

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-14-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

wednesday, 9 February 2005
9.45 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Chiara Galletti
Ms Sharelle Aitchison

For the Registry:

Mr Geoff walker

For the Prosecution:

Mr Mohamed Bangura
Mr Kevin Tavener
Ms Bianca Suci
Mr Mohammed Stevens(intern)

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi.
Mr John wesley Hall
Ms Claire da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana

1 [HN090205A - SGH]
2 wednesday, 9th February 2005
3 [Open session]
4 [Accused not present]
5 [Upon commencing at 9.45 a.m.]
6 MR WALKER: This is wednesday, the 9th of February 2005, case
7 number SCSL-2004-14-T, The Prosecutor verses Sam Hinga
8 Norman, Moinina Fofana and Allieu Kondewa which is listed
9 for trial.
10 PRESIDING JUDGE: Good morning learned counsel. It is a
11 pleasure to resume this trial session, the fourth that we
12 are having, I suppose. It is more of a pleasure to
13 welcome learned members of the Bar to this session after
14 a relatively long break. You have had the privilege of
15 having the break, we have not, but I suppose that is how
16 it is supposed to be. I hope you had very restful
17 moments during the break and that we are resuming to make
18 better progress than we did last time. Indeed, I just
19 want to say that the Bench -- the Chamber
20 congratulates -- wants to acknowledge the contribution of
21 the Bar because we took a record number of 20 witnesses
22 during the last session. Why not take the same number
23 this time? I think it is a challenge for all of us and
24 we are looking forward to the best again. You are
25 welcome.
26 This said, I think we will be proceeding with a
27 trial and we do not know if any --
28 JUDGE BOUTET: Mr Prosecutor, are you ready to proceed with
29 your first witness this morning?

1 MR BANGURA: Yes, Your Honour.
2 JUDGE BOUTET: And the witness will testify in which language?
3 MR BANGURA: In Limba, Your Honour.
4 JUDGE BOUTET: Has the witness been sworn?
5 MR BANGURA: Not yet, Your Honour.
6 PRESIDING JUDGE: And this will be your 38th?
7 MR BANGURA: 39th.
8 PRESIDING JUDGE: 39th witness.
9 WITNESS TF2-006 sworn
10 PRESIDING JUDGE: The witness will be testifying in what
11 language?
12 MR BANGURA: In Limba.
13 PRESIDING JUDGE: Limba.
14 MR MARGAI: Sorry, My Lords, just by way of information, are
15 we going to follow the same trend as we did the last
16 session, that is Wednesday half days and Fridays for
17 motions?
18 PRESIDING JUDGE: Yes, Mr Margai, so we are not sitting this
19 afternoon.
20 MR MARGAI: Thank you.
21 PRESIDING JUDGE: Right.
22 JUDGE BOUTET: Please proceed.
23 MR BANGURA: Thank you, Your Honour.
24 EXAMINED BY MR BANGURA:
25 Q. Good morning, Mr Witness.
26 PRESIDING JUDGE: And that is witness number TF?
27 MR BANGURA: Your Honour, TF2-006.
28 PRESIDING JUDGE: TF2-00?
29 MR BANGURA: Six.

- 1 Q. Mr witness, I will be asking you questions this morning
2 to which you will give answers.
- 3 A. It doesn't matter.
- 4 Q. I implore you not to speak too fast?
- 5 A. All right. I like that.
- 6 Q. You should endeavour to speak very loud as well.
- 7 A. I should speak louder?
- 8 Q. This is okay. Mr witness, how old are you?
- 9 A. I cannot tell the number of years I have taken.
- 10 Q. Mr witness, can you help us to calculate your age? Can
11 you tell us something about yourself which might help us
12 to tell your age?
- 13 A. I will tell you that.
- 14 Q. Please do.
- 15 A. You know during the time of independence we were building
16 a school at Rober Road [phon] on Savage Square. Savage
17 Square. During independence we built a school at Savage
18 Square. During that time I was able to carry mortar.
19 That is all I can tell you.
- 20 Q. Mr witness, at that time were you married yet?
- 21 A. I was not married by then.
- 22 Q. Did you have children then?
- 23 A. During that time I didn't have any child.
- 24 Q. Your Honours, if the Defence will agree with me at
25 independence -- from independence to now is 43 years ago.
26 we reckon that at independence he may have been about 15.
27 So our reckoning is that he is presently about 60.
- 28 MR MARGAI: My Lords, I do not think that age is an issue
29 here. I mean --

- 1 JUDGE BOUTET: I would say that we can certainly take judicial
2 notice of the time of independence in this context.
- 3 MR BANGURA: As Your Honour pleases. Our reckoning is that he
4 is 60 years old. I don't know, I thought I heard
5 somebody saying something from the Defence. I didn't get
6 that very clearly, Your Honour.
- 7 JUDGE BOUTET: I heard that they were not challenging the age
8 of the witness, but I don't think they have agreed to the
9 age you have described.
- 10 MR MARGAI: As My Lord pleases.
- 11 JUDGE BOUTET: Am I right, Mr Margai?
- 12 MR MARGAI: You are quite right, My Lord.
- 13 JUDGE BOUTET: So if we go from independence to now, so it
14 gives the witness at least 40 years plus.
- 15 MR BANGURA: And our reckoning is that he was at least 15
16 years at that time.
- 17 MR MARGAI: My Lords, we are prepared to concede that he is 50
18 years plus.
- 19 MR BANGURA: That is okay. It is just to help the Court to
20 get at --
- 21 JUDGE BOUTET: That's fine. Let's move on, please.
- 22 MR BANGURA: -- from his age.
- 23 Q. Mr witness, where were you born?
- 24 A. I was born at Kamabai.
- 25 Q. Where is that?
- 26 A. Kamabai.
- 27 Q. Is that in Bombali District?
- 28 A. Yes, in the Bombali District.
- 29 Q. Where do you presently reside?

- 1 A. I am stationed at Bo.
- 2 Q. Mr witness, how long have you been residing in Bo?
- 3 A. I have been there for eight years.
- 4 Q. Before you came to Bo, where did you last live?
- 5 A. I came from Tonko Limba and then I came to Bo.
- 6 MR BANGURA: If I may, Your Honour, I would ask the question
7 again. I believe the witness has not said Tonko Limba.
- 8 Q. Mr witness, where did you last reside before you came to
9 Bo?
- 10 A. I came from Tonko, I came to Bo.
- 11 Q. Are you married?
- 12 A. Yes.
- 13 Q. Do you have children?
- 14 A. I have four children.
- 15 Q. Mr witness, what do you do for a living?
- 16 A. Now I cannot work because I have been amputated.
- 17 Q. Since when did you stop working -- were you amputated?
- 18 A. During the war.
- 19 Q. What did you used to do before the war; what was your
20 occupation?
- 21 A. I was a farmer because I was planting and getting what to
22 eat.
- 23 Q. Mr witness, what languages do you speak apart from Limba?
- 24 A. Limba and Krio is what I speak.
- 25 Q. Mr witness, I want us to focus our attention on events
26 that occurred in this country not so long ago. Do you
27 remember that there was a war in this country recently,
28 Mr witness?
- 29 A. Yes, I know that.

- 1 Q. Do you know when that war started?
- 2 A. No, I cannot tell you that.
- 3 Q. Do you know when the war ended?
- 4 A. No, I cannot tell you because I am not educated.
- 5 Q. Where were you living when the war started?
- 6 A. I was in Koindu when the war started in Liberia. We were
7 in Koindu when the war crossed over to Sierra Leone. We
8 ran away and I came to Kenema. I was in Kenema. I left
9 Kenema, I went to Tongo. We had to run away again from
10 Tongo and then --
- 11 PRESIDING JUDGE: No, no, no. Please control your witness.
- 12 MR BANGURA:
- 13 Q. Mr witness, you will have to speak not too fast?
- 14 A. I should not talk fast?
- 15 Q. Yes.
- 16 A. I should not talk fast? I should speak one-one; not so?
- 17 Q. That's right, Mr Witness.
- 18 A. Right, okay, I will try.
- 19 Q. Please continue.
- 20 A. I was stationed in koindu. Did you hear that? Did you
21 hear that?
- 22 Q. Yes, Mr witness, go on?
- 23 A. I went to Kenema. I was in Kenema.
- 24 Q. Where did you go from Kenema?
- 25 A. I went to Tongo.
- 26 Q. Did you go anywhere from Tongo?
- 27 A. From Tongo I came to Bo.
- 28 Q. Mr witness, at the time you came to Bo, was the war
29 continuing?

- 1 A. Yes, the war was on.
- 2 Q. Do you remember which factions were fighting in this war?
- 3 A. Soldiers and rebels.
- 4 Q. Were they the only ones?
- 5 A. The latter part the Kamajors came.
- 6 Q. Mr witness, do you recall the time when the government of
7 President Kabbah was overthrown?
- 8 A. No, I do not remember that.
- 9 Q. Mr witness, I am not asking you about the date. Do you
10 simply remember that there was such an incident in this
11 country?
- 12 A. Yes.
- 13 Q. Where were you at this time?
- 14 A. At that time I was now in Bo.
- 15 Q. And do you know what people took control of the country
16 after the government of Tejan Kabbah was overthrown?
- 17 A. It was soldiers. I saw soldiers.
- 18 Q. Mr witness, did these soldiers stay in control for long?
- 19 A. They did not rule for too long.
- 20 Q. Did anything happen which brought their rule to an end?
- 21 A. Yes.
- 22 Q. What was it?
- 23 A. We saw the Kamajors came and they said they are going to
24 stay there.
- 25 Q. Now, Mr witness, when all this was happening you were in
26 Bo; am I right?
- 27 A. Yes, I was in Bo.
- 28 Q. Do you recall this period when the Kamajors removed the
29 soldiers as you have said?

- 1 A. I cannot tell you the date because I am not educated.
- 2 Q. I agree you may not remember the date, but you remember
- 3 the day on which this incident occurred or when it
- 4 started?
- 5 A. The date -- the date it happened?
- 6 Q. The day.
- 7 A. Yes.
- 8 Q. Mr witness, where were you on this day?
- 9 A. I was in my house.
- 10 Q. And did anything happen which you observed on this day?
- 11 A. Yes.
- 12 Q. Please tell the Court.
- 13 A. When people started running -- I saw people running.
- 14 Q. Mr witness, where were these people running from?
- 15 A. They were coming from the town running towards the bush.
- 16 Q. Do you know why they were running?
- 17 A. Yes.
- 18 Q. Why?
- 19 A. I saw them chopping people.
- 20 Q. The question, Mr witness, is: Do you know why they were
- 21 running?
- 22 A. The civilians?
- 23 Q. You said you saw people; were they civilians?
- 24 A. Yes, they were civilians.
- 25 Q. Yes, then, Mr witness, do you know why these civilians
- 26 were running?
- 27 A. Because they were chopping people, so that is why they
- 28 were running.
- 29 Q. Who was chopping people?

- 1 A. The Kamajors.
- 2 Q. So as you saw these people running, did you do anything?
- 3 A. I also started running.
- 4 Q. Now, just before we go on to the running further, Mr
5 witness, you say the Kamajors were chopping people. Did
6 you yourself see that happening?
- 7 A. Yes, I saw it myself.
- 8 Q. Now, these Kamajors, how would you describe them?
- 9 A. They had short trousers and ronkos.
- 10 Q. Is that all?
- 11 A. They had cowries on their caps and even on their wrists.
- 12 Q. Were they carrying anything?
- 13 A. They had machete.
- 14 Q. Anything else?
- 15 A. And sticks.
- 16 Q. Anything else, Mr witness?
- 17 A. When we were running -- because you said I should not
18 talk too fast, that is why I am taking my time.
- 19 Q. Thank you, Mr witness. Yes, so you saw them running.
20 You saw civilians running.
- 21 A. Yes.
- 22 Q. And you said you saw Kamajors chopping these civilians,
23 so you joined them and you ran -- where did you go?
- 24 A. Yes. Where I went?
- 25 Q. Where were you running to?
- 26 A. We ran towards -- we ran towards the road leading to the
27 field.
- 28 Q. Which area was that?
- 29 A. To go to Koribundu -- going towards Koribundu they have a

- 1 place called kokofele.
- 2 Q. kokofele, I believe. I stand corrected. The spelling?
- 3 MR BANGURA: Your Honours, for kokofele, I stand corrected by
- 4 those who come from Bo, but it is K-O-K-O-F-E-L-E. They
- 5 were running towards Koribundu, the road leading to
- 6 Koribundu around kokofele.
- 7 Q. Mr witness, as you were --
- 8 A. Yes.
- 9 Q. -- running did anything happen?
- 10 A. Yes.
- 11 Q. Yes. Please say it.
- 12 A. When we are running, the Kamajors were chasing us and
- 13 then there were other Kamajors in front, so we are tied
- 14 in the middle.
- 15 Q. Now, you said there were other Kamajors in front. Where
- 16 did they come from?
- 17 A. They were coming from Koribundu and the others were
- 18 behind us.
- 19 Q. So at this point, Mr witness, did anything happen?
- 20 A. Yes, something happened.
- 21 Q. Please say.
- 22 A. I saw -- I saw them chop five people. I was -- I was on
- 23 the right-hand side of them.
- 24 Q. You say, "I saw them." Who are "them"?
- 25 A. The Kamajors were chopping civilians.
- 26 Q. Right. Yes, you say you were on the right side of the
- 27 Kamajors. Did anything happen?
- 28 A. That was the place I was hit with a stick and then I fell
- 29 down.

