

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

MONDAY, 14 FEBRUARY 2005
9.41 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds
Mr Geoff walker

For the Prosecution:

Mr Joseph Kamara
Mr Raimund Sauter
Mr Kevin Tavener
Ms Adwoa Wiafe

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

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

1 [HN140205A - JM]
2 Monday, 14 February 2005
3 [Open session]
4 [The accused Kondewa entered court]
09:39:13 5 [The accused Norman & Fofana not present]
6 [The witness entered court]
7 [On commencing at 9.41 a.m.]
8 PRESIDING JUDGE: Good morning, learned counsel. We are
9 resuming our session, and for those of you who might have
09:43:02 10 forgotten the event, today is St. Valentine's Day. And
11 if you have forgotten to fulfil your obligations
12 whichever way, the Chamber wants to remind you that you
13 have obligations to fulfil somewhere.
14 Right, we shall be proceeding with the Prosecution
09:43:29 15 calling their 43rd witness. Mr Sauter.
16 MR SAUTER: Thank you, Your Honour. The Prosecution is
17 calling witness TF2-035.
18 WITNESS: TF2-035 [sworn]
19 [Witness answered through interpreter]
09:44:38 20 PRESIDING JUDGE: Mr Sauter, this is the 43rd witness?
21 MR SAUTER: 43rd, yes. 43rd, yes, Your Honour.
22 JUDGE BOUTET: Please proceed.
23 MR SAUTER: Thank you.
24 EXAMINED BY MR SAUTER:
09:45:14 25 Q. Good morning, Mr Witness.
26 A. Good morning.
27 Q. I'm going to ask you a couple of questions.
28 A. Okay.
29 Q. Please take your time to answer these questions.

1 A. All right.
2 Q. Speak very slowly and form short sentences, please, in
3 order to allow the translation and the recording of what
4 you are saying. Okay?
09:45:57 5 A. Okay.
6 PRESIDING JUDGE: Mr Sauter, you just give us five minutes.
7 We'll rise for just under five minutes, and we'll be
8 right back. The Court will rise, please.
9 [Break taken at 9.47 a.m.]
09:50:13 10 [On resuming at 9.50 a.m.]
11 PRESIDING JUDGE: We're resuming the session. Yes, Mr Sauter,
12 you may --
13 MR SAUTER: Thank you, Your Honour.
14 Q. Mr Witness.
09:50:40 15 A. Yeah.
16 Q. I will start with some questions concerning your personal
17 data. How old are you, Mr Witness?
18 A. I am 45 years old.
19 Q. And where were you born, Mr Witness?
09:51:09 20 A. I was born at Kabala, Koinadugu District.
21 Q. The writing of Kabala is K-a-b-a-l-a. Koinadugu district
22 is K-o-i-n-a-d-u-g-u. Mr Witness, where are you
23 residing?
24 A. I'm in Tongo Field.
09:51:56 25 Q. Are you married?
26 A. I have two wives.
27 Q. And do you have children?
28 A. Yes, I have five children.
29 Q. Did you ever attend school, Mr witness?

1 A. No.
2 Q. And what is your profession?
3 A. I'm a farmer.
4 Q. Thank you, Mr witness. So Mr witness, when did you
09:53:27 5 settle in Tongo?
6 A. Right in Tongo Field. Do not talk to me in Mende. I'm
7 not a Mende.
8 MR SAUTER: I did not understand this.
9 PRESIDING JUDGE: Apparently somebody's talking to him in
09:54:00 10 Mende. He says he's not a Mende.
11 THE INTERPRETER: Your Honour, we're trying to relay all that
12 has been said to the accused, so there was a little bit
13 of confusion.
14 PRESIDING JUDGE: Can you adjust it now?
09:54:13 15 THE INTERPRETER: It was only now that we came to know that
16 the accused is here, so that is why we asked another
17 individual to interpret into Mende. So we have to make
18 some adjustments.
19 PRESIDING JUDGE: Please do it quickly. When you are ready,
09:54:30 20 please let us know. Mr Sauter, you can sit down, please,
21 and we'll wait for the adjustment to be made.
22 THE INTERPRETER: My Lord, we need the assistance of the
23 technicians. The whole thing is now confused here.
24 PRESIDING JUDGE: Maureen, can you call the technicians,
09:55:29 25 please. And if it is going to take some time, I think we
26 had better rise.
27 well, learned counsel, they say it will take five
28 minutes for the technical detail to be sorted out. So
29 we'll rise for five minutes and come back when they are

1 ready.

2 [Break taken at 9.56 a.m.]

3 [On resuming at 10.02 a.m.]

4 PRESIDING JUDGE: We're resuming the session. Mr Sauter, you
10:03:00 5 may proceed. I hope we wouldn't have to rise again a
6 third time this morning.

7 MR SAUTER: Thank you, Your Honour.

8 Q. Mr witness, once again, when did you settle in Tongo?

9 A. It was in 1980.

10:03:18 10 Q. And did you live all the time since 1980 in Tongo?

11 A. Yes.

12 Q. Mr witness, I would like to take your mind to the year
13 1997. 1997. Do you recall who was president of Sierra
14 Leone in 1997?

10:04:21 15 A. Yes.

16 Q. Please tell the Court.

17 A. It was Tejan Kabbah.

18 Q. Did Mr Kabbah stay to be president of Sierra Leone all
19 the year 1997?

10:04:58 20 A. well, he was overthrown.

21 Q. Can you recall when this overthrow happened?

22 A. I cannot exactly remember the year, but it was in 1997.

23 PRESIDING JUDGE: You can put it to him. I don't think that
24 is contested by the Defence. Mr Sauter, you can put the
10:05:29 25 date to him. Suggest a date to him. There's no problem
26 about that.

27 MR SAUTER: Okay, thank you.

28 Q. Mr witness, is it true that President Kabbah, to your
29 recollection -- that President Kabbah was overthrown on

1 the 25th of May 1997?
2 A. I know the year 1997. But the day, I don't know.
3 Q. Okay, thank you, Mr witness. Now, let's come to Tongo
4 Field. Do you recall who was in control of Tongo or
10:06:40 5 Tongo Field during the time President Kabbah was
6 president of Sierra Leone? Or until his overthrow?
7 A. Yes.
8 Q. Please tell the Court.
9 A. Kamajors were in charge during that time.
10:07:22 10 Q. When you say "Kamajors", Mr witness, what do you mean by
11 Kamajors? What is Kamajors?
12 A. Well, the people who were there, they called them
13 Kamajors. They were fighting against the rebels.
14 Q. Was there any change in the situation in Tongo Field
10:08:14 15 after the overthrow of the government of President
16 Kabbah?
17 A. Yes.
18 Q. Could you please tell the Court what happened?
19 A. Yes.
10:08:47 20 Q. Go ahead.
21 A. Well, those who overthrew Tejan Kabbah called themselves
22 AFRC.
23 Q. Mr witness, did those persons come to Tongo Field after
24 the overthrow?
10:09:31 25 A. No.
26 JUDGE BOUTET: Mr Sauter, can you move slightly faster,
27 please.
28 MR SAUTER: Yes, Your Honour.
29 Q. So, did the Kamajors stay in Tongo Field after the

1 overthrow?
2 A. Yes.
3 Q. Were there any special events in Tongo Field in 1997 you
4 remember?
10:10:29 5 A. If something happened?
6 Q. Yes.
7 A. The man took over the country, the AFRC.
8 Q. You say the AFRC took over the country. That's right?
9 A. Yes, but they didn't reach Tongo.
10:10:59 10 Q. So the question was whether or not you remember any
11 special event which occurred in Tongo Field in 1997.
12 A. Yes.
13 Q. Please tell the Court.
14 A. Okay. One time, when the AFRC said they will enter
10:11:45 15 Tongo.
16 Q. Go ahead, please.
17 A. And the Kamajors said, "It's a lie. They will never
18 reach there."
19 Q. Mr witness, did the Kamajors ever attack Tongo Field?
10:12:17 20 A. We were with them during the time the AFRC took over.
21 Q. So once again, my question, did the Kamajors in 1997
22 attack Tongo Field?
23 A. After the AFRC entered, the Kamajors pulled out and went
24 into the bush.
10:12:55 25 Q. And did they ever come back to Tongo?
26 A. Yes.
27 THE INTERPRETER: My Lords, can the witness please speak
28 through the mic. We are having problems with what he's
29 saying. Let him come closer to the microphone.

1 PRESIDING JUDGE: Come closer to the mic, please, please.
2 MR SAUTER: May I proceed.
3 Q. So, Mr Witness, please tell the Court about this attack
4 of the Kamajors on Tongo.
10:13:46 5 A. Okay. After they launch an attack on the AFRC --
6 PRESIDING JUDGE: who is launching the attack? who is
7 launching the attack? Is it the Kamajors launching the
8 attack or the AFRC launching the attack on Tongo? The
9 Kamajors are in charge up to now.
10:14:07 10 THE WITNESS: After the AFRC pulled the Kamajors, the Kamajor
11 launch an counterattack on the AFRC.
12 MR SAUTER:
13 Q. Could you remember approximately when about this
14 happened?
10:14:36 15 A. Yes.
16 Q. Please tell us?
17 A. It was in the dries. I cannot remember the month.
18 Q. So you say it was in the dry season of 1997? Is that
19 right?
10:14:55 20 A. Yes.
21 Q. What did you do when the Kamajors attacked Tongo?
22 MR MARGAI: My Lords, I don't know --
23 THE WITNESS: [No Interpretation]
24 MR MARGAI: I seem to be confused about the sequence of
10:15:14 25 events. According to the testimony of this witness, up
26 to and including the overthrow of the Kabbah regime, the
27 Kamajors were in control of Tongo. And again, he said
28 after the overthrow of the Kabbah regime, the AFRC took
29 over the entire country but never went to Tongo. So

1 perhaps if my learned friend would assist us by leading
2 his witness from then on, let us know when AFRC entered
3 Tongo, if at all, and in what circumstances.

