this witness and  
6 another, so you have to get ready with at least one witness on  
7 Friday, and you are going to know by tomorrow some time if you  
8 are or not --

9 MR CAMMEGH: Yes.

10 JUDGE BOUTET: -- proceeding with that particular witness,  
11 so that would give you sufficient time to prepare this witness  
12 and any other witness.

13 MR CAMMEGH: But, Your Honour, there won't be another  
14 witness, I'm afraid, because all of the other witnesses concern  
15 UNAMSIL, bar one who cannot be here --

16 JUDGE BOUTET: Until Monday.

17 MR CAMMEGH: -- until Monday, so I'm afraid it's going to  
18 be one or nothing this week. I think that's what it comes to.

19 PRESIDING JUDGE: Well, you know, Mr Cammegh, I don't think  
20 there is anything much you can do. There is not much we can do  
21 as a Chamber either. These are some of the judicial  
22 imponderables which bedevil or slow down the judicial process  
23 which come up time and again, and there is nothing we can do  
24 about it.

25 These are difficulties that are inherent in the  
26 administration of justice, and we have to live with them,  
27 notwithstanding the fact that the process is delayed, but we have  
28 to live with that process. I mean, it's inevitable. So I think  
29 that we would -- yes.

1 JUDGE BOUTET: If you are intending to call that particular  
2 witness I would suggest you make up your mind as soon as possible  
3 because the Prosecution has the right to know if he is being  
4 called, and so that they can get ready as well. You say it's an  
5 insider, and he has got possibly a lot to say about whatever, so  
6 I mean, they are also entitled to know as soon as you can because  
7 you may end up with a scenario where they say we're not ready  
8 because.

9 MR CAMMEGH: Well, Your Honour, I have undertaken to make  
10 the indication by 4 p.m. tomorrow. If Your Honours, or in fact  
11 the Prosecution, would have another suggestion on timing, then we  
12 will do our best to comply. We certainly want to assist  
13 everybody.

14 PRESIDING JUDGE: Mr Hardaway, yes, I see you are on your  
15 feet.

16 MR HARDAWAY: Yes, Your Honour. The Prosecution would ask  
17 for notice as soon as it is feasible and possible, given  
18 counsel's statements that it is an insider and it is a  
19 significant witness. If in fact they are going to call them we  
20 will need as much time as possible to prepare, given the  
21 significance of his evidence, as stated by counsel.

22 MR CAMMEGH: If we know before 4 p.m. on Wednesday the  
23 Prosecution will know instantaneously. We will do everything we  
24 can to assist.

25 PRESIDING JUDGE: Right. Even if, Mr Cammegh, I'm back to  
26 you. I mean, even if we did say that we would be taking this  
27 witness not on Thursday, but on Friday, is there any difficulty  
28 in informing the Prosecution, you know, now, so that they are put  
29 on notice.

1 MR CAMMEGH: Well --

2 PRESIDING JUDGE: Before you do that the regular way.

3 MR CAMMEGH: Well, I really - I'm unable to commit because  
4 the witness has to be spoken to and, as I've said, an analysis of  
5 some particular Prosecution witnesses has to be made, and it's  
6 only after full consideration of those two things that we can  
7 make our minds up. I'm sorry, that is the position. And all I  
8 can say is that everyone will know by 4 p.m. tomorrow, or sooner.  
9 I'm afraid that really is the best I can do.

10 PRESIDING JUDGE: Good. That's okay. This said, the  
11 Chamber will be adjourning the proceedings to Friday, 13th of  
12 June at 9.30. Friday, 13th June at 9.30. Please make a note of  
13 that so as to enable Mr Cammegh to get himself in a state of  
14 preparedness to call DAG-104. I suppose that's a witness.  
15 Right. Is there any other issue that?

16 MR CAMMEGH: Not from me, thank you.

17 PRESIDING JUDGE: Yes. Mr Wagona, Kamara, any issues from  
18 the Prosecution?

19 MR KAMARA: None, My Lord.

20 PRESIDING JUDGE: None. Mr Jordash?

21 MR JORDASH: No, thank you.

22 PRESIDING JUDGE: No. Mr Kennedy, not the one of  
23 yesterday.

24 MR OGETO: There was a suggestion yesterday that we should  
25 possibly amend the indictment.

26 PRESIDING JUDGE: Well --

27 MR OGETO: My Lords, this reminds me that, as we work on  
28 our final brief, we have an outstanding motion which has not been  
29 ruled on by the Chamber, and this is a motion to exclude certain



1 testimonies against Mr Kallon. That decision is extremely  
2 important for us, as we prepare our final brief, so I will  
3 request the Chamber to look into that. There is also another  
4 motion where we had sought to adopt certain --

5 PRESIDING JUDGE: This Chamber has beaten the record of  
6 motions in the entire Court.

7 MR OGETO: Yes, My Lords.

8 PRESIDING JUDGE: So many of them they are in their  
9 hundreds which have been rendered since we came here, coming very  
10 close to 600 motions granted in this Court.

11 MR OGETO: Yes, I understand, My Lords, yes.

12 PRESIDING JUDGE: The lawyers have been very active, both  
13 for the Prosecution and for the Defence. They have given the  
14 judges a run for their money.

15 MR OGETO: I really sympathise with the judges.

16 PRESIDING JUDGE: Yes.

17 MR OGETO: So I just wanted to point that out because it's  
18 important for us as we prepare the final brief.

19 PRESIDING JUDGE: Well, we will look into all that.

20 MR OGETO: Thank you, My Lords.

21 PRESIDING JUDGE: Thank you. All right. We will resume  
22 here on Friday at 9.30 and we will now rise, please.

23 [Whereupon the hearing adjourned at 11.50 a.m.  
24 to be reconvened on Friday, the 13th day of  
25 June 2008 at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

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CROSS-EXAMINED BY MR WAGONA	2
RE-EXAMINED BY MR CAMMEGH	37