

Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

TUESDAY, 19 APRIL 2005
9.22 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg Mr Matthias Reuss
For the Registry:	Mr Geoff Walker
For the Prosecution:	Ms Lesley Taylor Ms Boi-Tia Stevens Ms Sharan Parmar Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Mr Kevin Metzger
For the accused Brima Bazy Kamara:	Mr Wilbert Harris Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanu:	Mr Abibola Manley-Spaine Ms Karlijn van der Voort

1 [TB190405A-JM]
2 Tuesday, 19 April 2005
3 [Open session]
4 [The accused entered court]
09:15:21 5 [The witness entered court]
6 [On commencing at 9.22 a.m.]
7 PRESIDING JUDGE: Good morning. Before reminding the
8 witness of his oath, unless counsel have some preliminary
9 matters - no - I just wish to remind counsel of two things. One
09:22:52 10 is that they should allow the interpretation from the language
11 spoken by the witness to be completed before proceeding to the
12 next question. It has been posing some problems for our
13 interpretation and recording section; and also, to remind counsel
14 that anything addressed to the interpreters should be addressed
09:23:17 15 through the Bench rather -- so I would just remind counsel of
16 those small matters.
17 Mr witness, you remember yesterday you promised and swore
18 to tell the truth. Do you remember that?
19 Mr Court Attendant, I think the witness's microphone may
09:23:40 20 not be on.
21 THE WITNESS: Yes.
22 PRESIDING JUDGE: Do you remember, Mr witness?
23 THE WITNESS: Yes.
24 PRESIDING JUDGE: That promise is still binding on you
09:24:02 25 today, and you must answer the questions of the lawyers
26 truthfully. Do you understand?
27 THE WITNESS: Yes. Yes. Yes.
28 PRESIDING JUDGE: Thank you.
29 Please proceed. Mr Metzger, I noticed you are on your

1 feet. Are you first Defence counsel?

2 MR METZGER: Yes, I will be asking questions first. I was
3 just preparing.

4 PRESIDING JUDGE: Thank you. Please proceed.

09:24:29 5 MR METZGER: I'm very much obliged.

6 WITNESS: TF1-053[Continued]

7 CROSS-EXAMINED BY MR METZGER:

8 Q. Good morning, Mr Witness.

9 A. Master, good morning.

09:24:48 10 Q. Mr Witness, you have told us about events that took place
11 in Bo and Gerihun in 1997. Were you living in Bo at the start of
12 those events?

13 Mr Witness, did you get the question?

14 A. Yes.

09:25:33 15 Q. And is your answer that you were living at -- in Bo around
16 May of 1997?

17 A. Yes.

18 Q. Thank you. You have told us about the death of Chief Demby
19 who was the paramount chief of the Baoma Chiefdom. He was the
09:26:11 20 chief of the Baoma Chiefdom. Is that right?

21 A. Yes.

22 Q. And you have told us that you happened to be in Gerihun at
23 that time when some soldiers went to the house. You heard one
24 gunshot and later learned that Chief Demby had been killed. Is
09:26:48 25 that correct?

26 A. Yes.

27 Q. You're sure, Mr Witness, that you only heard one gunshot?

28 A. Can I speak?

29 Q. Indeed, if you are going to answer my question, Mr Witness.

1 A. In that instant, I only heard one gunshot, and I went away.
2 when I was finding my way to go away, I did hear gunshots in the
3 town.

4 Q. Yes, but I'm asking about gunshots that you may have heard
09:27:50 5 coming from the residence of Chief Demby.

6 A. I heard one gunshot in that instant -- in that instance,
7 rather.

8 Q. Thank you. Now, Mr Witness, can I ask you about some
9 background information about yourself and the Baoma Chiefdom. I
09:28:33 10 understand there are protective measures in place and will try to
11 ask questions that do not lead to your identification.

12 A. Yes.

13 Q. Thank you. First and foremost, were you a member of any
14 political party around the Bo or Gerihun area in 1997?

09:29:22 15 A. Yes.

16 Q. And was that the SLPP or Sierra Leone People's Party?

17 A. SLPP.

18 Q. Thank you. Did you play an active role in politics in that
19 area?

09:29:55 20 A. I voted -- I voted for the government for him to be elected
21 as leader. That was the SLPP leader.

22 Q. Yes. But Mr Witness, were you involved, let us say, for
23 example, in the party administration organising rallies and that
24 sort of thing?

09:30:34 25 A. I didn't campaign for the government to be elected, but I
26 did vote for the government. And if you did that, then you're a
27 follower of that government.

28 Q. Thank you. Therefore, when the AFRC seized power in May of
29 1997, yourself and people who supported the SLPP, would it be

1 right to say that you were upset?

2 A. Repeat the question. I didn't understand.

3 Q. Would it be correct to say that yourself and your fellow
4 SLPP supporters in the area of Bo-Gerihun --

09:31:41 5 PRESIDING JUDGE: Mr Metzger, you've first of all changed
6 the question --

7 THE INTERPRETER: Your Honours, your mic is not on.

8 PRESIDING JUDGE: I'll repeat, thank you. First of all,
9 you've changed the question from what you originally asked.

09:31:55 10 MR METZGER: In order to make it simpler, I hope.

11 PRESIDING JUDGE: Yes, don't we all. But also, you've
12 asked the witness to speak about other people, and I don't think
13 that would be proper.

14 MR METZGER: I accept the Court's guidance, and I shall
09:32:07 15 limit the question accordingly.

16 Q. Would it be correct, Mr witness, to say that you as an SLPP
17 follower were upset that the AFRC took power from the government
18 in 1997?

19 A. I wouldn't be happy, and I was not happy.

09:32:44 20 Q. Indeed. Now, in fact, you were so upset that you and
21 others organised an underground movement to monitor what the new
22 government was doing - is that correct - in your area?

23 A. I do not understand it properly.

24 Q. All right. Let me ask it in a different way.

09:33:50 25 MR METZGER: Your Honours, I'm inviting Your Honours and
26 the Court to look at page 7285. It is the second paragraph
27 therein. And I can try to ask this question again without naming
28 names if the Court feels that in doing so it might adversely
29 affect the security of this particular witness, but it becomes a

1 little difficult. I seek Your Honours' guidance on this.

2 PRESIDING JUDGE: Perhaps it would assist us first if the
3 Prosecution can be of any assistance.

4 MR METZGER: I'm very much obliged.

09:34:37 5 MS TAYLOR: Would you just pardon me one moment,
6 Your Honour.

7 [Prosecution counsel confer]

8 MS TAYLOR: Thank you for that, Your Honours. I understand
9 there's no problem with the mentioning of those names in leading
09:35:10 10 to the identification of this witness.

11 PRESIDING JUDGE: Does that include the name of the person
12 he refers to as one of my sons?

13 MS TAYLOR: I beg your pardon. Other than his family
14 members, there is no difficulty with the names.

09:35:49 15 PRESIDING JUDGE: Mr Metzger, you've heard the indication
16 from the Prosecution. Perhaps as was adopted with the previous
17 witness, refer to the family relationship by the relationship
18 rather than by a direct name.

19 MR METZGER: As ever, I am grateful for the assistance and
09:36:03 20 guidance.

21 Q. Mr Witness.

22 A. Yes.

23 Q. First of all, can you tell us what CPC is.

24 A. What I know is that it means good citizens.

09:36:32 25 Q. Right. And what was your understanding of what CPC was
26 meant to do?

27 A. What I know, there were -- they were responsible for
28 ensuring that the SLPP government is not ousted from power.

29 Q. Did you know who made them responsible for ensuring that

1 the SLPP government was not ousted from power?

2 A. At that time, when I reached at the CPC - and for me, I am
3 not literate - but I was told that there was one person who was
4 the leader of that organisation.

09:38:01 5 Q. Can you tell us the name of the person who you were told
6 was the leader of that organisation?

7 A. At this time, could I tell the person's name? At this
8 time? Would it be proper?

9 Q. I think in the absence of any objections, you may do so.

09:38:41 10 A. That person whom I met there was called Juana. Charles
11 Juana.

12 Q. Could you say the first name again please, Mr witness.
13 what -- something Juana. What was the first name?

14 A. Charles Juana.

09:39:08 15 Q. Charles.

16 MR METZGER: Your Honours, my understanding of this is that
17 the first name is spelled as in Charles, within the English use
18 of that name. And Juana, J-o-a-n-a.

19 JUDGE SEBUTINDE: would the interpreter agree with those
09:39:26 20 spellings?

21 THE INTERPRETER: Yes, Juana is J-u-a-n-a.

22 MR METZGER: I stand corrected.

23 Q. Now, Mr witness, was this Mr Charles Juana the person you
24 had been told was responsible for this CPC?

09:40:21 25 A. What I knew, when I went there - and they told me his
26 name - that he was the regional CDU coordinator and CPC
27 coordinator at that time.

28 Q. Now, Mr witness, you have introduced a new term or acronym,
29 CDU. Can you tell us what you know the CDU to be?

1 A. My mind is very clear to answer that question.
2 Q. Will you answer the question, then, for us, please.
3 A. Yes.
4 Q. Do carry on.
09:41:14 5 A. I wrote it on paper, and I wrote it in Arabic. And it
6 means Civic Development Unity.
7 Q. Thank you. Was that Civic Development Unity organisation,
8 as you call it, different from the CPC?
9 A. CPC gave birth to that child called CDU.
09:41:57 10 Q. Thank you very much. Now, can we talk about the father of
11 the child called CDU. When was that father born?
12 A. I did not know the time.
13 Q. Let us see if you can help us with this: As far as you
14 were aware, was CPC in existence before the AFRC took over?
09:42:39 15 A. What I knew, AFRC came before I was invited to CDU/CPC.
16 Q. So, Mr Witness, is your evidence this, that you don't know
17 if the CPC was in existence before the AFRC came into power?
18 A. No.
19 Q. Thank you. But what you do know is that after the AFRC
09:43:23 20 came into power, you were invited to the CPC?
21 A. Yes.
22 Q. And you were offered a job within that organisation. Is
23 that correct?
24 A. Yes.
09:43:53 25 Q. And what was that job?
26 A. Wherever it was said there is an organisation to go and
27 destroy that place, they would give me a letter to send to that
28 place for the people to know that people are about to come and
29 destroy the place.

1 Q. When you say for people to go and destroy that place, which
2 place do you mean? Do you mean the -- in the Baoma Chiefdom
3 itself, or anywhere?

4 A. At one time, I was given a letter to be sent to Pujehun.

09:45:02 5 Q. So it extended beyond the area that you were living in,
6 your job?

7 A. That's when I started. I said at one time, I was given a
8 letter to be sent to Pujehun, but I said I was unable to take the
9 letter to that place.

09:45:34 10 Q. Okay. It may not be important.

11 Now, who was it, please, who was giving you -- or who was
12 going to be giving you these letters as far as you understood the
13 situation?

14 A. Are you going to allow me to call the names of the people?

09:46:02 15 Q. I don't believe there's any objection to that. So please,
16 carry on.

17 A. First, Ibrahim Kanneh.

18 Q. Pause just a moment, please, Mr Witness.

19 MR METZGER: Your Honours, I seek guidance. Shall I ask
09:46:21 20 the interpreter to assist us with spelling?

21 PRESIDING JUDGE: I note that there is a difference between
22 the spelling in the statement that was given. I think I'll ask
23 the interpreter to spell that name.

24 MR METZGER: I'm very much obliged. Once bitten, twice
09:46:39 25 shy.

26 PRESIDING JUDGE: Mr Interpreter, can you spell the name
27 Ibrahim Kanneh for us.

28 THE INTERPRETER: Much obliged. Ibrahim is spelled as
29 I-b-r-a-h-i-m; and Kanneh, K-a-n-n-e-h.

1 PRESIDING JUDGE: Thank you, Mr Interpreter.

2 MR METZGER:

3 Q. Mr witness, you've given us the name of one Ibrahim Kanneh.
4 were there any others who gave you letters?

09:47:20 5 A. The man himself, the original -- the original coordinator,
6 Mr Charles Juana.

7 Q. Any others?

8 A. There was one man called Marrah. I did not know his
9 surname, but he was a Koranko man, and he was staying in Bo at
09:47:53 10 that time.

11 JUDGE SEBUTINDE: Sorry, Mr Interpreter, what was that
12 adjective? A what man?

13 THE INTERPRETER: A Koranko man. That's a tribe within
14 Sierra Leone.

09:48:05 15 JUDGE SEBUTINDE: You'll have to spell it.

16 THE INTERPRETER: It has two spellings. Some spell it as
17 K-u-r-a-n-k-o. And sometimes it is spelled as K-o-r-a-n-k-o.

18 MR METZGER: Your Honours may also want the spelling of the
19 name Marrah.

09:48:26 20 PRESIDING JUDGE: Could we have the spelling of the name,
21 please.

22 THE INTERPRETER: M-a-r-r-a-h.

23 PRESIDING JUDGE: Thank you.

24 MR METZGER:

09:48:44 25 Q. Mr witness, I'm going to ask you a little bit more about
26 this. When you were given a letter, who were you to take that
27 letter to? Were you given that information?

28 A. They would tell me, this letter that is given to you, town
29 chief, section chief, youths chief or youth leader. whoever you

1 see going to that town, just give that person the letter.

2 Q. And so far as you can remember, is it right that all the
3 letters you were given or asked to deliver were to areas that
4 were SLPP or formerly SLPP strongholds?

09:50:04 5 A. Strong, strong, strongly indeed, yes.

6 Q. Thank you, Mr witness. And would that be within the area
7 commonly referred to in Sierra Leone as the "Mende line"?

8 A. Where I was sending the letters?

9 Q. Indeed, Mr Witness.

09:50:47 10 A. Yes.

11 Q. Thank you. Did your job have a name that these CPC-CDU
12 people gave to you?

13 A. Well, they told me that I am -- the reason that would give
14 us peace in this country, it would be the time that the

09:51:24 15 government would be restored to power.

16 Q. Right. Now, in -- to your knowledge, Mr witness, there had
17 been a war going on since 1991 - is that correct - in Sierra
18 Leone.

19 A. I wouldn't tell about the fighting that started in 1991
09:52:02 20 because we started this testimony in November 13, 1996, and we're
21 going ahead.

22 Q. When you say "this testimony in November 1996," are you
23 referring by any chance to the SLPP party and their coming into
24 power in the first place?

09:52:39 25 A. What they have told me, that that was the time that the
26 court started. That is what I'm telling you about.

27 Q. "They"? who is "they"?

28 A. Those who are literate.

29 Q. All right. They told you that's the time the

1 court -- which court? This court?
2 A. The Special Court, this Special Court that I am in.
3 Q. All right. Fair enough, Mr witness.
4 well, let me ask you, from 1996, all right, who was in
09:53:16 5 power in 1996?
6 A. I wouldn't remember.
7 Q. But you do remember that the SLPP was the government in May
8 of 1997 before the AFRC took over.
9 A. Yes.
09:53:57 10 Q. And during that time when the SLPP was in power, there was
11 a war in Sierra Leone before the AFRC took over. Is that not
12 correct?
13 A. Yes.
14 Q. Who did you understand that war was between? who was
09:54:22 15 fighting the war?
16 A. During that time, we heard people. They were called
17 rebels.
18 Q. Those rebels, who were they fighting against, as far as you
19 know?
09:55:00 20 A. Even with me, they fought against me. They fought and
21 killed my son.
22 Q. I'm sorry to hear that, Mr witness. Do you know about the
23 kamajors?
24 A. In what way?
09:55:25 25 Q. In any way that you know about the Kamajors, can you
26 explain to us your knowledge and understanding of what the
27 kamajors were?
28 A. I don't think whether it is in my statement.
29 Q. Mr witness, let us not worry for the moment about your

1 statement. Let us worry about your evidence. Can you help us,
2 please, with your knowledge and understanding of what the
3 kamajors were.

4 A. That was the question I asked. That was the question I
09:56:35 5 asked, in what way? And please excuse me because I brought that
6 point. But at the same time, I'll answer to it.

7 Q. Thank you very much, Mr witness. We shall await your
8 answer.

9 A. All right. This is the reply: I saw kamajors fighting to
09:56:59 10 secure his people.

11 Q. Did you personally know any kamajors?

12 A. Whether I knew somebody to be a kamajor?

13 Q. Did you personally know any people who were kamajors?

14 A. Yes.

09:57:36 15 Q. Were you yourself a kamajor?

16 A. Myself seated here? I did not become a kamajor.

17 Q. Thank you. When you say to your knowledge and
18 understanding the kamajors were fighting to protect their own
19 area or their people, who were the kamajors, to your knowledge
09:58:06 20 and understanding, fighting?

21 A. They were fighting against the rebels.

22 Q. Is it correct, Mr witness, that even before the AFRC took
23 over, some kamajors in your area were fighting against soldiers?

24 A. Well, whatever you talk about, and that book that is called
09:59:13 25 the koran, you have to swear on it. When you say you are talking
26 about it, you can't jump over it.

27 Yes.

28 Q. So they were fighting. Thank you very much, Mr witness.

29 And indeed, when the AFRC took over, a meeting was

1 organised between the soldiers and the Kamajor to try and bring
2 peace. Is that not the case?

3 A. Yes.

4 Q. But for one reason or another, the peace was not settled.

10:00:06 5 A. It was not settled.

6 Q. Now, to your knowledge and understanding, did one Kamajor
7 member at that meeting to bring peace ask whether bringing peace
8 between Kamajors and soldiers will bring President Kabbah back to
9 power?

10:01:05 10 A. Yes.

11 Q. Mr Witness, were you present at that meeting, that
12 gathering?

13 A. I was not alone. There were many people. So many
14 civilians, women and men were all there.

10:01:20 15 Q. Indeed, Mr Witness. So you were present together with a
16 number of other civilians to hear what was said about these peace
17 talks between the Kamajors and the soldiers. That's correct,
18 yeah?

19 A. Yes.

10:01:44 20 Q. And was it your understanding that this was the major
21 stumbling block that the Kamajors were fighting to bring
22 President Kabbah back to power?

23 A. Yes.

24 Q. And because there was no agreement between them - that is
10:02:24 25 to say the Kamajor and the soldiers - on that issue, they never
26 made peace?

27 A. Yes.

28 Q. Thank you. Now, Mr Witness, can I ask you, please, about
29 the prominent ruling houses in the Baoma Chiefdom. Is it correct

1 that in 1997, there were two ruling houses - that is to say, two
2 families - which were looking at the chieftaincy? Is that
3 correct?

4 A. That question should be directed to the commissioner. He
10:03:53 5 is the person who elects the chief.

6 Q. But I will mention two families, and you tell me whether
7 these were normally the candidates for the chieftaincy or
8 chieftaincy: The Kondo family and the Demby family. would you
9 agree with me?

10:04:26 10 A. The people you're talking about, I know their names. I
11 know them individually, but I don't know about the chieftaincy.
12 I was not born in that chieftaincy. It's the home of my wife.

13 Q. Do you know, Mr witness, when Paramount Chief Demby,
14 Sandy Demby, died in 1997, that the Demby family suspected that
10:04:58 15 the Kondos were behind the death of that paramount chief? Do you
16 know of that?

17 A. No, I cannot tell the mind of somebody. Even when you are
18 learned, you cannot know the mind of somebody.

19 Q. Paramount Chief Sandy Demby, he couldn't see very well,
10:05:33 20 could he? He was an older man who couldn't see very well. Is
21 that correct? In 1997.

22 A. Yes.

23 Q. And the current paramount chief is now Joseph Demby. Is
24 that correct?

10:06:04 25 A. Yes.

