



Case No. SCSL-2004-14-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
SAM HINGA NORMAN  
MOINI NA FOFANA  
ALLIEU KONDEWA

TUESDAY, 31 MAY 2005  
9.42 A.M.  
TRIAL

TRIAL CHAMBER I

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Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Sharelle Aitchi son Ms Rhoda Kargbo
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Joseph Kamara Mr Mohamed Bangura Mr Kevin Tavener Ms Bianca Suci u
For the Principal Defender:	No appearances
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Ibrahim Yillah Mr Kingsley Belle (Legal assistant)
For the accused Moini na Fofana:	Mr Arrow Bockarie Mr Victor Koppe Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Yada Williams Mr Ansu Lansana

1 [HN310505A - SGH]

2 Tuesday, 31 May 2005

3 [Open session]

4 [The accused Fofana and Kondewa present]

09:38:48 5 [The witness entered court]

6 [Upon commencing at 9.42 a.m.]

7 PRESIDING JUDGE: Good morning, Mr Prosecutor. Are you  
8 ready to proceed with your next witness?

9 MR TAVENER: Yes, Your Honour, the next witness is

09:44:53 10 Tamba Gbekie. T-A-M-B-A G-B-E-K-I. He is called in response to  
11 the order issued by the Court on 7th December 2004. This is in  
12 relation to the taking down in writing of the statements of  
13 Prosecution witness TF2-021.

14 PRESIDING JUDGE: What was the date again, Mr Tavener?

09:45:22 15 MR TAVENER: The date of the decision was 7th December 2004  
16 and this is in respect of Witness TF2-021. The purpose of this  
17 witness is to testify before this Court as to the taking down in  
18 writing of the statement of that witness. The statements are now  
19 Exhibit and 19A and 19B. This witness being concerned mainly  
09:46:02 20 with the statement of 13th January 2003.

21 WITNESS: TAMBA GBEKIE [Sworn]

22 PRESIDING JUDGE: Can we get copies of the two Exhibits 19A  
23 and 19B? We are just trying to get familiar with these  
24 statements again before we proceed, Mr Tavener.

09:50:28 25 MR TAVENER: The other witness was given a number. Sorry,  
26 Your Honour, I think the other witness was given a number CW1,  
27 court witness 1, and this is CW2.

28 JUDGE THOMPSON: [Microphone not activated]

29 MR TAVENER: That's correct in relation to this Court's

1 order.

2 PRESIDING JUDGE: Just a few more minutes. Yes,  
3 Mr Prosecutor, we can proceed. Good morning, Mr Witness.

4 THE WITNESS: Good morning, My Lord.

09:53:41 5 EXAMINED BY MR TAVENER:

6 Q. Mr Witness, can you tell the Court your full name, please?

7 A. My name is Tamba Pujeh Gbekie.

8 Q. And what is your current position or occupation?

9 A. I am a police officer, assistant inspector general police  
09:54:04 10 in charge of security of Western Area.

11 Q. How long have you been in the police force?

12 A. I have been in the police force for over 20 years.

13 Q. In January 2003 did you have any association with the  
14 Special Court of Sierra Leone?

09:54:33 15 A. Yes, My Lord.

16 Q. What was your association or position with the Special  
17 Court?

18 A. I was seconded to the Special Court by the Sierra Leone  
19 police to serve as an investigator.

09:55:05 20 Q. Besides English, what other languages do you speak?

21 A. I can speak Kono, Krio and a little bit of Mende.

22 Q. Your role at the Special Court was that -- you mention was  
23 an investigator. Were you ever called upon to do interpreting?

24 A. Yes, Your Lordship.

09:55:43 25 Q. Are you a certified interpreter?

26 A. No, Your Worship.

27 Q. In January 2003, did you have tasks given to you within the  
28 framework of the Court?

29 A. Yes, Your Worship.

1 Q. I will come back to that. Were you involved in the taking  
2 of statements?

3 A. Yes, Your Worshi p.

4 Q. And at times were you called upon --

09:56:21 5 JUDGE THOMPSON: Learned counsel, will you slow down a bit.

6 MR TAVENER: Sorry, Your Honour.

7 PRESIDING JUDGE: Yes.

8 MR TAVENER: Thank you.

9 Q. So at times you were called upon to take statements?

09:56:54 10 A. Yes, Your Worshi p.

11 Q. And were you ever called upon to interpret for other people  
12 who were taking statements?

13 A. Yes, Your Worshi p.

14 Q. If the witness might be shown Exhi bi t 19B, please.

09:57:28 15 PRESIDING JUDGE: Do you have it?

16 [Exhi bi t 19B shown to witness]

17 MR TAVENER: Yes.

18 Q. I think if you now turn to the second page, wi thout  
19 mentioning the name of the person from whom you took the  
09:58:09 20 statement, is that dated 13th January 2003?

21 JUDGE ITOE: That is 19, 19A? What is that exhi bi t?

22 MR TAVENER: It shoul d be 19B.

23 PRESIDING JUDGE: 19B.

24 JUDGE ITOE: 19B?

09:58:20 25 MR TAVENER: Yes.

26 Q. And that indicates that the interviews took place at  
27 Cari tas?

28 A. Cari tas in Kenema, My Lord.

29 Q. Looking at that sheet again, the interview took place in

- 1 Kri o?
- 2 A. Yes, Your Worshi p.
- 3 Q. And the i nvestigators are given as Adwoa Wi afe?
- 4 A. Adwoa Wi afe.
- 09:59:12 5 Q. Wi afe. Thank you. And yoursel f?
- 6 A. Yes, Your Worshi p.
- 7 Q. Besi des the person you were i nvestigati ng, do you have any
- 8 recollection of anyone else bei ng present duri ng that i nterview?
- 9 A. Yes, Your Worshi p.
- 09:59:41 10 Q. And who di d you recal l bei ng present besi des --
- 11 A. Besi des Adwoa?
- 12 Q. Besi des Adwoa, yes.
- 13 A. I n the room was thi s wi tness whose statement i s i n front of
- 14 me. And there i s Saffa, another i nvestigator. I thi nk three of
- 10:00:03 15 us.
- 16 Q. Okay. Exhi bi t 19B i s a handwri tten document. Di d you
- 17 write i t?
- 18 A. No, Your Worshi p.
- 19 Q. Who wrote that document?
- 10:00:34 20 A. Adwoa Wi afe.
- 21 Q. Do you have a recollection of bei ng i nvolved i n the taki ng
- 22 of that statement?
- 23 A. Yes, Your Worshi p.
- 24 Q. What was your role i n the taki ng of that statement?
- 10:01:12 25 A. Just to i nterpret from Kri o to Engl i sh for Adwoa to write
- 26 down, and from Engl i sh to Kri o for the wi tness to understand.
- 27 Q. I n January 2003, di d you have any parti cular understanding
- 28 of the matters bei ng asked of the wi tness? That i s, was i t part
- 29 of your role to understand the questi ons that were bei ng asked of

1 the witness?

2 A. Can you go over that question again?

3 Q. Sorry, it is a bit complicated. You mentioned you had a  
4 particular task when you came to the Court.

10:02:13 5 A. Yes, Your Worship.

6 Q. The subject matter of this statement, did you have any  
7 particular understanding of it?

8 A. You mean the subject matter?

9 Q. Yes, what this witness was being asked about.

10:02:26 10 A. The witness was being asked about his role in the matter  
11 under investigation.

12 Q. Now, in taking the statement, did you seek clarification  
13 from the witness whenever he said something to you in Krio?

14 A. No, Your Worship, my role was just to interpret, to tell  
10:03:04 15 the investigators or the writer what the witness said to me.

16 Q. And as far as you are aware that was recorded by?

17 A. Adwoa Wi afe.

18 Q. Thank you. If you keep the exhibit there, it may be called  
19 by the Defence.

10:03:36 20 MR TAVENER: I have no further questions at this stage.

21 Thank you.

22 THE WITNESS: Yes. Yes, Your Worship.

23 PRESIDING JUDGE: Counsel for the first accused.

24 MR YILLAH: Yes, My Lord. Consistent with what was done in  
10:03:47 25 respect of the last witness, the third accused will continue to  
26 cross-examine on behalf of both the first and third.

27 PRESIDING JUDGE: Same for the second accused?

28 MR KOPPE: Yes, yes, Your Honour.

29 PRESIDING JUDGE: Counsel for the third accused, do you

1 wish to proceed with cross-examination or examination of this  
2 witness?

3 MR WILLIAMS: Yes, My Lord.

4 CROSS-EXAMINED BY MR WILLIAMS:

10:04:12 5 Q. Mr Gbekie, out of those 20 years you have spent at the  
6 police force, were some of those years spent in investigating  
7 crimes?

8 A. Yes, Your Worship, almost all.

9 Q. When you came to the Special Court on secondment from the  
10:05:04 10 Sierra Leone police force, did you receive any particular  
11 training in investigations?

12 A. Yes, Your Worship. Before coming to the Special Court I  
13 was the head of the CID.

14 Q. No, Mr Gbekie, the question is when you came did you  
10:05:21 15 receive any special training at the Special Court?

16 A. No, Your Worship.

17 Q. Your understanding of the Krio language, you would say, is  
18 excellent; is that correct?

19 A. Yes, Your Worship.

10:06:16 20 MR WILLIAMS: May I have the exhibit, please?

21 PRESIDING JUDGE: Which one, the witness has 19B with him.

22 MR WILLIAMS:

23 Q. Mr Witness, Mr Gbekie, you were present all throughout the  
24 interview of this witness; is that correct?

10:06:51 25 A. Yes, Your Worship.

26 Q. And you would say he perfectly understood the questions  
27 that were put to him?

28 A. I want to believe so, Your Worship.

29 Q. After Ms Wiafe, Adwoa, had written out this exhibit, you

1 read over and explained the contents to the witness; is that  
2 correct?