- 1 Q. Who hit you with a stick?
- 2 A. The Kamajors.
- 3 Q. What part of the body were you hit?
- 4 A. On my side, on my right side.
- 5 MR BANGURA: On his right side. Your Honour, it would be on
- 6 the diaphragm.
- 7 JUDGE BOUTET: In the ribs.
- 8 MR BANGURA: The ribs, yes.
- 9 Q. Mr witness, you say you were hit with a stick and you
- 10 fell. Did anything else happen to you?
- 11 A. Yes.
- 12 Q. What happened?
- 13 A. They amputated my hand.
- 14 Q. You say they amputated your hand. How did it happen,
- 15 Mr witness? You fell down and from the moment you fell
- 16 down to the moment that your hand was amputated, I want
- 17 you to tell us in sequence what happened.
- 18 A. When they hit me with a stick, I fell down. Three of
- 19 them fell on me. They cut my hand. They said, "One
- 20 love."
- 21 Q. Now, Mr witness, three of them fell on you and what did
- 22 they do? How did they cut your hand?
- 23 A. There was a stick lying there, they placed my hand there
- 24 and then they used a cutlass to amputate my hand.
- 25 Q. Did you see the person who chopped your hand?
- 26 A. Since I was lying on the ground I did not see the person
- 27 who cut my hand.
- 28 Q. And you say your hand was put on a stick. What sort of
- 29 stick are you talking about?

1 A. There was a stick lying there that had been cut before.
2 Q. Mr witness, which hand was amputated? which of your
3 hands did the Kamajors chop?
4 A. The left hand.
5 Q. would you like to show the Court the hand which they
6 chopped?
7 A. Yes.
8 Q. Please do. Can you raise that hand up?
9 MR BANGURA: Your Honours, at this stage I would invite the
10 court to take notice or cognizance of that.
11 PRESIDING JUDGE: we look at the hand.
12 JUDGE BOUTET: This is the fingers. All the fingers of the
13 left hand.
14 PRESIDING JUDGE: The fingers.
15 JUDGE BOUTET: The four fingers.
16 THE WITNESS: It's four fingers. Four fingers. They cut four
17 fingers. They left one and they said, "One love."
18 MR BANGURA: Did they say, "One love"? Do you know what that
19 meant?
20 A. No, I don't know what it meant, I just heard them saying,
21 "One love."
22 Q. Mr witness, after they had done this to you did you say
23 anything?
24 PRESIDING JUDGE: Please let the record reflect that it was
25 not the hand --
26 THE WITNESS: Yes, I saw them doing other things.
27 PRESIDING JUDGE: -- that it was not the hand that was cut
28 off. please, the records should reflect that fact. The
29 four fingers, you know, of the left hand.

- 1 MR BANGURA: I am with you, Your Honour.
- 2 PRESIDING JUDGE: That were cut off, not the hand.
- 3 MR BANGURA:
- 4 Q. Mr witness, did you say anything at all?
- 5 A. They were chopping people and then at that time I was
6 already lying in the bush.
- 7 Q. I am talking about just after they had chopped your
8 fingers. Did you yourself say anything?
- 9 A. They were only chopping people that was the place
10 [inaudible]. I was about to run.
- 11 Q. Did they say anything to you after they chopped your
12 fingers?
- 13 A. Yes.
- 14 Q. what did they say?
- 15 A. They said -- they said, "we missed you. If we had killed
16 you that would have been better because you were the
17 people helping the soldiers."
- 18 Q. Can you tell this Court what happened next? what
19 happened after this?
- 20 A. where I fell? That was in the evening. So I had to hide
21 myself in the bush and I slept there.
- 22 Q. Did you get any help?
- 23 A. It was at night, there was no help because I was alone in
24 that bush.
- 25 Q. You eventually got help in the morning; is that right?
- 26 A. Until when I met my own relatives, they were the people
27 that were helping me.
- 28 Q. Did it take you long, Mr witness, to cure yourself?
- 29 A. It was about three months because I had no money, so I

1 had to go -- borrow money from people.
2 Q. Have you been able to work since then?
3 A. Up to this day I cannot work.
4 Q. Mr witness, that day that the Kamajors did this act to
5 you that they chopped off your fingers, of the Kamajors
6 that you saw can you what were they like? were they --
7 can you describe them? Not what they wore, how were
8 they -- what were the composition like. were they all
9 men?
10 A. Their clothes? It was ronkos and the short trousers.
11 They had caps.
12 Q. Okay, Mr witness --
13 A. And on that cap there are cowries.
14 Q. Were they all men?
15 MR BOCKARIE: Objection, Your Honour, that is leading, Your
16 Honour.
17 THE WITNESS: No, they were all men.
18 JUDGE BOUTET: why is this leading? Are you disputing that?
19 Is it a fact that is disputed?
20 MR BOCKARIE: well in light of the answer, I will withdraw it.
21 JUDGE BOUTET: I have not heard than answer. I was talking to
22 you, I don't know the answer.
23 MR BOCKARIE: It sounds like he said they were all men.
24 JUDGE BOUTET: Carry on, Mr Prosecutor.
25 MR BANGURA: I did not get that answer.
26 PRESIDING JUDGE: I got it. He said they were all men.
27 JUDGE BOUTET: Ask him to repeat the answer.
28 MR BANGURA:
29 Q. The question was: The Kamajors that did it you saw, were

1 they all men?
2 A. They were all men.
3 Q. Were they all adults?
4 MR WILLIAMS: Objection to this, My Lord.
5 PRESIDING JUDGE: Yes, sustained, sustained.
6 MR WILLIAMS: As Your Honour, please.
7 PRESIDING JUDGE: It is sustained, please. I mean --
8 re-phrase your question and get the ages, you know, get
9 it right.
10 MR BANGURA:
11 Q. Mr witness, you said they were all men. Could you tell
12 their ages? Were they all old men or young men?
13 PRESIDING JUDGE: No, no, no. Don't suggest that, please. Do
14 not suggest that.
15 THE WITNESS: I cannot tell their ages.
16 MR BANGURA:
17 Q. Can you say how -- what the youngest would be like among
18 them?
19 MR WILLIAMS: Objection to this. The witness has answered, My
20 Lord. I cannot say --
21 PRESIDING JUDGE: He hasn't answered. Counsel is allowed to
22 re-phrase his questions.
23 MR WILLIAMS: As My Lord please.
24 PRESIDING JUDGE: He is on, he is trying to re-phrase the
25 question so that he puts the questions the right way.
26 MR BANGURA:
27 Q. Mr witness, I will ask the question again. Can you tell
28 what the youngest one among them looked like?
29 A. I cannot -- I cannot tell you their ages, but they were

- 1 men and they were young boys as well.
- 2 Q. Now, you say young boys. How would you describe them?
- 3 How young were they?
- 4 A. I cannot tell you their ages, but they were about this
- 5 height [witness demonstrates] like that.
- 6 MR BANGURA: Your Honours, it is a bit difficult to interpret
- 7 what that means in terms of age, but the witness is --
- 8 PRESIDING JUDGE: An old man can be a very short person.
- 9 MR BANGURA: [Inaudible].
- 10 MR MARGAI: We have [inaudible].
- 11 PRESIDING JUDGE: We know what you are driving at, but to jog
- 12 your memory and see how you get that.
- 13 MR BANGURA: May I ask for a short moment, please? Your
- 14 Honours, I would invite the Court to take cognizance of
- 15 the fact that the witness is indicating the height of
- 16 these boys, whatever the ages may be, we may not be able
- 17 to tell. But, Mr witness, can you again indicate what
- 18 his height, the youngest among them how it looked like?
- 19 A. I cannot tell you exactly because it was -- it has taken
- 20 a long time.
- 21 Q. But you gave us some indication by giving their height by
- 22 pointing out your hand and showing how tall they were.
- 23 Can you do that again, please?
- 24 A. To show you again?
- 25 Q. Yes.
- 26 A. They were about this height. [witness demonstrates].
- 27 JUDGE BOUTET: What is your estimate of that, Mr Prosecutor?
- 28 MR BANGURA: Your Honour, I would estimate they are about a
- 29 metre to 1.2 metres. One metre or 1.2 metres.

- 1 Q. Mr witness, these young boys that you saw, did they
2 also --
- 3 PRESIDING JUDGE: He did not say young boys.
- 4 MR BANGURA: Young men.
- 5 Q. Mr witness, these young men that you saw, the youngest
6 one among them that you have just described, did they
7 also dress like the older ones?
- 8 A. Yes.
- 9 Q. And were they carrying anything?
- 10 A. They had machete and they had sticks.
- 11 MR BANGURA: Your Honours, this will be all for this witness.
- 12 Q. Thank you, Mr witness.
- 13 JUDGE BOUTET: Counsel for first accused, ready for
14 cross-examination?
- 15 MR HALL: Yes, Your Honour.
- 16 CROSS-EXAMINED BY MR HALL:
- 17 Q. Mr witness, you have described in your testimony that you
18 saw these advancing kamajors chop five people before they
19 got to you?
- 20 A. Yes, it happened.
- 21 Q. And you told this to the investigators when you met with
22 them?
- 23 A. Yes.
- 24 Q. You also told the investigators about the young men that
25 were present?
- 26 A. When they asked me, I told them all I saw.
- 27 Q. Did you tell them about the young men when you first were
28 interviewed?
- 29 A. They asked me and I told them all.

- 1 Q. Everything you testified to today you told the
2 investigators at the time you were interviewed by them
3 and it was November 24th, 2002. Excuse me, November
4 27th, 2002.
- 5 A. I said it all.
- 6 Q. When the people who chased you and caught you those were
7 grown men, no young men were involved; correct?
- 8 A. They were mixed.
- 9 Q. And you told this to the investigators who met you in
10 November 2002?
- 11 A. I told them.
- 12 PRESIDING JUDGE: Mr Hall, is it November 12th? What date in
13 November, November 12th?
- 14 MR HALL: Sorry, 27th.
- 15 PRESIDING JUDGE: 27th, yes.
- 16 MR HALL:
- 17 Q. After this happened to you and to these other people, did
18 you report this to anybody in charge of the Kamajors?
- 19 A. They would have killed me.
- 20 Q. So the answer is no, you did not report it? Is that
21 correct?
- 22 A. They would have killed me because they said they would
23 not spare anybody.
- 24 Q. How many people were running from the Kamajors that day?
- 25 A. We were many.
- 26 Q. In your statement you said about 100. Do you stand by
27 that now?
- 28 A. I did not tell them that.
- 29 Q. But out of those 100 or -- excuse me, that many people

1 that were running, only five people plus you were
2 chopped?
3 A. Those were the ones I saw because we are all hiding. I
4 am -- I am telling what I saw.
5 Q. Were you an AFRC sympathiser?
6 A. what? I don't know what you are saying.
7 Q. Were you supporting any of the rebels against the
8 government?
9 JUDGE BOUTET: Mr Hall, whether he was an AFRC sympathiser or
10 not, what does that change? I am just at a loss to
11 understand the purpose of your question.
12 MR HALL: It would show why he was chased down personally, I
13 guess, as opposed to the others.
14 JUDGE BOUTET: And if he is a civilian, so what does that
15 change the nature of the activities?
16 MR HALL: It makes it a potential combatant.
17 JUDGE BOUTET: A potential combatant?
18 MR HALL: If they thought so.
19 JUDGE BOUTET: And in your view a potential combatant is a
20 fair target, that is basically your approach?
21 MR HALL: Well, it also puts him on opposite sides of the CDF
22 if he was an AFRC sympathiser.
23 JUDGE BOUTET: It is all right, I am just trying to understand
24 the relevancy of these type of questions to this witness.
25 MR HALL: Thank you, Your Honour.
26 JUDGE BOUTET: Thank you.
27 MR HALL:
28 Q. In the war did you take sides?
29 A. I was not siding anybody.