26 Q. And his opponent in the election in 2003 was one
27 Joseph Kondo. Is that correct?

28 A. By then, I was not really well. I didn't know. I was not
29 there.

1 Q. Okay. Well, let me ask you, although you were not there,
2 didn't you hear - didn't somebody tell you - that these were the
3 two people who were standing for the chiefdom election?

4 A. If that is it, I will be able to tell something about
10:06:58 5 Europe. But that, you know, those people -- the two people were
6 capable of standing, vying for that position, Demby and Kondo.

7 Q. Mr witness, you're allowed to tell us what you've heard.
8 Indeed, that's what the Prosecution asked you in certain cases,
9 what you have heard. But now, over and above that, did it come
10:07:20 10 to your knowledge that there was some high politics involved in
11 that elections?

12 MS TAYLOR: Your Honours, I rise to my feet at this stage.
13 My learned friend has certainly put questions about this family
14 rivalry in 1997. He is now talking about 2003. That's quite a
10:07:39 15 bit removed from the death of Paramount Chief Demby that has been
16 the subject of the evidence. And I do wonder what the relevance
17 of an election some five years later is to the allegation made.

18 PRESIDING JUDGE: Indeed, Mr Metzger. We seem to be going
19 into the realms of politics.

10:08:01 20 MR METZGER: Let me see if I can assist the Court. It is
21 our contention, the Defence, that there was an 11-year war in
22 this country. And at certain stages, politics were involved,
23 local politics, in the particular case that we're talking about
24 here. It doesn't start and end necessarily with the dates that
10:08:21 25 are on the indictment. And I'm seeking to show who was in power,
26 what the -- if you like, the difficulties between certain people
27 are, whether there was a motive for one party to order the death
28 of another party at the relevant time so that I -- the Court has
29 a good ground knowledge and overview of the position before I ask

1 specific questions about what this witness observed and heard at
2 the relevant time, bearing in mind the link that the Prosecution
3 makes between the killing of Paramount Chief Demby and certainly
4 my lay client.

10:09:19 5 [Trial Chamber deliberates]

6 PRESIDING JUDGE: We uphold that objection. We consider
7 that going to 2003 is taking us too far away from the crux of the
8 matter.

9 MR METZGER: I'm obliged. I shall move on.

10:10:09 10 Q. Mr witness, you have told us --

11 A. Yes.

12 Q. -- of events that you say occurred on the 26th of June 1997
13 when you were in a house opposite or on the other side of the
14 road from the residence of the late Paramount Chief Sandy Demby.

10:10:42 15 That's correct, is it not?

16 A. Yes.

17 Q. Now, you have told us that you saw some vehicles coming to
18 and parking in front of the chief's house. A Mercedes Benz and
19 two vans. Is that correct?

10:11:22 20 A. Yes.

21 Q. At the time that you saw those vehicles, the Benz -- the
22 Mercedes Benz and the vans parking outside the chief's house,
23 where were you?

24 A. The house in which I was, even now is the house, the

10:11:48 25 veranda room in which --

26 Q. [Previous interpretation continues] -- the whereabouts of
27 the house. I'm not allowed to do that and I don't seek to do
28 that. I'm just asking to find out where within that house or
29 compound were you when you saw it, just in case so that we get

1 that clear. Okay? So can you help us. I'll ask it again.

2 where within the house were you when you saw these vehicles

3 approach and park in front of the chief's house?

4 A. I started explaining that I was at the back of the house in

10:12:30 5 the banana plantation.

6 Q. From the back of the house, are you able to see the front

7 of the late chief's house?

8 A. In front of his house, yes.

9 Q. And so it was from that location by the banana plantation,

10:13:05 10 as you were removing grass, you saw these vehicles parking in

11 front of the chief's house. Is that the position?

12 A. Yes, I was there, and I saw them come. And I moved from

13 there and entered the house.

14 Q. Did you see the people coming out of the vehicles and going

10:13:42 15 into the chief's house?

16 A. Where I went and stood, that is where I saw them

17 coming -- alighting from the vehicles and entering the house.

18 Q. Now, you stated yesterday that you knew some of these

19 people. Is that correct?

10:14:15 20 A. Yes. Even today, I'll say it.

21 Q. Thank you. Now, can you tell us, naming any of the people

22 that you saw there that night, did you see one A.F. Kamara?

23 A. I saw somebody who was called -- his colleague called him

24 AF Kamara, and I saw him.

10:14:56 25 Q. Did they actually use the names AF Kamara in your presence

26 or in your hearing?

27 A. I saw Tollo. I knew him. His friend called him, where is

28 Tollo? I saw him with my own eyes. I saw Mohamed. And that

29 Mohamed was a driver. At one time, he was driving for my

1 brother.

2 Q. These are all people --

3 JUDGE SEBUTINDE: Mr -- he has to spell some of these names
4 without proceeding.

10:15:38 5 Mr Interpreter, could you spell all the names you've just
6 mentioned.

7 THE INTERPRETER: Tollo is T-o-l-l-o. Mohamed is
8 M-o-h-a-m-e-d.

9 MR METZGER: Yes.

10:16:22 10 Q. You were telling us, Mr witness, that Mohamed was a driver
11 who had even driven for somebody that you know?

12 A. Myself, my very brother, he was driving for my brother, but
13 my brother is now deceased.

14 Q. Now, I think you were telling us that you know Tollo; you
10:17:02 15 saw Mohamed, whom you also know. You were going to name -- or
16 you were explaining how you came to know the AF Kamara. Is that
17 something that was told to you or you simply heard during the
18 course of the incident?

19 A. Fine. The day I was standing there, when somebody -- his
10:17:38 20 friend called him, it was AF. And he answered. After answering,
21 then his friend came out and asked, where is Mr Kamara? And he
22 said here is he.

23 MR METZGER: I don't know whether Your Honours want to ask
24 the interpreter to help with the name Kamara.

10:18:05 25 PRESIDING JUDGE: [Microphone not activated]

26 THE INTERPRETER: It's K-a-m-a-r-a.

27 MR METZGER: Right.

28 Q. Did you know any of the other people who were there in that
29 group of soldiers who you say came to the late chief's house?

1 A. The brigade commander that was in our area,
2 Mr Boysie Palmer. Nobody introduced him to me, but I saw him
3 myself.
4 Q. So he was there, according to your recollection?
10:18:55 5 A. Yes.
6 PRESIDING JUDGE: Again, could we have the two names
7 spelled, Mr Interpreter, please.
8 THE INTERPRETER: Boysie is B-o-y-s-i-e; Palmer,
9 P-a-l-m-e-r.
10:19:20 10 PRESIDING JUDGE: Thank you.
11 Please proceed, Mr Metzger.
12 MR METZGER: Indeed.
13 Q. So you've now given us the name of somebody you saw who was
14 at the time the brigade commander in your area. Was it
10:19:38 15 Lieutenant-Colonel Boysie Palmer? And your evidence is,
16 Mr witness, that you saw him there?
17 THE INTERPRETER: Please go over that question.
18 MR METZGER: All right. I'll ask it in a different way.
19 Q. Is it your evidence, Mr witness, that you saw the then
10:20:02 20 brigade commander, Lieutenant-Colonel Boysie Palmer, emerge from
21 one of those vehicles outside the late chief's house?
22 THE INTERPRETER: The witness's hand is up, My Lord.
23 MS TAYLOR: Your Honour.
24 PRESIDING JUDGE: I'll deal with the witness first,
10:20:25 25 Ms Taylor.
26 Mr witness, you've put your hand up. Is there something
27 you want to say? Is there something you need or want?
28 THE WITNESS: I want to say something. When the man there
29 was talking, nobody interpreted it to me. So I was just

1 listening to hear the interpretation.

2 PRESIDING JUDGE: Mr Interpreter, pause while I ask
3 Ms Taylor to --

4 MS TAYLOR: Your Honour, the question that my learned
10:21:04 5 friend put gave the rank of lieutenant colonel, and I'm not sure
6 that the witness has accepted that he knows the rank, other than
7 saying brigade commander.

8 PRESIDING JUDGE: I also have recorded brigade commander.
9 If there is to be a rank, it should be entered into evidence. I
10:21:23 10 will therefore direct that you not use a rank, Mr Metzger, until
11 that is actually entered into as evidence.

12 MR METZGER: I shall just ask him if he knew his rank.

13 PRESIDING JUDGE: And he apparently did not hear your
14 previous question interpreted, so we would need to have that
10:21:38 15 interpreted also.

16 MR METZGER: Would it be more convenient if I just took it
17 again?

18 PRESIDING JUDGE: I think that would be the most logical
19 thing to do.

10:21:47 20 MR METZGER: So be it.

21 Q. Mr witness, did you know the rank of the brigade commander,
22 Boysie Palmer?

23 A. At that moment, anybody that was introduced to me, whether
24 it was true or not, but if somebody, his workers said -- if
10:22:18 25 somebody came, especially among his workers and introduced him
26 and said he is this person, then we will believe him. And his
27 own soldiers told us that he was the brigade commander. And so
28 we believed him.

29 Q. Mr witness, did you know what his rank was? Did you

1 know -- for example, did you know if he was a colonel or
2 lieutenant-colonel, or is that something you don't know?

3 A. I don't know about that at all, at all.

4 Q. Thank you. The name AF Kamara that you mentioned, did you
10:22:55 5 know that he was a major in the Sierra Leone Army?

6 A. I only knew of that name, only the name. And I heard it
7 being called. And I saw him as well.

8 Q. Mr witness, was there another name that you heard or were
9 aware of that night?

10:23:38 10 MS TAYLOR: I don't believe the witness said the incident
11 occurred at night, Your Honours.

12 MR METZGER: My learned friend could re-examine or I can
13 reput the question. It does sometimes slightly upset the flow of
14 things.

10:23:52 15 PRESIDING JUDGE: I don't think he said it was during the
16 night.

17 MR METZGER: Fair enough.

18 Q. Mr witness, on that occasion, that is to say, the 26th of
19 June, whenever it happened in the course of the day - I'll ask
10:24:14 20 you about that later - did you see anybody else who you knew or
21 whose name you were aware of?

22 A. Those who came? Are they the ones?

23 Q. Yes, please, Mr witness.

24 A. Somebody who I had known for long, for long before that
10:24:45 25 time was Mohamed.

26 Q. Yes. What about the name ABK or AB Kamara?

27 A. ABK, the person who called him -- who called his name was
28 the one who made me know him. And by the time he called him,
29 that was the time I knew he was Kamara.

1 Q. Did you know that he was a captain in the Sierra Leone
2 Army?

3 A. I did not know his rank in the army.

4 Q. Do you know, Mr witness, that these three names you have
10:25:35 5 mentioned were found guilty of treason in October 1998 and
6 executed? Did you know that?

7 MS TAYLOR: What is the relevance of that question?

8 MR METZGER: I'm asking the question if he knew something.
9 These are three names that he has mentioned.

10:26:08 10 PRESIDING JUDGE: I think he mentioned four.

11 MR METZGER: But I'm asking him about those three
12 particular names.

13 PRESIDING JUDGE: [Microphone not activated]

14 MR METZGER: The major -- AF Kamara, who I suggested is a
10:26:20 15 major, he doesn't know; AB Kamara, I suggest is a captain, he
16 doesn't know; and Boysie Palmer, who I suggest was either colonel
17 or lieutenant-colonel at the time. Those three names.

18 PRESIDING JUDGE: [Microphone not activated] Excuse me, I
19 did not have my microphone on.

10:26:44 20 Now we've clarified who you're speaking about. Would you
21 please also respond to the objection from Ms Taylor.

22 MR METZGER: Well, in our respectful submission, it
23 behooves the Prosecution to ask this question. It's a matter of
24 public record in any event that people were executed having been
10:27:06 25 found guilty of treason. I'm simply trying to establish whether
26 this witness was aware of it.

27 PRESIDING JUDGE: What is the relevance of the question,
28 Mr Metzger?

29 MR METZGER: I thought we were talking about the issue in

1 relation to the indictment of command responsibility and he who
2 bears the greatest responsibility. Certainly, it is the case for
3 Tamba Alex Brima that he was at the material time, at all
4 material times, a corporal in the Sierra Leone Army.

10:27:38 5 PRESIDING JUDGE: Thank you.

6 [Trial Chamber deliberates]

7 PRESIDING JUDGE: We allow the question and overrule the
8 objection. Consider it relevant.

9 MR METZGER: I'm very much obliged.

10:29:07 10 JUDGE SEBUTINDE: However, Mr Metzger, before you proceed,
11 you've mentioned two Kamaras. One is AF Kamara, and the other is
12 AB Kamara.

13 MR METZGER: Yes, that is correct.

14 JUDGE SEBUTINDE: I am not sure if we have the AB Kamara on
10:29:25 15 evidence before. I certainly don't have it on my record.

16 MR METZGER: I will ask again.

17 JUDGE SEBUTINDE: And I'm not sure if the witness caught
18 that difference, that you're actually referring to two Kamaras.
19 If you could find a way of actually putting questions which
10:29:40 20 brings this out, it would help.

21 MR METZGER: I will clarify that point. I'm very much
22 obliged.

23 would Your Honours just bear with me one moment.

24 [Defence counsel confer]

10:29:57 25 MR METZGER:

26 Q. Mr witness, can I just clarify one point with you in
27 relation to one of those names. I suggested to you the name ABK
28 or AB Kamara. In your evidence yesterday, you indicated that one
29 of the soldiers called out "AF, let us go." And another asked

1 "where is ABK? It's time for us to go. What we've come for is
2 finished." Is that correct?

3 A. Yes. That's what I said.

4 Q. The ABK that you were referring to, who was that?

10:30:57 5 A. Well, I saw him wearing a soldier uniform, but I didn't
6 know whom he was.

7 Q. Who did you come to -- what did you come to understand his
8 full name to be?

9 A. Well, that man said, Mr Kamara, let's try. That's when I
10:31:22 10 said -- that's when I knew that it is ABK who was called Kamara.
11 whether it was Bakar Kamara or Bakar Koroma, I did not know.

12 Q. Now, Mr Witness, what I was asking you before the objection
13 came was whether you were aware that those three -- that three
14 people, AF Kamara, AB Kamara, and Boysie Palmer, amongst others,

10:31:56 15 were found guilty of treason and executed in October 1998?

16 A. Well, I wouldn't know that. Because when Tejan Kabbah was
17 restored, at some point I fell ill for so many months.

18 Q. I'm sorry to hear about your illness, Mr Witness. But
19 during the course of that time, did you become aware that people
10:32:41 20 had been arrested and were being tried for treason? Just in
21 general.

22 A. I didn't know. I myself didn't know.

23 Q. All right. All right, Mr Witness. Thank you very much.
24 You can't help about that.

10:33:04 25 One other area I wanted to ask you about, please, before I
26 sit down -- well, it's two, really. Two different names. First
27 of all, when you made a statement to the Prosecution in November
28 of 2002 --

29 MR METZGER: In fairness, I don't think he has been asked

1 about statements yet.

2 Q. Do you recall making a statement, Mr witness, to the
3 Prosecution in November of 2002?

4 A. I did not know the months. But which Prosecution are you
10:33:53 5 talking about?

6 Q. The Prosecution from the Special Court.

7 A. Yes.

8 Q. Thank you. During the course of that statement, page
9 7285 - the fourth line from the bottom for Your Honours and my
10:34:11 10 learned friends - did you state that you also saw the late
11 journalist Prince Brima with them?

12 A. I'm sorry. Yes.

13 Q. And this is in relation to the 26th of June 1997?

14 A. Yes.

10:34:58 15 Q. Can I ask you, please, can you remember whether that
16 journalist had with him any camera or video equipment?

17 A. I saw him with two bags. There was a relatively large one,
18 and there was a large one. I didn't know what they contained.

19 Q. But as far as you could tell, he went into the house with
10:35:46 20 them, and he came out with them?

21 A. I wouldn't tell that. Those who entered the house, they
22 were there. I didn't know whether he entered with a bag or came
23 out with the bag.

24 Q. Thank you very much.

10:36:15 25 The last thing I want to ask you about, Mr Witness, is Kamo
26 Lahai Bangura that you mentioned yesterday.

27 MR METZGER: I understand that Your Honours already have a
28 spelling for this.

29 Q. You told us that you knew of a Kamo Lahai Bangura who was a

1 kamajor initiator but who wasn't in Gerihun on the date of that
2 incident.
3 A. Just as I said yesterday, I've said so again today. That's
4 what happened.
10:37:32 5 Q. Did you know this Kamo Lahai Bangura very well?
6 A. Yes.
7 Q. How did you come to know that he was a Kamajor initiator?
8 A. Whoever -- people spoke about that, that he was a Kamajor
9 initiator. And when he was initiating, people would see him. So
10:38:11 10 I used to see him.
11 Q. So you saw him when he was initiating people into the
12 kamajors?
13 A. No, I said he was a Kamajor initiator. But I didn't see
14 him initiating people into the society.
10:38:32 15 Q. Because it's true, isn't it, that the initiation into the
16 kamajor society is a secret one for members only?
17 A. Is that my question?
18 Q. That is your question, sir.
19 A. You know, whatever it is, if you are not the organiser, you
10:39:08 20 wouldn't know anything about it.
21 Q. And your evidence, Mr Witness, is that you were neither an
22 organiser, nor were you in any way a member of the Kamajor
23 society?
24 A. No. But I'm talking to the man.
10:39:37 25 Q. So your evidence, just to be clear on this, is that you
26 understood him to be an initiator because other people told you
27 so?
28 A. Yes.
29 Q. And as far as you could tell, was that information that was

1 widely disseminated around the area where you were living?

2 A. That he was a Kamajor initiator? Is that it?

3 Q. Yes, was it commonly known? Perhaps that's a better way of
4 putting it. Was it commonly known in the area that he was a

10:40:34 5 Kamajor initiator?

6 A. Yes.

7 MR METZGER: Mr witness, I thank you very much. That's all
8 I want to ask you. Thank you for your help.

9 Your Honours, I just wanted to say --

10:41:23 10 THE WITNESS: welcome.

11 MR METZGER: -- in response to something said by my learned
12 friend for the Prosecution earlier today that of course, there
13 are two things we must consider when we are looking at questions
14 that are being asked, even those of us who are on this side, that
10:41:43 15 we're looking for people for command responsibility, superior
16 responsibility, individual responsibility, and also anything
17 which may seek to exculpate our clients, including an issue of
18 double jeopardy or autrefois convict.

19 PRESIDING JUDGE: Mr Metzger, we're aware of the duties of
10:42:08 20 Defence counsel and feel we've given you --

21 MR METZGER: I'm not complaining about the Trial Chamber.
22 I was just hoping to assist the Prosecution in our -- perhaps
23 what we perceive to be our motives when we ask certain questions.

24 PRESIDING JUDGE: we will deal with all objections as they
10:42:27 25 come up.

26 [Trial Chamber confers]

27 PRESIDING JUDGE: Mr Manley-Spaine, one moment, please.

28 [Trial Chamber confers]

29 PRESIDING JUDGE: Since we are very close to the normal

1 time to have a brief adjournment, I think maybe we should adjourn
2 now for 15 minutes, and then start your cross-examination,
3 Mr Manley-Spaine.

4 Mr Court Attendant, would you adjourn Court for 15 minutes.

10:43:23 5 [Recess taken at 10.43 a.m.]

6 [TB190405B - CR]

7 [Upon resuming at 11.06 a.m.]