4 JUDGE BOUTET: My understanding of the evidence was that
10:15:49 5 indeed, the AFRC took control and pushed the Kamajors out
6 of Tongo, and that's why the Kamajor counterattacked, to
7 use the words of the witness. But I'll admit it's far
8 from being clear. So perhaps, Mr Prosecutor, you can try
9 to clarify the issues so there's no confusion in
10:16:15 10 anybody's mind.

11 MR MARGAI: Thank you, My Lords.

12 JUDGE BOUTET: Especially as to the timing that Mr Margai has
13 raised. Clearly the evidence at the outset, is that when
14 there was the overthrow of President Kabbah, the AFRC
10:16:33 15 were not in control of Tongo at that time. So if the
16 AFRC took control, we would like to know when the AFRC
17 took control and so on and so forth, so there is some
18 logic to the sequence of events.

19 MR SAUTER: I contend there are some contradictions in the
10:16:47 20 statement of this witness, and I will try to clarify.

21 Q. So Mr Witness, you said up to the overthrow of the
22 government of Mr Kabbah, the Kamajors were in control of
23 Tongo. That's right?

24 A. They were in Tongo.

10:17:08 25 Q. So you said after the overthrow, the AFRC took over the
26 control over the whole country, as you said.

27 A. Yes.

28 Q. Did they also come to Tongo? I'm speaking of the AFRC.

29 A. They didn't enter Tongo.

- 1 Q. Did they at no time enter Tongo after the overthrow?
- 2 A. The time they overthrew, no, they didn't enter Tongo. It
3 was the Kamajors who were with us in Tongo.
- 4 Q. My question was whether or not after the overthrow the
10:18:01 5 AFRC came to Tongo.
- 6 A. Yes, they later entered Tongo because they took over the
7 entire country.
- 8 Q. Could you give an estimate how long after the overthrow
9 the AFRC came to Tongo?
- 10:18:32 10 A. How many days -- how many months they took before they
11 entered Tongo? About two months before they enter Tongo.
- 12 Q. Two months after the overthrow. That's right?
- 13 A. Before they enter Tongo, yes.
- 14 Q. I understood two months after the overthrow, AFRC entered
10:19:05 15 Tongo.
- 16 A. Yes.
- 17 Q. That's right? Once again, about two months after the
18 overthrow of the government of Kabbah, AFRC came to
19 Tongo. Right?
- 10:19:30 20 A. Yes.
- 21 Q. And you said earlier when AFRC came to Tongo, the
22 Kamajors went into the bush? That's right?
- 23 A. Yes.
- 24 Q. And now, did the Kamajors return to Tongo at any time?
- 10:19:59 25 A. Yes. They launched an attack against the AFRC.
- 26 Q. And approximately how long after the AFRC came to Tongo
27 they launched this attack?
- 28 A. Nearly two months.
- 29 Q. Thank you, Mr Witness. So now, what did you do when the

1 Kamajors launched this attack?
2 A. well, we tried to pull out because of the firing.
3 Q. You say "pull out of Tongo"? That's right?
4 A. We had wanted to pull out. But when we reached the AFRC
10:21:40 5 checkpoint, they stopped us.
6 Q. when you say we tried to pull out and they stopped us,
7 who do you mean?
8 A. The AFRC.
9 Q. No, no, no. Have you been by yourself, or were you
10:22:08 10 accompanied by other people when you tried to pull out of
11 Tongo?
12 A. We were many.
13 Q. when you say "we were many", who do you mean? Who was
14 trying to pull out of Tongo?
10:22:45 15 A. We, the civilians.
16 Q. And where were you heading for? Where you wanted to go?
17 A. We were heading for Kenema.
18 Q. So, Mr witness, you said earlier you were stopped at an
19 AFRC checkpoint. Please tell the Court what happened at
10:23:35 20 this checkpoint, apart from being stopped.
21 A. Okay. They told us, all the civilians, to sit on the
22 floor. Nobody's allowed to pass.
23 Q. Could you give an estimate how many civilians were at
24 this checkpoint at this time.
10:24:10 25 A. We were over 1.000.
26 Q. Could you recall how long you stayed at this checkpoint?
27 A. We were there for nearly 30 minutes.
28 Q. And what happened after these 30 minutes?
29 A. The Kamajors came, and the soldiers hid.

1 Q. Please tell the Court once again what the AFRC did when
2 the Kamajors came.
3 PRESIDING JUDGE: They went into hiding.
4 THE WITNESS: They pulled out and leave us, and the Kamajors
10:25:37 5 told us to leave for Kenema.
6 MR SAUTER:
7 Q. By the way, do you know whether the attack on Tongo
8 carried out by the Kamajors was successful at this time?
9 A. No.
10:26:09 10 Q. You don't know, or it was not successful?
11 A. It was not successful.
12 Q. Thank you, Mr Witness.
13 Now, did you proceed towards Kenema?
14 A. No, we didn't reach -- we didn't reach Kenema.
10:26:43 15 Q. No, no, no. The question was, did you proceed towards
16 Kenema?
17 A. We plan to go to Kenema, yes.
18 Q. And where, in fact, did you go really?
19 A. We went halfway, and the Kamajors told us that we should
10:27:08 20 all go to Panguma.
21 Q. Panguma is P-a-n-g-u-m-a. Could you recognise who at
22 this time was commander of the Kamajors?
23 A. Yes.
24 Q. Please tell the Court.
10:28:02 25 A. The man was called keikula Kamagboty.
26 Q. How you spell, it's k-e-i-k-u-l-a, last name
27 K-a-m-a-g-b-o-t-y.
28 PRESIDING JUDGE: K-a-m-a.
29 MR SAUTER: G-b-o-t-y. I spell it once again.

1 K-a-m-a-g-b-o-t-y.
2 Q. Did you know Keikula Kamagboty before?
3 A. Yeah.
4 Q. So you said you were asked to go to Panguma.
10:29:15 5 A. Yes.
6 Q. Did you go to Panguma?
7 A. We didn't reach. We stopped off at --
8 THE INTERPRETER: Can he repeat that name again, please.
9 MR SAUTER:
10:29:37 10 Q. Did you go to Panguma?
11 A. We didn't reach Panguma that same day. We stopped
12 halfway at Telama.
13 MR SAUTER: The spelling of T-e-l-a-m-a.
14 Q. So, Mr witness, what happened after you reached Telama?
10:30:18 15 A. When we reached Telama, we were asked to gather our
16 belongings in one place.
17 Q. Mr witness, am I right that the whole troop of civilians
18 who has been before at the checkpoint, stopped at the
19 checkpoint, was going to Telama? So that means about
10:30:52 20 1.000 persons?
21 A. Yes, they took all of us to Telama.
22 Q. So you said you were asked to place your luggage or
23 whatever you had at the side of the road?
24 PRESIDING JUDGE: Assembling their luggage in one place.
10:31:28 25 JUDGE THOMPSON: In one place, is what he said.
26 THE WITNESS: Yes, at Telama, at the junction.
27 MR SAUTER:
28 Q. Do you know what happened to this luggage subsequently?
29 A. Yeah.

1 Q. Please tell the Court.
2 JUDGE THOMPSON: Did they assemble their things in one place?
3 MR SAUTER: Pardon?
4 JUDGE THOMPSON: Did they assemble their luggage in one place?
10:32:10 5 MR SAUTER: Yeah, yeah.
6 JUDGE THOMPSON: He said they did?
7 MR SAUTER: The date?
8 JUDGE THOMPSON: Did they assemble the luggage in one place?
9 Because that was --
10 THE WITNESS: Yeah.
11 JUDGE THOMPSON: -- the evidence, that they were asked to do
12 that.
13 MR SAUTER: I'm a little bit confused now, but I try to clear
14 this.
10:32:22 15 JUDGE THOMPSON: well, I just wanted to know whether there
16 was, in fact, whether they complied with the order to
17 have their things assembled in one place before you move
18 to what happened to them.
19 MR SAUTER: I try to clear this question.
10:32:35 20 JUDGE THOMPSON: Right, thanks.
21 MR SAUTER:
22 Q. Once again, Mr Witness, you were asked to place your
23 luggage at one place. Did you comply to this order --
24 JUDGE THOMPSON: Let's stick to belongings. Let's stick to
10:32:57 25 belongings, that's what the translation gave us,
26 belongings rather than luggage.
27 MR SAUTER: Okay, thank you.
28 Q. So you were asked to put all your belongings to one
29 place. Did you comply to this order or question or how

1 you may call it?
2 A. Yes, we did it.
3 Q. And do you know what happened to these belongings
4 subsequently?
10:33:42 5 A. Yeah.
6 Q. Please tell the Court.
7 A. All these -- the property were searched.
8 PRESIDING JUDGE: Yes.
9 MR SAUTER:
10:34:17 10 Q. who did so?
11 A. The commander of the Kamajors, Keikula.
12 Q. Do you say he personally searched the belongings?
13 A. He passed the order, and his boys did the operation.
14 Q. So after the search was concluded, do you know what
10:34:59 15 happened to the belongings?
16 A. They turned to us, the civilians, and searched us to find
17 out what we had in our pockets.
18 Q. And after that?
19 A. They took all of the property and kept them in one house.
10:35:37 20 Q. Could you see that the Kamajors were taking the
21 belongings to one house?
22 A. Yeah.
23 Q. And what happened to the people, the civilians, after
24 they were searched?
10:36:36 25 A. Okay, what happened, he passed an order. He ordered us
26 to stand up.
27 PRESIDING JUDGE: who? "He" who?
28 MR SAUTER:
29 Q. who has given this order?