3 A. Yes, Your Worship.

4 Q. And the witness agreed with everything that is in this  
10:08:29 5 exhibit?

6 A. At that time, yes, Your Worship.

7 Q. Look at page 9411. Page 9411?

8 PRESIDING JUDGE: So you are in Exhibit 19B. Just make  
9 sure that we have no confusion.

10:09:11 10 MR WILLIAMS: Yes, My Lord.

11 Q. There is a portion that is highlighted?

12 A. Yes, Your Worship.

13 Q. Could you read it out for the Court?

14 A. "I was trained on the use of gun."

10:09:35 15 Q. Did the witness say that to you?

16 A. Not in English, but in Krio, My Lord.

17 Q. So he said that to you?

18 A. I can remember, yes, My Lord.

19 Q. Look at page 9416?

10:09:59 20 A. Yes, Your Worship.

21 Q. A portion on that page is also highlighted. Could you read  
22 it out for the Court?

23 A. "When I got to Kenema the policemen had already been  
24 killed."

10:10:20 25 Q. Was that bit of the evidence read over to the witness?

26 A. Yes, Your Worship.

27 Q. Did he accept that to be true and correct?

28 A. Yes, Your Worship.

29 JUDGE ITOE: That is page what again, Mr Williams?



1 MR WILLIAMS: 9416, My Lord.

2 JUDGE ITOE: 94?

3 MR WILLIAMS: 1-6. 1-6, My Lord.

4 JUDGE ITOE: Yes, thank you.

5 MR WILLIAMS:

6 Q. Have a look at page 9417.

7 A. Yes, Your Worship.

8 Q. A portion is also highlighted on that page; is that  
9 correct?

10:11:04 10 A. Yes, Your Worship.

11 Q. Could you read it out for the Court?

12 A. "During that time I always stayed indoors because I did not  
13 want my previous association with the RUF to be revealed."

14 Q. That bit was narrated to you by the witness; is that  
10:11:30 15 correct?

16 A. As far as I can remember, yes, My Lord.

17 Q. And when you read it over to him at the end of his  
18 statement he accepted it to be true and correct?

19 A. Yes, Your Worship.

10:12:27 20 MR WILLIAMS: There will be no further questions for this  
21 witness.

22 MR TAVENER: Nothing arising, thank you.

23 PRESIDING JUDGE: Thank you. Mr Witness, we thank you very  
24 much for taking the time to come and assist the Court this  
10:12:40 25 morning and you are free to go. Thank you.

26 THE WITNESS: Thank you very much.

27 PRESIDING JUDGE: You have another witness ready now,  
28 Mr Prosecutor?

29 MR TAVENER: Yes, we do.

1 PRESIDING JUDGE: We need to close the curtains.

2 MR TAVENER: Yes, please.

3 PRESIDING JUDGE: And after that you are ready to proceed?

4 MR TAVENER: That is correct, yes.

10:12:57 5 PRESIDING JUDGE: Yes, Court Management, please.

6 MR KOPPE: My client would like to use the bathroom.

7 PRESIDING JUDGE: [Microphone not activated] Court is  
8 adjourned.

9 [Break taken at 10.10 a.m.]

10:22:05 10 [On resuming at 10.20 a.m.]

11 PRESIDING JUDGE: Mr Prosecutor, are you ready to proceed  
12 with your next witness?

13 MR KAMARA: Yes, My Lord.

14 PRESIDING JUDGE: Who is the next witness and in what  
10:22:34 15 language is she testifying?

16 MR KAMARA: TF2-188 and she will be testifying in Mende.

17 PRESIDING JUDGE: Thank you.

18 WITNESS: TF2-188 [Sworn]

19 MR KAMARA: Your Honours, there are unique particularities  
10:23:54 20 with this witness that I would like to inform the Court about and  
21 that is she is a suckling mother and we might have to request  
22 unusual breaks and the child has not been particularly well  
23 lately. So I just want to bring that to the notice of the Bench.

24 PRESIDING JUDGE: Thank you.

25 MR KAMARA: Yes, Your Honours.

26 EXAMINED BY MR KAMARA:

27 Q. Good morning, Madam Witness.

28 A. Yes, Pa, good morning.

29 Q. I shall be asking you a few questions and I want you to

- 1 take your time to answer them.
- 2 A. Yes.
- 3 Q. I have informed the judges about your situation, so feel  
4 free to raise your hand if you feel concerned for your child.
- 5 A. Yes. Yes. Yes.
- 6 Q. Madam Witness, will you tell the Court where you were born.
- 7 A. I was born in Bai Potoru.
- 8 MR KAMARA: Potoru is P-0-T-0-R-U, Your Honours.
- 9 Q. And that is in the Pujehun District?
- 10 A. Yes.
- 11 Q. Madam Witness, are you married?
- 12 A. Yes.
- 13 Q. Do you have children?
- 14 A. Yes.
- 15 Q. How many children do you have?
- 16 A. Four children.
- 17 Q. Madam Witness, will you tell this Court what you do for a  
18 living?
- 19 A. I do weaving. I weave cotton cloths.
- 20 Q. Now, Madam Witness, have you ever heard the word  
21 "Kamajors".
- 22 A. Yes.
- 23 Q. Do you know who they are?
- 24 A. I know them.
- 25 Q. Who are they?
- 26 A. Kondewa.
- 27 Q. Now, you just mentioned a name. Why did you mention that  
28 name?
- 29 A. What?

- 1 Q. I said you have mentioned a name Kondewa. What about  
2 Kondewa?
- 3 A. He did wrongs with me, that is why I've called his name.
- 4 Q. Okay. Now, Madam Witness, did you ever have an encounter  
5 with Kamajors?
- 6 A. Yes.
- 7 Q. I will be coming to the Kondewa issue later, okay?
- 8 A. Yes.
- 9 Q. So where did you have this encounter with the Kamajors; do  
10 you remember?
- 11 A. Whether -- where I met with Kondewa?
- 12 Q. No, I am not asking about Kondewa, I said I would be going  
13 to Kondewa later. For now I am talking about Kamajors generally.  
14 Where did you encounter them?
- 15 A. The first time we met at Blama.
- 16 Q. Did anything happen when you met at Blama?
- 17 A. Where we met, something happened.
- 18 Q. Yes, please tell us what happened at Blama.
- 19 A. It started when they came because there we do -- we do  
20 farming and we went to do farming and in the night we come home.
- 21 Q. Wait, wait.
- 22 A. And when they came --
- 23 Q. Take your time. Their Lordships are writing down whatever  
24 you say. You have just mentioned that they came. Who is it that  
25 you are referring to as "they came"?
- 26 A. Mohammed and Moriba.
- 27 Q. Now, this Mohammed and Moriba, who were they?
- 28 A. They were Kamajors.
- 29 Q. Now, you said they came to Blama. Did they do anything

1 when they were at Blama?

2 A. Yes. They broke into our house. Sorry, they demolished  
3 our house.

4 Q. What was used to demolish the house?

10:30:21 5 A. We were pounding pepper in the evening and that is a crime  
6 against them. One should not pound in the night.

7 Q. Yes. And I was asking, Madam Witness, you say the house  
8 was demolished, what was used by Mohammed and Moriba to demolish  
9 that house?

10:30:37 10 A. They had sticks with them.

11 Q. Were there any other persons with them?

12 A. There were many those who came.

13 Q. Madam Witness, will you tell this Court how was this house  
14 built? In other words, what materials were used to build this  
10:31:21 15 house that was demolished; do you know?

16 A. Yes. It was a concrete house. It was built of mud bricks  
17 and plastered with cement.

18 Q. And you are telling this Court that that house was  
19 demolished by this group?

10:31:51 20 A. Yes.

21 Q. Now, did this group do anything else apart from demolishing  
22 the house?

23 A. After demolishing the house, so we had a quarrel. While  
24 the quarrel was on, because they were in power and one of them  
10:32:21 25 captured me.

26 Q. Hold on, please. You had a quarrel with whom?

27 A. The very Kamajors that demolished the house.

28 Q. You said you were captured by one of them.

29 A. Yes.

1 Q. Do you happen to know that Kamajor?

2 A. His name is Mohammed.

3 Q. And, Madam Witness, once you were captured, were you taken  
4 to any place?

10:33:34 5 A. I was taken away.

6 Q. Was anyone else captured during this encounter?

7 A. Yes, my mother too was captured.

8 Q. Will you tell this Court at this point in time where you  
9 were taken to?

10:34:15 10 A. When I was captured I was taken to Talia.

11 Q. And once you got to Talia, did anything happen at Talia?

12 A. When we went, together with my mother, when we went, the  
13 load that we carried and we went there and Kondewa still then  
14 took the load from me and my mother.

10:34:55 15 Q. You are telling this Court that you carried load to Talia?

16 A. Yes.

17 Q. And these loads were taken away from you and your mother?

18 A. Yes.

19 Q. Do you know what happened to these loads?

10:35:24 20 A. They were taken away from -- they were taken from us and  
21 whether we had cartridges in them. They took them and then they  
22 looked into them.

23 Q. I am sorry, Madam Witness, I didn't get you quite well, I  
24 am sure the interpreters -- you mentioned cartridges; what is it  
10:35:37 25 about cartridges?

26 A. They said we had bullets in these loads and we told them  
27 that they hadn't any bullets in them.

28 Q. So, did anything happen to you during that time?

29 A. Yes.

1 Q. Yes, please tell the Court.

2 A. When we were captured and taken away they took the load  
3 from where -- and they could not find any bullets in them and  
4 they took the loads and took them away. After that, then Kondewa

10:36:32 5 told his boys --

6 Q. Wait. Wait.

7 A. -- that they should capture my mother.

8 Q. Take your time, Madam Witness, okay?

9 A. Yes.

10:36:58 10 Q. Madam Witness, I am sorry that I may have to ask you some  
11 of these questions, but bear with me. I can see you are getting  
12 a bit emotional.