8 PRESIDING JUDGE: Mr Manley-Spaine, I think you were about
9 to start your cross-examination.

11:04:54 10 CROSS-EXAMINED BY MR MANLEY-SPAINE:

11 Q. Good evening, Mr Witness.

12 A. Yes, good day.

13 Q. Mr Witness, I want you, please, to tell this Court again
14 what CDU stands for?

11:05:26 15 A. Apart from what I knew today, I don't know any other thing.

16 Q. Just tell us what you say it stands for.

17 A. What it means, or the name?

18 Q. Yes, what it means.

19 A. Excuse me for what I am coming to say to you, it is not
11:06:12 20 anything bad. Just like you're standing there, if the two of us
21 are in the same place, after two days you can teach me. And
22 where I am, my home town and where I was, everybody knows that I
23 didn't go to school; I only went to an Arabic school where I
24 learnt the koran. What they called that I heard was Civic

11:06:51 25 Development Unit. I wrote it in Arabic and I wrote it on paper
26 in Arabic and as I'm sitting here, it is in my pocket. It is
27 Civic Development Unit.

28 Q. Witness, isn't it really Civil Defence Unit?

29 A. They said Civic Development Unit. That's what I know:

1 Civic Development Unit.

2 Q. Okay, Mr Witness. Wasn't the Civic Development Unit a
3 fighting force in Bo?

4 A. I didn't know them as fighters.

11:07:54 5 Q. What were they?

6 A. Well, those of you know things, but me, would know that,
7 but I do not know.

8 Q. You do not know what the CDU was?

9 A. No.

11:08:15 10 Q. Mr Witness, were you not working for the CDU as junta
11 investigator?

12 A. If that is what it is, you know; I do not know.

13 Q. Please answer my question yes or no. Please answer my
14 question.

11:09:25 15 A. Repeat the question once again.

16 Q. Were you not working for the CDU as junta investigator?

17 A. Well, that's what they meant, relating to what I was doing
18 when they were giving letters for me to carry.

19 Q. So you were working as a junta investigator? I want to ask
11:10:16 20 you, Mr Witness, to whom did you refer to as junta?

21 PRESIDING JUDGE: Pause, Mr Manley-Spaine. Did you make a
22 comment, or was that a question, your last sentence prior to your
23 new sentence?

24 MR MANLEY-SPAIN: I will withdraw that Your Honour. I
11:10:33 25 believe he has answered the question. I will withdraw it. I'm
26 sorry.

27 PRESIDING JUDGE: Yes, please avoid such things.

28 MR MANLEY-SPAIN: I'm sorry.

29 Q. To whom do you refer as junta?

1 A. Those people who are called junta, I knew that those rebels
2 who were fighting against the country, those are the ones.

3 Q. Do you know the name of the rebels you have referred to?

4 A. You mean what rebel means?

11:11:36 5 Q. No, you said junta refers to the people who were fighting
6 against the country. I'm asking you whether you know the name of
7 the rebels who were fighting against the country.

8 PRESIDING JUDGE: Perhaps it would be easier if we clarify
9 the situation. To say "Do you know the names" conveys to me
11:12:04 10 their personal names. Do you mean a collective name for the
11 group as a whole, perhaps it would be easier if you make it
12 clear.

13 MR MANLEY-SPAIN: I said name, do you know the names of
14 the rebels.

11:12:15 15 PRESIDING JUDGE: Yes, I've written down, "Do you know the
16 name of the rebels?" As I say, it could be --

17 MR MANLEY-SPAIN: Let me say the rebel group he has
18 referred to.

19 INTERPRETER: Could the lawyer please repeat the question?

11:12:42 20 MR MANLEY-SPAIN:

21 Q. Do you know the name of the rebel group that you say was
22 fighting against the country?

23 A. Those whom I saw who wore uniforms and they were carrying
24 guns that were referred to as the rebels, those are the ones I
11:13:03 25 knew.

26 Q. Yes, what is their name, the name of those people you saw
27 carrying guns, wearing uniforms, et cetera?

28 A. I do not understand the names you are talking about. I do
29 not know their names, all of them. I do not know their names.

1 Q. Have you ever heard the letters RUF?

2 A. Yes.

3 Q. Are they the ones you are referring to as the rebel group
4 who was fighting against the country?

11:13:54 5 A. That's what I knew.

6 Q. Mr witness, you have answered questions about the war. Was
7 it, to your knowledge, that during the war the soldiers in
8 the Sierra Leone Army and the Kamajors were fighting together
9 against the RUF?

11:14:40 10 A. Is that the question you wanted to ask me: yes.

11 Q. They were fighting, okay. After the takeover by the AFRC,
12 do you know whether the soldiers and the Kamajors started to
13 fight -- stopped fighting together against the RUF?

14 A. The rebels and the Kamajors?

11:15:35 15 Q. Soldiers, soldiers.

16 A. Soldiers and Kamajors.

17 Q. Soldiers.

18 A. I said a while ago that the Kamajors had said they wouldn't
19 allow the soldiers to stay in power. So, their own leader -- the
11:15:55 20 leader whom we called the president should return to the country.

21 Q. You would agree with me that the soldiers offered to make
22 peace with the Kamajors; is that not so?

23 A. I would be able to accept that because I said so one day the
24 soldiers came and they said themselves and the Kamajors should
11:16:42 25 come together, so there was one person among the Kamajors who
26 said they wouldn't accept it at all, and his brothers wouldn't
27 accept because whom they had said should become president should
28 be restored.

29 Q. Are you saying that a peace offer was rejected by the

1 Kamajors?

2 PRESIDING JUDGE: Mr Manley-Spaine, I think this was dealt
3 with in cross-examination by Mr Metzger. Are you taking another
4 line?

11:17:13 5 MR MANLEY-SPAINE: If it was, then I will continue with it.
6 I'm being reminded he touched on it but not on this point,
7 whether the offer was rejected by the Kamajors.

8 PRESIDING JUDGE: I'm of the view that particular point was
9 answered.

11:17:50 10 MR MANLEY-SPAINE: As Your Honour please.

11 Q. Mr witness, would you agree with me that the CDU and the
12 Kamajor organisation were one and the same thing?

13 A. I cannot accept that. I can't accept that.

14 Q. Can you tell us the difference between the two?

11:18:28 15 A. I did see CDF with guns and CDU didn't carry guns. I did
16 see guns with CDF and CDU didn't carry guns. The first one I
17 said you shouldn't record.

18 Q. What does CDF mean?

19 A. I don't know.

11:19:10 20 JUDGE SEBUTINDE: Sorry, the witness appears to have
21 corrected the statement. Could we have the corrected version
22 clear? Could Mr Interpreter give us exactly what the witness
23 said or intends to say.

24 THE INTERPRETER: That CDF carried guns while CDU didn't.

11:19:46 25 MR MANLEY-SPAINE:

26 Q. Were you a member of the CDF?

27 A. Repeat it for me so I can understand properly.

28 Q. Were you a member of the CDF?

29 A. I was a CDU member. I was not a CDF member. I was a CDU

1 member.

2 Q. Mr Witness, what date did you say that Chief Demby, PC
3 Demby, was killed?

4 A. May the Lord forbid, June 26, on Thursday.

11:20:40 5 Q. What year?

6 A. 1997.

7 Q. Do you remember the time of the day that this killing took
8 place?

9 A. The hour, you mean? It was approaching the evening, but I
11:21:09 10 wouldn't know the hour.

11 Q. Mr Witness, I'm putting it to you that Chief Demby lived up
12 until the end of July 1997.

13 A. What I knew is what I have said.

14 Q. I'm putting it to you that Chief Demby was not killed on
11:21:52 15 26 June 1997.

16 A. I'm working with my own mind, I'm not what somebody else is
17 thinking. What I knew is what I have talked about.

18 Q. I said, Mr Witness, that when these soldiers arrived at
19 Chief Demby's house, they came in three vehicles. Do you
11:22:30 20 remember how many of them came to the house?

21 A. I said the vehicles that came to the house, I said three.
22 There were so many others that came, but those which came to that
23 house where I was, there were three of them. Those who alighted
24 from that vehicle and entered the house were eight in number.

11:23:02 25 Three were in the veranda, the other five were going towards the
26 room where he was.

27 Q. Okay, three went inside the house.

28 A. Eight of them went into the house.

29 Q. Eight went into the house.

1 A. The three of them were coming outside into the veranda.

2 Q. Eight went into the house. Did any of them remain outside
3 with, or by the vehicles?

4 A. Uh-huh, that was the question I was waiting for. They were
11:23:47 5 more than those who entered the house. I am still speaking of
6 those people who entered the house. They are the people I saw.
7 I did see the other people who were scattered around within the
8 town.

9 Q. I'm asking you, please, of those who came in the three
11:24:00 10 vehicles that stopped in front of the Chief's house, when the
11 eight had gone in, did any remain outside by the vehicles?

12 A. These eight people, when they alighted, they entered the
13 house. The others remained -- many of them remained in the
14 vehicle. Some of them alighted and some of them were going at
11:24:23 15 the back of the house.

16 Q. Thank you, thank you. When you said you were at the house
17 on the opposite side. Did you have to go across -- was there a
18 road in between the two houses?

19 A. Yes.

11:24:55 20 Q. Did you go across that road to get to Chief Demby's house?

21 A. No.

22 Q. What way did you used to get to Chief Demby's house?

23 A. Okay. Mr Demby's house is like where the judges are
24 sitting. There is a street separating us. I was at my own house
11:25:37 25 in the veranda room and the veranda house, the window is situated
26 opposite the man's house, the door.

27 Q. Did you go to Chief Demby's house?

28 MS TAYLOR: Your Honours, is my learned friend asking on
29 this occasion or ever? I think the witness might be confused.

1 MR MANLEY-SPAINE: I'm asking about this occasion.

2 PRESIDING JUDGE: I think you need to be more specific,
3 Mr Manley-Spaine.

4 MR MANLEY-SPAINE: I have asked, Your Honour, what route or
11:26:19 5 what way did he used to go to Chief Demby's house, that was my
6 last question.

7 JUDGE SEBUTINDE: Did he say on evidence that he went
8 there?

9 MR MANLEY-SPAINE: Yes, Your Honour.

11:26:29 10 JUDGE SEBUTINDE: When?

11 MR MANLEY-SPAINE: In evidence-in-chief he said he went
12 there. He was in the veranda and he could see the room.

13 JUDGE SEBUTINDE: He did not say he went over to the
14 Chief's house.

11:26:38 15 MR MANLEY-SPAINE: He did.

16 JUDGE SEBUTINDE: He said he was on his own veranda.

17 THE WITNESS: I didn't go there at all.

18 MR MANLEY-SPAINE: Your Honour, I have down -- I stand to
19 be corrected and I will apologise if I am wrong. I have him
11:26:51 20 saying, "I also went across to the house and entered into a
21 veranda room."

22 THE WITNESS: No, no, no, no.

23 MR MANLEY-SPAINE: We can look at the record.

24 JUDGE SEBUTINDE: Perhaps we could have the official
11:27:11 25 transcript. What did the witness say when describing his
26 whereabouts on that day?

27 [Transcript from 18 April 2005 at page 110,
28 line 25 to page 111, line 3 read]

29 MR MANLEY-SPAINE: Let me clear it up. In one breath he

1 said, "I went into the parlour." He did not say his house.

2 THE WITNESS: Can I proceed?

3 MR MANLEY-SPAINE:

4 Q. Yes. Let me ask you: did you go over to Chief Demby's
11:28:27 5 house?

6 A. I have said since yesterday that I didn't go there. I was
7 at my own house in the veranda room, my own house.

8 Q. Yes. Mr witness, are you saying that from your house you
9 could see into Chief Demby's room?

11:28:50 10 A. No, I could see his parlour and see his dining room, but I
11 wouldn't see the inside of his room. Were you able to hear what
12 was being said inside his room?

13 A. Now, the exchanges that went on, I did hear some and there
14 was some I didn't hear.

11:29:32 15 Q. How far were you from Chief Demby's room?

16 A. Okay, I was in my -- the veranda room of my house, then I
17 heard, "who are those? who are those?" I heard it. I heard it
18 with my ears. I am not deaf.

19 Q. Please. My question is how far were you from Chief Demby's
11:30:03 20 room?

21 A. I was in my own veranda.

22 Q. How far was it from Chief Demby's room?

23 A. Well, I am thinking that it could be, like, from this point
24 and where we have something pasted up -- the door of this other
11:30:42 25 room.

26 JUDGE SEBUTINDE: Sorry, would that indicate the emergency
27 door behind you?

28 MR MANLEY-SPAINE: I don't know it.

29 THE WITNESS: No, this one there. Yes, I am pointing

1 [indicating]. Can I point? Can I point at the place?

2 MR MANLEY-SPAINE:

3 Q. Yes.

4 A. This room at your back that I am seeing, where the loud
11:31:24 5 speaker is.

6 Q. Okay.

7 A. Not this one, the one behind you. No.

8 Q. Okay.

9 A. Look at it there. Is that the glass?

11:31:48 10 Q. Mr witness, you say from there, that distance between you,
11 you could hear what was being said in Chief Demby's room?

12 PRESIDING JUDGE: For the record, we should have an
13 estimate of the distance, please.

14 MR MANLEY-SPAINE: We have been going with 20 yards.

11:32:08 15 PRESIDING JUDGE: That is a little further.

16 MR MANLEY-SPAINE: It's further.

17 MS TAYLOR: Your Honours, I believe the witness said the
18 glass. He's talking about the room, not the door.

19 PRESIDING JUDGE: I have the door where this is pasted,
11:32:25 20 this other room. The room at the back and then he mentioned the
21 glass.

22 MR MANLEY-SPAINE: He even said where the loud speaker was.

23 PRESIDING JUDGE: I'll clarify the point. Mr witness, when
24 you point, are you pointing at that glass, or are you pointing at
11:32:45 25 that door?

26 THE WITNESS: what happened is whenever I turn this way, I
27 see a reflection on the other end, so that is where my attention
28 is. So, the door that I mean, this place that I'm talking about,
29 it is like a door to me because I keep seeing the reflection of a

1 door on the other side.

2 PRESIDING JUDGE: Thank you for that clarification. It
3 would appear the witness is referring to the glass. For the
4 record, an estimate of the distance?

11:33:56 5 [Trail Chamber confers]

6 PRESIDING JUDGE: We're discussing between 22 and 25
7 metres. Has anybody got a second opinion?

8 MR MANLEY-SPAINE: Your Honour, we have been taking the
9 distance from where the witness is to where Your Honours as 20
11:34:15 10 yards. We're thinking about 18 yards.

11 JUDGE SEBUTINDE: This distance is shorter than that
12 distance.

13 MR MANLEY-SPAINE: Oh, I see. Well, 22 yards?

14 PRESIDING JUDGE: We'll record 22 if that is the consensus.

11:34:53 15 MR MANLEY-SPAINE:

16 Q. Mr witness, I'm putting it to you that you did not hear
17 what was being said in Chief Demby's room.

18 A. I heard it. They were not talking in secret. In fact,
19 they were speaking loudly. Whatever they were speaking, they
11:35:20 20 would speak loudly.

21 Q. During that period, did you hear the voice of Prince Brima?

22 A. No, no, no.

23 Q. Did you know the voice of AF Kamara?

24 A. I do not know his voice, because I only heard him when his
11:36:01 25 companion called him AF, then he said yes, and he said, "Let's
26 try and go." I didn't know.

27 Q. Did you know the voice of AB Kamara?

28 A. At that time, I knew -- when he said, "what is happening,"
29 I heard that.

1 Q. Please, answer my question. Did you know the voice of
2 AB Kamara?
3 A. I knew, that is the voice I knew.
4 Q. Did you know the voice of Brima?
11:36:42 5 A. Apart from what I've said.
6 Q. Did you know the voice of Boysie Palmer?
7 A. I do not know his voice of old, except that one which I
8 heard.
9 Q. What did you hear being said in the room?
11:37:16 10 A. "Who? Who?" I heard that. "Who are they?" I heard that.
11 After that, "Grandpa, it's us, your children." I heard that.
12 Q. Is that all?
13 A. "What is it? You don't know us any more?" And he replied,
14 "I am blind. I wouldn't see, but come in." I heard that as
11:37:49 15 well.
16 Q. Is that all?
17 A. It didn't stop at that. Then I heard a gunshot.
18 Q. I'm talking about voices.
19 A. That's the voice as well. That's the sound. Then I heard,
11:38:11 20 "Oh, fellows, what have I done?" Those are the things I heard
21 being said.
22 Q. When the soldiers came, you said orders went around town;
23 is that so?
24 A. Yes.
11:38:48 25 Q. Were they firing around the town?
26 A. I did hear a lot of gunshots in that town.
27 Q. What I want to ask you: at the time the eight soldiers
28 went into the house, were the other soldiers firing?
29 A. Yes.

1 Q. Was it heavy firing?
2 A. Yes.
3 Q. Was the firing going on close to where you were?
4 A. In that town in particular, that's where I heard the
11:39:47 5 gunshots, but it was not very heavy. They were not seeing me,
6 but I did see them. It was not very close to me. I did see
7 them, but they didn't see me.
8 Q. When they were firing, was the town noisy?
9 A. Well, the few people who were in the town, after they had
11:40:15 10 gone into hiding, there was no noise in the town. People just
11 found out what was happening and if he's going, he would go away.
12 Q. Please, just listen to my question. I'm asking you at the
13 time when they were firing, was the town noisy? Not after, at
14 the time they were firing.
11:40:38 15 A. If there was noise in the town?
16 Q. Yes.
17 A. The people were not screaming in the town.
18 Q. What I'm asking you now --
19 PRESIDING JUDGE: Actually, I'm little confused,
11:40:56 20 Mr Manley-Spaine. When you say was the town noisy, that could be
21 traffic noises; it could be loud speakers. It could be anything.
22 MR MANLEY-SPAINE: I will be specific.
23 PRESIDING JUDGE: Yes.
24 MR MANLEY-SPAINE:
11:41:06 25 Q. You said there was heavy firing. This heavy firing, did it
26 create a lot of noise in the town?
27 A. No, there wouldn't have been any noise, because when they
28 heard the first gunshot, everybody went into hiding. Everybody
29 was in hiding. Nobody could have made any noise for that person

1 not to be discovered and killed.

2 Q. Mr witness, I'm not asking about noises from people. I'm
3 asking you about noises from the guns, from the firing.

4 A. Oh, if you're talking about the gunshots, yes, there was a
11:41:54 5 lot of that.

6 Q. Do you still say in the midst of that noise from the firing
7 you were hearing what was being said in the Chief's room? Do you
8 still say that?

9 A. The gunshots in the Chief's house were first heard before
11:42:24 10 the other gunshots in the town.

11 Q. Mr witness, you've just answered to me that at the time the
12 soldiers that came, when the group stopped in front of the house
13 of the Chief, the others went around the town firing; is that not
14 so?

11:42:49 15 A. That's what I said. I said when they entered the house,
16 after they heard gunshots, after that gunshot, that we started
17 hearing gunshots all over.

18 Q. Witness, I'm putting it to you that you never said that.
19 My question to you was: when the soldiers went to Chief Demby's
11:43:33 20 house, did the others go about the town; you said yes. Were they
21 firing; you said yes. You did not say that after they shot at
22 the Chief's house, then they start firing. That is not what you
23 answered.

24 A. Well, I'm telling you that you did not ask me that, whether
11:44:03 25 they shot that gun first before the other one. You have not
26 asked me that.

27 Q. Are you saying that the shot in the Chief's house was the
28 first shot in Gerihun that day?

29 A. When they entered the town, that was the first gunshot in

1 that town that I heard.