1 A. The commander.
2 Q. That means Mr Kamagboty?
3 A. Yeah.
4 Q. Did you comply with this order?
10:37:22 5 A. People stood up, but I didn't.
6 Q. what did you do?
7 A. I was sitting down.
8 Q. So what happened subsequently? People were standing up;
9 you were sitting down.
10:37:56 10 A. Those who were standing, they said Loko, Limba, Temne,
11 they should form one queue.
12 Q. From what tribe are you?
13 A. Myself?
14 Q. Yes.
10:38:24 15 A. I am Limba. But I didn't tell them my tribe.
16 Q. Had you been asked for your tribe?
17 A. Yeah.
18 Q. what did you tell them?
19 A. I told them I was Madingo by tribe.
10:38:56 20 Q. So let's go a step back. You said people were asked to
21 form a queue consisting of Limba, Temne, Loko people;
22 that's right?
23 A. Yeah. Yes, they formed one queue.
24 Q. was this meant for all the people being there?
10:39:35 25 A. Yeah, Temne, Mende, Sherbro and Kissi formed one queue.
26 Q. Now, it's a little bit confusing. You were first
27 speaking about Limba, Temne, Loko. Let's stay with the
28 Limba, Temne, Loko.
29 A. That's the first thing I said. I said Temne, Limba, and

1 Loko, they formed one queue. That was the first-line
2 queue that was formed.
3 Q. So after this line was formed, of how many people
4 approximately this line consisted?
10:40:26 5 A. They were many.
6 PRESIDING JUDGE: Which line, the Loko-Limba-Temne line?
7 THE WITNESS: Yes, there were many.
8 MR SAUTER:
9 Q. Once again, could you give an estimate how many?
10:40:45 10 A. The people?
11 Q. Yes, in this line. In the line of Limba, Temne, and
12 Loko?
13 A. The number of people who were in the queue?
14 Q. Yes.
10:41:08 15 A. Yes, it was 150.
16 Q. When you say -- when you say 150, is this an estimate or
17 an exact number?
18 A. That's the exact number which was in the line.
19 Q. How did you learn that there were exactly 150 persons?
10:42:03 20 A. Well, the commander himself proved it to us when he said
21 there were 150, that they should be taken away somewhere.
22 Q. So go slow, please. Did I get you right that the number
23 of persons was counted by somebody?
24 PRESIDING JUDGE: He said that the commander --
10:42:42 25 JUDGE THOMPSON: The commander told him, please.
26 THE WITNESS: Yeah.
27 PRESIDING JUDGE: The commander told him there were 150.
28 Let's move along.
29 JUDGE THOMPSON: To be taken somewhere.

1 PRESIDING JUDGE: Somewhere. Yes.
2 MR SAUTER:
3 Q. So this group of people, were there both sexes and old
4 people, young people?
10:43:16 5 A. There were no women. There were only men.
6 Q. And once again, all ages? Children and adults?
7 A. Out of the 150?
8 Q. Yes.
9 A. It only had one small boy who was 12 years old.
10:43:45 10 Foday Koroma.
11 Q. Did you know this small boy by name, Foday Koroma?
12 MR SAUTER: It's Foday, F-o-d-a-y, Koroma, K-o-r-o-m-a.
13 THE WITNESS: Yes.
14 Q. What about this Foday Koroma?
10:44:27 15 A. He was included in the group. He was a member of the
16 group, that 150.
17 Q. You said before the commander gave the order to take this
18 group away. Did this happen?
19 A. Yes. But they didn't take them to -- they didn't take
10:45:08 20 them away.
21 PRESIDING JUDGE: Speak to the microphone. Can you come
22 closer to the microphone, please.
23 THE WITNESS: They just took them somewhere, not far away from
24 us. They just took them a little distance away from us.
10:45:32 25 MR SAUTER:
26 Q. When you say a little distance, could you describe this
27 distance? Is it from here to the wall or from here to
28 any other place?
29 A. It's like where I'm sitting here to that first door.

1 Q. You mean this door?
2 A. Yes. Yes.
3 Q. And what happened to the people after they have been
4 taken to this place?
10:46:09 5 PRESIDING JUDGE: Do you want to estimate the distance,
6 Mr Sauter?
7 MR SAUTER: Yes.
8 PRESIDING JUDGE: Do you want to give us an estimate of the
9 distance, at least a rough estimate. He says it's from
10:46:18 10 there to the first door.
11 MR SAUTER: Yes.
12 PRESIDING JUDGE: Can we have an idea of your estimation of
13 the distance please?
14 MR SAUTER: You mean in metres or whatever?
10:46:30 15 PRESIDING JUDGE: Even in feet, feet or metres.
16 MR SAUTER:
17 Q. Are you familiar with metres or feet --
18 PRESIDING JUDGE: No, you give us -- you give us the estimate.
19 MR SAUTER: That's dangerous.
10:46:51 20 PRESIDING JUDGE: You give us the estimate.
21 MR SAUTER: In my estimate, it's 9 metres. Or 27 feet.
22 MR MARGAI: 20.
23 PRESIDING JUDGE: 20, 25 feet?
24 MR MARGAI: Metres.
10:47:21 25 MR SAUTER: From my jurisdiction, I know only the sentence
26 juris non calculat, Judges cannot count. So I'm very
27 sorry.
28 JUDGE THOMPSON: It's okay.
29 MR SAUTER:

- 1 Q. So Mr Witness, what happened to these people after they
2 were brought to this place?
- 3 A. The commander passed an order that they should all be
4 killed.
- 10:48:05 5 Q. To your knowledge, had this order been carried out?
- 6 A. Yes.
- 7 Q. Could you see these people being killed, with your own
8 eyes?
- 9 A. Yeah.
- 10:48:37 10 Q. Please tell the Court how the killing was executed.
- 11 A. well, these people were hacked to death. In fact, they
12 were killed by the use of a cutlass.
- 13 Q. Could you see whether or not really all people from this
14 group were killed?
- 10:49:27 15 A. Yes.
- 16 Q. And could you give an estimate how many Kamajors were
17 involved in this killing?
- 18 A. There were 30.
- 19 Q. What time about was it when this happened? Daylight?
- 10:50:16 20 A. Yes. It was daylight, about 10.00.
- 21 Q. Mr Witness, after this killing was done, what happened to
22 the remaining people?
- 23 A. We were taken to Panguma, but before they took us to
24 Panguma, one person's stomach was slit open, and they
10:51:06 25 removed his entrails and placed it in a bucket before us.
- 26 Q. Are you saying out of the group of killed persons, one 's
27 body was opened, or another one? Did you understand my
28 question?
- 29 A. I understand. It were not among the survivors, it was

1 among those who were killed, one of them.

2 Q. Thank you. So the question was what happened to those
3 people who survived?

4 A. We were taken to Panguma.

10:52:24 5 Q. Did you reach Panguma?

6 A. Yes. We reached Panguma.

7 Q. Where were you taken to in Panguma?

8 A. We were taken to the hospital quarters.

9 Q. What happened after reaching the hospital quarters?

10:53:30 10 A. The imam, the imam of Tongo Field was summoned.

11 Q. What does that mean, "was summoned"? The imam among the
12 people coming to Panguma?

13 A. Yes, the imam was among us. We were captured together.

14 Q. Could you recognise for what reason the imam was
10:54:24 15 summoned?

16 A. Well, the commander for the entire Kamajor --

17 THE INTERPRETER: Can he repeat that name again.

18 A. The commander said he was only the person they were going
19 to release to go to Tongo.

10:54:52 20 THE INTERPRETER: The name of the commander was BJK Sei.

21 MR SAUTER:

22 Q. So this now was a different commander, not any more
23 Keikula Kamagboty?

24 A. He was the overall commander of them all.

10:55:15 25 MR SAUTER: It's BJK S-e-i. BJK S-e-i.

26 Q. So once again, what was BJK saying to the crowd?

27 A. He wrote a letter, and he give it to the imam and said he
28 should take it to Tongo, that they were not able to
29 capture Tongo but they would have to go again. When they

1 enter there, they would have to kill everybody.

2 Q. So do you say that contents of this letter was at this
3 time they were not able to conquer Tongo, but they will
4 come back and try it again? Is that right?

10:57:01 5 A. Yes, yes, that's what they wrote in the letter. In fact,
6 they said it before they wrote it down.

7 Q. And this is how you learned about the contents of this
8 letter, because he told the crowd what the contents is?

9 A. Yes. And he read it.

10:57:32 10 PRESIDING JUDGE: Who read it?

11 MR SAUTER: I understood BJK Sei.

12 Q. That's right? It was BJK --

13 A. Yes, he wrote it, and he read it to us before he gave it
14 to the imam.

10:58:10 15 Q. And then the imam was sent off to Tongo?

16 A. Yes.

17 Q. And what about you? You were still in Panguma?

18 A. After that, one commander from Ngiehun called Bangey
19 Waters.

10:58:37 20 MR SAUTER: B-a-n-g-e-y, last name waters.

21 Q. So what about this CO, Bangey waters?

22 A. He went to -- he went to B. J. and said, "this man is my
23 own person. I'm going to take him to where I am."

24 Q. So you knew Bangey waters before?

10:59:23 25 A. Yeah.

26 Q. Were you released?

27 A. BJK said we have to prepare a document for me.

28 Q. Do you know what was the contents of this document? Cut
29 it short a little bit, please.

1 A. Yeah.

2 Q. Please tell Court.

3 A. Well, Bangey said, this man that I'm taking along, if you
4 find that he's a soldier, then I am responsible. If you
11:00:31 5 find he's a Kamajor, then I'm responsible. Then he
6 signed the document.

7 Q. So Bangey Waters was guaranteeing for you? That's right?

8 A. Yeah.

9 Q. And after this, you could go and leave the compound,
11:00:56 10 hospital compound, in Panguma?

11 A. Yes, the pa went with me, Bangey Waters himself.

12 Q. Where did you go to?

13 A. He went with me to one village called Kuthuma.

14 MR SAUTER: It's K-u-t-h-u-m-a.

11:01:36 15 Q. And after Kuthuma?

16 A. We slept there for one night, and the next day he took me
17 to Maka.

18 MR SAUTER: Maka, M-a-k-a.

19 With your permission, My Lords, with your permission, I
11:02:10 20 cut it a little bit short.

21 Q. So you stayed for a while in Maka, and then went to
22 another place. That's right?

23 A. I was in Maka for some time. Then later, the Kamajors
24 came and asked everybody out. For Tongo.

11:02:36 25 Q. Where did you go to? Pardon?