13 A. Yes.

14 Q. All right. You just informed this Court that Kondewa

10:37:14 15 ordered your mother to be taken; is that what you said?

16 A. Yes. Yes.

17 Q. Who is this Kondewa?

18 A. If Kondewa is here I will point at him so that you will  
19 know and see him. But I have not really seen him here yet.

10:37:44 20 Q. Now, this Kondewa you have referred to, who ordered your  
21 mum to be taken. So what happened once your mum -- was she  
22 arrested?

23 A. When she was -- when she was held, then he said that man  
24 ordered that I should be held. Then once -- after she has said  
10:38:15 25 that I went to her, I was really not afraid. I met her.

26 Q. Wait. Madam witness, I will advise again that you try to  
27 punctuate your evidence at short intervals.

28 A. Yes.

29 Q. You were telling this Court about an order being given to

1 the Kamajors with regards to your mum.

2 A. Yes.

3 Q. So, you went to your mum. What happened when you  
4 approached her?

10:38:59 5 A. Yes. When I saw her and I met her and they said they were  
6 going to kill her and I asked why they were going to kill her and  
7 they said after that -- after that she said that it was Kondewa  
8 that ordered that she should be killed.

9 Q. Your mum told you that Kondewa had made an order for her to  
10:39:21 10 be killed?

11 A. Yes.

12 Q. And that something will happen thereafter. What is that?  
13 What was it that will happen?

14 A. So after that I became very much worried. I did not ask  
10:39:48 15 whether what she did to her. After she said -- after she had  
16 told me that I went there and to ask her. When I went there, I  
17 mean, one of his boys -- one of his boys --

18 THE INTERPRETER: She is going very fast. She's going too  
19 fast, My Lord.

10:39:58 20 MR KAMARA:

21 Q. Again, take your time; all right? Please. Now, you said  
22 an order was given for your mother to be killed. Was she killed?

23 A. Yes. She was killed.

24 Q. Were you there when she was killed?

10:40:32 25 A. I was there when she was killed.

26 Q. And bear with me, would you tell this Court how your mother  
27 was killed?

28 A. I will do that.

29 Q. Yes, who killed your mother?



1 A. Mohammed -- I saw Mohammed, but there were many others who  
2 really surrounded her and they were singing over her.

3 Q. Are you referring to those Kamajors?

4 A. Yes.

10:41:06 5 Q. So, how was your mother killed?

6 A. She was tied with -- she was tied up with the FM. Her  
7 hands were turned at the back and she was tied.

8 Q. And what happened after she was tied up?

9 A. One came with a stick and hit her on the side.

10:42:15 10 Q. Yes, carry on. She was hit with a stick on her side. Was  
11 anything else used by these Kamajors?

12 A. Yes.

13 MR KAMARA: Your Honours, I want to ask for a break to let  
14 the witness get --

10:42:28 15 PRESIDING JUDGE: Can Court Management or Witness Support  
16 Unit look after the witness, please. We are going to break for  
17 ten minutes. Thank you.

18 [Break taken at 10.42 a.m.]

19 [HN310505B - EKD]

10:47:00 20 [On resuming at 10.55 a.m.]

21 PRESIDING JUDGE: Madam Witness, are you all right now?  
22 Can we proceed?

23 THE WITNESS: Yes, yes, yes.

24 PRESIDING JUDGE: Very well, thank you. Mr Prosecutor.

10:56:40 25 MR KAMARA: Thank you, Your Honour.

26 Q. Madam Witness, we left at the point wherein you were  
27 explaining to the Court --

28 A. Yes.

29 Q. You were explaining to the Court the circumstance --

1 A. She was hit. We stopped at the point where my mother was  
2 hit with the stick.

3 Q. Yes, let's proceed from there.

4 A. She was hit with the short stick and they surrounded her.

10:57:23 5 I was there crying and they were driving me away, but I couldn't  
6 go. But now you are killing my mother, I must see how you are  
7 going to kill her.

8 Q. And, Madam Witness, how far were you to the scene?

9 A. I was not far away from them.

10:57:59 10 Q. You had a clear vision of what was going on?

11 A. I saw all this. She was hacked -- her throat was slit from  
12 the navel.

13 Q. And do you know what was used to do the slitting of the  
14 throat?

10:58:30 15 A. They had a machete and a stick.

16 Q. Thank you, Madam Witness. Let me move you away from that  
17 scene. After that incident did anything happen?

18 A. Yes.

19 Q. Yes, what happened?

10:58:57 20 A. [By order of the Court this portion of the transcript, page  
21 18, lines 22 to 23, was extracted and filed under seal]

22 MR WILLIAMS: My Lord, may I most respectfully apply that  
23 that portion of the evidence be expunged. I mean, for obvious  
24 reasons, My Lord, I mean, based on Your Lordships' previous  
10:59:22 25 rulings on this.

26 JUDGE ITOE: But I do not understand why I learned counsel  
27 should go to that extent. Can you explain to the Court why you  
28 should go to that extent to elicit evidence up to that extent.

29 MR KAMARA: Yes, Your Honour. The question put to the

1 witness is: Did anything happen after that incident? And then  
2 she said, "[Redacted]"

3 JUDGE ITOE: You should have withdrawn; you should have  
4 said you're sorry about that. That is the only remark I have to  
10:59:49 5 make. For very obvious reasons.

6 MR KAMARA: I concede to that, Your Honour.

7 JUDGE ITOE: Thank you.

8 MR WILLIAMS: Your Lordships have ruled that that bit will  
9 be expunged?

11:00:04 10 PRESIDING JUDGE: It will be struck out of the record.

11 MR WILLIAMS: As My Lord pleases.

12 PRESIDING JUDGE: That answer.

13 MR KAMARA: I take the cue, Your Honours.

14 Q. Now, Madam Witness, you have explained the circumstances  
11:00:17 15 that led to the death of your mother?

16 A. Yes.

17 MR KAMARA: We thank you very much for that piece of  
18 information and I have no further questions for this witness,  
19 Your Honour.

11:00:33 20 PRESIDING JUDGE: Thank you.

21 MR YILLAH: Yes, My Lord, on behalf of the first accused we  
22 have no questions for this witness.

23 PRESIDING JUDGE: Counsel for second accused?

24 MR KOPPE: Your Honour, we have no questions for this  
11:00:50 25 witness.

26 PRESIDING JUDGE: Counsel for the third accused?

27 CROSS-EXAMINED BY MR WILLIAMS:

28 Q. Madam Witness.

29 A. Yes.

1 Q. Kindly accept my profound sympathy for the loss of your  
2 mother.

3 PRESIDING JUDGE: I didn't hear your questions,  
4 Mr Williams.

11:01:12 5 MR WILLIAMS: Sorry, My Lord?

6 PRESIDING JUDGE: I did not hear what your question was.

7 MR WILLIAMS: I was expressing my sympathy for the loss of  
8 his mother.

9 PRESIDING JUDGE: Okay.

11:01:18 10 MR WILLIAMS: Sorry, for her mother, My Lord.

11 Q. Madam Witness.

12 A. Yes.

13 Q. This Kondewa you said you met, you had an encounter with,  
14 you know that person very well; is that correct?

11:01:41 15 A. I know him.

16 Q. You would agree with me that he must have been a very  
17 terrible and wicked person; is that correct?

18 PRESIDING JUDGE: I am not sure that this is a proper  
19 question -- please, madam. I am concerned about this kind of  
11:02:16 20 qualification of the character of an accused even by his counsel.

21 MR WILLIAMS: My Lord, based on what she has narrated that  
22 was done to her by Kondewa, I mean, that Kondewa could not be  
23 any -- could not be otherwise, My Lord, but a wicked person.

24 JUDGE THOMPSON: Could we have the earphones removed so  
11:02:44 25 that -- I really myself, like my brother the Presiding Judge,  
26 would like to be enlightened as to why this line of  
27 cross-examination is pertinent and relevant. Having regard to  
28 the state of her evidence so far and also the fact that we have  
29 just struck out evidence which we consider not to be proper in

1 terms of our previous decisions. If you would enlighten us from  
2 a legal perspective. In other words, what are you getting at?

3 MR WILLIAMS: I was laying the foundation, My Lord, for  
4 some other questions that I will be going to later. But I will  
11:03:28 5 take the cue and --

6 JUDGE THOMPSON: Yes, I don't see the purpose.

7 MR WILLIAMS: As My Lord pleases.

8 PRESIDING JUDGE: Because to be fair to the witness as  
9 well, you are treading on very, very delicate ground here and,  
11:03:43 10 more, you objected to some evidence being led. So if you want  
11 the witness to answer fully to your question, then it may be open  
12 to some --

13 MR WILLIAMS: My Lord, I am not inviting that, My Lords,  
14 but I have withdrawn the question.

11:03:56 15 JUDGE THOMPSON: Yes, just that this can lead us into  
16 extremely dangerous and perilous areas having regard to the fact  
17 that you are representing the accused and everything here should  
18 be done to guarantee his rights and as judges we are certainly  
19 very sensitive to that, you know, and I think you ought to tread  
11:04:23 20 extremely cautiously.

21 MR WILLIAMS: My Lord, I take the cue. I had some reasons.  
22 I had some rationale, but I respect Your Lordships opinion on  
23 this and I will proceed, My Lord.