2 Q. I'm putting it to you, Mr witness, that is not true.

3 A. What I knew is the truth.

4 MR MANLEY-SPAINE: That will be all.

11:44:59 5 PRESIDING JUDGE: Thank you, Mr Manley-Spaine. Mr Harris,
6 have you questions of the witness?

7 MR FOFANAH: Your Honours, I will be conducting the
8 examination for the Kamara team.

9 CROSS-EXAMINED BY MR FOFANAH:

11:45:33 10 Q. Good morning, Mr witness.

11 A. Yes, good afternoon.

12 Q. You said you were in Bo when the AFRC took over in 1997?

13 A. Yes.

14 Q. During that time, were you at any time separated from your
11:45:42 15 family in Bo? In the month of June 1997 in particular?

16 A. Could you please go over.

17 Q. In the month of June 1997, the early part of June 1997?

18 A. Yes.

19 Q. During that time, were you at any point in time separated
11:46:16 20 from your family in Bo?

21 A. During that period, I was together with my family
22 somewhere.

23 Q. Was that in Bo?

24 A. Yes, but not in all of June, in part of June.

11:46:41 25 Q. Now, I'll be specific. On or about June 19, 1997 were you
26 together with your family in Bo?

27 A. June 19, Thursday, it was only my son that I really sent
28 away to go for food, to go and fetch food. The rest of us
29 remained.

1 Q. That was on June 19, 1997?
2 A. Yes.
3 Q. Was this about the same period -- did you have cause to
4 leave Bo for Jormu, Baoma Chiefdom?
11:47:34 5 MR FOFANAH: Your Honours, Jormu is spelt J-O-R-M-U. Baoma
6 is spelt B-A-O-M-A, chiefdom.
7 THE WITNESS: In June?
8 MR FOFANAH:
9 Q. Yes, I mean did you have cause to leave Bo in June 1997 for
11:47:55 10 Baoma Chiefdom, Jormu in particular?
11 A. No, I didn't go to Jormu. I didn't go to Jormu.
12 Q. Did you go to Jormu at any point in time in 1997?
13 A. No.
14 Q. You did not go to Jormu at Baoma Chiefdom?
11:48:27 15 A. At all. I was going there, but the time in reference, I
16 did not go there. Even recently, I'm just coming from there.
17 Even in 1997 you are talking about, I didn't go to Jormu.
18 Q. Mr witness, my colleagues on this side have earlier
19 referred you to a statement. You can tell me if you recall
11:49:02 20 making that statement to members of the Prosecution team. Do you
21 recall making a statement to anybody from the Prosecution team on
22 26 November 2002?
23 A. We have been talking together with the Prosecution, but
24 until you remind me of it --
11:49:32 25 Q. Do you recall making any statement to them at all during
26 the cause of investigations relating to the Special Court?
27 A. I have made a statement, but I cannot remember. It's there
28 with them. The statements are there with them on paper.
29 Q. Okay. For ease of reference, Mr Witness, I'll be referring

1 you to portions of a statement that I have mentioned as being
2 made on 26 November 2002. Then just tell me if you recall making
3 that statement or not.

4 MR FOFANAH: Your Honours, I'm referring to page 7285 of
11:50:33 5 the statement dated 26 November 2002. It is the second
6 paragraph.

7 THE WITNESS: I'm listening to you.

8 MR FOFANAH: Can I go on?

9 PRESIDING JUDGE: Yes, please proceed.

11:50:58 10 MR FOFANAH: The second paragraph on that page.

11 Q. Mr witness, I am going to read out from the second
12 paragraph. You tell me if you recall making that statement to
13 the Prosecution or not.

14 MS TAYLOR: Your Honour, before my learned friend does, can
11:51:13 15 I remind him not to read the name of the witness's son.

16 MR FOFANAH: Your Honours, I've already ruled on that. I'm
17 very much aware of that.

18 Q. "On a subsequent day when Bo was attacked by the SLA" --

19 INTERPRETER: Your Honours, can learned counsel please take
11:51:35 20 it slowly, because the interpretation is being done.

21 MR FOFANAH:

22 Q. "On a subsequent day when Bo was attacked by the SLA, I
23 left Bo and went to Jormu, Baoma Chiefdom. Came back to Bo to
24 search for my wife and other children from whom myself and one of
11:52:05 25 my sons had been separated." I will just stop there. Do you
26 recall making that statement to anybody from the Prosecution?

27 A. Fine. They did not write it the way I said it, but I
28 really say something about Jormu.

29 Q. What did you say about Jormu?

1 A. When Bo was attacked on 29 May, Thursday, in the evening of
2 the day, my wife and my children, we were separated. One of the
3 children I went with towards the Jormu direction, towards the
4 Jormu area called Tongie.

11:53:14 5 Q. This is the son you refer to as the person you send in June
6 to Gerihun, to Kigbai, sorry? Is this a son you refer to as
7 sending to Kigbai?

8 A. The other son that I sent to Kigbai is bigger than the one
9 you are talking about.

11:53:41 10 Q. But were you separated from the entire members of your
11 family on 29 May 1997?

12 A. No. I did not leave there entirely, but I left there on
13 the 29th, but I returned on the 30th May. On 30th May, I
14 returned, and all the people who were in the bush were all
11:54:15 15 returned together.

16 Q. So now I'll come back, Mr witness. You said, "Those who
17 took a statement from you did not state exactly what you said
18 about Jormu. It is that bit I want to clarify. What did you
19 tell them about Jormu?

11:54:34 20 THE INTERPRETER: Please, sir, can you wait for the
21 interpretation to be done here?

22 MR FOFANAH: Thank you. I will go slowly.

23 THE WITNESS: Jormu section and Jormu are not the same.
24 The towns behind Jormu and those around are the areas that I
11:55:00 25 went. Just like here, I went to Tongie. After Tongie and Tongie
26 is in Kakua but is behind Jormu.

27 Q. So when did you finally reunite with members of your
28 family? You said you came back on 30 May 1997.

29 A. We met together the month after May. May 31 was a Saturday

1 we all met.

2 Q. Okay, we'll move forward on another issue, Mr Witness. You
3 recall testifying in this Court when the Prosecution was leading
4 you in-chief that you arrived in Gerihun on 24 June 1997;

11:56:12 5 correct?

6 A. Yes, Tuesday.

7 Q. You said three of you, including your son and xxxxxx
8 slept in your house; is that right?

9 A. I did not sleep in the house with my son. xxxxxx has
11:56:50 10 come to us and we sent him on errands.

11 Q. Did xxxxxxxxx sleep with you during that period?

12 A. We passed at night in that town. The house by me, we slept
13 there together. He was in his own house and I was in my own
14 house.

11:57:15 15 Q. So you slept in your own house with your son; correct?

16 A. Yes.

17 Q. You are absolutely sure about that?

18 A. That my son and myself passed the night in my own house?

19 Q. Yes.

11:57:48 20 MR FOFANAH: Is there an answer to that, Mr Interpreter?

21 Q. Your own house, that is what I mean.

22 A. That house is there for me to pass through to sleep there.
23 The house belonged to my wife's relatives.

24 Q. And you just told this Court that xxxxxx, the epileptic
11:58:12 25 patient that you referred to also owned the house?

26 MR FOFANAH: He said xxxxxx had epilepsy, Your Honour.

27 PRESIDING JUDGE: Yes, he did. I am a bit hesitant about
28 him saying xxxxxxxx owned the house.

29 MR FOFANAH: Yes, he said xxxxxxxx slept in his own

1 house, which was opposite his.

2 PRESIDING JUDGE: He did say that.

3 MR FOFANAH:

4 Q. Did xxxxxx own a house that is opposite to your house
11:58:41 5 at Gerihun?

6 A. He is not the owner of it.

7 Q. Mr Witness, I'm referring you to a statement which you
8 made, the same statement dated 26 November 2002 at page 7285.
9 Your Honours, the reference is to the third paragraph, starting
11:59:12 10 with, "I left Bo on 24th June, 1997."

11 [TB190405C-12.00-SGH]

12 MR FOFANAH: Your Honours, third paragraph. Page 7285.

13 Q. So I am going to read this statement out to you and you
14 tell me if you recall making it or not. "I left Bo on 24th
11:59:41 15 June 1997 for Gerihun. At Gerihun my son and I slept at one
16 Lahai's house on the same bed." Do you recall saying that to
17 members of the Prosecution?

18 A. No, I did not say that. Lahai is not the owner of the
19 house. Lahai is not the owner of the house. Lahai was far away
12:00:10 20 from -- he is not the owner. Since he was sick he slept wherever
21 he wished to sleep.

22 Q. So you say categorically here that you did not recall
23 telling anyone that Lahai owned the house?

24 A. No.

12:00:37 25 Q. Did you also recall telling anyone that yourself and your
26 child slept in Lahai's house?

27 A. I did not say that myself and my son slept in Lahai's
28 house.

29 Q. Okay. We will move forward, Mr Witness. Now this question

1 has been asked before, but I would seek clarification on one or
2 two points which were not very clear us to on this side. It is
3 on the number of people whom you said went to Gerihun in the
4 three vehicles that you mentioned. The people who went to the
12:01:31 5 chief's house on 26th June 1997. You clearly recall telling this
6 Court that eight people, dressed in military uniforms and armed,
7 went to the chief's house; correct?

8 A. Yes. Yes.

9 Q. And those were the eight people that you saw yourself?

12:02:07 10 A. Those who entered in the house -- in the chief's house.
11 Yes, those who entered his house they were eight.

12 Q. Did these eight people include Prince Brima? Include?

13 A. Yes.

14 Q. And was Prince Brima armed?

12:02:41 15 A. No, I did not see it. Except whether it was in his bag.

16 Q. Was he also dressed in military uniform?

17 A. On the day -- on the day I am talking about he was in the
18 white short sleeve, the long trousers and the black shoe and he
19 had spectacles.

12:02:58 20 Q. Was he dressed in military uniform?

21 A. No, no.

22 Q. So, Mr witness, what did you mean when you told this Court
23 that you saw eight people all dressed in military uniforms and
24 armed going into the compound of the chief?

12:03:42 25 A. That was the dress they were in and as I am seated here the
26 dress I have on is what you have to talk about.

27 Q. So, will you agree with me, if I put to it you, that
28 because Prince Brima was not dressed in military uniform and was
29 not armed, therefore seven people and not eight in fact went into

1 the compound of the chief?

2 A. I'm sorry. I -- it couldn't have been seven people. There
3 were eight people including Prince Brima. To say that the people
4 who went there were armed if not -- if all of them were not armed
12:04:30 5 and just one person was not armed, but the eight people entered
6 the house and I couldn't say that these people entered and they
7 did this and that.

8 Q. So are you now saying that the eight people who entered the
9 house were not all soldiers?

12:04:45 10 A. Prince Brima. Prince Brima -- in fact, I didn't know -- he
11 himself, I didn't know the type of work he did, but I really knew
12 of his name.

13 Q. Still, my question, Mr Witness, are you now saying that
14 because Prince Brima was not dressed in military uniform and was
12:05:17 15 not armed that those who went into the chief's compound were not
16 all military men?

17 A. Well, although -- well, I didn't -- I didn't say so. What
18 I said that eight people entered the chief's and they were all in
19 uniform. But if I made a mistake about the one and I did not
12:05:47 20 name the person it may be -- it's a mistake. I'm sorry for that.

21 Q. Thank you, Mr Witness. So I take it for purposes of
22 clarification, since you have made a mistake, that seven armed
23 men in military uniform in fact entered the chief's compound; am
24 I right?

12:06:12 25 A. Apart from Prince Brima; not so?

26 Q. Yes.

27 A. Yes.

28 Q. So your first statement that eight armed men in military
29 uniform entered the compound is no longer true?

1 A. I wouldn't say it was a lie, but he too -- he cannot say it
2 is a lie, but I know that it's the truth.
3 Q. Who cannot say it's a lie?
4 A. You could say that is a lie, but I would not say that that
12:06:55 5 is a lie.
6 Q. Can we move on, Mr Witness. Now, during your stay at
7 Gerihun, did you ever see Kamajor fighters in Gerihun?
8 A. You mean fighting there?
9 Q. Did you see them? I will come to the fighting later.
12:07:36 10 A. I saw Kamajors on the day of the disarmament.
11 Q. Did you see them whilst you were at Gerihun in June 1997?
12 A. You said June 1997, that's not what I said. I said I saw
13 Kamajors on the day they were doing the disarmament.
14 Q. Mr Witness, I don't know when the disarmament day was. I
12:08:04 15 am referring you to a specific period; June 1997. Did you see
16 Kamajors at Gerihun during that period?
17 A. The day I came there?
18 Q. Throughout your stay at Gerihun in June 1997, did you see
19 Kamajors?
12:08:37 20 A. Starting from the time I am seated here up to time I was in
21 Gerihun, Kamajors were going there always.
22 Q. And to and fro, back and forth?
23 A. Yes, but they didn't go there to fight.
24 Q. I will come to that. I will come to that. We will go step
12:08:56 25 after step. So when was the first time you saw Kamajors in
26 Gerihun whilst you were there?
27 A. The first time was in February, but I don't know the date
28 because I cannot remember. That was the time I was passing --
29 going to my brother-in-law in Bo Road. I met Kamajors there and

1 that was their home in Gerihun.

2 Q. Was that in 1997?

3 A. Yes, February, yes.

4 Q. Did you specifically see Kamajors in Gerihun on 26th
12:09:42 5 June 1997?

6 A. I did not see Kamajors on that very day.

7 Q. Mr Witness, I am going to refer you to a portion of your
8 statement at page 7285 and you tell me whether you recall making
9 that statement to the Prosecution or not.

12:10:22 10 MR FOFANAHA: Your Honours, I am reading from the last
11 paragraph and it starts at the fourth line. "I therefore decided
12 to stay in Gerihun on that night of 25th June 1997." I don't
13 know if you have found that line, the fourth line.

14 JUDGE SEBUTINDE: Sorry, what page are you?

12:10:45 15 MR FOFANAHA: 7285, the last paragraph, the fourth line.

16 Q. Mr Witness, I am going to read out the statement and you
17 tell me if you recall making it or not. It says, "I therefore
18 decided to stay in Gerihun on that night of 25th June 1997.
19 The next day, 26th June 1997, I saw Kamajors coming from
12:11:25 20 another chiefdom walking in Gerihun, but I did not see them
21 fire gunshots. They passed Gerihun and walked to another
22 place. At about 4.30 to 4.45 p.m. I again heard two
23 gunshots." Do you recall making that statement to anybody
24 from the Prosecution?

12:11:53 25 A. That is why when somebody's talking and the person who
26 writes they have to be careful.

27 Q. So did you make that statement to the person who was taking
28 your statement?

29 A. I said I would --

1 THE INTERPRETER: Your Honours, can the witness take it
2 again slowly.

3 PRESIDING JUDGE: Mr Witness, could you repeat your answer
4 slowly, please, so the interpreter can hear you? Mr witness,
12:12:46 5 could you say it again, please?

6 THE WITNESS: I said that I was sitting waiting to see if
7 kamajors would come so I would join them together with my child
8 so that we would go that particular evening.

9 MR FOFANAH:

12:13:08 10 Q. You said that to the statement taker?

11 A. The white man who went to me wrote it.

12 Q. And you said you were waiting or rather expecting the
13 kamajors to come into Gerihun?

14 A. They were coming from some other area so that we could go
12:13:43 15 together because I could hear gunshots on the way all over the
16 place. I was the only person.

17 Q. So on that day, 26th June 1997, were you expecting the
18 kamajors to come into Gerihun?

19 A. I was waiting for them on Friday for them to come. When
12:14:07 20 they are passing by, we would go together. I joined them.

21 Q. So they came on Friday?

22 A. Yes.

23 Q. Into Gerihun?

24 A. They came and they passed through far.

12:14:24 25 Q. Yes?

26 A. Falu [phon], Falu.

27 Q. When they picked you up from Gerihun?

28 A. No.

29 Q. You went and met them somewhere?

1 A. They were about to go to Fengehun, so we met on the way.
2 kakuwa Chiefdom [sic].
3 Q. You went and met them on the way?
4 JUDGE SEBUTINDE: I'm sorry, counsel. You will need to
12:14:53 5 have these names spelt.
6 MR FOFANAH: Sorry, sorry.
7 JUDGE SEBUTINDE: We cannot afford to rush.
8 MR FOFANAH: Sorry, Your Honour, I was overwhelmed.
9 Mr Interpreter, can you help us with the spelling of the name
12:15:01 10 Fengehun.
11 THE INTERPRETER: Fengehun is capital F-E-N-G-E-H-U-N.
12 MR FOFANAH:
13 Q. Yes, so once again, you said you were expecting the
14 Kamajors, but then you met them on the way to Fengehun;
12:15:23 15 correct?
16 A. Yes.
17 Q. And when was that? Was that on a Thursday, 26th, or when
18 was that?
19 A. On Friday the 27th.
12:15:59 20 Q. So why was it that when you were making your -- when you
21 were led in chief, why didn't you mention that bit to us about
22 Fengehun, meeting the Kamajors at Fengehun.
23 MS TAYLOR: With respect, Your Honours, the witness was not
24 asked about it.
12:16:18 25 PRESIDING JUDGE: I agree with that objection.
26 MR FOFANAH: As Your Honour pleases. I will re-phrase it.
27 Q. So, you said you left Gerihun when you were making --
28 when you were testifying to this Court. You said you left
29 Gerihun and then used a bush road toward Bo. You finally

1 ended up in Bo; am I right?

2 A. Yes.

3 Q. And on the way you saw this corpse called Sukie; correct?

4 A. That day that I left Gerihun is not the day that I saw
12:17:11 5 Sukie. I saw the corpse of Sukie the very day that she was
6 killed. It was not the only person whom I saw. I saw Alhaji.

7 Q. I will come to Sukie later. I just want to know -- because
8 you said you left Gerihun on Friday, that is the 27th, and then
9 you met the Kamajors on their way to Fengehun. I just want that
12:17:37 10 bit clarified. Was it on your way to Fengehun that you saw the
11 corpse of Sukie?

12 A. When I was going Fengehun, it was not on that day that I
13 saw the corpse of Sukie. The day that Sukie and Alhaji were
14 killed and Mr Karimo [phon] and Mr Sumaila and Chief Sandy and
12:17:59 15 kamo Lahai and an old woman, the crazy one, when they were
16 killed, that is the day I saw Sukie's corpse. That same day.

17 Q. So when was that? When was that?

18 A. The same 26th June.

19 Q. And where did you see Sukie's corpse; was it in Gerihun?

12:18:49 20 A. Bo Road in Gerihun. A section in Gerihun. One part of
21 Gerihun.

22 Q. Are you on your way out of Gerihun when you saw the corpse?

23 A. When I left the house where Chief Sandy had been killed for
24 me to go to my wife's area to look to his relatives, that's when
12:19:14 25 I saw Sukie's corpse.

26 Q. So are you telling this Court that when you saw that corpse
27 you came back to your house in Gerihun?

28 A. I left and I went to my swamp and I met Alhaji's corpse
29 lying down there. People were standing there as well observing

1 the corpse.

2 Q. Did you finally come back to your house on the 26th June?

3 A. That very day I didn't come back to my house. If I was at
4 some other house till I saw the other corpses.

12:19:58 5 Q. Where did you pass the night on 26th June 1997?

6 A. I passed the night in Gerihun and in the morning, the 27th,
7 I left.

8 Q. That was not at your house.

9 A. No.

12:20:18 10 Q. And that was not with your son, was it?

11 A. We slept together with my -- together with my son we slept
12 there.

13 Q. At a different house?

14 A. At a different house, yes.

12:20:40 15 Q. Was Kamo Lahai there with you on the 26th?

