



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

THURSDAY, 15 JUNE 2006
2.35 P.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Elena Martin-Salgado Ms Roza Salibekova
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Joseph Kamara Ms Miatta Samba
For the Principal Defender:	NO APPEARANCE
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Aluseine Sesay Mr Kingsley Belle (legal assistant)
For the accused Mooina Fofana:	Mr Lansana Dumbuya Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai

1 [CDF15JUN06A - SV]

2 Thursday, 15 June 2006

3 [Open session]

4 [The accused present]

14:35:27 5 [Upon commencing at 2.35 p.m.]

6 PRESIDING JUDGE: Good afternoon, counsel. I notice that
7 the counsel for the second accused is not present but he is
8 represented by somebody from the Defence Office. I have seen
9 some correspondence on that but, just for the record, I would ask
10 you to just confirm what has happened and that indeed you've been
11 asked to act on behalf of counsel for the second accused.

12 MR DUMBUYA: Indeed, Your Honours. I was asked by counsel
13 representing the second accused that he would not be in court
14 today and he has asked me to apologise to the Court. I am
14:37:36 15 Lansana Dumbuya, duty counsel for the CDF team.

16 PRESIDING JUDGE: Thank you, and you've been asked to act
17 on their behalf during these proceedings this afternoon,
18 Mr Dumbuya?

19 MR DUMBUYA: Yes, Your Honour.

14:37:53 20 PRESIDING JUDGE: Thank you very much. So we are back in
21 court, Dr Jabbi. We are still in part of your case and we have
22 resumed sitting this afternoon to determine with you where you
23 are at and if you have a witness available for the proceedings
24 this afternoon.

14:38:21 25 MR JABBI: No, My Lord.

26 PRESIDING JUDGE: So you are not calling this witness,
27 Carpenter?

28 MR JABBI: My Lord, the decision in respect thereof came
29 out this morning, I am told, and in fact I got it only about 20

1 minutes ago.

2 PRESIDING JUDGE: Well, it was filed at 9 o'clock this
3 morning.

4 MR JABBI: As My Lordship pleases.

14:39:06 5 PRESIDING JUDGE: So if you have no more witnesses we have
6 no option but to adjourn the proceedings to the next session that
7 will be coming in September and this is essentially the decision
8 that we have issued. If you were to call this witness Carpenter
9 you had to do it before tomorrow at 4 o'clock. His evidence
14:39:33 10 should be completed by tomorrow. But, in any event, we have
11 issued our decision. It has been filed and the decision speaks
12 for itself. I don't intend to expand on it, nor to explain it.

13 However, as you don't have this witness available at this
14 particular time, and no other witnesses available, it is of no
14:40:09 15 use that we keep sitting this afternoon. I would like to inform
16 you that not only were we available this afternoon to hear this
17 witness if we had this witness, but we are also available
18 tomorrow morning. But we need to be informed in due course. If
19 you have this witness, we'll hear this witness. Otherwise the
14:40:29 20 proceedings of this Court will be adjourned to the session in
21 September; until the status conference on 12th September 2006.

22 MR JABBI: As Your Lordships please.

23 JUDGE ITOE: But we would like to have some guarantee that
24 we are sitting tomorrow. Will Mr Carpenter be available
14:40:59 25 tomorrow, Dr Jabbi?

26 MR JABBI: My Lord, as I do stand here I cannot
27 definitively answer that question either in the affirmative or in
28 the negative, because, as I said just now, I have just got the
29 decision and I cannot say whether he will be available or not as

1 I stand here, My Lord.

2 PRESIDING JUDGE: As I have just indicated to you,
3 Dr Jabbi, we are prepared to hear this witness tomorrow morning
4 if this witness is available and if you intend to call him.

14:41:44 5 Otherwise the Court is adjourned until 12th September 2006. We
6 will wait to hear from you tomorrow morning. If this witness is
7 available to be heard tomorrow morning we will be in court at
8 9.30 tomorrow morning.

9 MR JABBI: Yes, My Lord. My Lord, I don't know if I'm
14:42:16 10 right to assume that you were about to adjourn this session this
11 afternoon.

12 PRESIDING JUDGE: If you have no more witnesses to hear we
13 are not to sit simply to be here in court when you have no
14 witnesses.

14:42:30 15 MR JABBI: I would, however, My Lord, have liked to draw
16 the attention of the Court to a certain matter which I cannot do
17 in open session, My Lord.

18 PRESIDING JUDGE: Is the matter related to the same matter
19 you had raised before?

14:42:57 20 MR JABBI: Yes, My Lord, the one I raised in the last
21 closed session.

22 PRESIDING JUDGE: That's what I mean by before, meaning the
23 last session. All I can say is this: This matter at this stage,
24 from what I know, is being taken care of. I don't see what we
14:43:23 25 may gain by sitting in a closed session about that.

26 MR JABBI: My Lord, so long as we know what I'm about to
27 talk about and so long as what I say does not otherwise --

28 PRESIDING JUDGE: Dr Jabbi, I just want to make sure that
29 we're not speaking at counter-purposes here. What I mean is, the

1 last time we were in a closed session you did raise a specific
2 issue, and this is the last closed session that you asked the
3 Court to sit in, and this is a related matter that you want to
4 talk about, and you want to talk about this because of the nature
14:44:03 5 of the problem you want to raise.

6 MR JABBI: Yes, My Lord. I appreciate that perhaps we need
7 not go into closed session now. But if I can say what I want to
8 say without any detriment or prejudice to the --

9 PRESIDING JUDGE: You see, one of my difficulties at this
14:44:24 10 juncture, Dr Jabbi, so you understand, it's not that I'm
11 reluctant or the Bench is reluctant to hear the concerns that you
12 have or that your client may have. It's just that there is a lot
13 of -- there's a flurry of comments everywhere this last while
14 about certain issues, as such, and the more we keep things not in
14:44:51 15 public, as such, it seems to be feeding more on this problem than
16 solving the issues. So I'm concerned about that. That's why I'm
17 putting it to you. We are open to --

18 MR JABBI: My Lord, maybe it might be necessary then to do
19 a short closed session, even if it is tomorrow morning. But I
14:45:23 20 would have thought that some of the concerns that we have need to
21 be addressed to Your Lordships.

22 PRESIDING JUDGE: Very well. We will do that tomorrow
23 morning. That will give us the time to seek some additional
24 information as well, so the Bench may be in a better position to
14:45:39 25 understand what you'll be explaining to the Court and see what
26 options may be available at that time.

27 MR JABBI: Thank you, My Lord.

28 PRESIDING JUDGE: So we will come back at let us say 10
29 o'clock tomorrow morning so everybody will have the time to get

1 adjusted and I will give you -- 10 o'clock tomorrow morning,
2 Dr Jabbi. We will hear that and a witness, if you have any,
3 tomorrow morning as well. So the Court is adjourned to 10
4 o'clock tomorrow morning.

14:46:48

5 [Whereupon the hearing adjourned at 2.46 p.m.,
6 to be reconvened on Friday, the 16th day of
7 June, 2006, at 10.00 a.m.]

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