24 PRESIDING JUDGE: Mr Prosecutor, you were standing up.

11:04:39 25 MR KAMARA: I was slightly concerned by that, but,  
26 Your Honours, we didn't object because if counsel has decided to  
27 put the character of the defendant in issue --

28 JUDGE THOMPSON: But remember that we are in control of the  
29 proceedings. We would certainly not let the basic principles of

1 fairness be violated here. Remember also that we as judges are  
2 supposed to provide these accused persons the judicial guarantees  
3 which they should enjoy as if they were being tried separately.  
4 I think it is so important that we not just leave it to the  
11:05:20 5 adversarial process. We need to be very cautious as judges what  
6 we are letting in and how -- what liberties we are giving both  
7 sides.

8 MR KAMARA: I take that, Your Honour.

9 MR WILLIAMS:

11:05:37 10 Q. Madam Witness, you have not seen that Kondewa since the  
11 date your mother was killed; is that correct?

12 PRESIDING JUDGE: Well, it is again you -- I mean, you ask  
13 a question of the witness that the witness will have to answer by  
14 embarking upon an area where you objected to.

11:06:03 15 MR WILLIAMS: My Lord, you not seen that individual since  
16 that date, My Lord?

17 PRESIDING JUDGE: Well, the evidence the Prosecution was  
18 attempting to lead after she had described that incident, you  
19 objected to it.

11:06:15 20 MR WILLIAMS: Yes, My Lord, because of a previous ruling of  
21 this Court.

22 PRESIDING JUDGE: Yes, but now you are asking if the  
23 witness -- does she have the earphones?

24 MR WILLIAMS: No, she does not.

11:06:27 25 PRESIDING JUDGE: If she has, she has seen him for months  
26 and months after that. How is she to answer your question?

27 MR WILLIAMS: No, My Lord, that would not give out what was  
28 done. I mean, it's identity I am dwelling on.

29 PRESIDING JUDGE: I know that is what you are doing --

1 MR WILLIAMS: I am not dwelling on the circumstances,  
2 My Lord.

3 PRESIDING JUDGE: But if she answers to you: "Yes, I know  
4 him because I have lived with him for six months after that  
11:06:53 5 because," and you are objecting to that part of the evidence to  
6 come in, so how do you deal with that?

7 MR WILLIAMS: My Lord, she can also say that "That was the  
8 last time I saw him." And if she said, "I saw him months after  
9 that," I will know how to proceed, My Lord.

11:07:06 10 JUDGE THOMPSON: The only evidence I have, except my own  
11 recollection is flawed here, is that she has only said that --  
12 she mentioned Kondewa's name and said, "He wronged me and that is  
13 why I have called his name," and that is all we have in  
14 examination-in-chief. There was a response to a question by the  
11:07:41 15 prosecuting counsel and the answer was "Kondewa" and then  
16 something added to that, "He wronged me, that is why I've called  
17 his name." The difficulty we have is that do you want to develop  
18 that?

19 MR WILLIAMS: Yes, My Lord.

11:08:01 20 JUDGE THOMPSON: And if you want to develop that, ought you  
21 not to be on your guard since that is all we have on the record.

22 MR WILLIAMS: My Lord, I am most grateful for the --

23 JUDGE THOMPSON: Yes.

24 MR WILLIAMS: But the witness went further than that, My  
11:08:20 25 Lord. "Kondewa then said they should take my mother away."

26 JUDGE THOMPSON: Yes.

27 MR WILLIAMS: My Lord, that is subject to interpretation.  
28 It is overloaded, My Lord. A lot of things could be imputed.

29 PRESIDING JUDGE: Yes, but you have asked the record to be

1 struck and we agreed with that and we struck out the answer of  
2 the witness that she became his wife, or he took her as his wife,  
3 something like. From what I understand, that happened after the  
4 incident with the mother. So if you are asking the witness --

11:08:55 5 MR WILLIAMS: I will rephrase the question, My Lord.

6 PRESIDING JUDGE: You understand what I'm saying?

7 MR WILLIAMS: I would rephrase the question, My Lord.

8 PRESIDING JUDGE: Thank you.

9 MR WILLIAMS: Could she have the headphones on, please?

11:09:25 10 MR KAMARA: Your Honour, I seek clarification here. I am  
11 sorry, Mr Williams.

12 MR WILLIAMS: You want the headphones removed again?

13 MR KAMARA: Yes, please. Sorry, Maureen. I crave the  
14 indulgence of the Bench for the clarification that I am about to  
15 seek.

11:09:45 16 My understanding of the position here is that the  
17 Prosecution can be estopped from leading evidence pursuant to the  
18 ruling of this Chamber, but that the Defence cannot be estopped  
19 as to cross-examination as to those issues. That is my  
20 understanding and I am much humble enough to be educated on that.  
21 That the Prosecution can be estopped to lead evidence as regards  
22 the ruling, but that the Defence cannot be estopped from pursuing  
23 those issues to the extent that they so desire.

24 JUDGE THOMPSON: What gave you that impression?

11:10:05 25 MR KAMARA: It is my understanding of what the ruling was  
26 and from --

27 JUDGE THOMPSON: My recollection of the ruling is that we  
28 placed an exclusionary bound on that evidence. In other words,  
29 that it cannot be led at all.



1 MR KAMARA: Either way.

2 JUDGE THOMPSON: Of course.

3 PRESIDING JUDGE: Well, I am not sure I entirely agree with  
4 that. I would think that for purposes of credibility that issue  
11:10:54 5 could be raised by the Defence. However, if they raise it for  
6 that purpose, once it is there you are entitled to re-examine on  
7 these issues if that was not the case. I have not looked very  
8 deeply on the issue, but that is my reaction to it. So they may  
9 not be precluded but they have to accept what goes with it. That  
11:11:13 10 is basically what I cautioned them about. They strongly objected  
11 to you leading this, the Court objected to it too and we struck  
12 it out. Now they have to make up their mind.

13 MR KAMARA: We are in total agreement in thought,  
14 Your Honour.

11:11:26 15 PRESIDING JUDGE: That is my view and I am not imposing my  
16 views on my brothers, so we will have to discuss that.

17 JUDGE THOMPSON: I agree with that remark too. I would  
18 like to resolve my position as different, clearly different.

19 MR KAMARA: I will leave that as it is. Thank you,  
11:11:39 20 Your Honours.

21 PRESIDING JUDGE: All that to say, Mr Williams, you see  
22 that if you push that way, you may be embarking into some  
23 troubled water.

24 MR WILLIAMS: I take the cue, My Lord.

11:11:57 25 Q. Madam Witness, I will rephrase my question. I will  
26 rephrase the question. Is it correct to say that the last time  
27 you saw Kondewa was at Talia?

28 A. I saw him in Gambia. That's where I knew him.

29 Q. And Madam Witness, if that individual was in court today,

1 you would have been in a position to recognise him; is that  
2 correct?

3 JUDGE ITOE: Would you want her to search the Court?

4 THE WITNESS: If he is here, I could identify him that  
11:13:18 5 that's him.

6 MR WILLIAMS: I don't know whether Your Lordship would have  
7 that answer before I answer you.

8 MR KAMARA: Your Honour, I will --

9 PRESIDING JUDGE: Yes.

11:13:31 10 MR KAMARA: The witness has been asked about seeing the  
11 individual in court and --

12 MR WILLIAMS: My Lord, may the headphones of the witness be  
13 removed, please.

14 PRESIDING JUDGE: Yes.

11:13:51 15 MR KAMARA: My subtle objection to that is that the witness  
16 has not had -- it is unfair. The question is unfair based on the  
17 ground that she has not had an opportunity to examine the Court.  
18 And from where she is seated - Your Honours, I was there before  
19 Your Honours retired - it is impossible for the witness to  
11:14:07 20 examine the entire well of the Court.

21 PRESIDING JUDGE: That is essentially the comments and the  
22 views that my brother Justice Itoe just expressed. So if this is  
23 what the third accused's counsel is asking, then we may indeed  
24 ask the witness to stand up and really look around. It depends  
11:14:27 25 how far he wants to go.

26 MR WILLIAMS: My Lord, I hate to say this, My Lord, but  
27 counsel had an opportunity to present his case. I mean, the  
28 issue of identity came out when he was leading. I need not say,  
29 but it was for him to have pursued whatever lines he wanted to

1 pursue. But I mean, I will tread cautiously, My Lord. I have  
2 asked her a question to which she has answered. I will proceed,  
3 My Lord, and decide at the end of --

4 JUDGE ITOE: Mr Williams.

11:14:59 5 MR WILLIAMS: Yes, My Lord.

6 JUDGE ITOE: The issue of Kondewa's identity was raised in  
7 examination-in-chief.

8 MR WILLIAMS: Yes.

9 JUDGE ITOE: You are re-echoing it in a cross-examination.

11:15:11 10 MR WILLIAMS: Yes, My Lord.

11 JUDGE ITOE: I just wanted to draw your attention to that.  
12 You can continue, because like you he has the right to take a  
13 further shot at you.

14 MR WILLIAMS: As My Lord pleases. I wish to be guided,  
11:15:34 15 My Lord, by the last answer. I don't know. My Lord, may I be  
16 guided by the last answer?

17 JUDGE ITOE: The witness's last answer?

18 MR WILLIAMS: Yes, My Lord.

19 JUDGE ITOE: The witness's last answer was that she first  
11:16:01 20 met Kondewa in Gambia or so, and "that was where I knew him."  
21 That is what she said.

22 JUDGE THOMPSON: I thought I heard something else: "If he  
23 were here I would recognise him," something like that.

24 MR WILLIAMS: Yes. I don't know whether that is what the  
11:16:13 25 records --

26 JUDGE THOMPSON: Well, that is what I heard. I don't know  
27 whether Prosecution disagrees.

28 MR KAMARA: That is what I objected to, Your Honour.

29 Before that going into the records as evidence the witness should

1 be given an opportunity to examine the well of the Court by  
2 virtue of her standing.