16 A. That Kamo Lahai who was killed was not with me. At that
17 time he had been killed. He were not together.

18 Q. So in fact you were not telling the truth to this Court
19 when you said that your child and yourself slept in your house
12:21:01 20 throughout the period of the three days you spent at Gerihun?

21 A. I went to Gerihun on 24th June on Tuesday. We slept there
22 together. On Wednesday we slept together and Thursday we slept
23 together. If that is it then would you say we have not spent
24 three days there?

12:21:36 25 Q. Was that in your house? Your house, that's the bit,
26 because your house was very --

27 A. Yes. Yes.

28 Q. You have just told this Court that the last day was not
29 spent in your house, the 26th was not spent in your house. But

1 you went to your swamp and then you slept somewhere else.

2 A. On the 27th, I left that town. 27th or the 26th we slept
3 there and in the morning of the 27th, we left.

4 Q. I have no quarry with the 27th, that has been confirmed
12:22:19 5 that you left on the 27th. I am saying that you just told this
6 Court that you did not sleep in your house on the 26th, which was
7 the day that the chief in fact lost his life, 26th June 1997.

8 A. What I have said to the Court a while ago that on that day
9 that the chief was killed, I left my house. That was on the
12:22:43 10 26th. I left my house. Together with my child, we were moving
11 together throughout. Even the relatives who were killed, we went
12 together.

13 Q. So you slept somewhere else that night; not so?

14 A. I slept at some other house, but it was in Gerihun.

12:23:07 15 Q. Where was that?

16 A. Close to my swamp. The house that was close to my swamp in
17 the camp.

18 Q. So you absolutely forgot to tell that to us when you were
19 testifying?

12:23:28 20 A. Well, everybody can forget. Even the writers can forget.
21 If I forget, well it happens.

22 Q. Now, I will bring you again to the Kamajors. Are you very
23 certain that the Kamajors never went through Gerihun?

24 PRESIDING JUDGE: That's a bit vague as to time,
12:23:49 25 Mr Fofanah.

26 MR FOFANAH: I mean on 26th June 1997, the first day.

27 Q. I have just read out a statement in which you clearly
28 stated to the statement taker that the Kamajors went through
29 Gerihun on 26th June 1997, but that they did not fire any

1 gunshot. So are you now saying that the Kamajors did not pass
2 through Gerihun?

3 MS TAYLOR: Your Honour, this is becoming repetitive. The
4 answer --

12:24:20 5 THE WITNESS: Kamajors didn't go --

6 MS TAYLOR: The witness has already been cross-examined on
7 this issue and has explained what he meant.

8 MR FOFANAH: With respect, Your Honour, the issue of the
9 Kamajors in Gerihun, I mean, was not exhausted. And in fact I
12:24:40 10 was the one who raised it, but I had to come back to it because
11 he mentioned another town called Fengehun. So I have to draw the
12 link between Fengehun and Gerihun. So I stand corrected, but I
13 think my learned friend is misleading the Court on that issue.

14 PRESIDING JUDGE: I have a record of a question. "Did you
12:25:18 15 see the Kamajors in Gerihun in June '97". And then. "They were
16 coming and going," and when you first saw them and a series of
17 questions concerning him waiting for the Kamajors. So you seem
18 to have asked a lot of questions about the Kamajors. What is the
19 difference in this question and the last series of questions
12:25:44 20 which you put to him?

21 MR FOFANAH: Your Honours, firstly the witness has stated
22 that the Kamajors in that particular month came back and forth.
23 Then I am particularly asking him about the 26th June 1997 when
24 the chief lost his life.

12:26:01 25 PRESIDING JUDGE: I have a record of a question from you,
26 "Did you see the Kamajors on June 26th. I did not see them on
27 that very day." So that question has been asked.

28 MR FOFANAH: As Your Honour pleases.

29 Q. So you said that it was on that day, the 26th June 1997,

1 that you met the Kamajors at Fengehun? When did you meet
2 them?

3 A. June 27th, I didn't say June 26th. June 27th.

4 Q. Now, did the Kamajors come to Gerihun on the 24th when you
12:26:37 5 arrived?

6 A. No.

7 Q. Did they come there on the 26th -- on the 25th, sorry?

8 A. I didn't see them.

9 Q. You did not see them on the 26th as well?

12:27:03 10 PRESIDING JUDGE: I have already said that question has
11 been asked.

12 MR FOFANAH:

13 Q. So did you just run into the Kamajors or were you planning
14 to meet them on the way to Fengehun on the 27th, Friday?

12:27:28 15 A. Tell him at that time wherever Kamajors were some of us
16 would like to go there very quickly, especially when the
17 atrocities were happening, so that they could protect us.

18 Q. So certainly you were planning to meet with them; not so,
19 on the way to Fengehun for your protection?

12:27:47 20 A. Yes.

21 Q. And you might have known that they were coming towards
22 Fengehun; not so?

23 A. I would not have known at the time.

24 Q. How was it so precise that you expected them towards
12:28:16 25 Fengehun and then you went and in fact you met them?

26 PRESIDING JUDGE: I have not formed an impression or clear
27 evidence that he expected to meet them at Fengehun. There is a
28 difference between expecting and planning.

29 MR FOFANAH: I will take it again, Your Honour.

1 Q. How far is Fengehun from Gerihun, Mr witness?

2 A. Almost four and a quarter miles.

3 Q. That means Fengehun is not far from Gerihun; will you agree
4 with me?

12:28:55 5 A. For you who is asking me, it is a long distance for you to
6 walk on foot. Is it a long distance for you to walk on foot?

7 Q. Mr witness, to the best of your knowledge were the Kamajors
8 leaving Fengehun to Gerihun now and then?

9 PRESIDING JUDGE: He has already said he is not a member of
12:29:22 10 the Kamajors. How do expect him to have the knowledge? You must
11 lay down the foundation for that question.

12 MR FOFANAH: As Your Honour pleases.

13 Q. Mr witness, are you aware that the Kamajors were based
14 at Fengehun?

12:29:42 15 A. That was their home town.

16 Q. Were they in control of Fengehun and the surrounding areas?

17 A. That was their home town, whatever happened there I didn't
18 know.

19 Q. To the best of your knowledge were they leaving Fengehun to
12:30:01 20 Gerihun now and then?

21 A. Well, Fengehun, Gerihun -- they are families. I would not
22 know what they were like. But the time I was there, apart from
23 the time that the war ended, at that time I saw them moving to
24 and fro.

12:30:42 25 Q. We will move forward from there. Now, when you met the
26 Kamajors on the way to Fengehun, were they armed?

27 A. I saw them with knives.

28 Q. Did you see guns or rifles?

29 A. I didn't see -- I did not see any guns.

1 Q. How long did you stay with the Kamajors when you met them?
2 How long did you stay with them, Mr witness?
3 A. Soon as we reached there, they showed me a route together
4 with the women. We went straight to the other town finding my
12:31:48 5 way to Bo.
6 Q. So did you spend a day with them?
7 A. The other two were going along the road, that is about how
8 much -- how long I spend there together with the women who went,
9 they too were going to Bo.
12:32:13 10 Q. Did you finally arrive with the Kamajors at Fengehun?
11 A. Yes.
12 Q. Okay, I am going to take you to another new area. I mean
13 this name Sukie, I will bring you back to the name Sukie.
14 Mr witness, if I put it to you that when you first had the
12:32:47 15 opportunity of making your statement to people from the
16 prosecution, you did not mention this name; will I be correct?
17 A. Why are you calling her name now here if I didn't call her
18 name?
19 Q. Do you recall calling Sukie's name when you first made your
12:33:25 20 statement to the Prosecution on the 26th November 2002?
21 A. Yes, I mentioned it.
22 Q. You mentioned it in reference to what?
23 A. It is [inaudible]
24 Q. Was that recorded to the best of your knowledge?
12:34:13 25 A. I can explain what is in my mind, but I would not say what
26 is in your own mind. What you did is what you know. They are
27 the ones that wrote the notes and what I knew is what I spoke
28 about.
29 Q. Mr witness, I am also going to refer you to whether you had

1 any further interview with people from the Prosecution in recent
2 time. I am referring to additional information dated 18th March
3 2005 at page 7289. 7289. Mr witness, do you recall recently
4 making an additional statement or giving additional information
12:35:11 5 to the Prosecution in March 2005?

6 A. On that Friday, March 18th, I met with the Prosecution and
7 we spoke. But what is on the paper, I do not know. Maybe what I
8 said is not what they wrote.

9 Q. Did you on that day mention Sukie's death to the
12:35:35 10 Prosecution?

11 A. Yes.

12 Q. You are clear about that? You mentioned it to them?

13 A. I am sorry. On that day that you are talking about?

14 Q. Yes, 18th March 2005, yes that is the date.

12:36:05 15 A. Okay. The point that I was asked about from the
16 Prosecution, what I said is what they were writing. Because they
17 knew that there are certain statements that he had not spoken
18 about -- that he had not asked me about. That is why, even as we
19 are here now, I have not seen him and have not asked me as you
12:36:33 20 are doing it now, but the first people who went to me, they asked
21 me and I was explaining.

22 Q. So do you recall mentioning the name of Sukie, Sukie, on
23 18th March 2005; that is the question. Sukie. Did you mention
24 Sukie's death to members of the Prosecution?

12:36:54 25 MS TAYLOR: Your Honour, I think that that question might
26 confuse the witness. On the one hand, the witness is being
27 asked, "Did you mention the name?" And on the other hand, he is
28 being asked, "Did you mention the death?" And they are two
29 separate things.

1 MR FOFANAH: I will choose the latter, Your Honour.

2 PRESIDING JUDGE: I think consistency will be --

3 MR FOFANAH: The latter refers to both the deaf and the
4 name. So I will choose it.

12:37:20 5 Q. Did you recall mentioning the death of Sukie to the
6 members of the Prosecution on 18th March 2005?

7 A. If I said so, maybe it is they who didn't write it, but I
8 did say it. It is possible they didn't write it. Even as I just
9 came in I did say it. And when we used to meet I did talk about
12:37:49 10 it.

11 Q. Your Honours, again I will refer Your Honours to both --
12 firstly, I will refer Your Honours first to the statement
13 dated -- which I have previously referred to, dated 26th
14 November 2002 which is on pages 7284 to 7287. That statement in
12:38:26 15 its entirety. I invite Your Honours to note that there is no
16 mention of the name Sukie, nor the death of Sukie. That is one.

17 MS TAYLOR: Your Honour, if my learned friend is wishing to
18 make a point, I would ask that he put the relevant passage to the
19 witness.

12:38:49 20 MR FOFANAH: There is no passage. I mean, I can't take the
21 statement in isolation because there is nothing in that statement
22 about Sukie or her death and I want to put the entire statement,
23 I mean --

24 PRESIDING JUDGE: When you say you want to put the entire
12:39:13 25 statement, do you mean you intend to tender the entire statement,
26 or you are going to read and put the entire statement to the
27 witness?

28 MR HARRIS: May it please you, there are two ways of
29 dealing with this. Either that counsel read the entire document

1 or those of whose of who us have the entire document will
2 recognise that in that document there is an absence of mention of
3 the name and the death. If indeed we would wish him to take the
4 former, then he will read the entire statement and then put it to
12:39:54 5 the witness. It does not help. But it seems to me there is
6 another way of dealing with it. He did not say on that occasion
7 when he first interviewed anything about anyone's death,
8 particularly the deceased's death.

9 PRESIDING JUDGE: I ask the question partly to clarify and
12:40:14 10 you have clarified that point, and partly because if it is going
11 to be tendered there are certain questions and groundwork that
12 has not been done.

13 MR HARRIS: I understand that. I understand that.

14 PRESIDING JUDGE: Yes, thank you, Mr Harris.

12:40:29 15 MR HARRIS: But counsel is entitled to put it in the way he
16 chooses, not the way the Prosecution chooses. With the greatest
17 respect to those who appear, we need to apply our minds to the
18 case rather than to semantics.

19 PRESIDING JUDGE: I will therefore note that the question
12:40:44 20 was: "On the statement of the 26th February 2002 you did not
21 mention Sukie," and I have not recorded an answer to that
22 question. So that question was put.

23 MR FOFANAH:

24 Q. Mr Witness, I am putting it to you that in your statement
12:41:09 25 dated 26th November 2002, your entire statement, there is no
26 mention of the name Sukie, Sukie, or the death of Sukie.

27 MS TAYLOR: Your Honour, I do hesitate to rise again and
28 while it may be that the name is not mentioned there, there is a
29 paragraph in the statement that talks about death. Dead people

1 that this witness saw. And I think in fairness to the witness
2 that should be put to him.

3 PRESIDING JUDGE: well, Ms Taylor, would you refer us to
4 the page.

12:41:45 5 MS TAYLOR: Yes, it is 7286, about halfway down and the
6 relevant passage begins, "These soldiers left Gerihun and I came
7 out of my hiding place and walked around to see where the
8 atrocities had been committed." And then it goes on for about
9 six or eight lines. Now, while the names does not appear there,
12:42:07 10 there is discussion of dead people.

11 MR METZGER: I rise because I am a little concerned at the
12 turn this is taking.

13 PRESIDING JUDGE: I am sure Mr Harris and Mr Fofanah are
14 well able to look after themselves, Mr Metzger.

12:42:22 15 MR METZGER: More than well able, but I am just a little
16 concerned that we are having too much evidence that is not coming
17 from the witness box.

18 PRESIDING JUDGE: In fairness to the question put, the
19 question I have recorded is in the statement of 26th
12:42:53 20 February 2002, there was no mention of Sukie to the Prosecution.
21 I will allow that question.

22 MR FOFANAH: As Your Honour pleases.
23 Q. I am putting that to you, Mr Witness.

24 PRESIDING JUDGE: Perhaps you should re-read the question,
12:43:11 25 Mr Fofanah?

26 MR FOFANAH: As Your Honour pleases.
27 Q. Mr Witness, I am putting it to you that throughout the
28 length and breadth of your statement made on 26th
29 November 2002, you did not mention the name Sukie.

1 A. If I said that I spoke about it and you are saying I
2 didn't. Is it wrong for me to call it here?

3 Q. No, I am just putting it to you. If you said it, then you
4 can say so. If you said it, but it wasn't recorded the Court can
12:44:24 5 take note of that. I am just putting it to you that throughout
6 that statement there is no mention of the name Sukie.

7 A. Okay. I am telling you that I mentioned Sukie's name in
8 that statement and I want you to know that whatever you say and
9 is not written on paper and because it is not on paper you
12:44:51 10 shouldn't mention it.

11 Q. Did you also mention the death of Sukie in that statement?

12 PRESIDING JUDGE: I think in fairness to the objection
13 raised by the Prosecution, there is a statement here referring to
14 someone who is a female. I think that passage should be put as
12:45:44 15 well. In fairness to the witness, I correct what I just said.

16 MR HARRIS: Thank you.

17 PRESIDING JUDGE: I beg your pardon, Mr Harris, I did not
18 see you were on your feet.

19 MR HARRIS: That is all right. I notice the hour, but I
12:46:00 20 don't mind if we continue to finish this witness. But it seems
21 to me that we would be sometime because I do need to argue the
22 point that counsel is not wrong in his approach. Maybe the
23 luncheon adjournment will give us all an opportunity to reflect.

24 PRESIDING JUDGE: I think it would be prudent to adjourn
12:46:29 25 now until quarter past two. Mr Court Attendant, please adjourn
26 court until 2.15 p.m.

27 [Luncheon recess taken at 12.58 p.m.]

28 [TB190405D-JM]

29 [On resuming at 2.19 p.m.]

1 PRESIDING JUDGE: Mr Court Attendant, I think the witness's
2 microphone is not on. Could you assist with that. I think the
3 witness's -- good.

4 Yes, counsel. Mr Harris.

14:20:53 5 MR FOFANAH: Sorry, Your Honour. I was on the bit relating
6 to Sukie. In any case, I've decided to move on to some new area.

7 PRESIDING JUDGE: I had a chance to reflect on what I said
8 as well, Mr Fofanah, in light of a cup of tea and a breath of
9 fresh air. But if you're moving on, we'll leave it at that.

14:21:20 10 MR FOFANAH: As Your Honour pleases. Probably before we
11 move on, I would just like to confirm the bit on the additional
12 information. Because I think before we left, the witness
13 confirmed that he did mention the name Sukie, but then I put it
14 to him that it was never mentioned in his statement. That is
14:21:41 15 where we left off, I guess.

16 PRESIDING JUDGE: My record shows that he replied: "I say
17 that I did. They didn't write it," or something.

18 MR FOFANAH:

19 Q. Mr witness, I'm also putting it to you --

14:21:58 20 A. Yes.

21 Q. -- when you had the second opportunity of making an
22 additional statement, an additional information on the 18th of
23 March 2005, you did not mention Sukie's name.

24 A. To mention Sukie's name, those to whom I first made my
14:22:59 25 statement, they were the ones that omitted that name. But I
26 mentioned her name. Apart from that, if there was another chance
27 to say something, there were other things that happened which, if
28 I had the chance, I would have explained them. I am mentioning
29 Sukie in connection with the incidents that happened at Gerihun,

1 and it really happened. And other people testified that it
2 happened.

3 Q. Mr witness, we are not denying that you were not at Gerihun
4 or that incidents did not happen. We basically want to confirm
14:23:49 5 or verify what you said. Again, I'm putting it to you that when
6 you had the opportunity of making an additional information,
7 giving an additional information, on the 18th of March 2005, you
8 did not mention Sukie's name.

9 A. Well, even if I hadn't the chance to mention Sukie's name
14:24:42 10 at that time, and now that I am here, the name has occurred to
11 me, then I can as well name her here.

12 Q. Thank you, Mr witness. I will move on to one last bit
13 relating to the job you said you were offered sometime in 1997.
14 Under cross-examination by one of Defence counsel, you stated
14:25:04 15 that you were serving as junta investigator in 1997. Am I right?

16 A. To investigate crimes, the one you said today, the one that
17 was mentioned today?

18 Q. Yes. I said when you were cross-examined by precisely
19 Mr Manley-Spaine, you stated that you were a junta investigator
14:25:59 20 in -- during the period May 1997 and beyond -- and after.

21 JUDGE SEBUTINDE: Actually, the witness precisely said --
22 or rather counsel said: "were you junta investigator for the
23 CDU?" That was the statement that you should then put to the
24 witness.

14:26:20 25 MR FOFANAH: As Your Honour pleases.

26 Q. Do you recall testifying or do you recall telling this
27 Court that you were junta investigator for CDU? Is that correct?

28 A. Yes.

29 Q. Were the Kamajors and the CDU in any kind of working

1 network?

2 A. During that time? My only responsibility was to carry
3 letters wherever they were meant to be carried.

4 Q. When you met the Kamajors on their way to Fengehun, were
14:27:09 5 they surprised to see you?

6 MS TAYLOR: Your Honour, how can the witness answer that
7 question?

8 PRESIDING JUDGE: Mr Fofanah, you're either asking him to
9 speculate, or you're not putting it as well as you could.

10 MR FOFANAH: As Your Honour pleases. But if someone is
11 surprised, that can definitely show.

12 PRESIDING JUDGE: That's exactly what I am inferring.

13 MR FOFANAH: As Your Honour pleases.

14 Q. Did the Kamajors accuse you of being a rebel when you met
14:27:47 15 them on your way to Fengehun?

16 A. A Kamajor could not accuse me during that time
17 because -- or to say I was a rebel or a junta. That would not
18 happen.