- 1 Q. At any time did the rebels, any group of rebels, occupy
2 your area besides the Kamajors?
- 3 A. No. Nobody was there except the Kamajors.
- 4 Q. Had you ever seen soldiers dressed as Kamajors?
- 5 A. I did not see it.
- 6 Q. Did you ever see any other Kamajors besides this group?
- 7 A. I never saw any other group except this one they did
8 something to me.
- 9 Q. So during the entire civil war the Kamajors came to your
10 section just one time? The time you described?
- 11 A. It was not one -- it was not once, but I am talking of
12 the ones I saw. I am not talking about the others, I
13 didn't see, I am talking about the ones I saw.
- 14 Q. Did you live in the same area through the ten years, 11
15 years, of the civil war?
- 16 A. Yes, I was in the same place.
- 17 Q. And the only time you saw anybody was when the Kamajors
18 showed up the day you were hurt?
- 19 A. So it is, because those are the people I saw.
- 20 MR HALL: Your Honour, I offer his statement of 27 November
21 2002.
- 22 JUDGE BOUTET: well, I don't think you have established enough
23 supporting information. All we know is you've said you
24 would, but we don't know under which circumstances, who
25 was there, what language was it being taken. Presumably
26 you intend to show that this witness has made a statement
27 at some given time that is contrary to his evidence. Is
28 this the purpose of your tendering this document? If you
29 are moving in that direction you have to ask him very

1 precisely what portion of the statement he would have
2 given that which would be contrary to what he is saying
3 here today. Do you follow me?
4 MR HALL: Yes. I was just wondering if I should have it
5 numbered before I do this or afterward; it doesn't matter
6 to me.
7 JUDGE BOUTET: Because you have not established that, why
8 would we number it if we don't accept it?
9 MR HALL: Well, we'll still tender it even if you don't accept
10 it.
11 Q. Mr witness, did you read over the statement before it was
12 thumbprinted by you? Or was it read to you?
13 A. I didn't go to school.
14 Q. Do you recognise that document as one that was read to
15 you and that you put your thumbprint on?
16 JUDGE BOUTET: Ask him how the interview where he met these
17 investigators who were asking the question -- what
18 language were they talking. I mean, he is speaking
19 Limba. I don't know, they might have been talking in
20 English and he didn't understand what was going on. I
21 mean, that is the kind of thing we need to know. Maybe
22 the witness spoke in Krio and whatever. Has he ever seen
23 this piece of paper? You show him pieces of paper, he
24 tells you he is not educated and he cannot read. So, I
25 mean, a piece of paper to him presumably is a piece of
26 paper.
27 MR HALL: That is why I asked him if he recognised it, because
28 he may have only seen one.
29 JUDGE BOUTET: well, has he ever seen it?

- 1 THE WITNESS: I do not know it because I am not educated.
- 2 MR HALL:
- 3 Q. Do you remember where it was you met the investigators?
- 4 A. I was in my house. But I cannot tell whether this is the
5 paper that was written.
- 6 Q. Was your house in Bo at the time?
- 7 A. Yes, that is the place I am.
- 8 Q. And you spoke in Krio and Limba?
- 9 A. I spoke in Limba.
- 10 Q. How many people talked to you from the Office of the
11 Prosecutor?
- 12 A. They were only two people.
- 13 Q. One was a translator?
- 14 A. Yes, the one was a Limba.
- 15 Q. Do you remember their names?
- 16 A. I cannot remember their names, sir, because I am not
17 educated.
- 18 Q. Were they writing it down as you were telling it?
- 19 A. I told you I have never gone to school; how would I know?
- 20 Q. You know what writing something down is, don't you?
21 Somebody was writing with a pen while you were talking?
- 22 A. When they are writing it, yes, I saw it, I saw them
23 writing.
- 24 Q. Did they read it back to you when they were done to see
25 if it was accurate?
- 26 A. I cannot remember that now, but they did not tell me. I
27 cannot remember that now.
- 28 Q. Did you place a thumbprint on each page when you were
29 done?

- 1 A. I cannot remember whether I placed my thumbprint on it; I
2 have forgotten about it, it's a long time.
- 3 Q. Mr witness, how many times have you put a thumbprint on a
4 document in the last five years?
- 5 A. I cannot tell you that. I cannot tell you the number of
6 times.
- 7 Q. More than one?
- 8 A. It's more than ten.
- 9 Q. More than ten?
- 10 A. Yes, because whenever anybody comes I thumbprinted
11 [inaudible] so it is more than ten.
- 12 Q. How many times were those people from the Office of the
13 Prosecution?
- 14 A. I cannot remember the time now, the time they went to me.
15 Because if I was educated I would have noted it down, but
16 I never went to school, so I never noted the time they
17 went there.
- 18 Q. Mr witness, I am not so concerned with the time as the
19 event itself. Do you not remember the event, putting a
20 thumbprint on a document they presented to you?
- 21 A. I have forgotten now.
- 22 JUDGE THOMPSON: Learned counsel, without suggesting for one
23 moment that you abandon this line of cross inquiry, just
24 for my own edification, what is the purpose of your line
25 of cross inquiry? what do you intend to do with the
26 document?
- 27 MR HALL: I intend to put it in evidence, Your Honour,
28 because --
- 29 THE WITNESS: I did not ask for -- [Overlapping speakers]

1 JUDGE THOMPSON: Please, could you turn off the mic of the --
2 whilst I just have a short dialogue with counsel.
3 JUDGE BOUTET: Not the mic, the earphones.
4 JUDGE THOMPSON: The earphones. In other words, you intend to
5 have it received in evidence.
6 MR HALL: Yes, Your Honour.
7 JUDGE THOMPSON: For precisely what purpose legally speaking?
8 MR HALL: He described several events on several --
9 JUDGE THOMPSON: Legally speaking.
10 MR HALL: -- at least three events in his testimony that are
11 not in his statement.
12 JUDGE THOMPSON: Yes. In other words, without cutting you
13 short, you intend to put this document in evidence,
14 one --
15 MR HALL: For impeachment purposes, to show --
16 JUDGE THOMPSON: -- to impeach the witness's credibility.
17 That is to say, to establish prior inconsistent
18 statement.
19 MR HALL: Yes, Your Honour.
20 JUDGE THOMPSON: The vocabulary with which we are familiar,
21 that is what I was trying to get at.
22 MR HALL: Right.
23 JUDGE THOMPSON: You could also merely ask for the statement
24 to be put to him, or the portions, merely to refresh his
25 memory. So I was not quite sure what you were doing.
26 Now that I know you intend to establish prior
27 inconsistent statement in a bid to impeach his
28 credibility, then it would seem to me that, as my learned
29 brother suggested, the proper legal foundation should be

1 established. We have already established a procedure in
2 one of our decisions in this particular case of 9th of
3 July 2004. Of course, you are not foreclosed from
4 pursuing your cross inquiry along these lines as long as
5 the proper foundation is laid and what you intend to do
6 is consistent with our decision we have laid down on this
7 particular subject. I wasn't clear.

8 MR HALL: Part of the problem, Your Honour, is that the
9 witness says he does not remember the document, he does
10 not know how many times he marked the document, he can't
11 read this document to tell us that this is the one, but
12 it was one that was given to us by the Prosecution as his
13 statement. So I am hamstrung in my ability to get him to
14 identify this document --

15 JUDGE THOMPSON: Well, I'm not suggesting that his inability
16 to give those precise answers necessarily would mean that
17 they constitute legal roadblocks to the reception of this
18 statement in evidence. After all, times out of number
19 tribunals have admitted unsigned statements, statements
20 that witnesses have not admitted that they signed or not.
21 It is all a question of what would be the probative value
22 of the statement in the final analysis. I just wanted
23 clarify matters for my own purposes.

24 JUDGE BOUTET: I would like you to pursue this line as well.
25 If I understood your position to be - and correct me if I
26 am wrong - you are saying that it is not to contradict
27 the witness; in other words, you are not alleging that
28 the witness has said in the statement something that he
29 is saying today that was different. What you are saying

1 is you are trying to show that the witness has said today
2 something that was not contained in the statement in
3 question. Am I right?
4 MR HALL: You are correct.
10:41:35 5 [HN090205B 10.45 a.m. - EKD]
6 JUDGE BOUTET: I don't think then you're pursuing the right
7 line of questions because a prior inconsistent statement
8 is essentially a statement whereby the witness would have
9 said something on this particular day and today he's
10:42:32 10 saying something different. I mean, what you're trying
11 to prove now will serve no purposes if this is the intent
12 you're pursuing.
13 JUDGE THOMPSON: Quite. In fact --
14 JUDGE BOUTET: I mean, the witness -- as you know, we've
10:42:44 15 constantly stated that a principle of orality is what
16 applies. So a witness is perfectly entitled to say
17 things that expand on what may have been said before in
18 any given scenario or in any given statement. So if the
19 purpose is to show that today he is saying more than what
10:43:01 20 was in the statement, then you're pursuing the wrong
21 direction, you're moving in the wrong direction.
22 JUDGE THOMPSON: Yes, in other words, the difficulty here for
23 you is, as my learned brother has said, if your
24 contention is that he is expanding on his statement
10:43:21 25 beyond recognisable limits by his testimony in the
26 witness stand, you're virtually saying that he's adding
27 far more to his statement here than when he spoke to the
28 Prosecutors. That, of course, puts the doctrine of the
29 principle of orality right in focus.

1 In other words, can this Court inject some
2 limitation to the extent to which a witness can amplify,
3 elaborate, expand his testimony far beyond what he told
4 the investigators?

10:44:05 5 We are on record as having decided that what matters
6 in the ultimate analysis is the principle of orality, but
7 we of course recognise that where the intention is to
8 prove prior inconsistent statement, then the
9 cross-examiner has the option of highlighting those
10:44:27 10 portions of alleged inconsistency and having the document
11 received in evidence.

12 So, as my learned brother has said, if really it is
13 merely to complain that there are too many elaborations
14 and amplifications and additions, then your line of cross
10:44:48 15 inquiry leads you up to a kind of blind alley. I mean,
16 how do you get over our acknowledgment of the principle
17 of orality, and saying well, at the end of the day it
18 will be for counsel to say to us he has expanded too
19 much, therefore do not attach much weight to the evidence
10:45:10 20 in the ultimate analysis. That is the difficulty in
21 which you find yourself.

22 JUDGE BOUTET: In other words, there is no inconsistency.
23 what you're saying is there is no inconsistency, so I
24 don't know what you're going to prove with these
10:45:24 25 questions. The witness, as I say, is entitled to expand
26 and the fact that it has not been spoken does not mean it
27 is inconsistent. Inconsistency means that he has said
28 something at one given time and today under oath he is
29 saying something different, which is not your scenario as

1 I understand it.

2 MR HALL: If a witness embellishes their statement in front of
3 this Court, which is how I'm looking at it --

4 JUDGE BOUTET: Mr Hall, I think I was clear. I am not talking
10:45:54 5 of embellishment, I am talking of contradiction to a
6 prior -- and what we have expounded upon, and decisions
7 that we have given in the past have to do with a prior
8 inconsistent statement. Not an extension of,
9 inconsistent. On one day he has said something and today
10:46:11 10 he is saying something that is inconsistent with that in
11 that it is different. That is what we're interested in.
12 Expanding upon, well, this is a fact of life.

13 MR HALL: Your Honour, I asked the witness, "Did you tell them
14 about the five people?" He said, "Yes." That's not in
10:46:28 15 his statement.

16 JUDGE BOUTET: So?

17 MR HALL: In his statement he was the only one that was
18 injured, but today he said there were five others that
19 were injured.

10:46:38 20 JUDGE BOUTET: Yes, so? Are you saying that he cannot say
21 that today?

22 MR HALL: I am saying he can say that today, but I can put in
23 his prior statement to contradict him.

24 JUDGE THOMPSON: That's the difficulty. The rationalisation
10:46:52 25 here is a very subtle one but of course clearly
26 intelligible to us lawyers, not to lay people. We're
27 saying that if you are alleging prior inconsistent
28 statement the onus is on you to show and try to persuade
29 the Court that what this witness is now saying in respect

1 of a particular episode or event is completely
2 inconsistent with some particular portion there which
3 relates to the event to make the two -- one of them would
4 be true, the other would be false. That is
10:47:35 5 inconsistency, incompatibility. But if it is mere
6 amplification and elaboration, explanations which do not
7 really amount to contradictions, then the choice is
8 yours.

9 In the case of the second option, where he merely
10:47:54 10 amplifies, elaborates, explains but does not contradict
11 himself, we are saying that you have no remedy, because
12 we're saying you're caught by our own pronouncement and
13 commitment and adherence to the principle of orality
14 which means that a witness has the right to expand on a
10:48:18 15 statement that he may have made which is the basis of his
16 oral testimony. But your remedy is at the end of the day
17 when we come to determine the final question, to ask the
18 Court not to attach much weight or less weight to all
19 those additions and explanations.

10:48:38 20 That is the position in which we find ourselves. I
21 think my learned brother and I have made ourselves quite
22 clear in the context of our own understanding as lawyers,
23 which I'm sure you yourself appreciate. It is a very
24 dicy situation but if you say that there are
10:48:57 25 contradictions, you perceive contradictions, then you can
26 choose the option of having the statement received in
27 evidence on the ground of prior inconsistent statement.

28 JUDGE BOUTET: And expansion, in my own understanding and
29 vocabulary, doesn't mean contradiction. So if that is

1 what you want to do -- if what you're saw pursuing is
2 what you told us, I'm saying then we're losing our time.
3 Because, yes, you can purse that but not by putting the
4 statement in contradiction and trying to show this
10:49:28 5 document as an exhibit for the sole purpose - and sole
6 purpose at that time - to show that essentially this
7 witness should not be credible because on one given day
8 he has made this statement and today under oath he is
9 saying something different. You will never achieve that
10:49:46 10 because all you're trying to show is today he is saying
11 not something different, but something more than what he
12 has ever said before. Well, your remedy is to try to
13 cross-examine the witness, not to try to produce a
14 statement for that purpose it serves -- for that purpose,
10:50:06 15 to tender that statement will serve nothing and it is not
16 admissible for that purpose either because you have not
17 shown a contradiction.