26 A. I didn't go anywhere. I was still there.

27 Q. Didn't you go to another place after you have stayed for
28 a while in Maka?

29 A. Afterwards, the pa sent for me, and I left there and went

1 to Ngiehun.
2 MR SAUTER: Ngiehun is N-g-i-e-h-u-n.
3 PRESIDING JUDGE: Spell that again.
4 MR SAUTER: N-g-i-e-h-u-n.
11:03:43 5 PRESIDING JUDGE: Thank you.
6 MR SAUTER:
7 Q. So shortly, what happened during your stay in Ngiehun?
8 A. After I went there, Kamagboty met me there one day.
9 Q. You said Kamagboty met him there.
11:04:17 10 And what else?
11 A. He greeted me one morning.
12 Q. Go ahead, please.
13 A. He asked me if that was where I was staying, and I said
14 yes.
11:04:37 15 Q. Go ahead.
16 A. He said when you are -- he said, "when you are living
17 amicably with some people in a particular place, you will
18 stay by there. That's why you are still here with these
19 people. Some other people are scared to come back."
11:05:06 20 Q. So to cut it short, is any harm being done to you while
21 you were in Ngiehun?
22 A. Yeah.
23 Q. Please tell the Court.
24 A. From there, I went to the site. And Kamagboty met me
11:05:30 25 there again.
26 Q. And what did he do this time?
27 A. Okay. When he met me there, he asked one Kamajor, Munda,
28 and he said I'm asking for Mr Koroma.
29 MR SAUTER: Munda, M-u-n-d-a.

1 Q. who was he asking for, Mr Koroma? which Mr Koroma?
2 A. Myself.
3 Q. what was going on?
4 A. And he called me. But I didn't expect that he was going
11:06:36 5 to do something to me. That is, he identified me to the
6 man.
7 MR MARGAI: My Lords, may I remind my learned friend that
8 there is protective measures for this witness.
9 JUDGE BOUTET: Indeed. I thought the protective measures had
11:06:53 10 been requested by the Office of the Prosecution for the
11 safeguards of security of these witnesses, that he should
12 be overly careful about dealing with these issues. So
13 --
14 MR SAUTER: It was my fault. I apologise.
11:07:12 15 Q. So, Mr witness, tell the court what happened to you.
16 A. He called me, and I stood by him. He asked me if I was
17 Limba, and I said yes. And he said, "weren't you the one
18 who was captured from Tongo?" And I said yes.
19 THE INTERPRETER: My Honours, the witness is not very audible.
11:07:39 20 we're not getting what he's saying.
21 PRESIDING JUDGE: Mr witness, speak to the microphone, please.
22 Come closer to the microphone.
23 THE WITNESS: Okay, okay.
24 MR SAUTER:
11:08:14 25 Q. So you were asked for your tribe, and you answered you
26 were a Limba. Go on from this point, please.
27 A. Yes, I answered that I was Limba.
28 Q. Yes, continue.
29 A. Then he said he was going to kill me.

- 1 Q. Go on, please.
- 2 A. Then I asked him why, and he asked me if I'm asking him a
3 question. And then I said yes. Then he said he will
4 show me why he was going to kill me. Then I told him,
11:09:06 5 "has anybody told you I'm a soldier? Has anybody told
6 you that I'm a rebel? One day have I coveted a wife?"
7 And then I said no. Then I asked him, "why do you want
8 to kill me?" Because they've told them that I am Limba,
9 I have not coveted a wife, but I'm going to leave
11:09:28 10 everything to God.
- 11 JUDGE BOUTET: Cut it short, please.
- 12 MR SAUTER:
- 13 Q. What happened after he has decided, Kamagboty, that you
14 should be killed?
- 11:09:47 15 A. He took a single-barrel bullet and gave it to one of his
16 boys, Small Hunter. And the boy loaded the gun.
- 17 Q. Go on, please.
- 18 A. The one pa came, Alhaji, and he said, "Eh, this man was
19 brought here by your colleague, commander. If you have
11:10:22 20 any problem with him, wait until the other commander
21 comes." And he said, "if this pa says anything, he will
22 kill the two of us.
- 23 Q. So the intervention of this person did not change the
24 decision of Kamagboty. What happened next?
- 11:10:47 25 A. Say that again. No, and one other pa came again. And he
26 said the same thing. And he said he was going to take me
27 to Tongo. That's where he was going to kill me.
- 28 Q. Have you been taken to Tongo?
- 29 A. We moved to go. Halfway through, he told us to wait,

1 with the boy that he had given the gun to, the bullet to.
2 Q. Go on.
3 A. AS I was standing, I remember that this man had passed an
4 order for 150 to be killed, and it has been done. So I
11:11:42 5 said if I stay with this man, he will certainly do what
6 he plans to do. But if he took me to Tongo, nobody would
7 know that he had killed me. So I said it is better for
8 me to die here. So he passed an order to the boy that he
9 should -- to the boy for him to shoot me. And the boy
11:12:02 10 shot me.
11 Q. Have you been hit by any bullet?
12 A. Yes. Yes. Even as I'm speaking, there is one bullet
13 lodged in my body. One is in my body. They removed
14 four; one is still in my body.
11:12:25 15 Q. Does that mean that you have been hit by five bullets?
16 A. Yes, I was caught by five bullets. Yes, it was five
17 bullets that entered my body.
18 Q. And what happened next after you were hit by the bullets?
19 A. I ran and went into the bush, and they pursued me. I was
11:13:01 20 wearing a T-shirt, and I tied it. They were
21 looking -- they were tracing me through the blood that
22 was dripping. Where I tied the cloth around, there was
23 some blood that they looked, and they couldn't trace me,
24 and I went back to Tongo.
11:13:26 25 Q. So Mr Witness, you managed to escape?
26 A. Yes, I entered the bush. Yes.
27 Q. Thank you very much. You mentioned that Kamagboty gave a
28 bullet to one of his boys by name Small Hunter. Could
29 you describe this boy a little bit, as far as his age is

1 concerned. In other words, in your estimate, how old was
2 this boy?
3 A. He's around 12 years old. He was a small boy.
4 MR SAUTER: That's all for this witness, My Lords. Thank you
11:14:27 5 very much, Mr Witness.
6 JUDGE BOUTET: Thank you. First accused, you're ready to
7 proceed with cross-examination of this witness?
8 MR YILLAH: Yes, My Lord.
9 [HN140205B 11.20 a.m. EKD]
11:17:00 10 CROSS-EXAMINED BY MR YILLAH:
11 MR YILLAH:
12 Q. Mr Witness.
13 A. Yes.
14 Q. During this period you have spoken about in Tongo is it
11:17:18 15 true that rebels were usually dressed in civilian
16 clothes?
17 A. I don't know that.
18 Q. Did you see rebels at all in Tongo during this period?
19 A. The time they entered Tongo, yes, I used to see them.
11:17:46 20 They were wearing military fatigue because all of them
21 have joined the AFRC.
22 Q. So it would not be correct if someone in Tongo says that
23 some of the rebels were dressed as civilians?
24 A. No.
11:18:29 25 Q. Mr Witness.
26 A. Yes, sir.
27 Q. Do you know whether the people of Tongo were warned by
28 Kamajors to leave before the attack?
29 A. It was after me. Those who came after us were warned,

1 but not us.

2 Q. Mr witness, you testified in evidence-in-chief that you
3 were asked by the commander and his men for your tribe;
4 isn't that correct?

11:19:39 5 A. Yes.

6 Q. Do you recall making a statement to the investigators
7 from the Prosecutor's office?

8 A. If I could remember? Yes.

9 Q. This was precisely on the 31st of January 2003, do you
11:20:39 10 recall?

11 A. Well, I cannot remember the date.

12 Q. Do you recall affixing your thumbprint to the said
13 statement?

14 A. Yes, I know.

11:21:22 15 Q. Is this a copy of the said statement?

16 MR YILLAH: May I [inaudible], My Lord?

17 JUDGE BOUTET: What are you intending to do with this?

18 MR YILLAH: My Lord, I intend to put in a portion to establish
19 prior inconsistent statement.

11:21:42 20 JUDGE BOUTET: I suggest to you that you need to do a little
21 bit more groundwork before you get there. How many
22 pages, what's the language, who wrote the statement, et
23 cetera.

24 MR YILLAH:

11:21:55 25 Q. Mr witness.

26 A. Yes.

27 Q. In what language was this statement?

28 A. It was in Krio.

29 JUDGE BOUTET: Does he speak Krio?

1 MR YILLAH:
2 Q. Do you speak Krio, Mr witness?
3 A. Yes.
4 Q. Was it recorded at the time? Did you see someone
11:22:16 5 writing?
6 A. If I can write?
7 Q. No, did you see someone [overlapping speakers] during the
8 time you were making the oral statement?
9 A. Yes, somebody was writing.
11:22:29 10 JUDGE BOUTET: Did they show it to him afterwards? Did they
11 read it back to him?
12 MR YILLAH:
13 Q. Was it read over and explained to you, Mr witness?
14 A. Those who took the statement from me, they read it before
11:22:45 15 me.
16 Q. And did you subscribe it to be true and correct?
17 A. Yes.
18 Q. Mr witness, is that a copy of the statement you made to
19 the investigators for the Prosecution?
11:23:30 20 A. The statement that I made on what happened to me, I don't
21 know what they wrote.
22 Q. Mr witness, you said you made statement to the
23 investigators from the Prosecutor's office and you also
24 said that it was recorded and it was read over and
11:24:01 25 explained to you. Mr witness, the paper you have before
26 you -- the papers you have before you, is that the
27 statement that you made to the investigators for the
28 Prosecutor?
29 A. Well, I don't know because I am not literate.