19 Q. Why is that so?

14:28:12 20 A. During that time, our paramount chiefs, the section chiefs,
21 women, women, people, men, women were being protected by the
22 Kamajors.

23 Q. So did the Kamajors know at the time you met them on your
24 way to Fengehun that you were a junta investigator?

14:28:46 25 A. They wouldn't know. It wouldn't show. Because this thing
26 was in June. And the time I became a junta investigator, it was
27 in October.

28 Q. October of what year?

29 A. 1997, October. That was the time I became -- that was the

1 time I became an investigator.

2 Q. Is that what you told this Court when you were
3 cross-examined by Mr Manley-Spaine? Did you not say that during
4 the period of the attack on Bo, you were junta investigator?

14:29:25 5 That's in May 1997.

6 MR FOFANAH: I stand guided.

7 THE WITNESS: No, I did not really hear -- you did not
8 understand. The question that I was asked is different from what
9 you are asking me now.

14:29:50 10 Q. Are you saying that when the incidents happened at Gerihun,
11 you were not xxxxx investigator then?

12 A. At all.

13 Q. But were you serving in any capacity for the SLPP party
14 when events occurred in May 1997?

14:30:21 15 A. The time that that happened in 1997, we were just -- we
16 were just -- we were just there to visit wherever people were
17 gathering because we wanted to know about our leader.

18 Q. And that involved some form of investigations, I guess.

19 THE INTERPRETER: Can the learned counsel take the question
14:30:53 20 again, please.

21 MR FOFANAH:

22 Q. You said you were finding out about your leader, something
23 like that. My question is on that bit of finding out, did it
24 involve some form of investigations?

14:31:19 25 A. No. what I said, you did not get it clearly. During that
26 time, wherever they said that there was a gathering and
27 concerning our leader, we were supposed to be there.

28 Q. So are you telling this Court that you formally became
29 xxxxxxxx investigator in October of 1997?

1 A. Very well.

2 Q. And who appointed you so?

3 A. The man whose name I showed -- who was the regional
4 coordinator, who was the CDU regional coordinator. That's the
14:32:09 5 man. Charles Juana, called Pama Plaza.

6 PRESIDING JUDGE: Excuse me, would the interpreter be able
7 to assist us with the spelling of the second name, please.

8 THE INTERPRETER: Phonetically we would, because it's not a
9 familiar name, if I may.

14:32:38 10 PRESIDING JUDGE: Yes.

11 THE INTERPRETER: P-a-m-a, that's Pama; and Plaza,
12 P-l-a-z-a.

13 PRESIDING JUDGE: Thank you, Mr Interpreter.

14 MR FOFANAH:

14:32:53 15 Q. You said Mr Pama Plaza made you ~~xxxxx~~ investigator?

16 A. Yes.

17 Q. You said he was what in the CDU?

18 A. He was the CDU regional coordinator.

19 Q. Were the Kamajors operational at that time, when you were
14:33:12 20 appointed junta investigator?

21 A. During that time, Kamajors, juntas, all of them were there.

22 Q. What do you mean by that? They were all one? Is that what
23 you mean?

24 A. Kamajors -- there were Kamajors in Bo, juntas. By then,
14:33:46 25 the Kamajors were in the bush. And the juntas, the juntas were
26 in town, in Bo. By then, the Kamajors were in the bush. During
27 October, the Kamajors were in the bush.

28 Q. Did they have any friendly relationship with the soldiers
29 in October 1997, the Kamajors?

1 MS TAYLOR: I beg your pardon, Your Honour. I was just
2 going to ask, I'm not sure which soldiers we're referring to.

3 PRESIDING JUDGE: I was just going to ask exactly the same
4 question. We've heard about two lots.

14:34:25 5 MR FOFANAH: As Your Honour pleases.

6 Q. Mr Witness, you just said the Kamajors were in the bush,
7 and the soldiers were in Bo Town.

8 A. Yes.

9 Q. What do you mean soldiers --

14:34:35 10 PRESIDING JUDGE: No, Mr Fofanah. My record is that the
11 junta was in town.

12 MR FOFANAH:

13 Q. By "junta," what do you mean, Mr Witness?

14 A. That what you know in English is what I mean. And you are
14:34:52 15 literate, but I am not literate.

16 MR FOFANAH: I don't know if Your Honours can help with
17 that. I guess the witness did not answer the question.

18 PRESIDING JUDGE: I note that the word "junta" was used by
19 Mr Manley-Spaine in the course of his cross-examination, and the
14:35:18 20 question was asked, "whom did you refer to as junta"? And the
21 witness answered, "Those people called junta are those rebels
22 fighting against the country." And I think that is -- should be
23 borne --

24 MR FOFANAH: As Your Honour pleases.

14:35:33 25 PRESIDING JUDGE: -- when you ask the question.

26 MR FOFANAH:

27 Q. Mr Witness, I'll just ask you one last question, and then
28 we'll leave it at that. We are very grateful that you've spent
29 all this time to come and give us your testimony. It's just one

1 last bit on this investigator thing. So you said, when this man
2 Pama Plaza appointed you Kamajor investigator, it was in October
3 1997 --

4 PRESIDING JUDGE: No. Junta investigator.

14:36:05 5 MR FOFANAH: Junta, sorry.

6 Q. Junta investigator. That was in October 1997.

7 A. Yes.

8 Q. Did you continue to work as such during and after that
9 period, during October 1997 and after?

14:36:34 10 A. I stopped -- I stopped in December. I did not continue. I
11 stopped in December when my son was killed. That was the time I
12 left.

13 Q. Did they know that you've stopped? Did Pama Plaza know
14 that you've stopped?

14:37:00 15 A. He knew long ago that I have -- that I left the work.

16 MR FOFANAH: Thank you very much, Mr witness. No more
17 questions.

18 THE WITNESS: Thank you, too.

19 PRESIDING JUDGE: Re-examination?

14:37:19 20 MS PARMAR: Your Honours, the Prosecution has no questions
21 for re-examination.

22 PRESIDING JUDGE: Mr witness, thank you for coming to the
23 Court. That is the end of your evidence, and we are grateful for
24 your help. Thank you.

14:37:47 25 THE WITNESS: Yes.

26 [The witness withdrew]

27 PRESIDING JUDGE: Ms Taylor.

28 MS TAYLOR: Your Honours, the next witness is TF1-054. The
29 witness will give evidence in Krio, and the witness will be led

1 by Ms Stevens.
2 PRESIDING JUDGE: Thank you, Ms Taylor.
3 JUDGE SEBUTINDE: Ms Taylor, did you say 054 or 004?
4 MS TAYLOR: 054, Your Honour. Your Honours, it was to be
14:39:45 5 004, but there has been a logistical difficulty. The Defence
6 were advised this morning, as was your legal officer.
7 MS EHRET: Can I quickly check the Krio booth. Krio booth.
8 Okay.
9 MR WALKER: The witness will be here in a moment,
14:41:40 10 Your Honours.
11 [The witness entered court]
12 WITNESS: TF1-054
13 [Witness answered through interpreter]
14 PRESIDING JUDGE: Mr Metzger, you're on your feet.
14:43:23 15 MR METZGER: Just for clarification of the record,
16 Your Honour, it has come to my attention that in addition to the
17 initial documents, pages 6694 through to 6698, that the
18 Prosecution have served us with a further document entitled
19 "interview notes" dated the 24th of November 2004 in respect of
14:43:52 20 this witness. I wanted to make sure that the Court, first of
21 all, has a copy of this document and for the record to show when
22 this document was, in fact, served on the Defence.
23 PRESIDING JUDGE: Could you please give me the date again,
24 Mr Metzger.
14:44:16 25 MR METZGER: 24th of November 2004.
26 PRESIDING JUDGE: We do not have that document. Could the
27 Prosecution assist us with a copy.
28 MS TAYLOR: We'll just see if we've got a spare copy,
29 Your Honour.

1 PRESIDING JUDGE: Thank you.

2 MR METZGER: I will, however, lay down the marker now, in
3 case the Prosecution are unaware, that we will be seeking
4 exclusion of evidence from now on when it becomes pertinent
14:47:50 5 material. We seek to show our concern that we are for this
6 matter proceeding and proceeding at a reasonable and orderly
7 pace. But there comes a time where one must say, "enough is
8 enough." And we submit, as I say, in the form of an observation
9 at this point in time, that this is unacceptable and simply
14:48:16 10 cannot go on.

11 PRESIDING JUDGE: Ms Taylor, you've no doubt noted
12 counsel's comments, and you'll, no doubt, recall the earlier
13 ruling. We will leave it at that, and I will ask Ms Stevens to
14 open with this witness. Thank you.

14:48:38 15 MS STEVENS: Thank you, Your Honour.

16 Good afternoon, Your Honours. Members of the Defence team,
17 good afternoon.

18 EXAMINED BY MS STEVENS:

19 Q. Witness, when were you born?

14:49:07 20 A. I was born on April 11, 1974.

21 Q. Where were you born?

22 A. I was born in the Bo District.

23 Q. Did you attend --

24 JUDGE SEBUTINDE: Sorry, we just didn't get that name. If
14:49:25 25 you don't mind spelling it, please.

26 MS STEVENS: The witness said he was born in Bo District.
27 Bo, B-o; district.

28 Q. Did you attend any schooling, witness?

29 A. Yes.

- 1 Q. Up to what level did you reach?
- 2 A. I stopped in form 5.
- 3 Q. Is that primary or secondary school?
- 4 A. It's the secondary school.
- 14:50:11 5 Q. And after secondary school, did you receive any training?
- 6 A. Yes, I entered the SLOIC.
- 7 Q. What kind of training did you receive?
- 8 A. I did building and construction.
- 9 Q. And how long was the training period?
- 14:50:56 10 A. I spent two years.
- 11 Q. And at the end of the two years, did you receive any
- 12 diploma or certificate?
- 13 A. Yes, I received the TC certificate.
- 14 Q. What does "TC" mean?
- 14:51:27 15 A. It's a teacher certificate.
- 16 Q. Witness, are you currently employed?
- 17 A. Yes.
- 18 Q. Without telling me where you work, can you just tell me
- 19 what your current occupation is.
- 14:51:51 20 A. I am a building construction supervisor.
- 21 Q. Witness, I'd like to focus your attention now to the period
- 22 of June-July of 1997. During that period, where were you?
- 23 A. I was in the Bo District.
- 24 Q. If you can be a little bit more specific and tell us where
- 14:52:45 25 in Bo District you were during this period.
- 26 A. I was in Gerihun Town.
- 27 Q. And during this time, who was in control of Bo District?
- 28 A. It was the AFRC.
- 29 Q. Do you know who the top leaders of the AFRC were in Bo?

1 A. Yes.

2 Q. Who were the top AFRC leaders in Bo?

3 A. Number one who was the brigade commander was Boysie Palmer.

4 Number two was ABK. He was secretary to the secretariat. And

14:54:44 5 AF Kamara, who was the SOS in Bo.

6 Q. Do you know what SOS stands for?

7 THE INTERPRETER: Your Honours, we are having some

8 technical problems. Mr walker's microphone is on.

9 PRESIDING JUDGE: Mr Interpreter, is that clear enough?

14:55:26 10 THE INTERPRETER: Thank you.

11 PRESIDING JUDGE: Ms Parmar, perhaps you would assist if

12 you ask the question again.

13 MS STEVENS: Ms Stevens.

14 PRESIDING JUDGE: I apologise.

14:55:39 15 MS STEVENS:

16 Q. Witness, you have mentioned SOS. Do you know what SOS

17 stands for?

18 A. Well, that is the name which I knew about which they called

19 them.

14:56:01 20 Q. You also mentioned the initials ABK. Do you know what ABK

21 stands for?

22 A. ABK is a name that they called him, and that's the name I

23 knew him for.

24 Q. Did you ever see these three top AFRC leaders in Bo?

14:56:54 25 A. Yes.

26 Q. Starting with Boysie Palmer, when was the first time you

27 saw him?

28 A. Boysie Palmer is an old boy of Prince of Wales, my old

29 school. And I knew him as the brigade commander in Bo Town.

1 Q. Do you recall the very first time you saw him in Bo Town?
2 A. Yes, he was just a brigade commander for a very long time
3 before the AFRC.
4 Q. What about ABK? When was the first time you saw him in Bo?
14:58:14 5 A. I saw ABK for the first time when they were really
6 inaugurating their office in Bo. That was the very first time I
7 saw him, their secretariat in Bo.
8 Q. And AF Kamara?
9 A. AF Kamara was the first time when I saw him entering the
14:58:47 10 convoy in Bo. And the second time I saw him was during the
11 inauguration.
12 Q. Witness, you have mentioned seeing these gentlemen in Bo.
13 Just for clarification, are you referring to Bo District at
14 large, or are you referring to Bo Town specifically?
14:59:25 15 A. I knew them in Bo Town.
16 Q. During this period, then, of June-July 1997, did you then
17 visit the town of Bo?
18 A. Yes. I went to Bo Town.
19 Q. How often would you come to Bo Town?
15:00:22 20 A. I used to come there regularly. Every two, three days I
21 would come there.
22 Q. When you would come to Bo Town during this period of
23 June-July 1997, where would you stay?
24 A. I used to put up in the Demby Hotel.
15:01:02 25 MS STEVENS: Demby, for the records, is D-e-m-b-y.
26 Q. Now, during this period, did anything significant happen at
27 Demby Hotel?
28 A. Yes.
29 Q. Please tell this Court what happened at Demby Hotel.

1 A. One day in the middle of the night, we woke up from the
2 sleep, and we heard people banging on the doors. When we came
3 out, we saw soldiers in combat, and they captured us one after
4 the other and asking us to sit down in the compound.

15:02:05 5 Q. These soldiers who came to Demby Hotel in the middle of the
6 night wearing combat, about how many of them came to the hotel
7 that night?

8 A. I would not be able to count them one after the other. But
9 there were about 50. And it was around 1.00 in the night.

15:03:01 10 Q. When you say 1.00 in the night, do you mean 1.00 a.m.,
11 Mr witness? Or do you mean some other time at night?

12 A. Well, roughly, it could be around 1.00 a.m. because at that
13 time I really hadn't a watch.

14 Q. Now, when they came to the hotel, these soldiers, were they
15 armed?

15:03:57 16 A. Yes. They were armed.

17 Q. With what were they armed?

18 A. Some had rifles called AK, and others RPG with them.

19 Q. When they came to the hotel that night, where exactly were
15:04:44 20 you?

21 A. I was right -- I was inside right -- one of the rooms in
22 the dwelling house.

23 PRESIDING JUDGE: Mr Court Attendant.

24 [Trial Chamber and court attendant confer]

15:05:30 25 PRESIDING JUDGE: Just pause. Mr Attendant.

26 Perhaps for purposes of records, since we had some
27 interruption there, Ms Stevens, would you kindly put the question
28 again, and we'll have the answer again.

29 MS STEVENS:

1 Q. Witness, at the time that the soldiers came to Demby Hotel,
2 what part of the hotel were you?
3 A. I was right inside one of the rooms of the dwelling house.
4 Q. Did you remain in the room?
15:06:44 5 A. No. We were all taken out.
6 Q. Who took you out, all of you?
7 A. The soldiers took us out.
8 Q. About how many of you did the soldiers take outside?
9 A. Well, we were roughly 20.
15:07:33 10 Q. And who were these other people that made up the 20 people
11 who were taken out by the soldiers?
12 A. We had women, children amongst us.
13 Q. And once the soldiers made you all go outside, what did
14 they do?
15:08:21 15 A. The soldiers asked for the paramount chief.
16 Q. And who were they referring to when they asked for the
17 paramount chief? Do you know?
18 A. It was Paramount Chief AS Demby, who is now the late
19 paramount chief.
15:08:52 20 Q. I'm sorry, Witness. I did not get the first initials.
21 A. Paramount Chief AS Demby.
22 Q. Did they say anything else?
23 A. They said they came to look for the paramount chief, and
24 they heard that there were Kamajors in the hotel. And so they
15:09:27 25 came to look for them.
26 Q. When they said they came to look for the paramount chief
27 and that they came to see whether or not there were Kamajors at
28 the hotel, did anyone respond?
29 A. Yes.

1 Q. who responded?

2 A. Myself sitting here, I responded.

3 Q. what did you say?

4 A. I said that the paramount chief was in his Chiefdom, and
15:10:17 5 that is in Gerihun Town.

6 MS STEVENS: I will spell Gerihun for the records,
7 G-e-r-i-h-u-n.

8 Q. After you told them that the paramount chief was at
9 Gerihun, did they do anything?

15:10:53 10 A. Yes.

11 Q. what did they do?

12 A. They asked for the manager who was in charge of the hotel.
13 They wanted to look inside the rooms.

14 Q. Was the manager of the hotel present?

15:11:19 15 A. Yes.

16 Q. And did the manager of the hotel say anything to them?

17 A. Yes.

18 Q. what did the manager of the hotel say to them?

19 A. He led them up to the hotel rooms and opened the doors for
15:11:50 20 them.

21 Q. Once the manager led the soldiers up into the hotel room
22 and opened the doors for them, what did the soldiers do?

23 A. They were searching for the Kamajors. They did not see any
24 of them up there.

15:12:25 25 MR METZGER: I rise cautiously simply because it's my
26 understanding -- I'd ask the interpreter to consider the last
27 answer again. It may be more properly interpreted as "they
28 didn't see anyone up there" as opposed to "any of the Kamajors."

29 PRESIDING JUDGE: Mr Interpreter, would you agree with what

1 counsel says, or what is the official interpretation, please?

2 THE INTERPRETER: Could the witness go over his last
3 answer.

4 PRESIDING JUDGE: Mr witness, would you please repeat your
15:13:07 5 last answer. Thank you.

6 THE WITNESS: They went up and saw nobody there. The
7 people whom they came to look for, they did not see any of them
8 there.

9 MS STEVENS:

15:13:24 10 Q. Now, after the soldiers searched the hotel rooms and found
11 no one, what did they do next?

12 A. They came down and asked for the wife of the paramount
13 chief.

14 Q. And did anyone respond to them?

15:14:15 15 A. Yes. We showed them where the mammy's room was, the
16 paramount chief's wife.

17 Q. After they were shown where the paramount chief's wife was,
18 what did they do?

19 A. They led a delegation to go and take her from inside the
15:14:48 20 room to bring her outside.

21 Q. And was she indeed brought outside?

22 A. Yes. She was brought outside as she only had a nightdress
23 on, and they were shoving her head.

24 Q. Now, what about the rest of you, the 20 or so of you,
15:15:24 25 women, children who had also been brought outside, did the
26 soldiers do anything to you?

27 A. Yes.

28 Q. Please tell this Court what the soldiers did to you?

29 A. They beat us up. On that night, they were kicking us and

1 beating us with gun butts and burst somebody's head with the gun
2 butt.

3 Q. whose head did you say was wounded with the gun butt?

4 A. The manager, the one who was in charge of the hotel.

15:16:45 5 Q. In total, about how long did the soldiers stay for?

6 A. They spent roughly about 30 minutes in the compound.

7 Q. After the soldiers left the compound, did you observe
8 anything?

9 A. Yes.

15:17:45 10 Q. Please tell this Court what you observed.

11 A. When the soldiers had left, when we entered our bedrooms,
12 we discovered that even the club -- the musical set that was
13 there had disappeared, the things that were in our rooms had
14 disappeared. The wall clock had disappeared. Some of them had

15:18:15 15 gone to bed with our jewelleries down, and we didn't find any of
16 them any more.

17 Q. I'm going to seek clarification, witness. I am not sure --
18 perhaps I was the one who did not quite hear the interpreter.
19 You mentioned jewellery. what did you observe about jewellery?