18 MR HALL: Well, part of it, also, Your Honour, is he never
19 mentions in his statement that young men were involved or
10:50:22 20 children and --

21 JUDGE BOUTET: It's the same reasoning. I mean, again an
22 expansion, something new, is perfectly admissible from
23 the mouth of the witness if he is expanding on what he
24 has said before. Your avenue is to try to cross-examine
10:50:40 25 to show that this is not believable because and because.
26 If it is in the statement and he's saying that differs
27 from what he said about young men, for example, you can
28 try to contradict to show those contradictions. But the
29 fact he is now saying something in addition to would not

1 justify to submit the statement to show inconsistencies
2 because it is not inconsistent with what he has said
3 before.

4 JUDGE THOMPSON: It is trite learning that cross-examination
10:51:09 5 is the most effective weapon of ascertaining the truth.

6 MR HALL: The problem, Your Honour, is he has already said I
7 told them everything and it is not in his statement, so I
8 can't go any further with it. It goes to the heart of at
9 least two counts in this case of amputation and child
10:51:28 10 soldiers.

11 JUDGE BOUTET: well, Mr Hall, I cannot tell you how to do your
12 work. I mean, you know how to pursue these kinds of
13 avenues and all I'm saying to you is that the tool that
14 is available to you is cross-examination so that is all I
10:51:43 15 can say.

16 JUDGE THOMPSON: In addition, when you come to present your
17 case you can in fact lead evidence in purported rebuttal,
18 so they're the tools still there in the arsenal of the
19 Defence. Of course remember also that all you need to do
10:51:58 20 is to raise reasonable doubts in the Prosecution's case.

21 MR HALL: Rather than keep persuing this I would at least like
22 the document -- even if you're not going to look at it, I
23 would like it in the record as an exhibit and you can not
24 look at it if you choose.

10:52:24 25 JUDGE BOUTET: Yes, but why would we admit that as an exhibit?
26 what's the purpose?

27 MR HALL: It is for us to make a record for appeal. It is
28 part of my duty as a lawyer to make sure there is a
29 record for appeal, even if you are not going to consider

1 --

2 JUDGE BOUTET: A record of what?

3 MR HALL: I have to offer the document even if you're not

4 going to consider it. Make proffer and it may be marked

10:52:40 5 in evidence, but not received, but given a number so that

6 it is in the file.

7 JUDGE THOMPSON: Do we have any authority under the laws to

8 receive it other than through the mechanism of prior

9 inconsistent statement? I keep an open mind. If there

10:52:57 10 is another way, probably having regard to the fact that

11 there is so many ways of reaching a particular position.

12 But, as lawyers, I mean, we sometimes pride ourselves,

13 rightly or wrongly, as being endowed with creativity. Is

14 there any other way, any other rule that you think this

10:53:24 15 document can come into evidence by other than the alleged

16 prior inconsistent statement device?

17 JUDGE BOUTET: Because your suggestion is a novel approach to

18 me. If the purpose of doing that is to eventually build

19 a case to go on appeal you can certainly tender the

10:53:45 20 document on appeal and say this is a document that we

21 tried to and they didn't receive it. If that is the only

22 purpose, to me, it is not a justification.

23 MR HALL: Well, for the benefit of --

24 PRESIDING JUDGE: [Overlapping speakers] level of the appeals,

10:54:09 25 that's still a way off. Mr Wesley Hall, what are you

26 deciding to do at this stage?

27 MR HALL: It is just part of my training in my jurisdiction

28 that you have to very elaborately try to get something

29 into evidence or you cannot rely on it on appeal and

1 we're offering pages 10695 through 98 as this particular
2 Exhibit and Rule 89(C) says "admit any relevant
3 evidence". You have ruled that this does not qualify as
4 impeachment evidence. I respectfully disagree that it is
10:54:48 5 impeachment evidence and we offer the document into
6 evidence because he cannot read it and say this is not
7 what I told them or this is what I told them. He just
8 affirmed I told them everything. It is not in the
9 statement.

10:54:59 10 As Judge Boutet said, the fact that he has testified
11 to more, he has the privilege of doing so. But I have
12 the privilege of putting into evidence, I believe, the
13 fact that he told less on another occasion, or the
14 investigators wrote down something less, because two of
10:55:19 15 these are critical to two counts of the charge of
16 mutilation and child soldiers and he said five people
17 were attacked beside him. In his statement he says only
18 he was attacked. He doesn't even mention young men in
19 the statement. I think that not just a little
10:55:36 20 embellishment, that is a big embellishment and that's the
21 difference. So I respectfully disagree and I offer the
22 document into evidence. With that I will sit down.

23 JUDGE THOMPSON: We are using language at cross purposes. I'm
24 not using the term embellishment in the context of our
10:55:58 25 discussion here. Embellishment is, from my own
26 understanding of the English language, to decorate or
27 ornate kind of thing. That is not the language of the
28 laws, as I understand, and we are talking about prior
29 inconsistent statements as against amplifications,

1 elaborations, elucidations and explanations which a
2 witness can make in his testimony.

3 If you use the word "embellishment" I am sure we
4 are at cross purposes. I don't know what you mean
10:56:46 5 because you not suggesting that this witness is adding
6 some flourish or decorating his testimony. You are
7 complaining there have been additions and elaborations
8 beyond what he told the OFFICE of the Prosecution and I
9 wouldn't call it embellishment, unless perhaps words are
10:57:11 10 beginning to get a kind of strange meaning for us as
11 lawyers. I need to be educated myself because I am not
12 using it in that context. I am not calling an
13 explanation an embellishment. I am not calling an
14 elucidation or an amplification an embellishment. Nor am
10:57:31 15 I referring to an inconsistent statement cannot be an
16 embellishment.

17 So perhaps that is why we're not getting through to
18 you, because your jurisdiction uses language which is so
19 different from what we're familiar with. I don't know
10:57:49 20 how to place your term, your use of embellishment in the
21 context of the discussion here.

22 PRESIDING JUDGE: Let me get a quick answer from you. I think
23 the principle thrust of the testimony of this witness is
24 the amputation. He talked of an amputation. We
10:58:18 25 discovered that it was just his fingers that were chopped
26 off. Does that not constitute part of his statement?

27 MR HALL: It does.

28 PRESIDING JUDGE: It does.

29 MR HALL: What happened to him is not at all inconsistent in

1 with the statement.

2 PRESIDING JUDGE: Are you saying that at that time when he was
3 giving his statement he ought to have been very specific
4 that those who did this or that were either old or young
10:58:48 5 people and that not having done that at the time he is
6 precluded from doing it in his oral testimony following
7 the rules we've laid down on the principle of orality?

8 MR HALL: Your Honour, the witness can testify to whatever the
9 witness wants when the Prosecutor puts a question to him
10:59:07 10 and they can explain it away by saying my memory has been
11 clarified since then or I've thought of other things
12 since then. These are all reasonable explanations.
13 But this is such a horrific event for this person to
14 have gone through, then when he was talking about it to
10:59:29 15 the Prosecutors who are drafting an indictment against my
16 client to talk about two particular elements -- how many
17 people were involved? He said 100 people were chased
18 down in the statement; here he says he doesn't know how
19 many. He said five people were chopped besides him that
10:59:42 20 he saw and in his statement he doesn't mention anybody
21 else getting chopped. Then he says in his testimony
22 today that young boys, young men, were there; he doesn't
23 even mention that in his statement.

24 MR TAVENER: Before my friend goes any further he might like
10:59:55 25 to read page 3 of the witness's statement.

26 MR HALL: I will go back to the other two. But nevertheless
27 he testifies to those things today. He is perfectly free
28 to testify to that and then explain it away on either
29 redirect or on cross. If I put a question to him he can

1 say well, my memory since then has been clarified or
2 whatever. But he says I told those people, at the time,
3 everything that happened and it is not in his statement.
4 So we can either infer that he did not tell them
11:00:28 5 everything, because those are so significant they would
6 have written it down or --
7 JUDGE BOUTET: But as my brother and colleague Justice
8 Thompson has told you, everything you're saying, we're
9 quite prepared to listen to you when it will be time to
11:00:43 10 argue the credibility of witnesses. I mean, this is the
11 substance and the nature of trials as such. Yes,
12 witnesses may say certain things on a certain day and
13 something different and if these differences are
14 substantial to the extent that you are claiming it is, I
11:00:58 15 presume you are going to be arguing that no weight should
16 be attached to this evidence because and because in due
17 course.
18 MR HALL: What it is offered for is to the weight of his
19 testimony beyond what happened to him personally because
11:01:10 20 that goes to the ultimate as to the charge as to what
21 these three accused were alleged to have done or condoned
22 to have been done, whether it was widespread and
23 systematic. If he says it only happened to me but then
24 he adds today that there were five other that amplifies
11:01:31 25 his testimony considerably and that is why I think it is
26 inconsistent and it is only offered for credibility
27 determination later on the other parts beyond what
28 happened to him.
29 JUDGE THOMPSON: [Overlapping speakers] what's stopping you

1 then if you've perceived inconsistencies that are
2 material and significant, what is stopping you
3 highlighting those inconsistencies, those portions of the
4 statement that are inconsistent, and moving the Court,
11:02:02 5 under its rubric prior inconsistent statement, to admit
6 the statement for that limited purpose alone? We're not
7 stopping you.

8 The only thing of course is that we got the waters
9 muddied, so to speak, when you started talking about
11:02:28 10 embellishments and which, as I see it, is not a precise
11 legal term of art. We were talking about explanations,
12 amplifications and expansions. We say under the
13 principle of orality he can do that. But we say that if
14 that is not the object of your cross-examination is to
11:02:48 15 establish prior inconsistent statements in respect of the
16 major issues that you've highlighted very critically in
17 the indictment, we concede that because these are real
18 matters in respect of which the indictment speaks. You
19 can use the method and I'm not suggesting that you are
11:03:08 20 foreclosed from asking us to receive it. It is just that
21 you were not sure whether you want to pursue that line or
22 just to say well, he's amplified too much and therefore
23 he's gone off track.

24 So my point is that if you can convince us that
11:03:29 25 there are perceived, and we don't need to determine
26 whether they're really material or significant, and you
27 can highlight the portions, why shouldn't the document be
28 received in evidence if we're satisfied that sufficient
29 legal foundation has been laid.

1 PRESIDING JUDGE: Mr Hall, the choices to be made are yours
2 and I think that we have sufficiently heard an exchange
3 of views with you on this subject. It is not in our
4 interests that the debate lasts longer than the length of
11:04:09 5 the testimony of the witness.

6 MR HALL: That's true, Your Honour. As I said, I was ready to
7 sit down with that but --

8 PRESIDING JUDGE: what I wanted to tell you is you have noted
9 some inconsistencies, you've highlighted certain things.
11:04:28 10 Do you want to continue with the cross-examination of
11 this witness? You are at liberty to do that, the
12 Tribunal gives you the liberty to do that unless you did
13 not want to continue with the cross-examination, then we
14 would call it a day for your defence team as far as the
11:04:46 15 cross-examination of this witness is concerned.

16 MR HALL: I can pass this on to my co-counsel for the second
17 and third accused. We have already argued this to the
18 point -- I don't want to argue it anymore but I have told
19 the Court why I wanted it in evidence. I think --

11:05:03 20 JUDGE BOUTET: We've told you why we're not prepared to admit
21 it for that purpose.

22 PRESIDING JUDGE: So that would be the end of your
23 cross-examination?

24 MR HALL: Yes, Your Honour.

11:05:15 25 PRESIDING JUDGE: Okay, the Court will rise and will resume
26 the session with the cross-examination by the Defence
27 team of the second accused.

28 [Break taken at 11.10 a.m.]

29 [Upon resuming at 11.25 a.m.]

1 PRESIDING JUDGE: We are resuming the session.
2 JUDGE BOUTET: Counsel for second accused, please.
3 THE INTERPRETER: My Lord, the --
4 JUDGE BOUTET: [Microphone not activated] -- that the witness
11:23:19 5 has his earphones, please.
6 PRESIDING JUDGE: Is it Mr Koppe?
7 MR KOPPE: Yes.
8 PRESIDING JUDGE: Yes, is it Mr Koppe?
9 MR KOPPE: Yes.
11:23:58 10 PRESIDING JUDGE: Mr Koppe. Yes, Mr Koppe, you may proceed,
11 please.
12 CROSS-EXAMINED BY MR KOPPE:
13 MR KOPPE:
14 Q. Mr witness, can you please state again to this Court what
11:24:04 15 your occupation is?
16 A. I am not working.
17 Q. What your occupation used to be?
18 A. I was a farmer.
19 Q. Were there also times in your life that you were not a
11:24:32 20 farmer, but a welder?
21 A. Yes.
22 Q. Have you ever been working in a welder shop?
23 A. [Translation interrupted]
24 PRESIDING JUDGE: What was the reply to the first question?
11:25:00 25 You asked him whether there was a time he was a welder,
26 and he said no?
27 MR KOPPE: He said yes.
28 PRESIDING JUDGE: He said yes.
29 MR KOPPE: I will repeat the question, Your Honour.

