

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-16-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA KAMARA
SANTI GIE KANU

THURSDAY, 10 MARCH 2005
9.18 A.M.
TRIAL

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Ms Lesley Taylor
Ms Boitia Stevens

For the Principal Defender:

Ms Claire Carlton-Hanciles
Ms Haddijatou Kah-Jallow

For the accused Alex Tamba Brima:

Mr Kevin Metzger
Ms Glenna Thompson
Mr Kojoo Graham

For the accused Brima Kamara:

Mr Wilbert Harris
Mr Mohamed Pa-Momo Fofanah

For the accused Santi gie Kanu:

Mr Geert-Jan Alexander Knoops
Ms Carry J Knoops-Hamburger

1 Thursday, 10 March 2005

2 [The accused entered Court]

3 [The witness entered Court]

4 [Open session]

09:15:07 5 [Upon resuming at 9.18 a.m.]

6 WITNESS: TF1-023 [Continued]

7 PRESIDING JUDGE: Good morning, counsel. Unless there are some other
8 matters, I will remind the witness of the oath and continue with
9 examination-in-chief. Any other issues?

09:17:55 10 Ms Stevens, are you robed?

11 MS STEVENS: Yes, Your Honour. I apologise for the inappropriate
12 attire, but unfortunately this is the best I could do under the
13 circumstances.

14 PRESIDING JUDGE: I see. Madam Witness, do you remember that
09:18:23 15 yesterday you gave a promise to tell the truth. Do you remember that?

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: That promise and that oath are still binding on you
18 today and you are obliged, as yesterday, to tell the truth when you answer
19 questions; do you understand?

09:18:50 20 THE WITNESS: Yes.

21 PRESIDING JUDGE: Thank you. Ms Stevens, please proceed.

22 MS STEVENS: Good morning, Your Honours, good morning, members of the
23 Defence team. Madam Witness, good morning.

24 EXAMINED BY MS STEVENS:

09:19:07 25 Q. Madam Witness, when we left yesterday, you were describing for this
26 Court how you were left in the custody of the person listed in Prosecution
27 Exhibit 3. Could you tell this Court how long you remained in the custody
28 of this person who is listed in Prosecution Exhibit 3?

29 A. Yes.

1 Q. Please do so.

2 A. Well, before I forward, I have something to say, apart from the
3 question asked.

4 Q. Okay, go ahead.

09:19:54 5 A. Yesterday here, after here, I was threatened, I had remarks against
6 me --

7 MS STEVENS: If I could ask the witness to pause for a few moments,
8 please. Your Honours, I just wish to bring to the Court's attention that
9 shortly after the witness's remarks, the Prosecution would address the
09:20:29 10 Court on a particular issue pertaining to what the witness is about to
11 apprise the Court of.

12 PRESIDING JUDGE: This appears to be very serious, Ms Stevens. Let
13 me consult with the Bench.

14 [Trial Chamber confers]

09:20:54 15 PRESIDING JUDGE: The Bench will ask the witness to complete what she
16 is saying. Madam Witness, please finish what you started to say.

17 THE WITNESS: Yesterday, after the Court, when I was on my way home,
18 two ladies, I was in the vehicle and I saw them, but I don't know them.
19 They made remarks that they have seen me. They called my name. They have
09:21:25 20 seen me. We have now come together at daggers drawn. I don't know really
21 what they meant by that.

22 PRESIDING JUDGE: Could you tell us what language they spoke?

23 THE WITNESS: They spoke in Krio.

24 PRESIDING JUDGE: And what words did they say in Krio?

09:21:50 25 THE WITNESS: They said, "Wi don mi t op." That means we have now met.
26 They called my name and they said we are now at daggers drawn.

27 MR METZGER: Sorry, Your Honour, could we have the answer again,
28 please and then the translation.

29 PRESIDING JUDGE: Madam Witness, would you repeat your answer, and

1 then we will wait for the interpreter to also put that answer in English.

2 THE WITNESS: I said yesterday when I was going, two ladies, they
3 weren't from the Court, but they were around the Court compound. They made
4 remarks that they've seen me and they know me and we - "We don mit a
09:22:47 5 witness. We are now at daggers drawn," and they called my name.

6 PRESIDING JUDGE: Madam Witness, there are two things we would like
7 you to make clear. First of all, what do you understand by the words "we
8 are now at daggers drawn"?

9 THE WITNESS: Well, I really don't know what they meant. They said
09:23:48 10 it and I don't know really what they meant.

11 PRESIDING JUDGE: Thank you. The second point we would like you to
12 clarify: when you said there were two ladies from the Court and then you
13 said there were two ladies around the Court, exactly what did you
14 understand that those people to come from?

09:24:15 15 THE WITNESS: I think they were -- they witnessed the Court. They
16 had somewhere where they sat and when they were leaving the Court, that was
17 the time when we met. I was in the vehicle and they shouted my name.

18 PRESIDING JUDGE: Were you in a Court vehicle or a poda-poda?

19 THE WITNESS: I was in the Court vehicle.

09:24:44 20 PRESIDING JUDGE: Thank you.

21 JUDGE LUSSICK: Witness, you have just told us you don't know what
22 these women meant when they said, "We are now at daggers drawn". When you
23 commenced your evidence, you said you were threatened. How did you feel
24 threatened if you didn't know what they meant?

09:25:07 25 THE WITNESS: Because I never had it in mind that there was somebody
26 there who knew my name and they called my name and they said we shall meet
27 and they had daggers drawn.

28 PRESIDING JUDGE: Ms Stevens, you wish to address us.

29 MS STEVENS: I will go to my learned senior Ms Taylor who will

1 address this Court on this matter.

2 PRESIDING JUDGE: Thank you.

09:26:14

3 MS TAYLOR: Your Honours, there are a number of matters surrounding
4 the evidence that the witness has just been given and I would ask that what
5 I am about to say take place in the absence of the witness.

6 JUDGE LUSSICK: I didn't hear you.

09:26:31

7 MS TAYLOR: I was saying there are a number of matters concerning the
8 evidence that the witness has just given and there are a number of matters
9 I need to raise with the Bench and I would ask that happen in the absence
10 of the witness.

11 PRESIDING JUDGE: Why is that, Ms Taylor? Can you indicate
12 without --

09:27:10

13 MS TAYLOR: I can. The Office of the Prosecutor this morning
14 received two written reports in relation to two separate security incidents
15 that occurred yesterday with respect to this witness. One of them, the
16 witness has just given evidence about; the other one I'm not sure that the
17 witness in fact knows about.

18 PRESIDING JUDGE: I see.

19 [Trial Chamber confers]

09:28:02

20 PRESIDING JUDGE: We will deal with this in the absence of the
21 witness, therefore, we would be obliged to adjourn briefly to enable the
22 witness to be escorted out.

23 [Adjourning at 9.29 a.m.]

24 [Upon resuming at 9.55 a.m.]

09:55:09

25 PRESIDING JUDGE: In accordance with the rules of procedures of this
26 Court, we announce that this session will continue as a closed session.
27 Please have all communications cut off and the curtains closed, Madam Court
28 Attendant.

29 [At this point in the proceedings, a portion of the transcript, pages

1 6 to 55, was extracted and sealed under separate cover, as the session was
2 heard in camera.]

3 [Whereupon the hearing adjourned at 2.50 p.m. to be reconvened on
4 Monday the 14th day of March 2005 at 2.15 p.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-023 2

EXAMINED BY MS STEVENS 2