15:19:05 20 A. The jewellery were chains, watches, rings. We removed them
21 and put them on the table. We observed that they had
22 disappeared.

23 JUDGE SEBUTINDE: Sorry, counsel. I'm not quite sure if
24 this witness is telling us what he lost or what everybody else
15:19:28 25 lost or what.

26 MS STEVENS: Okay.

27 Q. The jewellery that you just mentioned which you discovered
28 had disappeared, who did the jewellery belong to?

29 A. One of us with whom I was staying in the bedroom, his own

1 jewellery disappeared. It was not mine, but it was somebody with
2 whom I was in the bedroom. His jewellery disappeared.
3 Q. And the musical set that you also noticed had disappeared,
4 to whom did that belong?
15:20:24 5 A. It belonged to the paramount chief.
6 Q. And the wall clock, from what part of the hotel had that
7 been taken?
8 A. It was a clock that was in the paramount chief's parlour.
9 Q. Now, amongst these soldiers who came to the hotel that
15:21:23 10 night, did you identify anyone that you knew?
11 A. Yes.
12 Q. Please tell us who among the soldiers that you identified
13 that night.
14 A. I identified the brigade commander, Boysie Palmer; ABK, the
15:22:06 15 OC secretariat; and AF Kamara.
16 Q. Was there any lighting at the hotel that night?
17 A. Yes, we had security lights on. There was one up and one
18 down.
19 Q. Now, witness, let me take you now to the following day, the
15:22:50 20 day after the soldiers had left the hotel. Did you do anything
21 on that day?
22 A. Yes.
23 Q. What did you do?
24 A. That very day, I travelled to Gerihun Town.
15:23:17 25 Q. And where did you go when you arrived at Gerihun?
26 A. I went straight to the paramount chief's residence.
27 Q. What paramount chief?
28 A. A.S. Demby.
29 Q. And did you find Paramount Chief A.S. Demby at his home?

1 A. Yes.

2 Q. And what did you do upon arriving at Paramount Chief
3 Demby's home?

4 A. I told him that yesterday night, soldiers entered into the
15:24:20 5 compound and beat us up, and they have taken away so many other
6 things. They went there. And according to them, they were
7 looking for Kamajors.

8 Q. When you reported to Paramount Chief Demby what had
9 happened the day before and told him that soldiers went there
15:24:45 10 looking for Kamajors, did he respond?

11 A. Yes.

12 Q. What was his response?

13 A. He said we should leave everything to God.

14 Q. And after you arrived or went to Gerihun that day, how long
15:25:28 15 did you spend in Gerihun?

16 A. I was in Gerihun for a few days.

17 Q. I'd like now to focus your attention to the following day,
18 the day after which you arrived at Gerihun. If you could focus
19 your mind to the afternoon, around 3.00 p.m.

15:26:14 20 A. Yes.

21 Q. And I'd like you to tell this Court where you were in the
22 afternoon around 3.00 p.m.

23 A. I was in one school room.

24 Q. And this school, where exactly was it located? was it
15:26:43 25 inside Gerihun or outside of Gerihun?

26 A. Inside Gerihun.

27 Q. Were you there alone?

28 A. No.

29 Q. Who else was there with you?

1 A. I was there with my colleague students and a group of
2 kamajors, together with some other people.
3 Q. Who were these other people?
4 A. It was a delegation of four men who had gone with the
15:27:46 5 delegation, and they said they had come from Freetown.
6 Q. These four men who said they had come from Freetown, do you
7 recall their names?
8 A. Yes.
9 Q. Please tell us their names.
15:28:25 10 A. Yes, I can remember some of their names. One was
11 Mike Lamin; second one was Mr Gbao.
12 MS STEVENS: Just a moment while I spell the names for the
13 record, Mike Lamin, Mike, M-i-k-e; and Lamin, L-a-m-i-n.
14 Q. And the second one, before I interrupted you?
15:28:52 15 A. Mr Gbao.
16 MS STEVENS: Mr Gbao, for the records, I'll spell: G-b-a-o.
17 Q. Do you remember the name of the third and fourth persons?
18 A. Yes. One was a doctor, but I can't remember his last name.
19 For the last one, I cannot remember his name.
15:29:23 20 Q. And what were you doing in this classroom with these four
21 men who said they had come from Freetown?
22 A. They said they had come to speak to us, the people of
23 Gerihun, for us to talk to the kamajors in Gerihun so that they
24 would be united with the soldiers in Gerihun, AFRC in Gerihun.
15:30:01 25 Q. Were any of you in this classroom armed?
26 A. No.
27 Q. And was the meeting that you were having with these four
28 gentlemen successful?
29 A. No.

1 Q. Why was the meeting not successful?

2 A. During the meeting, we heard the sound of a gun from the
3 junction of the town, the entrance of the -- the entrance to the
4 town of Gerihun.

15:31:19 5 Q. And what did you do when you heard the sound, the gun
6 sound?

7 A. When we heard the sound of the gun, all of us dispersed. I
8 rushed towards the paramount chief's residence.

9 Q. And upon reaching the house, you rushed towards the house
15:32:00 10 of the paramount chief. Did you reach the house?

11 A. Yes.

12 Q. And upon reaching the house, what did you do?

13 [TB190405F - CR]

14 A. I went straight into the paramount chief's bedroom and told
15:32:30 15 him, "Chief, the town has been attacked." I left there and went
16 at the top of the building -- I went to the top of the building,
17 sorry.

18 Q. Witness, could you please explain for us? You said you
19 went to the top of the building. Could you elaborate; expand on
15:33:00 20 that and explain exactly what you mean by the top of the
21 building, or whereabouts on the top of the building you went.

22 A. The house, it is in a building, so I went right up in one
23 of the rooms.

24 Q. At the time that you went up into one of the rooms, had the
15:33:44 25 sound of the guns then ceased, or could you still hear the sound
26 of guns?

27 A. The sound of guns was still on. I heard the sound of guns.

28 Q. Once you were upstairs in this room, did you do anything?

29 A. Yes.

1 Q. what did you do?

2 A. I stood close to the window in the room, from which point I
3 could view downstairs where people were passing. I saw all they
4 were doing.

15:35:04 5 Q. At this point, who did you see?

6 A. I saw a group of soldiers.

7 Q. what were they doing?

8 A. At that particular moment, I just saw an RPG being launched
9 on the former vice-president's house, Albert Joe Demby.

15:36:00 10 Q. where was Albert Joe Demby's house in relation to Paramount
11 Chief Demby's house?

12 A. They were separated by two houses. The paramount chief's
13 house was a storey building and the other houses were flats, very
14 short houses -- short buildings.

15:37:04 15 Q. After you saw the soldiers launching an RPG at the house of
16 Vice-President Demby's house --

17 MR METZGER: Objection, Your Honour. The response in a
18 previous question was, "I saw an RPG being launched". While I
19 appreciate it didn't launch itself, the Prosecution has not
20 established who it was who launched it: a step too far.

15:37:28 21 PRESIDING JUDGE: It was in the passive voice. It needs to
22 be clear who did it.

23 MS STEVENS: Point well taken.

24 Q. Witness, you saw an RPG being launched at Vice-President
15:37:54 25 Demby's house. who did you see launching the RPG on
26 Vice-President Demby's house?

27 A. It was one of the soldiers who was in that group.

28 Q. After you saw one of the soldiers launching the RPG, what
29 did you do?

1 A. The moment I saw them, I came down straightaway to the
2 paramount chief's bedroom, because they were heading towards the
3 paramount chief's house. The group were heading towards the
4 paramount chief's house, so I came down and entered the paramount
15:38:57 5 chief's bedroom. I told him that the soldiers were on their way
6 coming and the paramount chief told me that we should go into
7 hiding and that we shouldn't die for my sake.

8 Q. When you said the paramount chief said, "we should go into
9 hiding," who are you referring to by "we"?

15:39:37 10 A. We had somebody who was a caretaker who was called
11 Pa Sumaila who was taking care of the paramount chief. He was
12 talking of the two of us, to go into hiding.

13 Q. Witness --

14 JUDGE SEBUTINDE: Counsel, I thought you would spell that
15:39:58 15 for us.

16 MS STEVENS: Yes. I will spell Sumala. It is
17 S-U-M-A-I-L-A.

18 PRESIDING JUDGE: For the purposes of the record, could we
19 also have exactly what RPG stands for?

15:40:24 20 MS STEVENS:

21 Q. Witness, do you know what the initials RPG stands for?

22 A. RPG is a bomb that explodes.

23 PRESIDING JUDGE: I note, Ms Stevens it's about 20 to 4.
24 If you're leading now into another line of evidence, perhaps this
15:41:24 25 would be an appropriate time to adjourn for an afternoon break.
26 If you only have one or two questions of the witness, it may be
27 better to complete it.

28 MS STEVENS: Your Honour, this might be an appropriate time
29 for a break, because I do have a few more questions.

1 paramount chief was lying. The room in which he was lying, its
2 window. The step leading upstairs, that's where I bowed, looking
3 through a hole that was in the window.

4 Q. As you looked through this hole, what did you see?

16:02:41 5 A. When I was looking through the window, I saw a group of
6 soldiers enter the room.

7 Q. Witness, which room did they enter?

8 A. The paramount chief's bedroom, where he was lying.

9 Q. About how many soldiers did you see enter the chief's room?

16:03:17 10 A. Six of them entered the bedroom.

11 Q. When they entered the bedroom, did they do anything?

12 A. Yes.

13 Q. Please tell this Court what the soldiers did when they
14 entered the Chief's bedroom.

16:03:57 15 A. AF Kamara gave authority to disconnect the catheter, which
16 was a rubber inserted into the chief's stomach, because he had
17 undergone an operation. So he said they should remove it, and
18 they did remove it.

19 Q. After the catheter had been removed from the chief, what
16:04:33 20 happened next?

21 A. They gave authority that the paramount chief should be
22 shot.

23 Q. Who gave authority that the paramount chief should be shot?

24 A. It was AF Kamara.

16:05:09 25 Q. When AF Kamara gave instructions that the paramount chief
26 should be shot, what happened?

27 A. They shot him once in his stomach.

28 Q. Who is "they"? Who shot him once in the stomach?

29 A. One of the soldiers among them.

1 Q. After one of the soldiers had shot Chief Demby in the
2 stomach, did they do anything else?
3 A. Yes.
4 Q. What did they do?
16:06:16 5 A. They discovered that the paramount chief had not died, so
6 another man gave an authority for him to be stabbed in his neck.
7 Q. Do you know who the other man was who gave authority for
8 Chief Demby to be stabbed?
9 A. Yes.
16:06:42 10 Q. Who was that man?
11 A. It was Boysie Palmer who was a brigade commander.
12 Q. After Boysie Palmer gave these instructions for the chief
13 to be stabbed, what happened next?
14 A. He was stabbed in his neck.
16:07:39 15 Q. Who was it that stabbed the chief in his neck?
16 A. One of the soldiers who had entered the room.
17 Q. One of the soldiers had stabbed the chief in his neck. Did
18 the soldiers do anything?
19 A. When he was stabbed in his neck and he shouted, I run. I
16:08:25 20 jumped over the window through the kitchen and headed for the
21 bush.
22 Q. About how long did you stay in the bush?
23 A. I passed the night there and in the morning.
24 Q. Did you ever return to Chief Demby's house?
16:09:10 25 A. Yes.
26 Q. When did you return to the chief's house?
27 A. I returned to the chief's house in the morning.
28 Q. Now, when you returned to the chief's house in the morning,
29 what did you observe?

1 A. I observed that the chief -- I observed the chief's corpse
2 on his bed. I entered the bathroom. The other Pa, Chief
3 Sumaila, was dead in the bathtub.

4 Q. Apart from these two dead bodies you saw on this day, did
16:10:21 5 you see any more dead bodies?

6 A. Yes.

7 Q. How many?

8 A. I saw five corpses on my way going.

9 Q. On your way going to or from where?

16:10:57 10 A. I had left the paramount chief's house and I was heading
11 for Bo town, so I was going through the bush by the town. I went
12 through the market and I discovered five corpses towards that
13 market area.

14 Q. This market area, was this inside or outside of Gerihun?

16:11:23 15 A. It's inside Gerihun.

16 Q. These five bodies that you saw, can you tell us whether
17 these were the bodies of men or women? What was the gender
18 composition?

19 A. It was men and women.

16:12:25 20 Q. Witness, I have just one or two more questions for you.
21 You indicated that when you were at Paramount Chief Demby's
22 house, you saw soldiers at former Vice-president Demby's house.
23 Now, my question to you is this: was there any relation between
24 former Vice-President Demby and Paramount Chief Demby?

16:13:05 25 MR MANLEY-SPAIN: Sorry, I believe the witness never said
26 he saw soldiers at the house of the former vice-president. He
27 said he saw an RPG being shot at the house, and that was done by
28 a soldier.

29 PRESIDING JUDGE: I think there was an RPG launched. Allow

1 me to check the record, please.

2 MS STEVENS: Your Honours, I can simply rephrase the
3 question. The more important issue is: do you know if there is
4 any relation between Paramount Chief Demby and former
16:13:41 5 Vice-President Demby?

6 A. Yes.

7 Q. Please tell this Court what the relationship was between
8 the two.

9 A. The former paramount chief -- the former vice-president was
16:14:11 10 the son of the former paramount chief's brother.

11 MS STEVENS: I have no further questions of this witness.

12 PRESIDING JUDGE: Thank you, Ms Stevens.

13 Cross-examination, counsel?

14 MR METZGER: I anticipate I'll be cross-examining this
16:15:02 15 witness until our usual time of rising and beyond. Would you
16 like to indicate a convenient time, or shall I look at the most
17 convenient breaking point coming towards the usual time?

18 PRESIDING JUDGE: I think the most convenient breaking
19 point would be the most sensible approach, Mr Metzger.

16:15:26 20 CROSS-EXAMINED BY MR METZGER:

21 Q. Good afternoon, Mr Witness. I'm going to start,
22 Mr Witness, by asking you some general questions. You have
23 already indicated your relationship with the former Paramount
24 Chief Demby; is that correct?

16:16:01 25 MS STEVENS: Your Honours, we have some concern. I don't
26 know where counsel is going with this line of questioning, but,
27 one, the witness never indicated his relationship, or any
28 relationship whatsoever. We would not want him to state in open
29 Court any relationship that he has with whomever.

1 PRESIDING JUDGE: Mr Metzger, I don't recall a relationship
2 of a family nature being mentioned. Just to remind you of
3 protected witnesses, and if we wander into an area where it may
4 be necessary to protect the witness, please indicate to us
16:16:48 5 beforehand.

6 MR METZGER: Quite. Well, I need not ask that question at
7 this stage. It's probably my understanding. Having just looked
8 at the evidence, I thought that maybe it had already been given.
9 we shall deal with it in a different way.

16:17:08 10 Q. Witness, you started off by telling us that you have
11 received a formal education. That's correct, isn't it?

12 A. Yes.

13 Q. Indeed, I think you told us initially that you got to the
14 stage of form 5 in the secondary school; is that correct?

16:17:49 15 A. Yes.

16 Q. Having been born in 1974, you would have been, what, 23
17 years old at the time of the incident that you were talking
18 about?

19 A. Yes.

16:18:17 20 Q. By that stage you had already completed your teacher's
21 certificate which you did at the SOIC; is that correct?

22 A. No.

23 Q. So you did your teacher's certificate subsequently?

24 A. Yes.

16:18:51 25 Q. Now, did I hear you say that you went to the Prince of
26 Wales school?

27 A. Yes.

28 Q. Is that the school you went to until you reached form 5?

29 A. Yes.

1 Q. Could you tell this Court, please, what language they
2 taught you in the Prince of Wales school?

3 A. They taught me English language.

4 Q. They taught you in the English language?

16:19:37 5 A. Yes, some of the teachers taught me in English.

6 Q. Are you saying that there were any classes that you
7 attended at the Prince of Wales in which you were taught in a
8 different language?

9 PRESIDING JUDGE: Mr Metzger, what's the relevance of this
16:20:10 10 line of questioning?

11 MR METZGER: I simply want to ascertain this witness's
12 literacy skills, shall we say. He has given his evidence in
13 Krio. I would hope if he has a sufficient level of literacy, I
14 can ask him some more sophisticated questions.

16:20:31 15 PRESIDING JUDGE: I think the witness is entitled to give
16 his evidence in the language of his choice. I don't wish you to
17 demean that in any way. If he has a problem with any of your
18 questions, I'm sure he will indicate that to us.

19 MR METZGER: May I make it clear for the record that I do
16:20:50 20 not propose, as it were, to demean his choice, simply to
21 ascertain his level of understanding in reading and writing the
22 English language and then to ask him, just in case there is any
23 objection, what his reason for choosing to give evidence in Krio
24 was. I shall then move on to the next point.

16:21:14 25 PRESIDING JUDGE: It may be possible that I may not allow
26 you to ask that question because he has got a right to elect.
27 But let us deal with that when it comes up.

28 MR METZGER: I'm very much obliged.

29 Q. Mr witness, the question I was formulating for you was

1 whether it is your evidence that whilst you were at the Prince of
2 Wales Secondary School, you were taught in another language than
3 English in any subject?

4 A. Yes.

16:21:55 5 Q. Which subject was that?

6 A. Even in mathematics, I was taught in Krio, which is a
7 general language.

8 MR METZGER: Your Honour, I'm going to ask whether I would
9 be permitted to ask this witness who the teacher was that taught
16:22:24 10 him in Krio, for the simple reason that the Defence would then be
11 in a position, if necessary, and if anything turns on the
12 credibility of this witness, to make inquiries with the school as
13 to what language they taught students in.

14 MS STEVENS: Your Honours, we would object to that
16:22:47 15 question. It is a collateral attack. Whatever questions are put
16 to the witness, the Defence are then stuck with the answer. It
17 is a collateral issue and they need not bring in any extensive or
18 any outside evidence merely to contradict a point that is not an
19 issue in this case, or one that the Prosecution certainly did not
16:23:16 20 extensively lead evidence on.

21 PRESIDING JUDGE: Sorry, Mr Metzger.

22 MR METZGER: I simply wanted to say it seems to me that I
23 have just heard the Prosecution saying that this was not a matter
24 that was raised by the Prosecution at all, and that it is a
16:24:14 25 collateral issue. It is my understanding that this witness is
26 called as a witness of truth and the Defence are asking questions
27 which go to credit. This goes to the very root of that, although
28 it may be on a matter of the assertion that he attended a
29 particular school and that he was taught in a language other than

1 English for a particular subject. It is in those terms that we
2 seek to ask this question.

3 [Defence counsel confer]

4 [Trial Chamber confers]

16:27:19 5 PRESIDING JUDGE: It is noted that the Prosecution opened
6 by leading evidence concerning the education, et cetera, of the
7 witness. It is also noted that one of the interview notes is
8 recorded as being the language during interview: "English". We
9 will, therefore, allow this question. We merely remind counsel
16:27:48 10 of the duty to protect the identity of the witness.

11 MR METZGER: I'm very much obliged. In the circumstances,
12 can I seek some guidance. I was proposing to ask for the name of
13 the teacher. But in case it was a small class, it would
14 obviously reduce the number of people. And if it was a teacher
16:28:13 15 that only taught there for one year, in those circumstances,
16 perhaps the witness ought to be urged not to answer the question,
17 but simply to write it down on a piece of paper.

18 PRESIDING JUDGE: Yes, I was going to suggest we adopt the
19 procedure we have adopted on other occasions. We would ask the
16:28:30 20 witness to write it. Mr Court Attendant, please assist the
21 witness by giving him some paper and a pen.