3 JUDGE THOMPSON: I thought the answer was hypothetical:  
4 "If he were here."

11:16:33 5 MR KAMARA: It is pursuant to the question. There was a  
6 question preceding that answer, Your Honour.

7 JUDGE ITOE: If he were in court, you would recognise him?  
8 That was your question, wasn't it?

9 MR WILLIAMS: Yes, My Lord.

11:16:45 10 JUDGE ITOE: That was where, you know, he sprung off his  
11 seat and objected. And then I said what I said.

12 MR WILLIAMS: But the witness has answered, My Lord. I  
13 just want to know what --

14 JUDGE ITOE: What did she say?

11:16:55 15 MR WILLIAMS: -- the official records.

16 JUDGE THOMPSON: Let's ask the transcript.

17 JUDGE ITOE: What did she say? What was her answer to  
18 that?

19 JUDGE THOMPSON: Let's have the transcript.

20 PRESIDING JUDGE: Court Reporter, can we get read back that  
21 answer?

22 [Transcript at page 26, line 1 read back]

23 PRESIDING JUDGE: And then the next question was: "If that  
24 individual were in court today --"

11:18:01 25 [Transcript at page 26, lines 2 to 4 read back]

26 MR WILLIAMS: What was the answer?

27 [Transcript at page 26, lines 6 to 7 read back]

28 MR WILLIAMS: My learned friend is saying he objected to  
29 that question going in. If he still holds that position I would

1 ask that the question and answer be expunged in fairness to him.

2 [Trial Chamber confers]

3 PRESIDING JUDGE: We have considered the objection and we  
4 are not prepared to strike it out from the record.

11:19:54 5 MR WILLIAMS: As My Lord pleases. There will be no further  
6 questions, My Lord.

7 PRESIDING JUDGE: Thank you. Re-examination?

8 MR KAMARA: Sorry, Your Honour, I was just consulting my  
9 notes. No re-examination.

11:20:27 10 PRESIDING JUDGE: Thank you very much. Would you just put  
11 the headphones to the witness back, please.

12 Madam Witness, we have concluded your evidence and  
13 therefore we would like to thank you very much for your taking  
14 the time to come and tell us your story this morning. We would

11:20:57 15 like to wish you --

16 THE WITNESS: This person that I was talking about that I  
17 know him, I have seen him here. Please allow me to point at him.  
18 I have not seen him before but now I have seen him.

19 PRESIDING JUDGE: Given the question asked by the witness,  
11:21:44 20 we would like to confer on this matter and we will come back.  
21 The Court will adjourn.

22 [Break taken at 11.20 a.m.]

23 [On resuming at 11.30 a.m.]

24 PRESIDING JUDGE: Having conferred on this matter of the  
11:31:48 25 witness now seeking permission from the Court to now identify a  
26 person, after consideration of the issue and as this Court is in  
27 the search of truth and in fairness to this witness we will allow  
28 the witness to speak on this matter.

29 MR KAMARA: Thank you, Your Honours.

1 PRESIDING JUDGE: Can the witness be given the earphones?

2 Madam Witness, when we were about --

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Before we retired to confer on the  
11:32:44 5 question raised you were about to make a statement to the Court.

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: What was it you want to say?

8 THE WITNESS: I said I have not seen Kondewa before but now  
9 he is sitting there, I know him. I could point at him.

11:33:17 10 PRESIDING JUDGE: Please do so.

11 THE WITNESS: Can I stand up?

12 JUDGE ITOE: Yes, you can. You don't look tall enough.

13 Stand, let's see.

14 THE WITNESS: Look at him sitting there. [Indicates]

11:33:40 15 PRESIDING JUDGE: Can she be provided assistance, please,  
16 again. Close the mic.

17 JUDGE ITOE: I think it should go on record that this  
18 witness was recalled, because her evidence was at the end. She  
19 was at the end of her evidence. She was recalled at the instance  
11:34:27 20 of the Court, please. Let the Court records reflect that,  
21 please.

22 PRESIDING JUDGE: Madam Witness, can you continue with some  
23 evidence?

24 THE WITNESS: Yes.

11:35:03 25 PRESIDING JUDGE: I was going to ask both Prosecution and  
26 Defence if they wish to ask any questions arising out of this  
27 part of the evidence of the witness. Prosecution?

28 MR KAMARA: Thank you, Your Honour. No question with  
29 regards to that. I believe the records have reflected the

1 identification of the accused.

2 PRESIDING JUDGE: Yes, the record will indicate that she  
3 pointed to the third accused. First accused, you have any  
4 question arising out of this matter?

11:35:43 5 MR YILLAH: None, Your Honour.

6 PRESIDING JUDGE: Second accused?

7 MR KOPPE: No, thank you, Your Honour.

8 PRESIDING JUDGE: Third accused?

9 MR WILLIAMS: No further questions, My Lord.

11:35:54 10 PRESIDING JUDGE: Thank you very much, Madam Witness, and  
11 again we wish you best of luck.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: Thank you for your assistance to the  
14 Court. Can you shut down the draperies and curtains so we can  
11:36:10 15 proceed with the next witness.

16 THE WITNESS: Amen.

17 PRESIDING JUDGE: Mr Prosecutor, in the meantime can you  
18 indicate if you have another witness ready to proceed at this  
19 moment.

11:36:22 20 MR KAMARA: Yes, Your Honour, we do.

21 PRESIDING JUDGE: Which witness is this?

22 MR BANGURA: Your Honours, the next witness would be  
23 TF2-187.

24 PRESIDING JUDGE: 187.

11:36:38 25 MR BANGURA: She will testify in Mende.

26 PRESIDING JUDGE: Thank you.

27 JUDGE ITOE: This will be the 66th witness, is it?

28 MR BANGURA: Yes.

29 JUDGE ITOE: 66th?

1 MR BANGURA: Yes.

2 JUDGE ITOE: 66th?

3 MR BANGURA: 66th.

4 JUDGE ITOE: 66th.

11:37:00 5 MR BANGURA: Your Honours, I wish to indicate that I would  
6 like to raise an issue just before that witness testifies. I  
7 will wait until after this witness is led out of the Court.

8 PRESIDING JUDGE: If you count the investigators this  
9 morning it is 66th.

11:37:32 10 JUDGE ITOE: It is not counted. No, even without the  
11 investigators. We have not counted the investigators.

12 [The witness withdrew]

13 PRESIDING JUDGE: What is the issue? You want to raise  
14 that before the witness comes in?

11:37:55 15 MR BANGURA: Yes, Your Honour.

16 PRESIDING JUDGE: Can we reopen the curtains then.

17 JUDGE ITOE: That's not your job.

18 PRESIDING JUDGE: Please, Mr Kamara, don't do it.

19 JUDGE ITOE: You are professionally incompetent for that.

11:38:43 20 PRESIDING JUDGE: I'm not sure she understands that --

21 MR BANGURA: I hope the witness is not being brought in  
22 right now, because the position was I would raise the issue that  
23 I intended to before she comes in.

24 PRESIDING JUDGE: Yes, Mr Prosecutor? Mr Prosecutor, we  
11:39:21 25 are listening to you.

26 MR BANGURA: Your Honours, I am merely seeking  
27 clarification and guidance. It is in light of the ruling  
28 regarding evidence about sexual violence.

29 Your Honours, the witness that I intend to take next has



1 got evidence relating to physical injury. Such evidence,  
2 Your Honour, forms more or less part of a transaction which  
3 includes act of sexual violence. Your Honours, it is a little  
4 bit difficult for me to -- or for a witness, I should say, to  
11:40:04 5 separate the issues as she tells her story. But in the view of  
6 the Prosecution those particular acts of physical injury stand  
7 more or less independent of the acts of sexual violence. So it  
8 is a little difficult. I listened to the session just a short  
9 while ago when my colleague, Mr Kamara, trod closely to the point  
11:40:38 10 of -- to a point where the witness mentions she was made a wife  
11 of somebody and I noted Your Lordships' reaction to that kind of  
12 evidence being led. So it is a bit difficult for me to see how  
13 my witness can get on to the evidence about physical injury,  
14 which in some ways is intertwined with the act of sexual  
11:41:07 15 violence.

16 JUDGE ITOE: Mr Bangura, the Prosecution made this  
17 application. Were these arguments not contained in your  
18 submissions as to how violence was related to gender offences?  
19 Were these arguments not in the motion that you made?

11:41:26 20 MR BANGURA: I believe so, Your Honour, but the --

21 JUDGE ITOE: Are you believing so or it was in fact?  
22 Because I have the papers, we read through the papers. Were  
23 these arguments raised in the papers or not which were filed by  
24 you to justify why they could -- why gender evidence could come  
11:41:48 25 in as an offence against humanity or inhumane acts? Were these  
26 not part of the arguments which were raised?

27 MR BANGURA: I would say no, Your Honour, because the point  
28 is a subtle difference, subtle distinction. The arguments put  
29 forward by the Prosecution then was that if the evidence about

1 sexual violence was not being led in themselves as evidence of  
2 rape or sexual violence of any other nature, yet they could be  
3 led as evidence of physical injury. But, Your Honour, here the  
4 position is that the witness is leading evidence other than the  
11:42:32 5 acts of sexual violence, but which are related to the act of  
6 sexual violence which could stand separately as acts of physical  
7 injury.

8 JUDGE ITOE: What you are saying is evidence on one cannot  
9 be led without evidence of the other? That's what you're saying?

11:42:54 10 MR BANGURA: I'm not particularly saying that the witness  
11 will go into details of sexual violence.

12 JUDGE ITOE: No, I am not talking of details. What I am  
13 saying is in whatever measure evidence of one must necessarily  
14 include evidence of the other.