1 PRESIDING JUDGE: It's a normal answer, it's a normal reply.
2 MR YILLAH: As My Lord pleases.
3 JUDGE BOUTET: Even though there is a thumbprint, how can he
4 say this is his thumbprint? I mean, I could not tell you
11:24:38 5 if I put my thumbprint that this is my thumbprint.
6 MR YILLAH: My Lord, this is the difficulty we have and this
7 is what necessitated the application by my learned senior
8 Mr Margai last time.
9 JUDGE BOUTET: well, don't think that we are going to be
11:24:49 10 calling every single investigator that did this because
11 we are not prepared to do that.
12 MR YILLAH: As My Lord pleases. My Lord, this is the
13 difficulty we have and I will ask for Your Lordship's
14 direction on this point, because that is what we have
11:25:05 15 been furnished as the statement of this witness, My Lord.
16 If the witness now denies or says he was not aware that
17 that is his statement --
18 JUDGE BOUTET: well, he does not deny it.
19 PRESIDING JUDGE: He's not denying it.
11:25:14 20 JUDGE BOUTET: It is his evidence he can't read. So even
21 though you show him that piece of paper - it could have
22 25 pages - he cannot tell you this is it or not. I mean,
23 all he's telling you is he doesn't know. It is obvious
24 from his evidence that he could not tell you anything
11:25:29 25 different.
26 MR YILLAH: My Lord, I will ask for recall of the said
27 document and I will put portions to him. I will try
28 another method.
29 JUDGE BOUTET: Maybe he remembers who were the investigators

1 who interviewed him; I don't know. There might be some
2 other information in that statement that could be of
3 assistance.
4 MR YILLAH: As My Lord please.
11:26:01 5 Q. Mr witness.
6 A. Yes.
7 Q. Do you recall telling investigators from the Prosecutor's
8 office that nobody -- no Kamajor asked you for your
9 tribe? Do you recall making that statement?
11:26:17 10 A. I didn't make a statement like that. It was not made by
11 me.
12 Q. Mr witness, do you recall --
13 PRESIDING JUDGE: Can you read that portion to him?
14 MR YILLAH: Pardon me, My Lord?
11:26:48 15 PRESIDING JUDGE: The portion which you are referring to.
16 MR YILLAH: Yes, Mr Lord.
17 PRESIDING JUDGE: Let it be translated to him.
18 MR YILLAH:
19 Q. Mr witness, do you recall saying, "I was lucky as nobody
11:27:00 20 asked me for my tribe"?
21 A. Myself? I didn't say so. I said they asked for my
22 tribe, then I denied, I said I'm a Madingo.
23 Q. Mr witness, do you know who the investigators were who
24 interviewed you -- or who they are? Do you know their
11:27:30 25 names?
26 A. Those who went to me in my place? If I see them I'll
27 recognise them.
28 MR YILLAH: My Lords, there is a bit of a difficulty here,
29 because the names --

1 JUDGE BOUTET: well, give him the names. Do you have the
2 names?
3 MR YILLAH: No, the names of the investigators do not appear
4 on the written statement that I have. There is no
11:27:54 5 evidence on the face of this statement establishing the
6 name of a particular investigator who recorded this
7 statement.
8 JUDGE BOUTET: From the document I have here, which is the
9 list of witnesses to be called in the Prosecution --
11:28:10 10 order of witnesses to be called in the fourth trial
11 session, there is a reference to this witness and I see
12 somewhere in the margin it says two statements, a typed
13 version and the original handwritten one. So I would
14 imagine you have the typed version and it may contain
11:28:27 15 that information. I don't know, I don't have the
16 statement in front of me.
17 MR YILLAH: Yes, My Lord. My attention has just been drawn to
18 the name of an investigator.
19 Q. Mr Witness.
11:28:39 20 A. Yes, sir.
21 Q. Is it correct that the investigator who interviewed you
22 was one Joseph Saffa?
23 A. From Tongo Field?
24 Q. No, the investigator from the Office of the Prosecutor of
11:28:57 25 the Special Court.
26 A. well, I could not remember his name.
27 MR YILLAH: My Lord, that is as far as I can go and that is
28 the difficulty, My Lord. My Lord, this is the statement
29 that we have in our possession that was furnished us by

1 the OTP as the statement of this witness, My Lord.
2 JUDGE BOUTET: What is the portion of that statement that you
3 want to put -- that you have put to the witness? Can you
4 read it back again?
11:29:27 5 MR YILLAH: Yes, My Lord. The portion is found on page 2 and
6 it reads, "I was lucky as nobody asked me for my tribe."
7 That is the bit I want to put in for now, My Lord, to
8 establish prior inconsistency.
9 JUDGE BOUTET: But he's denying making that statement.
11:29:46 10 MR YILLAH: Yes, My Lord, and this is the difficulty we have.
11 This is what necessitated the application by my learned
12 senior, Mr Margai, last week, as to what route we should
13 follow where witnesses deny making a particular
14 statement.
11:29:56 15 JUDGE THOMPSON: [Microphone not activated] I would like to
16 suggest that since it is becoming evident that we are
17 being confronted with some kind of problem as to how
18 these statements were recorded, I see no difficulty based
19 on the jurisprudence consistent with the free evaluation
11:30:16 20 of evidence and also the flexible approach to
21 admissibility, that we -- the court is in no way
22 precluded from admitting this statement and of course
23 determining at the end of the day what weight to -- for
24 the limited purpose for which in fact you intend to have
11:30:31 25 it admitted. We've done that here. Because it is
26 becoming a pattern now that some witnesses are denying
27 having told the investigators certain things and if the
28 business of the Court, which I am sure it is, is to
29 ascertain the truth, then I don't see why we should let

1 such a technicality preclude the consideration of these
2 statements for the limited purpose.

3 MR YILLAH: As My Lord pleases.

4 JUDGE THOMPSON: That would be my own attitude toward that.

11:30:55 5 MR YILLAH: As My Lord pleases.

6 JUDGE THOMPSON: And we'll hear the Prosecution.

7 MR TAVENER: Your Honour, the Prosecution certainly takes a
8 similar view to Your Honour. There clearly was some
9 problem in taking statements from witnesses. The
11:31:05 10 Prosecution does not dispute the fact those statements
11 have been produced by the Prosecution. The witness
12 although doesn't accept he said that, it is not actually
13 a prior inconsistent statement. The Prosecution wouldn't
14 seek to withhold evidence or material from which you can
11:31:15 15 then make an assessment.

16 JUDGE THOMPSON: That is why we think we need to relax the
17 strict principle. It seems as if what we are in fact
18 saying may well appear to be prior inconsistent
19 statement, runs against this roadblock where a witness
11:31:26 20 says "I never told him that," so the question is what
21 does a tribunal do? Do we pack our bags and go home and
22 say well, no. I think if we have the principle of
23 flexibility in terms of admissibility as distinct from
24 probative value we should in fact admit it.

11:31:37 25 MR TAVENER: That's right. We have a statement from the
26 Prosecution, we have a witness's evidence that he didn't
27 say that particular material, so it is not a prior
28 inconsistent statement. There may be many reasons why
29 there is a discrepancy.

1 JUDGE THOMPSON: Yes, quite right.

2 MR TAVENER: And ultimately it is a matter for Your Honours.

3 JUDGE THOMPSON: And it is for the Tribunal in the end to
4 determine how to treat this kind of situation in our
11:31:52 5 process of judicial evaluation of the evidence.

6 JUDGE BOUTET: So it appears that we are changing our ruling
7 on the prior inconsistent statement. We are now
8 introducing a new notion of not inconsistent statement
9 but different statement. In other words, it does not
11:32:11 10 meet the standard that we have applied but we are quite
11 prepared now to admit those documents certainly for the
12 purpose of seeking the truth and to expedite a bit of
13 these proceedings. Because we seem to be moving in the
14 direction where we spend more time on statements than we
11:32:25 15 do on the evidence of witnesses. So for the sake of
16 expeditiousness and justice, as such, I am prepared to
17 rally to this and accept these documents for the very,
18 very limited purpose it is intended. However, I am not
19 prepared to relax the rule about establishing connections
11:32:35 20 between those whatever documents and the witness as such
21 just
22 because you have something which is on a piece of paper
23 that we are prepared to admit it.

24 MR TAVENER: Your Honour has raised two important points.

11:32:43 25 One, clearly you can't relax the evidence from the
26 witness to how the statement came into existence because
27 otherwise you will have nothing upon which to form your
28 evaluations of the value of the evidence.
29 Two, obviously it is a matter of procedure for

1 Your Honours, once it has been mentioned in court, once
2 the transcript has identified that part which the witness
3 doesn't accept or does accept, then whether or not you
4 actually need the statement before you, which only gives
11:33:02 5 additional exhibits which take it no further, Your Honour
6 will have the transcript, it will show that a portion was
7 read to the witness, he had no memory of it, that may be
8 sufficient. Whether you need to go to the next stage of
9 tendering a document, which in this case will be three
11:33:18 10 pages, you need one sentence from that three page
11 statement, the Prosecution has no view, that is a matter
12 for Your Honours.

13 JUDGE BOUTET: I think it is easier if we do it that way, at
14 least we have some records to refer to. And it may be
11:33:22 15 that the second accused and the third accused will refer
16 to the same documents rather than going through this
17 process many, many times. If we have it, then it can be
18 used for whatever purpose. Again I say for whatever
19 purpose, the purpose being here to show that there is
11:33:38 20 something on a piece of paper that says something that
21 may be different than what the witness is saying in court
22 today.

23 But, again, we are moving away from the ruling and
24 we are not using this doctrine of prior inconsistent
11:33:50 25 statement per se as we have ruled it is. But, as my
26 learned colleague and brother has said, the purpose here
27 is to seek justice and to try to get the truth of the
28 matters as such and we should not be trying to move into
29 the trial of whoever did the statements or not because,

1 as I say, we are interested to know what happened and not
2 lose time on statements that may have relevancy but
3 certainly not the same extent as the evidence that these
4 witnesses are giving in court.