1 Q. Have you ever been working in a welding shop?
2 A. I didn't work in any welding shop.
3 Q. So the times that you were a welder, where did you work?
4 A. I was upcountry.
11:25:53 5 Q. Upcountry working as a welder?
6 A. I was not a welder. I was a herbalist.
7 Q. Yes, Mr witness, but just earlier you stated that you
8 also have been a welder?
9 A. I didn't not say that, I did not say I'm a welder. I
11:26:33 10 said I'm a herbalist.
11 Q. I quite clearly recall, Mr witness, that you said that
12 you have been a welder.
13 JUDGE BOUTET: It might have been a problem with translation
14 but pursue it again.
11:26:48 15 THE WITNESS: I am not a welder. I am a herbalist. I am a
16 farmer and a herbalist.
17 MR KOPPE:
18 Q. Mr witness, when you spoke earlier to --
19 JUDGE THOMPSON: Learned counsel, let's get that down. He now
11:27:05 20 says that he is a farmer and a herbalist. Let us get
21 that down first before you continue.
22 MR KOPPE: Okay.
23 Q. Mr witness, when you spoke earlier to investigators you
24 gave as your occupation that you are a welder. Can you
11:27:36 25 recall talking to investigators on this?
26 A. I did not say that.
27 MR KOPPE: Well, Your Honour, referring to the earlier debate
28 before the break, I think I am now obliged to produce his
29 statement to make it an exhibit, because clearly under

1 the answer under question 4 he states his occupation --
2 PRESIDING JUDGE: You better proceed to lay the proper
3 foundation. Lay the proper foundation so that we can get
4 the thrust of the necessity for you to tender the
11:28:37 5 statement.
6 MR KOPPE: Well, not only he stated earlier when asked the
7 question whether he was a welder, he said yes, but also
8 to investigators on answering the question what his
9 occupation is he answered that he was welder, and the
11:28:56 10 fact that he has been a welder is very relevant to my
11 line of questioning.
12 JUDGE BOUTET: Just for clarity of the record, Mr Koppe, are
13 we talking the same statement as was alluded to before?
14 I don't know. Ask the question of the witness, he may
11:29:13 15 have made three statements, I don't know.
16 PRESIDING JUDGE: And that was what I was referring to as
17 laying the foundation.
18 JUDGE BOUTET: So what you're calling for -- the first accused
19 has done before was for his own purpose; I'm not sure per
11:29:28 20 se. I see you have a piece of paper in your hands; I'm
21 not sure if it is the same paper.
22 MR KOPPE: To my knowledge there is only one unredacted
23 witness statement.
24 JUDGE BOUTET: What is it, you want to enter a statement as an
11:29:43 25 exhibit?
26 MR KOPPE: Well, yes, on the first page when asked what his
27 occupation was --
28 JUDGE BOUTET: But what's the date of that statement -- of
29 that document?

1 MR KOPPE: 27 November 2002.

2 PRESIDING JUDGE: Mr Koppe, we went round and round and round
3 and round this issue when Mr Hall was wanting to get this
4 witness to admit he made this statement.

11:30:10 5 MR KOPPE: I agree with you.

6 PRESIDING JUDGE: Can you restart the procedure because he was
7 in and out as to he couldn't remember whether he made the
8 statement or whether he said this or that. Can you
9 retake those preliminary issues so that we know from
11:30:27 10 where we proceed. Please, ask him did he make a
11 statement to -- did he talk to the investigators? I know
12 after a long time he did say -- he did finally admit that
13 when he was talking to the investigators they were
14 writing. You know, this is as far as we went.

11:30:43 15 MR KOPPE:

16 Q. Mr witness, do you recall speaking to investigators of
17 the special court?

18 A. Yes, they went to find us and we spoke with them.

19 Q. Do you recall saying to them that your occupation is a
11:31:11 20 welder?

21 A. I never told them that.

22 Q. Mr witness, when you spoke to these investigators was
23 your statement written down?

24 A. Yes, they were writing because they had a book.

11:31:54 25 Q. Mr witness, do you remember this - your statement that
26 was written down, that you thumbprinted the statement?

27 A. What I spoke I never thumbprinted it.

28 Q. Mr witness, I have in front of me a statement drafted by
29 investigators and the statement indicates that you have

1 told them that you have as an occupation a welder. Is
2 this statement made by the investigators not correct?
3 A. I never told them I'm a welder. I never told them that.
4 Q. But you just said to the Court on my question whether you
11:34:07 5 have ever been a welder, you answered yes?
6 JUDGE THOMPSON: But that is not entirely the evidence. The
7 evidence is in a state of what you might call
8 contraposition. He did say before that he was a welder
9 at some times. And then he went on to say: I now say
11:34:33 10 that I am not a welder, I was never a welder, but a
11 farmer. So if you try to interpret the state of the
12 evidence now, you're entitled to draw your own
13 conclusion. I'm entitled to draw my conclusion to say
14 that from the state of the evidence so far he's virtually
11:34:53 15 saying I've never been a welder. So I mean, don't put it
16 in such uncontroversial terms, because now he's saying
17 that he never told the investigators that he was a
18 welder, which seems to be in accord with what he's now
19 said. I mean, I remember the earlier part, you're right,
11:35:22 20 that he did say sometimes I've been a welder. So there
21 is some [inaudible], I don't know, contraposed situation.
22 MR KOPPE: Your Honour, let me move on. I would like to ask
23 this witness about a nickname. There is a possibility
24 that revealing this nickname might reveal his identity,
11:35:52 25 so I have written down what might possibly be his
26 nickname on a piece of paper and I would like to show or
27 to hear this and make sure that the witness hears this.
28 JUDGE BOUTET: As you know the witness has told us he does not
29 read. You will read it to --

1 MR KOPPE: Yes, or together with --
2 JUDGE BOUTET: The witness has said that he speaks Limba and
3 Krio, so either somebody who speaks Limba or Krio. So,
4 Mr Koppe, just repeat your question to the witness and
11:36:45 5 then the assistants there will carry on to read.
6 MR KOPPE:
7 Q. Mr witness, the name that you will be shown now, are you
8 known by that name?
9 MR BANGURA: May I see the [inaudible] --
11:37:38 10 PRESIDING JUDGE: Show it to the Prosecution.
11 JUDGE BOUTET: Can we get the answer that the witness has
12 given?
13 MR BOCKARIE: He denies the name, Your Honour.
14 JUDGE BOUTET: He did.
11:37:55 15 MR BOCKARIE: He denies.
16 JUDGE BOUTET: Just for the record, was the name -- and was he
17 spoken to in Krio? Mr Bockarie, what language was the
18 witness spoken to? In Krio?
19 MR BOCKARIE: Yeah, when we --
11:38:26 20 JUDGE BOUTET: When you just asked him.
21 MR BOCKARIE: Yes, in Krio.
22 MR KOPPE: Your Honour, I would like to mark this piece of
23 paper as an exhibit so that the Court knows which
24 nickname was presented to him.
11:38:59 25 JUDGE BOUTET: What number of Exhibit are we at?
26 MS EDMONDS: This will be number 50.
27 JUDGE BOUTET: 50, 50?
28 MS EDMONDS: 50.
29 JUDGE BOUTET: Mr Koppe, we're going to put that as an exhibit

1 but sealed because of possible consequences. So this
2 piece of paper with a name written on it is marked as
3 Exhibit 50.

4 PRESIDING JUDGE: The Prosecution does not object of course.

11:39:37 5 MR BANGURA: No, Your Honour.

6 JUDGE BOUTET: Thank you, Mr Presiding Judge.

7 MR BANGURA: For completeness of the records, Your Honour, I
8 would not.

9 [Exhibit No. 50 was admitted]

11:39:58 10 MR KOPPE: Your Honour I would like to repeat this procedure
11 and present what I believe is the name of the spouse of
12 the witness.

13 JUDGE BOUTET: That's fine.

14 PRESIDING JUDGE: Did we say that that was Exhibit 50?

11:40:21 15 JUDGE BOUTET: 50, yes.

16 MR BANGURA: Again, Your Honour, I haven't seen the name.

17 MR BOCKARIE: I'm sorry.

18 JUDGE BOUTET: Mr Koppe, before we pursue with the second
19 piece of paper, just for the proper record keeping, the
11:41:10 20 piece of paper you have shown previously which is now
21 marked as Exhibit 50, what were you intending to do with
22 this? What was the scenario? It was a name that was
23 written there that was allegedly, or you're alleging, was
24 a name by which the witness was known or a nickname.

11:41:38 25 That was the purpose of --

26 MR KOPPE: Our investigation has shown that this was the name
27 he was commonly referred to.

28 JUDGE BOUTET: And this is what is written on that piece of
29 paper?

1 MR KOPPE: That's it.
2 MR BOCKARIE: Regarding the name of the spouse, he denies --
3 PRESIDING JUDGE: [Microphone not activated]
4 JUDGE BOUTET: I have just written on the piece of paper that
11:43:25 5 has been marked that Exhibit 50 "alleged nickname of
6 witness TF2-006", TF2-006 being the 39th prosecution
7 witness. So we are now with another piece of paper which
8 allegedly contains the name of the spouse of the witness,
9 is it my understanding?
11:43:56 10 MR KOPPE: That's correct, Your Honour.
11 JUDGE BOUTET: And this name that has been written on that
12 piece of paper has been shown to the witness and that
13 name has been read to him in Krio?
14 MR BOCKARIE: Yes, Your Honour.
11:44:08 15 JUDGE BOUTET: And, Mr witness, that last name that was read
16 to you is not the name of your spouse; this is what
17 you're saying?
18 THE WITNESS: No, it is not her name.
19 JUDGE BOUTET: Thank you, yes.
11:44:26 20 MR KOPPE: I would like to [inaudible] Exhibit 51.
21 JUDGE BOUTET: So we are now at Exhibit 51. Exhibit 51
22 contains a name that has been shown to the witness and
23 the name alleges that this is the name of the spouse of
24 the witness, that is of TF2-006.
11:44:47 25 MR KOPPE: Please could the record reflect that I took this
26 name from the witness statement?
27 JUDGE BOUTET: It's irrelevant. Your purpose, whether it came
28 from there -- because we don't have the witness statement
29 yet.

1 MR KOPPE: I would like to repeat the same procedure as to the
2 name of the mother.
3 JUDGE BOUTET: Yes. Of the mother or the spouse?
4 MR KOPPE: Now the name of the mother, the next one.
11:45:18 5 JUDGE BOUTET: The one that is marked 51 is the spouse. The
6 next step is the mother.
7 MR KOPPE: That's correct, Your Honour.
8 JUDGE BOUTET: So the document containing the name allegedly
9 that of the spouse of the witness TF2-006 is marked as
11:45:36 10 Exhibit 51.
11 [Exhibit No. 51 was admitted].
12 JUDGE BOUTET: And what is it about the name of the mother?
13 MR BOCKARIE: Sorry, Your Honour.
14 THE WITNESS: Not the name of my mother.
11:46:52 15 JUDGE BOUTET: So the name that was shown to you -- read to
16 you, Mr witness, from that piece of paper is not the name
17 of your mother?
18 THE WITNESS: At all.
19 JUDGE BOUTET: Thank you.
11:47:13 20 MR KOPPE: We'd like to have this piece of paper marked as an
21 exhibit.
22 JUDGE BOUTET: The piece of paper tendered that will be marked
23 as Exhibit 52 is a piece of paper containing a name
24 allegedly being that of the mother of the witness.
11:47:56 25 [Exhibit No. 52 was admitted]
26 MR KOPPE: Your Honour, probably for completeness sake, I
27 would now like to write on a piece of paper the address
28 of this witness and show this address to him.
29 Q. Mr witness, the address that was shown to you, is that

1 your address?
2 A. Yes, that's the place I live.
3 MR KOPPE: I'd like to mark this piece of paper as Exhibit 52
4 or 3?
11:50:23 5 JUDGE BOUTET: 53.
6 MR KOPPE: Your Honour, I would like to renew my request to --
7 JUDGE BOUTET: Just a second, we'll just finish with this
8 piece of paper. So the piece of paper containing an
9 address is marked as Exhibit 52. So now you are --
11:51:43 10 MR KOPPE: I would like to repeat my request to have --
11 JUDGE BOUTET: 53, pardon me, 53. 52 was the name of the
12 mother. Yes?
13 [Exhibit No. 53 was admitted]
14 MR KOPPE: To have admitted page 2 of the unredacted witness
11:51:59 15 statement of 27 November 2002.
16 JUDGE BOUTET: which consists of?
17 MR KOPPE: which consists of family name --
18 PRESIDING JUDGE: Page 2 of --
19 JUDGE BOUTET: what's the reference number at the top?
11:52:16 20 MR KOPPE: TF2-006.
21 JUDGE BOUTET: No, the page number that is with the Court
22 Management.
23 PRESIDING JUDGE: The date of the statement?
24 MR KOPPE: The date of the statement is 27 November 2002 and
11:52:37 25 the number that you are referring to is page 10694.
26 MR TAVENER: If the Prosecution might look at that piece of
27 paper it could speed up the process. If I could just see
28 what you're trying to tender, that's all.
29 There is no objection to that piece of paper being

1 tendered.