11:43:03 15 MR BANGURA: Yes, but not fully.

16 JUDGE ITOE: [Overlapping speakers].

17 MR BANGURA: Your Honour, the point is it is a question of  
18 degree. I take this point because when Mr Kamara was leading his  
19 witness the mention of the word that the witness was made a wife  
11:43:17 20 was sufficient to draw a particular reaction - not a positive  
21 reaction - from the Bench. So that got me a bit concerned,  
22 because it is not that the Prosecution intends to go in to the  
23 nitty-gritty, the details of the acts of sexual violence itself,  
24 but then --

11:43:38 25 PRESIDING JUDGE: But are you talking of the same  
26 transaction? What you are saying is if it is the same  
27 transaction that eventually ended up by, let's use the word, rape  
28 at the end, but it is part of the same transaction, I don't know  
29 how you can lead evidence of a part and leave the other one

1 aside, because if it is all part of the same the Court's decision  
2 in this respect is relatively clear. This Court said no to the  
3 Prosecution leading evidence of this subject matter.

4 MR BANGURA: That is really my dilemma, Your Honour. The  
11:44:17 5 Prosecution views the particular acts before and after the act of  
6 sexual violence as separate -- as acts that constitute some wrong  
7 separately.

8 PRESIDING JUDGE: I haven't looked at the decision this  
9 morning, but I don't think the decision was circumscribed  
11:44:39 10 essentially to the notion of rape per se. I think it was dealing  
11 with matters of sexual violence in general and gender related  
12 crime. That is basically what your application dealt with. As I  
13 say, I haven't looked at it this morning so I cannot go into any  
14 more detail than that. But if this is what you are suggesting,  
11:45:03 15 maybe again we should confer. But essentially you can see the  
16 reaction of the Bench is not to proceed in that direction.

17 MR BANGURA: Your Honours, I --

18 PRESIDING JUDGE: As I say, we may confer on that matter,  
19 but I am trying to get some additional details from you. That is  
11:45:26 20 why I was asking the question. The words that you used is if  
21 this is part of essentially the same transaction but part of it  
22 is more sexually -- has a more sexual connotation than the  
23 beginning and the end as such, it is all part of the same  
24 activity or transaction, I have difficulty to see how we can  
11:45:49 25 divorce one from the other. Rape per se is without consent and  
26 could be with force being applied. Well, if the first part is  
27 force and then you say that part we won't, but the other one, and  
28 is indeed separate and apart I would disagree with you. Do you  
29 understand? So how can we deal with that and look at only one

1 part and not the other one?

2 MR BANGURA: I take the point, Your Honour. To that extent  
3 I do agree that we may not divorce the element of violence  
4 associated with the rape itself from the rape separately. But on  
11:46:27 5 the other hand, there is a situation which flowed, which arose as  
6 a result of the act of rape, which in itself in our view  
7 constitutes a separate --

8 PRESIDING JUDGE: Well, I can only suggest you give us a  
9 bit more detail. Now we are dealing with hypothetical scenario.  
11:46:48 10 We cannot answer, really, your question other than what I have  
11 stated for now. You seem to be saying now there was something  
12 other which is not sexual violence per se. You have to give us  
13 some details.

14 JUDGE THOMPSON: I find myself in a quandary here. I would  
11:47:09 15 not be able to even venture here to articulate my response unless  
16 you take us further afield. But I would like to say tentatively  
17 that the fact that you yourself seem to have some very serious  
18 doubts about your proposed course of action, may well lend some  
19 inducement to the position that the Bench is taking. But I would  
11:47:41 20 like to keep an open mind until you take us further afield in  
21 enlightening us as to how you think we can proceed or what your  
22 perception -- legal perception of the situation is.

23 MR BANGURA: Your Honours, I take it that the way I should  
24 be able to guide the Bench further is by indicating more  
11:48:08 25 specifically what sort of evidence the witness will give.

26 PRESIDING JUDGE: Yes.

27 MR BANGURA: Your Honours, the witness at the time she was  
28 raped was pregnant and, as a result of this act, she bled and  
29 lost her pregnancy. It was aborted. In the view of the

1 Prosecution, that act, that situation which she suffered as a  
2 result of the rape, is something which constitutes -- which was  
3 brought upon by the act of the rape and which in itself is  
4 wrongful.

11:48:59 5 JUDGE ITOE: So the harm that was caused to the witness was  
6 the miscarriage or the abortion?

7 MR BANGURA: Yes, Your Honour.

8 JUDGE ITOE: Which resulted from the rape?

9 MR BANGURA: Yes, Your Honour.

11:49:09 10 JUDGE ITOE: And the violence that accompanied the rape?

11 MR BANGURA: Yes, Your Honour.

12 JUDGE THOMPSON: Your submission on that is that you could  
13 properly lead that evidence to support what charge on the  
14 indictment?

11:50:08 15 MR BANGURA: The charge of physical injury, counts 3 and 4.

16 PRESIDING JUDGE: Physical violence?

17 MR BANGURA: Physical violence, yes. Physical violence and  
18 mental suffering.

19 [Trial Chamber confers]

11:50:50 20 PRESIDING JUDGE: Do you have anything else to add in this  
21 respect, Mr Bangura?

22 MR BANGURA: Your Honours, just to buttress the point that  
23 we are not leading that evidence to prove rape.

24 PRESIDING JUDGE: No, we understand. I would like to ask  
11:51:05 25 Defence if they have any comments on that.

26 MR YILLAH: Yes, thanks for your invitation, My Lord.

27 My Lord, I would have a difficulty in analysing that piece  
28 of evidence if I am to make a submission to this Court regarding  
29 what weight should be attached to it. I will do an analogy. It

1 is like saying that an individual was raped and in the process  
2 that individual broke her arm. It amounts to the same thing.  
3 The breaking of arm flowed from the sexual act. My Lord, from  
4 the explanation of the Prosecution, I view what he has said as  
11:51:44 5 part of the same transaction. I do not, in my humble opinion,  
6 see how those acts of physical violence, as my learned friend has  
7 said, is separated from the act of sexual violence itself, My  
8 Lord. My Lord, in my view it falls within the purview of your  
9 decision on the admissibility of evidence and I think that  
11:52:16 10 evidence cannot be properly led before this Court. It would be  
11 in violation of Your Lordships' decision.

12 Thank you, My Lord.

13 PRESIDING JUDGE: Thank you. Second accused.

14 MR KOPPE: Your Honour, I have to agree with counsel for  
11:52:31 15 the first accused. The bodily harm resulting from the offence  
16 predeceasing [sic] would constitute one element of the total  
17 crime and it is legally not possible to distinguish into two  
18 separate crimes, because we are speaking about the result of the  
19 crime itself. So, yes, I agree with counsel for the first  
11:53:01 20 accused. So I hold the position of not distinguishable.

21 JUDGE THOMPSON: So you are saying that the result is the  
22 actus reus in a sense.

23 MR KOPPE: No, well --

24 JUDGE THOMPSON: Because if -- [Overlapping speakers]

11:53:15 25 MR KOPPE: My argument is that the result --

26 JUDGE THOMPSON: The resulting harm is what in terms of the  
27 elements of the crime? Actus reus plus mens rea --

28 MR KOPPE: Could constitute an element of the crime, yes.

29 In this respect, as I understand it, is the result of this crime

1 and therefore cannot be distinguished from the crime itself.

2 JUDGE THOMPSON: Yes, which is the actus reus in other  
3 words, like the homicidal act.

4 MR KOPPE: Exactly.

11:53:44 5 PRESIDING JUDGE: Counsel for third accused.

6 MR WILLIAMS: My Lord, we wish to adopt the arguments of my  
7 learned friends but also, similar, that we will be relying on  
8 three principles of law: Res judicata, issue estoppel and --  
9 two, My Lord: Res judicata and issue estoppel, My Lord. That

11:54:11 10 once a court of competent jurisdiction has decided on a  
11 particular issue, My Lord, parties to that proceedings are  
12 precluded from raising the issue subsequently, My Lords. This is  
13 an issue that has been decided by Your Lordship, there is a  
14 ruling of the Court. Unless it is overturned by a higher body,

11:54:37 15 the parties are bound. Basically what the Prosecution is  
16 attempting to do is to adduce evidence through the back door.  
17 Evidence which Your Lordships have ruled inadmissible they're  
18 seeking to put in through the back door. My Lord, the  
19 transaction, in my opinion, is one transaction, which is

11:55:12 20 inseparable. Your Lordships have ruled in other decisions that  
21 the principles of res judicata apply in international criminal  
22 jurisprudence, so I rely on those rulings, My Lord.

23 PRESIDING JUDGE: Thank you.

24 MR TAVENER: Just very briefly in reply if I might. The  
11:55:43 25 submissions made by the Defence counsel in fact support the  
26 Prosecution's position. That is, the transactions are so closely  
27 intertwined you can't separate them out. We have a combination  
28 here now of charged and in effect uncharged acts. Those matters  
29 would have been the ruling. What the Prosecution are saying: We

1 cannot lead the evidence of the charged acts without leading  
2 evidence of the uncharged acts. Your Honours are fully aware of  
3 what are the uncharged acts. We don't intend to go into any  
4 detail but it is essential in order to tell the story in a  
11:56:15 5 coherent fashion.

6 In circumstances such as witnesses that have already been  
7 called, where it was possible to excise out the evidence which  
8 Your Honours have ruled is not admissible, we have done that.  
9 But in circumstances where it can't be done, we ask that we be  
11:56:31 10 allowed to lead both evidence of uncharged and charged acts  
11 because, as my learned friends have said, it is a transaction in  
12 which you cannot separate out those two aspects.

13 JUDGE ITOE: Mr Tavener, can you prove the abortion or the  
14 miscarriage without accompanying it with evidence of violence  
11:56:53 15 that came with the rape?