11:34:14 5 So given Rule 89 as well, that we have the ability
6 to admit any evidence that is relevant, so we can
7 certainly admit for that purpose.

8 MR TAVENER: If I might just say that the Prosecution is not
9 conceding these are prior inconsistent statements.

11:34:27 10 JUDGE BOUTET: No, and we are not saying it is either, no, no.
11 That is why I have, in fact, been talking about third
12 category that are not prior inconsistent statements.

13 MR TAVENER: And that is why the manner in which these
14 statements are put to the witness is very important.

11:34:41 15 JUDGE BOUTET: That's right.

16 JUDGE THOMPSON: We are saying that under 89 we can still take
17 these statements.

18 PRESIDING JUDGE: But again we would like to sound a caution
19 from the Bench that even though we are making the
11:34:54 20 slightest caution to 89 in order to admit this particular
21 statement, it is not our intention to radically deviate
22 or to depart from the ruling which we have put in place
23 as far as prior inconsistent statements are concerned. I
24 would like this to be very, very clear and that we will
11:35:13 25 be very alert to admissibility of documents in this
26 regard. And even if 89 is very wide, we would stick as
27 much as it is legally possible to the statement of our
28 decision on the admissibility of prior inconsistent
29 statements that have been made to investigators by the

1 witnesses vis-a-vis their oral testimony. So, like my
2 colleague has stated, we would admit that statement and
3 proceed please.

4 MR YILLAH: I'm grateful, My Lord. May I apply that this page
11:35:53 5 2 of the typed statement with the highlighted portion
6 be --

7 JUDGE BOUTET: No, introduce the whole statement and say it is
8 page 2, paragraph whatever as such.

9 MR YILLAH: My Lord, this is a statement of this witness dated
11:36:05 10 31st of January 2003.

11 JUDGE BOUTET: How many pages?

12 MR YILLAH: It is five pages in total, My Lord, of the typed
13 statement.

14 JUDGE BOUTET: And the part that you are dealing with is on
11:36:14 15 page what?

16 MR YILLAH: It is on page 2.

17 JUDGE BOUTET: Has it been identified in --

18 MR YILLAH: Yes, My Lord, this portion has been.

19 JUDGE BOUTET: Have you underlined the portion?

11:36:27 20 MR YILLAH: Paragraph 2 and the said portion has already been
21 highlighted, My Lord.

22 JUDGE BOUTET: That's fine.

23 PRESIDING JUDGE: May we have the date of that statement,
24 please.

11:36:36 25 JUDGE BOUTET: 31st January 2003. I think we are at 58 now.

26 MS EDMONDS: 58, yes.

27 MR YILLAH: My Lord, it is paragraph 2, line 11 of page 2, for
28 the records.

29 JUDGE BOUTET: Thank you. So this document will be marked as

1 Exhibit 58.
2 [Exhibit No. 58 was admitted]
3 MR YILLAH: AS My Lord pleases.
4 JUDGE BOUTET: Tender the whole document, not only the page.
11:37:03 5 The whole of it. Mr Prosecutor, I didn't ask you about
6 this document. Presumably you have seen it and you are
7 not objecting to it before we mark it as an exhibit.
8 Again, Mr Tavener, it will be for the very limited
9 purpose we have spelt out.
11:37:19 10 MR TAVENER: Yes. That is the Prosecution's position; that
11 ultimately it is a matter for the Court to assess. We
12 don't accept they are prior inconsistent statements.
13 JUDGE BOUTET: It is only that we haven't asked you if this,
14 the five pages that have been shown -- if you have seen
11:37:34 15 them and if you have any objection.
16 MR TAVENER: I am sure my friend has tendered the correct
17 document.
18 PRESIDING JUDGE: But, in any event, it is the Prosecution
19 which communicated -- which disclosed that statement as a
11:37:42 20 statement of this witness.
21 MR TAVENER: That's correct, we accept that.
22 PRESIDING JUDGE: who, for particular reasons, because he
23 cannot read, he cannot identify his thumbprint either, he
24 can't even identify his statement. If it is you
11:37:57 25 guaranteeing that that is his statement, fine, we admit
26 it for that limited purpose.
27 MR MARGAI: Besides, My Lord, perhaps it ought to be noted
28 here that the difficulty we are now confronting, as
29 indeed highlighted by Yillah, is not of our creation at

1 all, meaning the Defence. It is as a result of the
2 investigators departing from the norm of obtaining
3 statements as we know it. I mean, the President of this
4 Court had highlighted --

11:38:25 5 JUDGE BOUTET: I'm not sure there is a norm.

6 JUDGE THOMPSON: From the norm you mean in national systems?

7 MR MARGAI: No, the common law system.

8 JUDGE BOUTET: well, this is not a common law court. I mean,
9 this is an international tribunal.

11:38:37 10 MR MARGAI: I know, My Lord. I appreciate that. The
11 international tribunal has a greater latitude but when
12 one obtains a statement in the third person it creates
13 the problem, whether international or otherwise. This is
14 the difficulty we are facing.

11:38:52 15 JUDGE BOUTET: Yes, but all international tribunals are faced
16 with the very same problem as such. This is not unique
17 to this Court.

18 MR MARGAI: That is why we are endeavouring to find a solution
19 in furtherance of justice, and I am sure we are arriving
11:39:06 20 at it slowly but surely.

21 JUDGE BOUTET: I think we have moved a step in that direction
22 to facilitate the use of these statements in those
23 circumstances.

24 MR MARGAI: We appreciate that, My Lord. Thank you.

11:39:19 25 MR YILLAH: May I continue to cross, My Lord?

26 JUDGE BOUTET: Yes.

27 MR YILLAH:

28 Q. Mr Witness.

29 A. Yes.

1 Q. Do you also recall saying to the investigators that the
2 total number of civilians that were taken to Telama
3 village were more than 2,000?
4 A. Tell 1,000.

11:39:54 5 JUDGE BOUTET: Do you have the quote in front of you? Ask him
6 if he said this and read from whatever you have in the
7 statement if you have that.
8 MR YILLAH: No, My Lord, I will not pursue that line again. I
9 am just putting questions to save time.

11:40:09 10 JUDGE BOUTET: Okay.
11 MR YILLAH:
12 Q. Mr witness, did you also say you were seated with this
13 large crowd of people when others -- when 150 were taken
14 out by the Kamajors? You were seated on the floor?

11:40:26 15 A. Yes.
16 Q. Now, Mr witness, during this period were you in deep fear
17 for your life?
18 A. Yes.
19 Q. And you were seated on the floor together with this large
11:40:52 20 crowd of civilians?
21 A. Yes.
22 Q. But whilst in fear for your life, Mr witness, you had
23 time to watch the killing of these 150 civilians. whilst
24 in deep fear for your life and whilst you were seated on
11:41:12 25 the floor you could see the killing of 150 civilians
26 several metres away from where you were seated in this
27 large crowd?
28 A. They are not very far from us, they are close.
29 Q. Mr witness, did you show the scene of this alleged

1 killing to the investigators for the Prosecutor? Did you
2 take them to the scene?
3 A. No, they didn't ask me for that.
4 Q. Did you suggest that to them?
11:42:07 5 A. They also have told me that's not my -- and they didn't
6 tell me, so that was not my responsibility to take them
7 there.
8 Q. Mr witness, I put it to you that you did not suggest it
9 to the investigators because no such scene exists?
11:42:40 10 A. No. The time when the investigators went to collect
11 statement, we are not even allowed to let people know
12 what they were after. So it was not my duty to take them
13 to the place where -- to the scene where the incident
14 took place.
11:43:12 15 JUDGE BOUTET: what do you mean, Mr witness, by not being
16 allowed to?
17 THE WITNESS: I said the people didn't even want other people
18 to know what they were after, so all the collection of
19 this statement was done in a discreet manner. So they
11:43:38 20 didn't allow us to take them to the scene where the
21 incident took place, so they didn't ask us for that.
22 MR YILLAH:
23 Q. Let me ask you this, Mr witness, in your
24 evidence-in-chief you said while you were at Telama
11:43:59 25 village two lines of civilians were ordered to stand up.
26 Did you remain seated whilst these civilians stood up?
27 A. Those that they asked to make a queue, they were standing
28 and I was sitting.
29 Q. Mr witness, since you were ordered by the Kamajor

- 1 commander to sit down, did you continuously remain seated
2 there?
- 3 A. Yes. I was sitting, I didn't stood up.
- 4 Q. Mr witness, you have testified in evidence-in-chief as to
11:44:56 5 the name of this commander. After the whole incident had
6 settled down did you report this commander to any of the
7 Kamajor bosses in Kenema?
- 8 A. At that time I did not have that chance to do that.
9 This is why I have been waiting for this Special Court,
11:45:24 10 that they told us it was coming so as to narrate my
11 story.
- 12 Q. After that time, Mr witness, did you report it to the
13 police, citing his name, the commander's name?
- 14 A. I did not report to the police but the man who was
11:45:50 15 staying with me, he knew about this matter and he was one
16 of the Kamajor commanders.
- 17 Q. Mr witness, I finally put it to you that you, speaking
18 for yourself, arrived safely in Kenema having passed
19 through all Kamajor checkpoints?
- 11:46:36 20 A. what are? I did not go to Kenema through -- the thing
21 that happened to me, I did not go to Kenema, I was stayed
22 with the commander who received me from Panguma.
- 23 Q. And that commander kept you in safe custody or he handed
24 you over to --
- 11:47:04 25 A. You see, I was with this commander when this man came and
26 created a problem for me.
- 27 Q. Mr witness, I finally put it to you that your statement
28 to this tribunal is not the truth?
- 29 A. why do you say it is not true?