2 JUDGE BOUTET: Mr Koppe, what is the exact reference
3 description? It is not page 2 of the statement. What is
4 the page so we are sure we are speaking of the same thing
11:54:01 5 and understanding the same thing. Madam Court
6 Management, you have that document with you?
7 MR KOPPE: [Microphone not activated] referring to this number
8 10694.
9 JUDGE BOUTET: I have a number here which is 11469 which would
11:54:20 10 be a record of [inaudible] number with the Court
11 Management.
12 PRESIDING JUDGE: Mr Tavener, can you assist? Is it possible,
13 Mr Tavener, for you to get us out of this?
14 MR TAVENER: I have the number 11469.
11:54:34 15 JUDGE BOUTET: So that is the number that has been given to
16 that page by Court Management when these documents were
17 filed.
18 MR TAVENER: I am happy to hand over my copy if my friend is
19 agreeable.
11:54:48 20 MR KOPPE: One seems to be redacted and -- it's the same page
21 but has a different number.
22 JUDGE BOUTET: So it is a document that - I am just looking at
23 that page in front of me - contains information and it is
24 at the top written "Witness Statement" and then has
11:55:28 25 different numbers up to 12, family name, date of birth
26 and so on. The Court Management record number is 11469.
27 It is a document of one page. This is what you want to
28 be marked as an exhibit and this document contains family
29 name and other indications about the witness?

1 MR KOPPE: Yes. Occupation, mother's name, spouse's name.
2 These are of course particularly relevant.
3 JUDGE BOUTET: May I ask you why you are tendering this
4 particular the document at this stage? I think I know
11:56:08 5 why but I would just like to hear it from you.
6 MR KOPPE: The content of this page is on substantial elements
7 clearly inconsistent with his testimony today.
8 JUDGE BOUTET: Thank you. Mr Prosecutor, any comment?
9 MR BANGURA: We do not have any objection, Your Honour.
11:56:18 10 [HN090205C 11.56 a.m. - JM]
11 JUDGE BOUTET: Thank you. So we are now at 54. So this
12 document, as I have indicated, containing the information
13 and described as "witness statement containing personal
14 information about the witness" and with the record number
11:56:54 15 11469 is marked as Exhibit 54.
16 [Exhibit No. 54 was admitted]
17 MR BANGURA: Your Honour, much as we do not have any
18 objection, we would like for Defence counsel to indicate
19 the portions on that page, which he alleges are
11:57:17 20 inconsistent with the witness's previous statement.
21 JUDGE BOUTET: Please, do so. I thought he was clear, but in
22 case of uncertainty.
23 MR KOPPE: The question under number 4, occupation.
24 JUDGE BOUTET: Yes.
11:57:38 25 MR KOPPE: The question under number 6, the mother.
26 JUDGE BOUTET: Yes.
27 MR KOPPE: Question under number 7, the name of spouse.
28 JUDGE BOUTET: Yes, these are the three parts of information
29 that you are alleging are different from what the

1 evidence has revealed.
2 MR KOPPE: That's correct, Your Honour.
3 JUDGE BOUTET: Thank you.
4 PRESIDING JUDGE: So those points are highlighted, Mr Bangura.
11:58:25 5 MR BANGURA: Yes, Your Honour.
6 PRESIDING JUDGE: Those points are highlighted. Are you
7 satisfied?
8 MR BANGURA: Yes, Your Honour. Thank you very much.
9 JUDGE BOUTET: And it's obviously tendered for the purpose of
11:58:30 10 showing inconsistency.
11 MR KOPPE: That's correct, Your Honour.
12 PRESIDING JUDGE: Exhibit number 54?
13 JUDGE BOUTET: 54, yes.
14 MR KOPPE:
11:58:58 15 Q. Mr witness, do you know a man called xxxxxxxx [phon]?
16 A. xxxxxxxx?
17 Q. That's correct. Or xxxxxxxxxxxx
18 A. Yes.
19 Q. Did you please --
11:59:35 20 PRESIDING JUDGE: [Microphone not activated]
21 MR KOPPE: xxxxxxxxxxxxxxxx
22 Q. would you please tell this Court how you know
23 xxxxxxxxxxxx?
24 A. How I know him?
12:00:13 25 Q. Yes.
26 A. He is the xxxxxx.
27 Q. Chief of what?
28 A. The xxxxxxxxxxxxxxxxxxxx
29 Q. Have you ever been staying in his house?

XXXXXXXXXXXXXXXXXXXXX.

2 JUDGE BOUTET: Mr Counsel, as you know, there are some
3 protective measures about the identity of the witness.
4 If you are pursuing these lines of questions, we might
12:01:09 5 have to go into closed session. I'm not trying to
6 preclude you from asking any questions that you feel is
7 appropriate in the interests of your client. But you
8 realise what -- I'm just cautioning you.

9 THE WITNESS: well, what am I to do?

12:01:31 10 JUDGE BOUTET: That's okay, Mr Witness. You don't have to
11 answer any more that question.

12 MR KOPPE:

13 Q. Mr Witness, you have been telling this Court about the
14 time that the Kamajors came. Do you recall giving that
12:01:46 15 testimony?

16 A. The time they came?

17 Q. The time the Kamajors came into town, the moment they
18 chopped off your fingers, around that time.

19 A. I would not be able to remember the day now.

12:02:19 20 Q. No, I'm not asking the exact date, but you told this
21 Court about the moment or the time that the Kamajors came
22 to town and chopped your fingers. You remember that?

23 A. Yes.

24 Q. Is it not a fact that you have been hiding with the
12:03:00 25 family of xxxxxxxxxx at that moment in time?

26 A. We are not together. We are not hiding together.

27 Q. So there has never been a time that you have been
28 in -- into hiding in his residence?

29 A. I have never been there. I never hid myself there.

1 Q. Mr witness, our investigator has been speaking to people
2 who say they know you. And these people have told us
3 that you lost your fingers in an accident in a welding
4 shop sometime a few years before the Kamajors came. Is
12:04:24 5 this true or false?

6 A. Let me tell you this: I am not a welder. Since I was
7 born, I don't know -- I have never done any welding. I
8 don't know how to weld.

9 Q. So when these people are saying that you lost your
12:04:50 10 fingers in an accident during welding, these people are
11 lying to us?

12 A. They are lying. What I suffered is what I am telling
13 you. They are lying.

14 PRESIDING JUDGE: He is denying your suggestion that his
12:05:20 15 fingers were chopped in the process of welding.

16 MR KOPPE: That's right. Yes, he's denying, saying that the
17 people who say that are liars. So it's his statement.

18 JUDGE BOUTET: Was it his last answer? I understood his
19 answer to be that he is not a welder, he has never been a
12:05:47 20 welder, and the accident was not while welding but when
21 he was amputated. So that's my understanding. Has he
22 said that they are liars?

23 MR KOPPE: He referred to the people that are saying his
24 fingers were amputated during this accident are liars.

12:06:11 25 JUDGE BOUTET: This is your evidence, Mr Witness?

26 THE WITNESS: It's all lies. It was not during welding. It
27 was not during welding. I have never done that work, and
28 I don't even know how to do that work.

29 MR KOPPE: Thank you, Your Honour.

1 JUDGE BOUTET: That concludes your cross-examination,
2 Mr Koppe?
3 MR KOPPE: That's the end of it.
4 JUDGE BOUTET: Counsel for the third accused, are you ready to
12:06:47 5 proceed?
6 MR MARGAI: Mr Williams will take this witness, My Lord.
7 JUDGE BOUTET: Mr Williams, are you ready to proceed?
8 MR WILLIAMS: Yes, My Lord.
9 CROSS-EXAMINED BY MR WILLIAMS:
12:07:34 10 JUDGE BOUTET: Please do so.
11 MR WILLIAMS:
12 Q. Mr witness, can you tell the Court how big your family
13 is?
14 MR WILLIAMS: How big is his family, My Lord.
12:07:50 15 JUDGE BOUTET: What is the question?
16 MR WILLIAMS: How big is your family? How many wives, how
17 many children you have?
18 PRESIDING JUDGE: Put a specific question to him. Start by
19 number of wives.
12:08:03 20 MR WILLIAMS:
21 Q. How many wives do you have?
22 PRESIDING JUDGE: Let him tell us he has more than one wife.
23 MR WILLIAMS: As My Lord pleases.
24 Q. How many wives do you have?
12:08:15 25 A. One.
26 PRESIDING JUDGE: That's the first shock.
27 MR WILLIAMS:
28 Q. And how many children do you have?
29 A. Four.

1 Q. Could you tell the Court how old the youngest is.
2 A. He is 6, 6 months, 2 weeks old, the younger one.
3 PRESIDING JUDGE: The youngest. He's a very fresh father. At
4 the age of 60, following Mr Bangura. 6 and a half months
12:09:16 5 old?
6 MR WILLIAMS: Yes, My Lord.
7 Q. And could you also tell the Court --
8 A. Yes.
9 Q. -- when the Kamajors entered Bo? On the occasion you've
12:09:29 10 mentioned, where was your wife? Where was she?
11 A. In fact she was not there. She had already gone
12 upcountry.
13 Q. Specifically where?
14 A. It was in our village at xxxxxxxx, our town, xxxxxxxx.
12:10:11 15 Q. And what about the children? The three children you had
16 at the time, where were they?
17 A. They all went together. That was during the war. They
18 took all the three children and herself to xxxxxxxx.
19 Q. Did you have to send them to xxxxxxxxxxxx because you knew
12:10:55 20 that the Kamajors were coming?
21 A. That was during the time of the soldiers. That was the
22 time I sent her xxxxxxxxxxxx
23 Q. And could you answer the question: Did you have to send
24 them to xxxxxxxxxxxx because you knew that -- you had got
12:11:32 25 information that the Kamajors were coming? Is that the
26 reason why you sent them to xxxxxxxx?
27 A. Yes. That was why I sent them away.
28 PRESIDING JUDGE: I sent them away because I had information
29 that Kamajors were coming. Is that what he's saying?

1 MR WILLIAMS: Coming to Bo, My Lord.
2 Q. And were you afraid personally for yourself or for your
3 family?
4 A. Yes. Yes, I was afraid for my wife and the children.
12:12:42 5 Since I am the husband, I know how to hid myself.
6 PRESIDING JUDGE: Since he's a husband, he will do what?
7 MR WILLIAMS: Hide himself.
8 PRESIDING JUDGE: He will know how to?
9 MR WILLIAMS: Hide himself.
12:13:11 10 PRESIDING JUDGE: Hide himself.
11 MR WILLIAMS:
12 Q. You did not have any fears for yourself or your family
13 when the junta were stationed at Bo? You had no fears
14 for yourself --
12:13:33 15 THE INTERPRETER: My Lord, we are not getting the lawyer
16 because he is not speaking through the mic.
17 PRESIDING JUDGE: Mr Williams, can you speak to the
18 microphone.
19 MR WILLIAMS: Sorry, My Lord.
12:13:59 20 Q. My question is this: You did not entertain fears for
21 yourself or for that of your family whilst the junta were
22 in power. Is that correct?
23 A. I had taken them already before even the junta came.
24 That was exactly what I was afraid of. That was why I
12:14:32 25 sent them away.
26 Q. You say that when it was -- because of the rumours that
27 the Kamajors were coming, that is why you sent your
28 family to xxxxxxxx Is that correct?
29 A. Yes, that was how it happened.

- 1 Q. And those rumours were circulated when the AFRC was in
2 power?
- 3 A. That was it.
- 4 Q. So it is not correct to say that you sent your family
12:15:50 5 before the soldiers came to Bo? It is not correct to say
6 that you sent your family away before the soldiers came
7 to Bo?
- 8 A. No.
- 9 PRESIDING JUDGE: What is no?
- 12:16:12 10 MR WILLIAMS: Your Honours, I didn't quite understand the
11 answer.
- 12 Q. What do you mean by "no"?
- 13 A. Why I said it, because I had -- the soldiers were there
14 while she was already upcountry.
- 12:16:37 15 Q. The rumours that -- the reason why the Kamajors were
16 coming to Bo was to get rid of the soldiers. Is that
17 correct?
- 18 A. Yes, yes. That was how it happened, because the soldiers
19 run.
- 12:17:23 20 Q. Thank you. After your fingers were amputated, did you
21 seek medical attention?
- 22 A. Yes. Yes. I went for medication.
- 23 Q. Where did you go?
- 24 A. I went to the big hospital, but then there was no chance.
12:18:09 25 So I had to pay a private doctor.
- 26 Q. What do you mean by "there was no chance" at the big
27 hospital?
- 28 A. The war was already in progress. That was the time the
29 war was intense there.