16 MR TAVENER: Well, that will be a matter of the evidence of  
17 the witness. She will say she, as I understand --

18 JUDGE ITOE: From what Mr Bangura has said, is it possible  
19 that you just bring evidence, you know, of the miscarriage and  
11:57:21 20 abortion and fit it in, and then, you know, you isolate it from  
21 the evidence that goes with the rape that you allege, that  
22 Mr Bangura alleges, caused the abortion?

23 MR TAVENER: Yes. As I understand the evidence of the  
24 witness, and I am not as familiar with the evidence as  
11:57:42 25 Mr Bangura --

26 JUDGE ITOE: This is what he said.

27 MR TAVENER: Yes. As a consequence of the rape the witness  
28 will say that this consequence followed. That is --

29 JUDGE ITOE: This happened and this followed.



1 MR TAVENER: Yes.

2 JUDGE ITOE: Isn't it?

3 MR TAVENER: Yes, that's correct. Again, we have charged  
4 and uncharged acts. And in my submission, because of the fact  
11:58:03 5 that they are so interlinked, you cannot separate them out. The  
6 alternative would be simply not to lead the evidence, which would  
7 be unfair.

8 JUDGE THOMPSON: Such an approach, as my learned brother  
9 suggested, would require the skill of a prosecutor plus the  
11:58:17 10 cooperation of the witness if it were possible to do that.

11 MR TAVENER: Yes. I don't think it is possible to take  
12 away one aspect of it. What it does require obviously --  
13 Your Honours have made a ruling which the Prosecution accept.  
14 That material, to whatever extent is needed to lead, will be  
11:58:34 15 ignored. In order to tell the story it has to be said, but it is  
16 an uncharged act, it doesn't go against the indictment any  
17 further.

18 JUDGE THOMPSON: Do we have any precedent in any other  
19 tribunals indicating how they have approached such an issue that  
11:58:54 20 could guide us persuasively?

21 MR TAVENER: I have the decision in the Tadic decision. I  
22 don't have the authority but clearly that is a well known --

23 PRESIDING JUDGE: In Tadic?

24 MR TAVENER: Tadic.

11:59:09 25 PRESIDING JUDGE: Yes.

26 MR TAVENER: And I also have --

27 PRESIDING JUDGE: Which one, because there are many Tadic?

28 MR TAVENER: I can clarify that. I can't do it on my feet  
29 but I will be able to do that. I understand there is also a

1 further decision from the ICTR. Again, I don't have the citation  
2 but I can locate it. A decision involving Jean-Paul, hyphenated  
3 name, surname A-K-A-Y-E-S-U.

4 PRESIDING JUDGE: Akayesu.

11:59:38 5 MR TAVENER: Yes. But the general jurisprudence --

6 JUDGE ITOE: Just one question, Mr Tavener. In those cases  
7 you are citing was there a court ruling rejecting the admission  
8 -- the adducement of evidence on gender offences before the  
9 evidence was led? Was there a ruling of the Court as in this  
10 case? We have to learn to distinguish cases when we cite them.

11:59:59

11 MR TAVENER: I accept that and I don't know, Your Honour.  
12 What I am referring to, in my submission -- these cases I haven't  
13 read for some time. What I am referring to in this decision is  
14 simply the normal principle where evidence sometimes comes out of  
15 uncharged acts. The Court deals with that by simply seeing it as  
16 background, as context --

12:00:17

17 JUDGE THOMPSON: That is what I was interested in finding  
18 some jurisprudential precedent from, you know, to see how they  
19 dealt with that particular aspect.

12:00:30

20 MR TAVENER: There are circumstances in domestic courts  
21 whereby accused may be charged with a number of acts, other acts  
22 come out during the course of the trial. They simply provide  
23 background, they are not used for the purposes of conviction or  
24 satisfying the standard.

12:00:47

25 PRESIDING JUDGE: So what you are saying is if evidence was  
26 led on matters that this Court has ruled is not admissible, it  
27 would not be led for the Court to accept this evidence for any  
28 other purpose than to say this is just a logical introduction to  
29 this but not as evidence of sexual violence of any sort?

1 MR TAVENER: That's right. I haven't read your decisions  
2 as yet as to -- your exact decision.

3 PRESIDING JUDGE: That's the position?

4 MR TAVENER: That's correct.

12:01:21 5 PRESIDING JUDGE: You would not be relying on this for any  
6 purpose other than to say this is just to introduce this subject  
7 that follows.

8 MR TAVENER: That's right, because it would be impossible  
9 for the witness to take out some parts, leave others. And as I  
10 say, the Prosecution have already adapted to Your Honours' ruling  
11 in those circumstances where the transaction was not --

12 JUDGE ITOE: You have done so well so far, you know.

13 MR TAVENER: You're very kind.

14 JUDGE ITOE: You have done very well so far, that's what  
12:01:45 15 I've noticed, with those short witnesses that have preceded this  
16 one.

17 MR TAVENER: Exactly, and that is what we have done when it  
18 can be. But when it is an integral part of the transaction it  
19 can't be done, and that is our submission.

12:01:56 20 There is another matter I may as well mention now. A  
21 witness who makes a complaint about rape to one of the accused  
22 persons. Now, we are not leading that for the purpose to say a  
23 rape occurred, but to show control and his response -- the  
24 accused's response to that complaint to a serious allegation of  
12:02:14 25 bad conduct, misbehaviour by the Kamajors. So we need to lead  
26 the evidence that she complained about a rape to one of the  
27 accused and his response. It is not for the purpose of proving  
28 the rape; it is for the purpose to show his response to being  
29 told about that rape. Bearing in mind the issue arises during

1 the course of the trial as the knowledge of the accused about the  
2 behaviour of Kamajors and so on. So we still need to lead that  
3 evidence that that was the nature of her complaint, not for the  
4 purpose of proving a rape. Again, an uncharged act.

12:02:48 5 PRESIDING JUDGE: This is not evidence you intend to lead  
6 through this witness?

7 MR TAVENER: No, but I thought while I was on my feet I  
8 would mention another example where you cannot separate out what  
9 Your Honours have ruled as being no longer relevant to the  
10 indictment. There are some times where you need that information  
11 in order to make sense of the evidence and sometimes when it  
12 would be simply artificial to separate it out. That's our  
13 submission in respect of this matter and other matters where the  
14 Prosecution cannot --

12:03:20 15 PRESIDING JUDGE: This issue you have just raised, we will  
16 deal with it in due course; not on this matter now.

17 MR TAVENER: I thought I would give you a small warning,  
18 Your Honour; that's all.

19 PRESIDING JUDGE: Yes, Mr Koppe.

12:03:32 20 MR KOPPE: I find this example given by my learned friend  
21 on the Prosecution side very interesting because it indicates the  
22 difference that not being able to report a sexual crime and the  
23 consequences which would be [indiscernible] afterwards. It is a  
24 big difference from the consequences of sexual crime, the actual  
12:03:54 25 violence inflicted upon. So on the one hand you cannot  
26 distinguish, on the other hand you can make a clear distinction.  
27 There was a sexual crime and with the reporting itself nothing  
28 could be done or nothing was done. So the moment you can say  
29 there is no distinction to be made, then the only route to be

1 taken by the Prosecution is not to call upon this witness.

2 [HN310505C - CR]

3 The other witness I could very well understand that she has  
4 been called upon because there is a clear distinction; the act  
12:04:27 5 and whatever happened afterwards. In addition to what I said  
6 earlier, I think this witness that we are talking about today  
7 should not have been called upon.

8 JUDGE THOMPSON: Let me ask one question of the  
9 Prosecution. Could you enlighten me on whether our position as  
12:04:48 10 professional judges gives us some advantage over dealing with  
11 this matter, this issue that you raise, in contradistinction to  
12 if we were, in fact, conducting these proceedings with a jury?

13 MR TAVENER: If a jury was involved, it would be extremely  
14 difficult. The Presiding Judge would have to give a very clear  
12:05:17 15 warning to the jury as to what evidence they can take into  
16 account for the purposes of being satisfied of any charges on the  
17 indictment.

18 However, with Your Honours being the professional judges  
19 and having made the ruling as to what you accept and don't accept  
12:05:32 20 as charges now on the indictment, I, quite frankly, see it's not  
21 that difficult. There is evidence that will relate to sexual  
22 offences. Again, we won't be dwelling on detail, but you need  
23 that to put it in context how the woman suffered the injuries.  
24 That is all we're asking you to do. With a jury, it is more  
12:05:53 25 difficult before Your Honours. Particularly considering Your  
26 Honours in fact made the ruling, it should not be that difficult.

27 JUDGE THOMPSON: Thank you.

28 MR WILLIAMS: Your Honour, can I just dwell a little bit  
29 more on the principle of law the primary issue is dependent on.

1 It is such that the parties are not just estopped from raising in  
2 future proceedings what has been decided upon, but those things  
3 that would have naturally been raised in the earlier  
4 proceedings --

12:06:36 5 JUDGE THOMPSON: Collateral.

6 MR YILLAH: Collateral, yes. As My Lord pleases. The  
7 rationale behind this is that -- I mean, human ingenuity would  
8 preclude -- because of human ingenuity, there might be no end to  
9 litigation if such things were not estopped.

12:06:56 10 I will give Your Lordships an example. In civil  
11 proceedings you come to set aside a judgment, you bring  
12 everything on the table, whether it is for irregularity, whether  
13 it's for -- I mean irregularity or regularity, My Lord, whether  
14 you have a good defence or whether the judgment should be set  
12:07:16 15 aside on irregularity. You bring everything. You cannot come  
16 and say at the initial stage that the judgment should be set  
17 aside for irregularity when, in fact, you come and say later you  
18 have a good defence. You will be estopped from doing that  
19 because you should have raised all those issues in the earlier  
12:07:32 20 proceedings.