1 JUDGE BOUTET: Are you talking of his statement or his
2 evidence?
3 MR YILLAH: Your evidence. Sorry, My Lords.
4 Q. Your evidence to this tribunal this morning is not true?
11:47:49 5 A. There are witnesses that will prove that it is true.
6 Q. Would you answer my question, Mr witness. According to
7 you -- I'm saying according to you what you have said is
8 not true?
9 A. I explained all that happened to me.
11:48:11 10 JUDGE THOMPSON: Witness, just told on. Learned counsel, is
11 it fair to just say that his evidence is not true? Ought
12 you not to be specific? You mean, even his personal
13 details like 45 years old, that kind of thing.
14 MR YILLAH: As My Lord pleases.
11:48:30 15 JUDGE THOMPSON: I mean, why not be specific. Why just have
16 this kind of blanket allegation?
17 MR YILLAH: As My Lord pleases.
18 JUDGE BOUTET: I would like to comment as well on the previous
19 question. Were you suggesting that this witness was not
11:48:44 20 injured? I was not sure I understood your question about
21 -- I know you stated he arrived safe in Kenema, he didn't
22 go to Kenema, but the purport of your question, was it an
23 import to say to the witness that he never sustained any
24 injury?
11:49:03 25 MR YILLAH: Yes, My Lord, I will have to address
26 Your Lordships on that because he has answered the
27 question. He said he went to Panguma and the records
28 will reflect the answer that he has given.
29 JUDGE THOMPSON: It is just that I thought you should assist

1 us if you are putting it to a witness -- whether it is
2 the entire testimony you are saying is untrue or whether
3 it is parts of the testimony. You owe us that obligation
4 as counsel to assist us. That is all I am asking here.

11:49:29 5 MR YILLAH: As My Lord pleases.

6 Q. Mr witness, I finally put it to you that the evidence
7 you've given to this tribunal relating to the incident
8 that transpired according to you is not true?

9 A. I am sure that it is true because it happened to me and
11:49:55 10 all that I have said is true.

11 JUDGE BOUTET: But again he has testified to more than one
12 incident, to my recollection, so what are you talking
13 about now? Again, I have said to you are you talking
14 about his injury or are you talking about the people that
11:50:08 15 got killed or are you talking about the belongings being
16 taken away? I mean, what are we talking about?

17 PRESIDING JUDGE: Mr Yillah, are you using a blanket term for
18 all incidents as such? All incidents.

19 MR YILLAH: Yes, Mr Lord. The witness, according to --

11:50:29 20 PRESIDING JUDGE: [Overlapping speakers] evidence, his
21 testimony, on all the incidents which he has testified
22 to?

23 MR YILLAH: He has testified on three principal episodes this
24 morning, My Lord.

11:50:36 25 PRESIDING JUDGE: Yes.

26 MR YILLAH: The belongings, the killings and the alleged
27 shooting. These three I am putting together in one
28 blanket. That is why I am saying "the incidents" that he
29 has testified to.

1 JUDGE THOMPSON: I don't think the Court is in any way going
2 to have any difficulty if you were to put them
3 specifically to him. So for the records - because after
4 all you want us to evaluate the evidence very carefully
11:50:59 5 and in a very methodical way - why not say incident one,
6 incident two. Just to do it in that way does not seem to
7 be helpful to the Bench, that's all.

8 MR YILLAH: As My Lord pleases. I will take the direction
9 from the Bench.

11:51:17 10 Q. Mr witness, I finally put it to you that your evidence
11 regarding the alleged killing of 150 people whilst you
12 were seated in Telama village is not true?

13 A. Yes, for me it is true because I am sure because it
14 happened before my eyes.

11:51:51 15 Q. Mr witness, was your vision whilst you were seated not
16 blurred by the standing of civilians who were ordered to
17 stand up?

18 JUDGE BOUTET: Are you starting your cross-examination over?
19 I mean, I thought you were going to specific incidents.

11:52:11 20 MR YILLAH: Yes, My Lord, I am still on that specific
21 incident.

22 THE WITNESS: Civilians were standing before me. All the
23 civilians that were standing before me were the ones that
24 were put together so as to be killed. See, all of us
11:52:23 25 were sitting on the ground. There was nothing that
26 blocked my view.

27 MR YILLAH:

28 Q. Mr witness, I put it to you that the incident regarding
29 the evidence you have testified to regarding the taking

1 away of your belongings is [Overlapping speakers]?

2 A. Yes. I know that it is true because it happened to me.

3 Q. Finally, Mr witness, I also put it to you that the

4 evidence regarding your wounding is not true?

11:53:15 5 A. You know, you are not so far away from me. I would like

6 you to come and look at my body; that is proof, that is

7 one witness.

8 MR YILLAH: That will be all for this witness.

9 JUDGE BOUTET: Thank you. Mr witness, they have the right to

11:53:37 10 ask you the questions and all you have to do is answer to

11 the best of your ability these questions.

12 THE WITNESS: I want you to ask me, I am ready to answer you.

13 JUDGE BOUTET: Thank you very much. Second accused

14 cross-examination.

11:53:58 15 MR KOPPE: Thank you, Your Honour.

16 CROSS-EXAMINED BY MR KOPPE:

17 MR KOPPE:

18 Q. Mr witness.

19 A. Yes

11:54:06 20 Q. Could you please tell this Court how many people live in

21 Tongo Field?

22 A. The civilians? There are many. We are many.

23 Q. Would it be 10,000 or 20,000, 50,000?

24 A. No, I wasn't able to check. Those of us that were

11:54:37 25 captured, that was the number that I knew. I did not

26 know what happened those who are left behind.

27 Q. Mr witness, do you know how many Limbas used to live in

28 Tongo Field?

29 A. No. We are so many, I wouldn't be able to know all.

1 Q. Do you know what percentage of the Tongo Field population
2 consisted of Limba?
3 A. I said we are many. I would not be able to tell you the
4 total number.
11:55:32 5 Q. Would it be half, would it be 25 percent, would it be 10
6 percent?
7 A. I don't. We are more than that. I don't know.
8 PRESIDING JUDGE: More than 10 percent, more than 5 percent?
9 THE WITNESS: That I don't know.
11:55:59 10 PRESIDING JUDGE: Mr Koppe, you made proceed.
11 MR KOPPE: I am just trying to find out what this witness
12 knows about his town.
13 JUDGE THOMPSON: Well, the census aspect is not familiar here.
14 That kind of frame of mind is not applicable in our
11:56:16 15 setting. It is unfortunate but not this part of the
16 world.
17 MR KOPPE:
18 Q. Mr witness, when the hostilities were over did you return
19 at any moment to Tongo Field?
11:56:38 20 A. After the end of the war? Yes, I returned to Tongo, but
21 that was the time when they had disarmed everybody.
22 Q. I understand. But would that be half year later or year
23 later that you returned to Tongo Field?
24 A. When I went there, this -- this my second year when I
11:57:13 25 returned to Tongo.
26 Q. Do you know, Mr witness, what has happened to the corpses
27 of the 150 people that have been killed?
28 A. Yes, they slit open one of them and they took all the
29 entrails, put them in a bucket, and they brought the

1 bucket to us for us all to see.

2 Q. That was not my question. Do you know whether the
3 corpses have been buried somewhere in Tongo Field?

4 A. I don't know. It was not at Tongo Field, it was at
11:58:15 5 Telama. I don't know.

6 Q. Do you know where the bodies of these people are now?

7 A. Now, I don't know. I know where they killed them. Now
8 where their bodies, I don't know. I don't know where
9 their bodies are now because that's even a long time.

11:58:44 10 Q. Did you know any of the 150 people that were killed?

11 A. Yes, I knew some of them, but up to now I have not seen
12 them.

13 Q. Do you know any family of the people that were killed?

14 A. Yes, I knew about one Foday Koroma, I knew his family.

11:59:17 15 Q. Do you know whether there have been any memorial services
16 in Tongo in respect of the deaths of these people?

17 A. No.

18 Q. Has there ever been any police investigation in Tongo
19 Field about these deaths?

11:59:49 20 A. No.

21 Q. Does Tongo Field have a local newspaper?

22 A. I don't know.

23 JUDGE BOUTET: He doesn't read.

24 MR KOPPE: But that doesn't exclude the possibility that he
12:00:18 25 knows there is a paper.

26 Q. Mr witness, do people in Tongo Field speak about these
27 killings?

28 A. well, yes, if it happened to you, yes, you talk about it.
29 See, I'm talking about mine.

- 1 Q. My point, Mr witness, is that 150 people from your
2 village, from your town have been killed and I'm just
3 wondering if people in Tongo Field talk about this
4 incident.
- 12:00:56 5 A. well, those of us that were affected talk about it. See
6 number one, it's a person like me.
- 7 Q. what do people specifically say now about these 150
8 people who were being killed?
- 9 A. well, nobody has anything to say. That's why we have
12:01:36 10 come and put it before you people. These people here,
11 the special Court, you people know what to decide about
12 it.
- 13 Q. Mr witness, I am just trying to understand if something
14 as horrific as you describe happens in a village I could
12:01:56 15 imagine that people talk about it.
- 16 PRESIDING JUDGE: The witness says those of them who were
17 affected talk about it. He himself, you know. Those of
18 them who were affected talked about it including he
19 himself.
- 12:02:19 20 MR KOPPE:
- 21 Q. Yes, but I am just wondering if family members of the
22 people who were killed talk about it. Are there meetings
23 where people go to talk about it? Are there church
24 prayers about these killings? I am just trying to find
12:02:35 25 out?
- 26 A. I don't know.
- 27 Q. Do you go to church, Mr witness?
- 28 A. No, I am a Muslim.
- 29 JUDGE BOUTET: He may go to the mosque.