1 Q. Could you tell Court the name of the private doctor who
2 treated you.
3 A. It was xxxxxxxxx. It was xxxxxxxxx who cured me.
4 Q. And Mr witness, could you tell the Court the first name
12:19:19 5 of xxxxxxxxxxxx
6 A. I don't know that. I went there to be cured. That was
7 all.
8 Q. Which part of Bo does he have his clinic?
9 A. He lives at xxxxxxxxx. That is along the Freetown Highway.
12:20:09 10 xxxxxxxxxxxx
11 Q. I'm putting it to you, Mr Witness, that --
12 PRESIDING JUDGE: What is it he called? xxxxxxxxx
13 MR WILLIAMS: Mr --
14 MR MARGAI xxxxxxxxxxxxxxxxxxxxxxxxxxxx
12:20:43 15 MR WILLIAMS:
16 Q. Let me help you with a date. I mean, this incident did
17 not come out when the Prosecutor was leading you in
18 evidence, the time the incident occurred. Would it be
19 correct to say that this incident happened in February of
12:21:03 20 1998?
21 A. I cannot remember. Maybe it could be, but I don't know
22 the date. It could be, but I don't know the date.
23 Q. And then for three months after your fingers were
24 amputated, you saw xxxxxxxxx on a regular basis. Is
12:21:49 25 that correct?
26 A. Yes, I went to him for treatment.
27 Q. Do you have medical report, any medical documents that
28 xxxxxxxxx gave you?
29 A. I never came with them. I left them in Bo.

1 Q. Do you have them? Do you have them?
2 A. I have half of them. I have half. But they are not with
3 me here.
4 Q. Did you tell the Prosecutors that you had medical reports
12:22:47 5 about your injury? I mean, the Prosecutors and the
6 investigators, did you tell them that --
7 A. They never asked me for it, and so myself, I didn't even
8 remember that. They never asked for it.
9 Q. Did you tell them that you had medical report in your
12:23:10 10 possession?
11 A. I forgot. They themselves never asked me.
12 Q. If you were given the opportunity, would you come to
13 Court with those documents?
14 A. Yes, I'll bring them.
12:23:37 15 Q. I'm putting it to you, Mr Witness, that there was never a
16 xxxxxxxxxx staying at xxxxxxxx, never, never a
17 xxxxxxxxxx has never stayed in xxxxxxxx?
18 A. If you say that, who owns the hospital that is there?
19 I'm asking, who owns that hospital that is there? I'm
12:24:32 20 asking you that.
21 Q. You don't ask me questions. You answer my questions.
22 I'm putting it to you that --
23 A. I know that Mr xxxxxxxxxxxxxxxx had been there.
24 Q. Is he still there?
12:24:51 25 A. Yes, he's still there.
26 Q. He's still there? Do you know a Dr Boima?
27 A. Dr Boima is just on the upper side. He is in the
28 hospital leading to Koribundu by Kundama [phon]. I know
29 them well.

1 Q. I'm putting it to you that xxxxxxxx does not own a
2 clinic at xxxxxxxxxx
3 A. But he's treating us there. We go there.
4 Q. Please speak for yourself alone. Don't speak for others.
12:25:57 5 I'm asking questions about yourself, not others, please.
6 And I'm putting it to you that xxxxxxxxxx never treated
7 you in 1998 as a result of those injuries.
8 A. well, if he didn't, who cured me?
9 Q. And I'm putting it to you that the only -- and I'm
12:26:31 10 putting it to you, Mr witness, that the only xxxxxxxxxx
11 who has practiced in Bo is a government doctor. He does
12 not have a private clinic. would you answer the
13 question, please?
14 A. what you asked me? what I have answered is that he's
12:27:26 15 there. How do you want me to answer again? If he had
16 not cured me, he would not have known it.
17 JUDGE BOUTET: Mr witness, do you know if xxxxxxxx works in
18 Bo for the government as well?
19 THE WITNESS: I know that. I know that.
12:27:53 20 JUDGE BOUTET: Is this the same xxxxxxxxxx?
21 THE WITNESS: Yes, he was the one who cured me.
22 JUDGE BOUTET: Mr williams, have you heard my previous
23 question and answer?
24 MR WILLIAMS: Yes.
12:28:13 25 PRESIDING JUDGE: It is the same doctor who works for the
26 government who also consulted him in the private clinic.
27 MR WILLIAMS:
28 Q. Mr witness, did you see that xxxxxxxxxx when you went to
29 the government hospital after you had sustained the

1 injuries?

2 A. During that time, there was no doctor. That was during
3 the time of the war. There was no doctor. Everybody had
4 run away, so there was no doctor.

12:28:54 5 Q. How long after those injuries did you start to receive
6 medical attention?

7 A. It took about three days.

8 Q. I'm putting to you, Mr Witness, that those injuries were
9 not sustained result of the war.

12:29:46 10 A. well, where did they occur if it had not been the war?

11 Q. Just answer my question, please. That those injuries
12 were not --

13 A. It was during the war. It was during the war. It was
14 during the war that my fingers were cut. I do not know

12:30:11 15 any other work where my finger would have been cut.

16 Q. You said you didn't work as an herbalist. Is that
17 correct?

18 A. Medicine, I did not do any medicine. All I know is I'm a
19 farmer.

12:30:52 20 Q. You've never been an herbalist in the past. Is that what
21 you say now?

22 A. To cure? what do I know? what do I know? whom do I
23 know to cure? Now you are telling me that my hands were
24 not cut during the war. If not the war, cut them? You
12:31:25 25 are not even sympathising with me. You are telling me it
26 was not during the war.

27 JUDGE BOUTET: Mr Williams, I'm also concerned that --

28 THE WITNESS: You are saying that it was not during the war
29 that my fingers were cut. Now, let us see.

1 JUDGE BOUTET: I am concerned about the harassment of
2 witnesses. You've asked the question once. Move ahead
3 from that. You don't get the answer you like, well,
4 that`s fine.

12:31:55 5 MR WILLIAMS: My Lord, I beg to differ. I have not been
6 harassing the witness.

7 JUDGE BOUTET: You have heard my comments, Mr williams. You
8 may disagree with me, but that`s my comments.

9 MR WILLIAMS:

12:32:05 10 Q. Mr witness --

11 PRESIDING JUDGE: You cannot proceed because the witness is
12 distressed. He is distressed. Can we get him back to
13 himself.

14 MR BANGURA: Thank you.

12:32:15 15 PRESIDING JUDGE: And we would rise for five minutes and let
16 the witness protection unit take care of the witness.
17 The Court will rise, please.

18 [Break taken at 12.32 p.m.]
19 [On resuming at 12.47 p.m.]

12:47:32 20 PRESIDING JUDGE: We are resuming the session.

21 THE INTERPRETER: My Lords, before we resume the sessions,
22 there is a misconception of words here in Limba, and the
23 interpreter wants to clear them. Bayoli [phon] and
24 bayori [phon] are homophones, the interpreter used the
12:47:52 25 word "bayoli," meaning herbalist, whilst the witness
26 means "bayori" meaning farmer. So the word "bayoli" is
27 herbalist, "bayori" is farmer. But the interpreter
28 rendered herbalist instead of farmer.

29 PRESIDING JUDGE: I see. Has that clarification gone through

1 -- you heard the clarification, the Defence in
2 particular.

3 MR WILLIAMS: My Lord, I don't know whether it was the same
4 interpreter who repeated that who is trying to clarify
12:48:33 5 now.

6 JUDGE BOUTET: It's from the interpreters' booth.

7 MR WILLIAMS: In any event, My Lord, we would -- I mean, we
8 don't have anything to say. I mean, about that.

9 JUDGE BOUTET: But I have something to say to you,
12:48:46 10 Mr williams: I will not accept that you laugh at
11 witnesses and that you react the way you did because the
12 witness had given the so-called herbalist answer. You
13 may find that funny, but it is not an acceptable
14 behaviour vis-a-vis a witness who is coming to Court to
12:49:03 15 tell his story. So you are a professional, and you
16 should know that you should behave in a different manner.
17 I have told you in the past that you should not be
18 laughing at witnesses. You may not intend to be laughing
19 at witnesses, but your laughing at that time could be
12:49:17 20 perceived by the witness to be laughing at him, and it is
21 not acceptable.

22 MR WILLIAMS: Your Honour, I'm not sure that I laughed at the
23 witness. My Lord, I actually reacted, but I didn't
24 laugh.

12:49:31 25 JUDGE BOUTET: I'm just calling upon your professionalism,
26 Mr williams, on this. Thank you.

27 MR WILLIAMS:

28 Q. Mr witness, do you know a Lieutenant Buba who was based
29 at Bo?

1 A. I don't know him.

2 JUDGE THOMPSON: Counsel, will you spell the name?

3 MR WILLIAMS: B-u-b-a, My Lord, Lieutenant. B-u-b-a.

4 MR MARGAI: Sorry, My Lords. What's the position now with
12:50:26 5 regard to the intervention by this other interpreter?
6 Because from the voice I heard, surely he was not the one
7 doing the interpretation at the time when the witness was
8 testifying as to him being a herbalist. What's the
9 position now? Because that could be very crucial for the
12:50:48 10 Defence. Because the reason why I am raising this is
11 that if one should accept his intervention, then I would
12 have thought that the material time would have been when
13 the interpretation was being relayed to the Court, but
14 not after. There seems to be some inconsistency.

12:51:14 15 JUDGE BOUTET: I agree with you. What can I say? I do not
16 speak Limba. I cannot make those nuances as such, and we
17 can only rely upon the professionalism of the
18 interpreters. At least if they acknowledge that they may
19 have made a mistake, and then are saying so. But I agree
12:51:31 20 with you that the voice that has now said so is not the
21 voice that was doing the translation at the time.

22 MR MARGAI: And we are in the same dilemma as Your Lordships,
23 I'm sure neither of Your Lordships speak or understand
24 Limba. So, do we accept the records as they are?

12:51:45 25 JUDGE THOMPSON: For me, actually, it seems that he is forced
26 to determine what the purpose of the interpretation that
27 we now have is, is it intended to rectify the records?

28 JUDGE BOUTET: I think that's what -- that was the purpose.

29 MR MARGAI: I'm sure that must be the intention. That must be

1 the --

2 JUDGE THOMPSON: In other words, to say that -- if it's to say
3 that the error that has now emerged was not the error of
4 the witness but the error of the translator, but it's for
12:52:27 5 us as the Judges and counsel on both sides to determine
6 how to proceed because if that is the purpose, it would
7 seem to me that the interpreters are taking a
8 responsibility for what might have been perceived, quite
9 rightly, in my own judgement as a clear inconsistency in
12:52:55 10 the testimony of the witness.

11 MR MARGAI: I couldn't agree more with you, My Lord. We are
12 prepared to concede for the records to be altered,
13 provided the error in interpretation comes from the
14 interpreter who was interpreting at the material time.
12:53:10 15 But now it seems to me that there seems to be some
16 disagreement.

17 JUDGE THOMPSON: I would think that you're right. That would
18 be the proper thing. And perhaps if it were in the
19 national system, I would even insist that I have that
12:53:25 20 correction in the form of an affidavit.

21 MR MARGAI: In fairness to the witness, perhaps, you know, if
22 the man who was interpreting admits that it was his
23 error, we are prepared to concede.

24 JUDGE BOUTET: We will not alter the record. I mean, all of
12:53:39 25 this will go on the record as it is as such. All we have
26 now is the statement by the interpretation organisation
27 that it did not mean herbalist but something else. But
28 we'll agree with you that we will invite the interpreter
29 who has given that interpretation to say so on the

1 record.

2 MR MARGAI: Yes, My Lord. Because if the record is not
3 altered, then surely there is some inconsistency.

4 JUDGE BOUTET: Can we hear from the interpreter.

12:54:11 5 THE INTERPRETER: My interpreter will now explain why the
6 mistake took place.

7 THE INTERPRETER: My Lord, it is the same --

8 JUDGE THOMPSON: Just a minute. Perhaps to save time, I think
9 our interest now is not why it took place because I think
12:54:24 10 we've already been advised on that, and we're not
11 questioning the veracity or correctness of that, is how
12 to proceed for the purposes of the record, and now our
13 interest is to hear the original interpreter or whoever
14 did the interpretation, not the person who passed on the
12:54:47 15 message to us.

16 JUDGE BOUTET: And they should tell us -- Mr Margai he did say
17 whatever and it was a mistake and it should have been
18 farmer if that is the case, if this is what it is.
19 That's what we want to hear.

12:55:05 20 THE INTERPRETER: My Lord, the same interpreter who made the
21 mistake has made the correction. It is the same
22 interpreter speaking. It is the same interpreter who is
23 speaking, My Lord.

24 JUDGE BOUTET: You are the one.

12:55:18 25 THE INTERPRETER: Yes, I was the interpreter.