21 My learned friend is now saying that they want to adduce  
22 evidence about the result. How can that be separated from the  
23 initial act? Your Honour, I think only just going to say that  
24 this witness suffered abortion because of something that was done  
12:07:47 25 to her, or they're going to call -- say exactly what was done to  
26 her, Your Honour, they cannot say exactly what was done to her  
27 because of Your Lordships' earlier ruling. They cannot adduce  
28 the result of that incident because of -- this issue should have  
29 been raised in the earlier application.

1 MR YILLAH: In support of what my learned friend has  
2 said --

3 PRESIDING JUDGE: As we have allowed the others we will  
4 allow you, but it has to stop somewhere, please.

12:08:21 5 MR YILLAH: Just one point, My Lord. I have a difficulty  
6 where it is my view that in respect of the particular act,  
7 several counts, several charges will be inferred from that act,  
8 not only the act of sexual violence, but also in that act there  
9 may be physical violence as well. I have a difficulty as to  
12:08:41 10 seeing how the charges could be separated. So it will be highly  
11 prejudicial to the accused, and I would urge Your Lordships where  
12 there is a doubt that that doubt is resolved in favour of the  
13 accused.

14 JUDGE THOMPSON: Actually, if that particular point is of  
12:09:03 15 such significance, would you like just again to assist us and  
16 provide some particulars of prejudice? It's not sufficient to  
17 make the general submission of being highly prejudicial, but  
18 specifically one or two instances of prejudice.

19 MR YILLAH: My Lord, my statement about prejudice flows  
12:09:24 20 from Your Lordships' decision because Your Lordships ruled about  
21 a month or two months ago on this issue.

22 JUDGE THOMPSON: Yes.

23 MR YILLAH: As far as the Defence work is concerned,  
24 investigations into this issue had been closed, for obvious  
12:09:38 25 reasons.

26 PRESIDING JUDGE: It was a week ago.

27 MR YILLAH: A week ago, but focus on this issue has been  
28 closed, My Lord. The Defence has concentrated on other issues.

29 JUDGE THOMPSON: To what extent, then, if your submission

1 is valid -- are you saying that some procedural due process right  
2 or substantive due process right of the accused persons would be  
3 violated if we allow the Prosecution to do what they're electing  
4 to do? Because that's the kind of thing -- when you talk about  
12:10:13 5 prejudice, I'm sure that you would be -- the prejudice here would  
6 come from some violation of procedural due process rights or  
7 substantive due process rights.

8 MR YILLAH: My Lord, I would look at it both ways,  
9 procedurally and substantively. Procedurally, I will follow the  
12:10:34 10 submission of my learned friend, Mr Williams: Your Lordships, a  
11 court of competent jurisdiction, had ruled on this issue. As far  
12 as the procedures are concerned, unless that issue is overturned  
13 by a higher court of competent jurisdiction, the decision stands.  
14 So leading evidence on an issue which had been ruled upon by this  
12:10:55 15 court --

16 JUDGE THOMPSON: All right. Substantively?

17 MR YILLAH: -- would prejudice. Substantively, My Lord,  
18 following the earlier submissions that I made, I do not see the  
19 acts as separate, because in respect of one act, the act of  
12:11:10 20 violence would flow; physical harm could flow from that same act  
21 of sexual violence; mental suffering could flow from that same  
22 act of sexual violence. And this is what my learned friend --

23 JUDGE THOMPSON: And your clients have not had notice of  
24 this kind of thing in the indictment and all the other disclosed  
12:11:29 25 materials?

26 MR YILLAH: Before I respond to the question of notice, My  
27 Lord, I'm saying that this act that Your Lordships had ruled  
28 inadmissible, if that act were to be admissible, Mr Lord, in  
29 respect of that one act, the rape; the physical harm; the mental



1 violence, that they're submitting, could all flow from that one  
2 act.

3 JUDGE THOMPSON: And they will be confronted with a  
4 multiplicity of charges.

12:11:58 5 MR YILLAH: Absolutely, My Lord, absolutely. So I do not  
6 see how my learned friends can submit that Defence.

7 JUDGE THOMPSON: Okay.

8 MR YILLAH: I submit for the record, My Lord, where there  
9 is a doubt in certain issues, I would respectfully urge Your  
10 Honours to rule in favour of the accused.

11 PRESIDING JUDGE: We will confer on this matter and we will  
12 come back in open Court at 2.30 p.m. Thank you.

13 [Luncheon recess taken at 12.10 p.m.]

14 [Upon resuming at 2.36 p.m.]

14:41:48 15 PRESIDING JUDGE: Counsel for the Prosecution and counsel  
16 for the Defence, I want to inform you we have not yet reached a  
17 final decision on what you have raised this morning. We need  
18 some more time to think about it this afternoon. However, we are  
19 prepared to hear another witness if you have one that is short  
14:42:01 20 now, other than the one you were intending to call. If not, then  
21 we will have to adjourn until 9.30 a.m. tomorrow morning.

22 MR BANGURA: Your Honours, I think the position as stated  
23 by counsel, Mr Tavener, yesterday was that the Prosecution would  
24 be taking two witnesses today, and we did not actually plan on  
14:42:25 25 taking another witness after the one that I was going to take.

26 PRESIDING JUDGE: That's fine. We'll adjourn until  
27 tomorrow morning then. I would like to ask you, Mr Tavener, to  
28 repeat your planning for the coming days now so we can have that  
29 clear. Obviously depending on our decision tomorrow morning, we

1 will have or not have this particular witness.

2 MR TAVENER: That's correct. Then there will be two other  
3 witnesses for tomorrow.

14:43:04

4 PRESIDING JUDGE: So that means if we have this witness  
5 tomorrow, we will have three in total tomorrow?

6 MR TAVENER: Yes, obviously depending on whether we  
7 complete those.

8 PRESIDING JUDGE: Can you give me the numbers for these  
9 witnesses?

14:43:13

10 MR TAVENER: Without my glasses, I will try.

11 PRESIDING JUDGE: TF2-189?

12 MR TAVENER: If tomorrow is 1 June, yes, it will be TF2-189  
13 and 135, followed by then on 2 June, 134 -- this is Thursday --  
14 133.

14:43:38

15 JUDGE ITOE: Sorry, for tomorrow is TF2-189?

16 MR TAVENER: Yes, that's correct.

17 JUDGE ITOE: Just one?

18 PRESIDING JUDGE: And 135.

19 MR TAVENER: And 135.

14:43:49

20 JUDGE ITOE: And TF2-135?

21 MR TAVENER: Yes, and the witness from today.

22 PRESIDING JUDGE: The witness for today was 187?

23 MR TAVENER: That's correct.

14:44:01

24 PRESIDING JUDGE: So tomorrow, depending, it could be  
25 TF2-187, 189 and 135?

26 MR TAVENER: Yes, that's correct. I will tell you the  
27 names of the other witnesses for Thursday. There may be an  
28 illness amongst those witnesses listed for 1 June. We also have  
29 available TF2-134 and 133. I've advised Defence counsel of the

1 possibility of a slight alteration.

2 PRESIDING JUDGE: For the time being, this is what you  
3 intend to call up to Thursday included?

4 MR TAVENER: That's correct.

14:44:36 5 JUDGE ITOE: That's for 2 June?

6 MR TAVENER: That's right. For 2 June, we will also be  
7 calling TF2-080, the witness from the previous session.

8 PRESIDING JUDGE: On Thursday?

9 MR TAVENER: That's correct.

14:44:56 10 PRESIDING JUDGE: And Friday?

11 MR TAVENER: Friday, we have no witnesses listed. The next  
12 witness is TF2-218, which is a person from outside the  
13 jurisdiction.

14 PRESIDING JUDGE: Which you're planning to have on Monday  
14:45:09 15 next week?

16 MR TAVENER: On 7 June.

17 JUDGE ITOE: TF2-218?

18 PRESIDING JUDGE: 7 June, which is Tuesday next week.

19 TF2-218 would be Tuesday 7 June.

14:45:32 20 MR TAVENER: That's correct. On 8 June, TF2-011. That  
21 witness may take until the end of the week. Then we move on to  
22 the next international witness, or person from out of the  
23 jurisdiction, the military expert on 14 June.

24 PRESIDING JUDGE: The military expert on 14 June.

14:46:02 25 MR TAVENER: That's correct.

26 PRESIDING JUDGE: What about Haglund?

27 MR TAVENER: 20 June, being the last witness we propose to  
28 call.

29 PRESIDING JUDGE: Monday, 20 June.

1 MR TAVENER: Then there is a witness on 16 June. That's  
2 the person described as a child expert.

3 PRESIDING JUDGE: So the week of 13th, again, you intend to  
4 call two witnesses?

14:46:19 5 MR TAVENER: That's right.

6 PRESIDING JUDGE: On the 14th and or the 16th?

7 MR TAVENER: That's correct.

8 PRESIDING JUDGE: And your witness Haglund on 20 June would  
9 be your last witness?

14:46:32 10 MR TAVENER: We expect so, yes.

11 PRESIDING JUDGE: Thank you. With this information, we  
12 will adjourn the Court to 9.30 a.m. tomorrow morning. Thank you  
13 very much.

14 [Whereupon the hearing adjourned at 2.45 p.m.,  
14:50:21 15 to be reconvened on Wednesday, the 1st day  
16 of June 2005 at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TAMBA GBEKIE	2
EXAMINED BY MR TAVENER	3
CROSS-EXAMINED BY MR WILLIAMS	7
WITNESS: TF2-188	10
EXAMINED BY MR KAMARA	10
CROSS-EXAMINED BY MR WILLIAMS	19