22 MR METZGER: Then I will ascertain whether or not he is in
23 a position to communicate in that form.

24 Q. Mr Witness, you would have been given a piece of paper and
16:29:10 25 a pen. Can I ascertain first of all that you are able to read
26 and write English?

27 A. Well, I came here to testify to something that I know, not
28 to be sent back to school.

29 Q. Thank you very much, Mr Witness. Could you now answer the

1 question? Can you read and write in English? A yes or no would
2 suffice.

3 PRESIDING JUDGE: Mr Witness, you are obliged to answer the
4 question.

16:29:58 5 THE WITNESS: I can't read and write.

6 MR METZGER: In that case, witness, the level of secondary
7 school that you reached to the level of form 5, is that in King
8 Tom?

9 A. Yes, My Lord.

16:30:29 10 Q. And that is King Tom in Freetown, just so we have exactly
11 the same place, by Bowling Street, down that way?

12 A. King Tom in Freetown.

13 Q. The nearest school to that is the St Edwards Secondary
14 School across the road in May Park; is that correct?

16:30:55 15 A. St Edwards is on my left-hand side and Prince of Wales is
16 on the right-hand side by the sea.

17 Q. Thank you, Mr Witness. You are telling this Chamber, that
18 having reached the level of form 5, you cannot write in English;
19 is that your evidence, and you cannot read English?

16:31:19 20 A. Well, I told you that I came here to testify in a language
21 in which I am able to defend myself.

22 [TB190405F 4.30 p.m. - SGH]

23 PRESIDING JUDGE: Mr Witness, first of all you do not have to
24 defend yourself. And secondly, that is not -- you were asked a straight
16:31:35 25 question. Please answer.

26 MR METZGER:

27 Q. I will remind you, Mr Witness, based on the fact that
28 you told this Court that you cannot read and write, I am
29 asking you if it is really your evidence that you cannot read

1 and write in English?

2 A. Yes.

3 Q. Thank you. I will put that question to one side because,
4 you see, in order to preserve your anonymity, Mr Witness, we do
16:32:19 5 not want you to call the name of the teacher in open court. That
6 could lead to your identification. You see, we were just trying
7 to get the name of that teacher. But we can move on.

8 JUDGE SEBUTINDE: Mr Metzger, perhaps he can write the name in
9 another language.

10 MR METZGER: I was despairing of asking that, but I am
11 obliged for guidance.

12 Q. Mr Witness, are you able to write the name of your
13 teacher in another language? It may be that looking to your
14 right will not help you in this particular instance.

15 A. No.

16 Q. Well, thank you. We shall forget about that for the moment
17 and, if necessary, we shall come back to that, Mr Witness, in a
18 closed session where nobody can hear what you are saying but
19 those of us in court. But let me just ask you one more thing.

20 This TC that you did at SOIC. Did you say SOIC?

21 A. SLOIC.

22 Q. What does SLOIC stand for, do you know?

23 A. Well, SLOIC stands for industrialisation opportunity.

24 MS TAYLOR: Your Honour, I rise - and I do apologise to my friend
16:34:06 25 for doing this - I am not actually rising to my feet to object.

26 MR METZGER: Please don't.

27 MS TAYLOR: I am rising to my feet to inform the Chamber
28 that Ms Stevens is actually required in Trial Chamber one and
29 although she led the witness is required to leave and I will

1 remain for the Prosecution in the circumstances.

2 MR METZGER: Does that include tomorrow as well because I
3 thought it might be an appropriate time to pull up stumps.

4 PRESIDING JUDGE: Just for the purposes of clarification,
16:35:05 5 Ms Stevens, will you be available tomorrow?

6 MS STEVENS: Your Honour, this is just a rough guess. I
7 think I will be involved in Trial Chamber one pretty much for all
8 of tomorrow.

9 PRESIDING JUDGE: In the circumstances, Ms Stevens, you
16:35:49 10 will be excused to go to Trial Chamber number one and perhaps we
11 will let Mr Metzger finish this line of questioning and we note
12 Ms Taylor's presence.

13 MS STEVENS: I am grateful, Your Honour.

14 MR METZGER: I am much obliged. We shall miss Ms Stevens.
16:36:13 15 Q. Mr witness, I was asking you about SLOIC and what
16 language were you taught in SLOIC?

17 A. Well, SLOIC, I was taught to speak English. They taught me
18 how to speak Krio. They taught me in Krio and they taught me in
19 English.

16:36:48 20 Q. Did you have an exam at the end of your time at SLOIC?

21 A. Yes.

22 Q. And did the exam include you having to write answers on
23 paper?

24 A. Yes, basically what I have studied.

16:37:25 25 Q. Which language did you write your exam answers?

26 A. I wrote them in English.

27 Q. Thank you very much, Mr witness. I shall move on from
28 there to another line.

29 MS STEVENS: Your Honours, perhaps before Mr Metzger

1 continues, this might be an appropriate time for me to leave.

2 PRESIDING JUDGE: Sorry, Ms Stevens, I thought I had made
3 it clear you were excused.

4 MS STEVENS: I was actually waiting for him to finish a
16:38:14 5 particular sets of questions.

6 PRESIDING JUDGE: I see. Very well.

7 MR METZGER: Had I known, I would have asked a few more.

8 Q. Witness, if you are able to help us at all, please,
9 could you inform the Court what it was that you were doing in
16:38:55 10 Gerihun. Just simply, were you working or not in 1997?

11 A. I was not working.

12 Q. You were living in Gerihun itself, is that correct, at
13 around the time that you are talking about?

14 A. Yes, I was in between Gerihun and Bo.

16:39:33 15 Q. You have given evidence of a particular occasion when you
16 were staying at the Demby hotel. That is correct, is it not?

17 A. Yes.

18 Q. Just to make things absolutely clear, the Demby hotel, is
19 that an actual hotel where people stay in rooms like you go to, I
16:40:01 20 don't know, the Bintumani hotel? Is that what it is?

21 A. Yes.

22 Q. And you have to pay for every night that you stay in that
23 hotel?

24 A. No, I didn't pay. Demby hotel, we had a dwelling place
16:40:34 25 there by the side and there is the hotel part of it which was a
26 business part of the hotel.

27 Q. So you were not living in the hotel accommodation, you were
28 living in the residential accommodation that is within the area
29 of what is known as the Demby hotel in Bo. Is that right?

1 A. Yes.

2 Q. Is it also correct that there is a night club there as
3 well?

4 A. Yes.

16:41:30 5 Q. Now, you have told us about an incident. Now, help me if
6 you can, I have just noted July 1997. Do you have a date for
7 that? A day of the week or a date that can help us?

8 MS TAYLOR: Your Honour, I don't believe the witness gave a
9 month in his evidence-in-chief.

16:41:53 10 PRESIDING JUDGE: I am just looking at the record, if you
11 could just bear with me.

12 MR METZGER: I have it recorded that he was being asked
13 about a period in July 1997.

14 PRESIDING JUDGE: The record I have, "In the period June or
16:42:12 15 July 1997 where were you?" And the answer is, "In Bo district."
16 And then he said he was in Gerihun.

17 JUDGE SEBUTINDE: Additionally, I think Ms Stevens kept
18 coming back to this period, this period, implying the period June
19 to July 1997.

16:42:36 20 MR METZGER: Perhaps, Your Honour, I don't know, if it
21 becomes a big issue and we want to have it absolutely clear it
22 may be necessary to check the point with Ms Stevens. My record
23 and my recollection certainly suggests that we were talking about
24 July/June 1997.

16:42:56 25 PRESIDING JUDGE: I agree with my learned sister. I also
26 have June/July 1997. If it comes to an issue, which it may well
27 do, we will check the record.

28 JUDGE LUSSICK: That seems unanimous. Yes, I have the same
29 record, June/July 1997.

1 MS TAYLOR: I can also say that that is my record, that my
2 learned friend's question was specific to July. That was the
3 objection.

4 MR METZGER: For the avoidance of doubt, what I was
16:43:27 5 seeking, witness, was if you could help us with when this
6 incident, when soldiers came to the hotel, took place so that we
7 don't have to refer to it as June or July. Do you have a date
8 for us?

9 A. The 25th.

16:44:07 10 Q. And a month please?

11 A. Well, even those that went for the statement I told them
12 that the months I gave I was not sure of them because the time
13 the incident took place was a long time and I would not be
14 accurate.

16:44:35 15 Q. But is it right that when the people took the statement
16 from you, you were talking about July of 1997. That is what you
17 told them.

18 PRESIDING JUDGE: I understood the witness to say that he
19 could not be specific about that time. He just gave a date.

16:44:54 20 MR METZGER: Yes, he gave the date of the 25th and in
21 explanation said well -- in explanation he said he had even told
22 the people. And perhaps I was in a rather cumbersome way
23 suggesting to him that he had actually specified dates in July.

24 Q. Mr witness, just to make it abundantly clear, I am
16:45:31 25 suggesting that you told those who took statements from you
26 that you were talking about dates in July of 1997 starting
27 from around the 24th July?

28 A. Yes, it was the 24th. That was the day it started. But
29 the month I cannot remember because I even told them.

1 Q. Well, let us see if we can approach it in this way and I
2 will come back to it. You have given the graphic account of an
3 occasion where soldiers burst into the paramount chief's house
4 and shot him, eventually killed him. And you witnessed that.
16:46:27 5 That is correct, is it not?
6 A. Yes.
7 Q. Now surely, that is a traumatic event in your life,
8 witnessing the ending of another person's life in the manner that
9 you have described. Is it not?
16:46:41 10 A. Yes.
11 Q. And it is a date that you are highly unlikely to have
12 erased from your memory, is it not?
13 A. Yes, that day, I can remember the day.
14 Q. So if you can give us the date for that particular event we
16:47:29 15 can work backwards to when you were in the hotel in Bo Town,
16 can't we?
17 A. Yes.
18 Q. So, are you, please, able to give us the date on which that
19 unfortunate event occurred?
16:47:48 20 A. Yes.
21 Q. Could you do so, please?
22 A. Thursday, the 26th was the day they killed the paramount
23 chief.
24 Q. Are you able to assist with the month in that regard?
16:48:10 25 A. I can't remember the month.
26 Q. All right. I will come back to that in due course. Now,
27 you have told us of your knowledge of a number of soldiers who
28 were involved with the AFRC. Can I start, please, with
29 AF Kamara? You told us he was the SOS. Is that your

1 understanding of the situation?

2 A. Yes.

3 Q. So, at the time you are talking about, AF Kamara was the
4 SOS and he had come to Bo in a convoy when you had first seen
16:49:14 5 him?

6 A. Yes.

7 Q. Did you understand SOS to mean Secretary of State?

8 A. Yes, that is the way I heard them call him.

9 Q. And he was the secretary of state for the southern region
16:49:54 10 under the AFRC regime; is that correct to your knowledge?

11 A. Yes.

12 Q. Do you know what his rank was?

13 A. Well, I can't remember his rank. I didn't know his rank.

14 Q. Well, in a witness statement taken from you on 26th
16:50:34 15 November 2002 by the Office of the Prosecution - I am looking at
16 page 6695, Your Honours and other interested parties. I am
17 looking at the second line with the sentence starting this way,
18 "The AFRC was in control of Bo Town. Captain AF Kamara was the
19 Secretary of State (SOS) for the southern region." Mr Witness,
16:51:31 20 did you tell the person interviewing you for the purpose of
21 making a witness statement that the man AF Kamara, who was
22 Secretary of State for the southern region, bore the rank of
23 captain to the best of your knowledge?

24 A. Yes, at that time I can remember now.

16:51:54 25 Q. You have also told us about the brigade commander one
26 Boysie Palmer. Can you now recall what rank he was?

27 A. Yes.

28 Q. Can you tell us please?

29 A. He was Lieutenant Colonel Boysie Palmer.

1 Q. Your statement continues, and I take no issue about any
2 difference, "The brigade commander was colonel," COL. - the usual
3 abbreviation for colonel - "Boysie Palmer." Do you know the
4 difference between a colonel and a lieutenant colonel?
16:52:42 5 A. No idea.
6 Q. Never mind, then we need not trouble ourselves with that.
7 You then go on in your statement to say, "The officer commanding
8 the AFRC secretariat at Matru Road was LT," which is the the
9 common abbreviation for lieutenant or lieutenant, "AB Kamara."
16:53:27 10 Did you say that to the person who interviewed you?
11 A. Yes.
12 Q. And at the time of making that statement, did you know of
13 your own knowledge or from having heard from other people that
14 these were the relevant ranks for these people within the army?
16:53:48 15 A. No.
16 Q. Why did you attribute those -- the ranks that you do in
17 your statement to those particular people?
18 A. The day on which they were opening their secretariat at
19 Matru Road, I was there. I was by the side of the road and they
16:54:21 20 were introducing them in the crowd.
21 Q. So you have heard it from these people or certainly army
22 people as they introduced these people to the people of Bo?
23 A. Yes.
24 MR METZGER: Your Honour, I am proposing to ask a series of
16:55:03 25 questions about the fate of these three individuals, as I did
26 with the previous witness, and I would in due course, once I have
27 come to the conclusion of that, want to ask this witness whether
28 he has ever given evidence in a trial involving those
29 individuals. I give due warning of that in case that is

1 something which is seen to affect protective measures.

2 Q. Mr Witness, do you know that these three people were
3 tried in 1998? I believe it was October. AF Kamara, Boysie
4 Palmer and AB Kamara.

16:56:12 5 A. Yes, I know about that.

6 Q. And you know that eventually having been found guilty, they
7 were executed. Do you know about that?

8 A. He has no idea about that.

9 Q. Mr Witness, I am simply going to ask you this, xxxxxx xxxx
16:56:40 10 xxxxxxxx xxx the case against those people on that occasion?

11 A. Which people?

12 Q. I will repeat the names for you. Captain AF Kamara,
13 Colonel Boysie Palmer and Lieutenant AB Kamara in October of
14 1998.

16:57:03 15 A. Yes.

16 Q. Thank you. And when you xxxxxxxxxxxx, Mr Witness, did you
17 tell that Court exactly what it is you are telling this Chamber
18 about what you witnessed concerning those people?

19 A. Yes.

16:57:33 20 Q. Thank you, Mr Witness.

21 MR METZGER: Your Honour, I can go on, but it might be, however,
22 an appropriate moment and I can also, as it were, indicate from the
23 Defence standpoint that certainly it is a matter of public record what I
24 am asking about has taken place. And we will endeavour, although there
16:58:20 25 are certain constraints on us, to obtain the indictment or the charges
26 against these individuals in that case in order that it may assist this
27 Chamber in considering whether there may be an issue of perhaps
28 autrefois convict in this particular case.

29 PRESIDING JUDGE: I think it will be appropriate now to

1 adjourn to tomorrow morning.

2 MR HARRIS: Your Honour, before you do, may I just raise a
3 matter with you which I would like to raise with you? I know it
4 has been some time now since you have heard me. Would it be
16:59:05 5 convenient for me to do so now?

6 PRESIDING JUDGE: Yes. Yes. Is it an issue of evidence or
7 procedure?

8 MR HARRIS: No, no, it is another matter which raised - my
9 words - ugly head sometime ago now before the adjournment on the
16:59:29 10 last occasion. It is just that I am struggling - and I have been
11 in consultation with my learned friends since I have been back -
12 but I am terribly struggling with the difficulties which was
13 posed then and still posing now and I am also aware that there
14 was a course of conduct as directed by yourselves which took
17:00:02 15 place. I am not aware of the result of any of that. I am just
16 wondering whether you are mindful of revisiting it at some point.
17 The reason being I am really taking the weight of it. I
18 re-phrase that, carrying the weight of it now. My learned
19 friend, Mr Metzger, without those who may assist him, I am with
17:00:28 20 someone who is very green and very little knowledge of this case,
21 and we had taken a lot of time, I must confess, last night up to
22 8.00 o'clock the night before, Sunday we were in our offices up
23 to 8.00 o'clock at night and Saturdays trying to see how we can
24 get around the difficulty. I am just wondering whether we have
17:00:56 25 got to a stage when we may feel able -- of course it is entirely
26 a matter -- I do not for one moment make the observation you can
27 deal with direct, it is entirely a matter for you to consider
28 whether you have got to the stage where you may feel able to
29 consider the question -- I will re-phrase that, revisit the

1 question again and see --

2 PRESIDING JUDGE: I think I know what you are alluding to.

3 MR HARRIS: Yes.

4 PRESIDING JUDGE: In which case, just permit me to consult
17:01:28 5 with my learned colleagues.

6 MR HARRIS: All right.

7 PRESIDING JUDGE: Mr Harris, was the basis that we think we
8 know what you are alluding to. We are obviously conscious of it
9 and paying it a considerable amount of attention. But I think we
17:03:15 10 were told that you had someone alternative in position shortly
11 after the recess.

12 MR HARRIS: That is absolutely correct. There is some
13 other person who is now in position in my case which is now
14 taking the burden off my learned friends as well. He, honesty
17:03:43 15 impels me to say, is not as experienced and I hope he will
16 forgive us for saying this, not as able as those who were here in
17 the past. I do not for one moment take the view that we cannot
18 struggle on, but we seem to spend a great deal of our time
19 attempting to struggle rather than to move.

17:04:01 20 PRESIDING JUDGE: Without wishing to cut you short,
21 Mr Harris, some questions arose in your absence in the course of
22 which there was an indication that offers or names had been put
23 forward and had not been accepted and the Bench indicated that
24 this was not within its jurisdiction to make directions and
17:04:22 25 orders. And at the moment there is nothing that you have said
26 that would cause myself to resile from that view.

27 MR HARRIS: May I be bold and put it another way? One of
28 the approaches that I have to consider is this, the wives of
29 those whom we represent - I speak now on behalf of all three -

1 have been excluded. I do not for one moment attempt to judge
2 whatever was said or done in my absence. However, I take the
3 view, having spoken at length to all three of my learned friends
4 and the teams, that some of the difficulties which we experience
17:05:23 5 is really resting in the absence of those of the loved ones from
6 the public gallery. I am just wondering whether you may be
7 mindful of revisiting that aspect of it and see if there could be
8 a resolution of that aspect and that relieves us of one measure
9 of the weight we carry so that we may find time to apply our
17:05:57 10 minds to other matters which are more urgent and more important.

11 PRESIDING JUDGE: We have heard what you said, Mr Harris.
12 I am not sure if it is necessary for me to invite a reply from
13 the Prosecution before adjourning the Court and consulting with
14 my learned colleagues.

17:06:18 15 MS TAYLOR: Your Honour, the Prosecution's position on this
16 is that the interim orders made by Your Honours before the Easter
17 recess should stand. My learned friend has not at all explained
18 how the presence or absence of the wives of the accused impact
19 upon the ability of Defence counsel to represent accused persons.
17:06:36 20 And in those circumstances, Your Honour, the Prosecution would
21 submit that there is no reason to change the orders.

22 PRESIDING JUDGE: As indicated, we will adjourn until
23 tomorrow at 9.15 and if there is any further we will rule on that
24 tomorrow. Excuse me. Just pause. Mr Witness, we are adjourning
17:07:06 25 the Court until 9.15 tomorrow morning. Between now and the time
26 that all your evidence is finished, you should not discuss your
27 evidence with any other person. Do you understand? Did you
28 understand what I said, Mr Witness.

29 THE WITNESS: Yes, My Lord.

1 PRESIDING JUDGE: Thank you.

2 [whereupon the proceedings adjourned at 5.05 p.m. to be
3 reconvened on wednesday, the 20th day of April 2005 at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

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