26 JUDGE THOMPSON: why was the interpreter using the third
27 person instead of the first person?

28 JUDGE BOUTET: You were speaking as if you were speaking on
29 behalf of somebody else, not you. So you made the

1 mistake, and now you are saying it was a mistake on your
2 part.
3 THE INTERPRETER: Yes, My Lord.
4 PRESIDING JUDGE: And what he was saying is that he was a
12:55:46 5 farmer and not a herbalist.
6 MR MARGAI: My Lord, we have no doubt that what the head of
7 the interpretation section has said, that it's the same
8 individual, we accept that, and we are amenable to
9 correct the records.
12:55:59 10 JUDGE BOUTET: Thank you, Mr Margai.
11 MR MARGAI: As My Lords please.
12 JUDGE BOUTET: So Mr Williams, we're back where you were.
13 Thank you.
14 MR WILLIAMS:
12:56:10 15 Q. Mr witness --
16 PRESIDING JUDGE: Mr Williams, if we may remind you, you put
17 the question to him whether he knows Buba. And he said
18 no.
19 MR WILLIAMS: Yes, My Lord, yes.
12:56:31 20 Q. You mentioned that after your fingers had been amputated,
21 the Kamajors did certain things to certain people. Is
22 that correct?
23 A. Yes, I saw it.
24 Q. You saw it. what did you see?
12:57:05 25 A. I saw them chopping other people.
26 Q. I'll refer you to a portion of your statement you made on
27 the 27th of November 2002. You said, "after they had
28 done this, I said `Hey, Godfather, what have I done?'"
29 Did you say that after your fingers were amputated? Did

1 you say that?

2 A. Yes. I said it. I said, "hey, God, what have I done? I
3 didn't go to school, I don't learn anything, and then my
4 fingers have been cut."

12:58:21 5 Q. And then you told the investigators that all the other
6 civilians were trying to run. Is that correct?

7 A. Yes. We were all running.

8 Q. "And I heard crying and lots of gunfire, but I did not
9 know what happened to the others." I'll repeat that. "I
12:58:53 10 heard crying and lots of gunfire, but I did not know what
11 happened to the others." Did you say that to the
12 investigators?

13 A. Yes, I said it.

14 Q. Mr witness, is that in consonance saying that you saw how
12:59:33 15 many people being chopped, five? Is that in consonance
16 in saying that you saw people being chopped?

17 A. Yes, I saw everything.

18 Q. I'm putting it to you, Mr witness, that that is not
19 correct, that you never saw anybody being chopped.

13:00:06 20 A. I will not have said it if I have not seen it.

21 Q. But you also say in your statement which was very fresh
22 -- it was fresher in your mind in 2002 that "I heard
23 crying and lots of gunfire, but I don't know what
24 happened to the others." You are categorically saying
13:00:30 25 that you did not know what happened to the others.

26 A. Yes, I said it. That was the time we were all running
27 away. We were running away, so I didn't know what
28 happened. I said it.

29 Q. Okay. I'll move on. In that same statement, you said

1 this to the investigators: "Some days later, as people
2 started to return to Bo, I was told that some other
3 civilians had been killed and amputated in the same
4 incident, but I never inquired as to who they were." Did
13:01:28 5 you say those words to the investigators?

6 A. Yes.

7 Q. So again, you were saying that you did not see; you were
8 told. In the statement.

9 A. Yes. Yes, I had my own problems, so I didn't go. This,
13:02:10 10 they told me.

11 Q. Mr witness, when you made this statement, you had earlier
12 on stated that it was recorded in writing. Was it read
13 over to you after you completed your statement?

14 A. After we have spoken, we all separated. That was all.

13:02:44 15 Q. No, could you answer my question, please. I know that
16 you actually separated. What I want to know is that when
17 you finished making the statement, this person that was
18 interpreting it, did he repeat to you what you said to
19 them in Limba?

13:03:05 20 A. Yes, they told me. They told me what I spoke.

21 Q. And did you put any mark on the statement, this document
22 that they have written down? Did you put any mark on it?

23 A. No, I didn't.

24 MR WILLIAMS: My Lord, I would now seek leave to tender the
13:03:37 25 statement of this witness, portions of the statement,
26 My Lord. My Lord --

27 JUDGE BOUTET: For what purpose?

28 MR WILLIAMS: My Lord, those are the portions that are
29 inconsistent with what he has said under oath, My Lord.

1 JUDGE BOUTET: I must say, I do not follow you. Because he
2 has admitted to making these statements.
3 MR WILLIAMS: He has admitted. He has admitted.
4 JUDGE BOUTET: And he said this is accurate, this is exactly
13:04:04 5 what he said to the investigator. How is it
6 inconsistent? Pardon me? What is the inconsistency?
7 MR WILLIAMS: Under oath, he said "I saw five people being
8 chopped."
9 JUDGE BOUTET: Yes.
13:04:16 10 MR WILLIAMS: In his statement, I quote verbatim, My Lord "I
11 heard crying and lots of gunfire, but I don't know what
12 happened to the others."
13 JUDGE BOUTET: But he's saying that's a different scenario,
14 that's when they were running.
13:04:35 15 MR WILLIAMS: No, it's the same scenario, My Lord. It came
16 immediately after he was chopped, after his fingers were
17 allegedly amputated. And later on he said, "some days
18 later, as people started to return to Bo, I was told..."
19 Shifting from his position, My Lord, "I saw," "I was
13:04:48 20 told," "I didn't see anything happen to anybody."
21 JUDGE BOUTET: I am not completely convinced. But the purpose
22 of it being tendered for the purpose of showing
23 inconsistency with his evidence now and what's in the
24 statement, and essentially it goes to assess the weight
13:05:06 25 of his evidence and credibility, for that purpose, I'll
26 move ahead and accept it.
27 MR WILLIAMS: I don't know whether Your Lordship wants me to
28 say the lines.
29 JUDGE BOUTET: At least the page by record number. You have a

1 number at the top somewhere? And you're going to give us
2 a copy of that statement, too.

3 Mr Prosecutor, before we officially move ahead to
4 have this as an exhibit for the purpose obviously
13:05:41 5 mentioned, do you have any comment?

6 MR BANGURA: Your Honour, subject to counsel clearly
7 specifying the portions --

8 JUDGE BOUTET: He's doing that now.

9 MR BANGURA: We do not have any objections at this stage. But
13:05:58 10 we need him to clearly state the portions.

11 MR WILLIAMS: My Lord, it's on page 3 -- well, 11471 and
12 11472.

13 JUDGE BOUTET: 11?

14 MR WILLIAMS: 11471.

13:06:28 15 JUDGE BOUTET: Yes, 11472.

16 MR WILLIAMS: 11472.

17 JUDGE BOUTET: And on 11471, you have marked on the
18 line -- the lines in question? You're going to give us a
19 copy of that?

13:06:47 20 MR WILLIAMS: Yes.

21 JUDGE BOUTET: And read it, please, for the record so at least
22 your colleague from the Prosecution will know which
23 portion exactly.

24 MR WILLIAMS: "All the other civilians who were trying to run,
13:07:04 25 I heard crying and lots of gunfire, but I don't know what
26 happened to the others."

27 My Lord, that's on lines 22 through 24.

28 JUDGE BOUTET: Of 471?

29 MR WILLIAMS: Yes, Your Honour.

1 JUDGE BOUTET: And on 11472?
2 MR WILLIAMS: Lines 29 through 32.
3 JUDGE BOUTET: And that is on page 11472?
4 MR WILLIAMS: It's page 11472, My Lord.
13:07:50 5 JUDGE BOUTET: I see, okay.
6 MR WILLIAMS: 29 to 32 of page 11471, and --
7 JUDGE BOUTET: The top of 11472. The first line?
8 MR WILLIAMS: Yes.
9 JUDGE BOUTET: These are the portions that you're submitting.
13:08:06 10 MR WILLIAMS: Yes. Can I read the second bit, My Lord?
11 JUDGE BOUTET: Yes.
12 MR WILLIAMS: "Some days later as people started returning to
13 Bo, I was told that some other civilians had been killed
14 and amputated in the same incident, but I never inquired
13:08:20 15 as to who they were."
16 My Lord, that will be all for this witness.
17 JUDGE BOUTET: These are the two portions?
18 MR WILLIAMS: Except for tendering the document, I do not have
19 any further questions, My Lord.
13:08:33 20 PRESIDING JUDGE: [Microphone not activated]
21 JUDGE BOUTET: It's the cover page. Mr Bangura?
22 MR BANGURA: Your Honour, we do not object to the document
23 going in.
24 JUDGE BOUTET: Thank you. Can we have the document -- we are
13:08:48 25 now at Exhibit 55 if I'm not mistaken. So this document
26 will be marked as Exhibit 55. And for the limited
27 purpose that has been described, that is, to show
28 inconsistencies between those highlighted portion and the
29 evidence of the witness. So these are pages 11 --

1 PRESIDING JUDGE: 471.
2 JUDGE BOUTET: The statement is 11473, 11470, 11471, and
3 11472, and the portions highlighted are at page 471 and
4 472. So the document is so marked as Exhibit 55.
13:09:23 5 [Exhibit No. 55 was admitted]
6 JUDGE BOUTET: Just for the record and so there's no
7 misunderstanding, all the documents that were marked at
8 the request of the second accused, 50 to 54 inclusive
9 will be kept in confidentiality because all of this
13:10:06 10 information could essentially identify the witness, so
11 they will be sealed for that purpose. And the same with
12 this particular document because the top page obviously
13 contains personal information of the witness that could
14 disclose his identity. Mr Margai, you were about to say
13:10:26 15 something.
16 MR MARGAI: Yes, My Lord. Before we wind up, with regard to
17 the laughing incident, I apologise to the Bench. I
18 wanted to assure this Bench that sometimes such laughter
19 is instinctively induced, not with a view to ridiculing
13:10:40 20 the witness, but as an expression of disbelief vis-a-vis
21 the evidence. I want to assure the Bench that we on this
22 side intend to maintain the highest decorum and to
23 cooperate at all times to ensure that the trial remains
24 as amicable as it has been in the past.
13:11:00 25 JUDGE BOUTET: I thank you very much, Mr Margai. I appreciate
26 these comments. Thank you. Any re-examination?
27 MR BANGURA: There will be none, Your Honour.
28 JUDGE BOUTET: None. Thank you. Mr Prosecutor, I was
29 informed yesterday at the status conference that if I'm

1 not mistaken, that the next witness or the second witness
2 to be called by the Prosecution was to be in closed
3 session. Is it still the scenario and that you would be
4 making an application in this respect? I'm just trying
13:12:48 5 to find out where we go next.

6 MR BANGURA: Your Honour, let my colleague speak as to the
7 situation regarding that.

8 JUDGE BOUTET: Thank you.

9 MR TAVENER: I understand that witness will be testifying in
13:13:00 10 the open so that's why the application hasn't been made
11 at this stage. That was my last information, that the
12 witness who we anticipated would be testifying in a
13 closed session is now, I understand, proposed to be
14 called in open session.

13:13:16 15 JUDGE BOUTET: In other words, in a normal scenario? By open
16 session, do you mean to say that his identity will be
17 revealed?

18 MR TAVENER: I understand that's the position.

19 JUDGE BOUTET: Okay. Thank you.

13:13:29 20 PRESIDING JUDGE: And is that the witness we are taking on
21 tomorrow?

22 MR TAVENER: Yes, that's correct, Your Honour.

23 JUDGE BOUTET: Can we have the number of that witness for now?

24 MR TAVENER: 190, Your Honour. 190.

13:13:48 25 JUDGE BOUTET: TF2-190.

26 MR TAVENER: That's right.

27 JUDGE BOUTET: Thank you very much.

28 PRESIDING JUDGE: And Mr Tavener, we always, as you know, you
29 know, we would like to have a stand-by witness just in

1 case.
2 MR TAVENER: One will be available, Your Honour.
3 PRESIDING JUDGE: All right. And it's always good to agree
4 with the Defence if you will not follow the normal order
13:14:11 5 in which you intended -- which is communicated to them in
6 which you intend to call the witnesses because the
7 Defence is usually flexible to take the witnesses, you
8 know, out of the order in which they are presented to
9 them. But it is good to have prior discussions with
13:14:32 10 them.
11 MR TAVENER: We try as much as possible to agree with the
12 Defence.
13 PRESIDING JUDGE: All right. This said, the Court will rise,
14 and we will resume tomorrow at 9.30.
13:14:40 15 [Whereupon the hearing adjourned at 1.15 p.m., to be
16 reconvened on Thursday, the 10th day of February, 2005,
17 at 9.30 a.m.]
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EXHIBITS:

Exhibit No. 50	45
Exhibit No. 51	47
Exhibit No. 52	47
Exhibit No. 53	48
Exhibit No. 54	50
Exhibit No. 55	73

WITNESSES FOR THE PROSECUTION:

WITNESS TF2-006 [Sworn]	2
EXAMINED BY MR BANGURA	2
CROSS-EXAMINED BY MR HALL	17
CROSS-EXAMINED BY MR KOPPE	39
CROSS-EXAMINED BY MR WILLIAMS	54