1 MR KOPPE:
2 Q. Are you going to the mosque, Mr witness?
3 A. Yes, yes.
4 Q. Does the imam speak about these killings during prayer in
12:03:09 5 mass in the mosque?
6 A. No, no. No, we have not going for that. We went to pray
7 to God.
8 Q. But there is a Limba mosque in Tongo, is there not?
9 A. Yes, initially there was a mosque, but it had been
12:03:28 10 damaged. So we can pray now anywhere.
11 Q. But in this mosque there are never meetings of family
12 members of victims who get together to speak about this
13 dreadful incident?
14 A. I have told you that that was not the purpose of going to
12:03:55 15 the mosque. We will go to the mosque to pray to God so
16 that God would help us. Not about this killing that had
17 taken place.
18 Q. Mr witness, are you really sure that these killings took
19 place?
12:04:32 20 A. If that did not happen I wouldn't have said it.
21 Q. But Mr witness, I am trying to understand why there have
22 been no memorial services in town, why never anybody
23 speaks about this --
24 JUDGE BOUTET: Mr Counsel, it is fine to ask questions but I
12:05:00 25 don't think you should be arguing with the witness. He
26 has given the answer, try to carry on with this.
27 THE WITNESS: I have not heard about that. I have not seen
28 that.
29 MR KOPPE: No further questions, Your Honour.

1 JUDGE BOUTET: Thank you very much. Counsel for third
2 accused?
3 CROSS-EXAMINED BY MR WILLIAMS:
4 MR WILLIAMS:
12:05:36 5 Q. Mr witness, do you know a gentleman called Alie Loko?
6 A. Yes, sir.
7 JUDGE BOUTET: Mr williams, what's the name again? Please
8 spell that.
9 MR WILLIAMS: Alie is A-L-I-E, Loko is L-O-K-O.
12:06:18 10 Q. Does he reside in Tongo?
11 A. Yeah.
12 Q. And he's a local man; is that correct?
13 A. Yes.
14 Q. When you were taken together with the 1,000 people or
12:07:02 15 almost 1,000 people, where were you exactly taken to?
16 A. The particular area to which we were taken, I said we
17 were taken to Telama.
18 Q. Were you taken in to any particular place at Telama?
19 A. Yes, they brought us right at the junction.
12:07:44 20 Q. More specifically, were you taken into any particular
21 building or house or compound?
22 A. No, it was right at the junction. That is where we were
23 asked to stand.
24 Q. Was Commander Bangey Waters present at that time?
12:08:40 25 A. No.
26 Q. What about Keikula Kamagboty, was he present?
27 A. He was a commander, yes.
28 Q. Had you known Keikula Kamagboty before that day?
29 A. Yes, I had known him for so long, for more than 23 years.

- 1 Q. Was he a resident of Tongo as well as you?
- 2 A. Yes, he, the Kamagboty, was there. That is the place I
3 knew him.
- 4 Q. Could you tell me, please, apart from Commander Kamagboty
12:10:20 5 that you knew as a Kamajor where these killings took
6 place, did you also know any other Kamajors by name?
- 7 A. Yes, at Panguma he was the overall commander, JKB Sei.
- 8 Q. So you knew Sei?
- 9 A. Yes, JKB Sei.
- 12:10:54 10 Q. He was a commander?
- 11 A. Yes, he was a commander for the entire [inaudible] at
12 Bambara.
- 13 Q. Yes. Apart from Kamagboty and Sei could you just tell
14 the Court the names of all the other Kamajors that you
12:11:13 15 knew?
- 16 A. In fact, I only knew three of them and the third one that
17 freed me, Bangey Waters.
- 18 Q. You said Bangey Waters was not present at Telama; is that
19 correct?
- 12:11:32 20 A. No, he was not there.
- 21 Q. What I want to know is the names of those Kamajors that
22 you knew that were present at Telama. You mentioned that
23 you knew Kamagboty, that you knew Sei. What's the name
24 of the third one?
- 12:11:57 25 A. I only knew Kamagboty as commander at that Telama
26 incident.
- 27 Q. Mr witness, I did not restrict my question to commanders.
28 I am asking you about the names of all the Kamajors that
29 you knew that were present at Telama. Whether or not

- 1 they were commanders or not, I mean, is not material.
- 2 A. The ones that I knew in the group? I did not know
3 anybody from the group apart from the Kamajors. I did
4 not know their names.
- 12:12:43 5 Q. I will come to the group. What I am talking about, the
6 Kamajors that were present. I will come to the group,
7 the civilian group. What I want to know now is the name
8 of Kamajors that you knew that were present at Telama?
- 9 A. I have told you that I did not know their names, all
12:13:07 10 their names. The one that I knew was the commander.
- 11 Q. All right, thank you very much. Were you friendly -- let
12 me ask you this: How did you know Kamagboty?
- 13 A. I knew him during that time he was a civilian, he had not
14 even become a Kamajor.
- 12:13:41 15 Q. How did you know him? How did you know him?
- 16 A. Knew him as a civilian just like me.
- 17 Q. Whilst he was a civilian did you ever speak with him? I
18 mean, did you speak with him at Tongo whilst he was a
19 civilian?
- 12:14:07 20 A. No, I did not have any discussion with him. You see, I
21 only knew him by name. There was no relationship between
22 him and I.
- 23 Q. So before this encounter at Telama you'd never spoken
24 with Kamagboty?
- 12:14:45 25 A. No.
- 26 Q. What was the tribe of Kamagboty? What was his tribe?
- 27 A. He was a Mende.
- 28 PRESIDING JUDGE: Did he say he was a Mende?
- 29 MR WILLIAMS: That's what he says, My Lord.

1 PRESIDING JUDGE: Are you suggesting he's no longer alive?
2 THE WITNESS: I said he is a Mende man. He's still alive.
3 MR WILLIAMS:
4 Q. You said 150 people were put aside because of their
12:16:00 5 tribes; is that correct?
6 A. Yes.
7 Q. Could you tell the Court how the selection was done?
8 A. Yes.
9 Q. Yes, go ahead.
12:16:36 10 A. I had explained to the Court. I said Limba, Loko, Temne
11 queued one side. Madingo, Susu and Fullah, they queued
12 one side. Mende, Sherbro and Kissi they queued on a
13 single line. That was what I explained to the Court.
14 Q. Yes, what I want to know is did people voluntarily -- did
12:17:06 15 people go to join the line on their own or were they
16 selected?
17 A. They would have queued because they did not know that
18 that was what was going to happen. So Limbas, Lokos
19 and -- they queued in the same place.
12:17:36 20 Q. And out of those 150 people who queued in the Limba,
21 Temne and Loko line, did you know any of them by name?
22 A. Yes, I knew one Foday Koroma, 12 years old.
23 Q. You came together all the way from Kono with the entire
24 group -- from Tongo, sorry, with the entire group?
12:18:29 25 A. Yes.
26 Q. I come to the shooting incident now, Mr witness. You
27 said Kamagboty told you that he was going to kill you?
28 A. Yes.
29 Q. Where did this incident take place?

1 A. It was at Ngiehun.
2 Q. Was he alone or with other people?
3 A. He had three little boys.
4 PRESIDING JUDGE: Let me get three little boys. Sorry, I
12:20:17 5 didn't get the link there.
6 MR WILLIAMS: When Kamagboty was threatening to kill him,
7 Kamagboty was with three little boys.
8 PRESIDING JUDGE: Little boys, okay.
9 MR WILLIAMS: Yes.
12:20:40 10 Q. Did Kamagboty take you from Ngiehun to Lalehun?
11 A. Yes, he was the one that handed me over. He gave the
12 order that I should be taken to this place and he handed
13 me over to one of these little boys who was called Small
14 Hunter.
12:21:08 15 Q. There was two of you that left Ngiehun -- I mean, you and
16 the Small Hunter had left Ngiehun for Lalehun?
17 A. Yes, but did not go that far. We just left from here to
18 that first door and the fellow told us to stand.
19 Q. Was the little boy armed?
12:22:05 20 A. He had a gun and it was at that time that Kamagboty gave
21 him a bullet.
22 Q. Was he given just a single bullet; is that correct?
23 A. He gave him one bullet and he loaded the cartridge gun
24 with this bullet.
12:23:04 25 PRESIDING JUDGE: Who loaded?
26 THE WITNESS: It was the little boy who loaded the gun.
27 MR WILLIAMS:
28 Q. It was this little boy that shot you?
29 A. Yes, it was this boy that shot at me after he had been

1 ordered to do so.

2 Q. And he was the only one that shot at you?

3 A. Yes.

4 Q. You mentioned that kamagboty gave him a single bullet?

12:24:59 5 A. Yes, single barrel bullet. Single barrel bullet.

6 Q. A single barrel shotgun?

7 A. It was that long one.

8 Q. Single barrel gun?

9 A. Yes, yes.

12:25:19 10 PRESIDING JUDGE: what was long -- is it the bullet or the
11 gun?

12 THE WITNESS: It was the gun. It was the gun. All of you
13 understand what a cartridge gun is; you just want to
14 disturb me.

12:25:38 15 PRESIDING JUDGE: No, witness, they're not disturbing you. We
16 just want to be clear on certain issues.

17 MR WILLIAMS:

18 Q. All right, Mr witness, you mentioned that just one bullet
19 was given to this Small Hunter. You've mentioned that he
12:25:57 20 was the only one that fired upon you. Could you tell the
21 Court how you came about five bullets in your body?

22 JUDGE BOUTET: It's a cartridge bullet.

23 MR WILLIAMS: Sorry, My Lord?

24 JUDGE BOUTET: Cartridge bullet. It has more than one bullet
12:26:09 25 in it.

26 PRESIDING JUDGE: This is what I was whispering to my friend
27 on my right. Are you a ballistic expert?

28 JUDGE BOUTET: It is not a gun with -- it is not a rifle, it
29 is a cartridge bullet. So it has some more bullets in

1 it.

2 THE WITNESS: I don't know -- I don't know what -- I don't
3 know what the types of guns, but what happened was that
4 they gave me a cartridge gun and this cartridge gun has a
12:26:36 5 lot of bullets in it. So you all know what a cartridge
6 gun is.

7 MR WILLIAMS: I thank Your Lordships for the edification.

8 PRESIDING JUDGE: It's ballistics.

9 JUDGE BOUTET: It is not really bullets. It would more
12:26:55 10 appropriate to call that pellets than bullets, but that
11 is a question of how you describe that.

12 PRESIDING JUDGE: I don't know if you've ever -- I don't know
13 how much of hunting is done here, but when a hunter
14 shoots an animal in the bush and he kills it, at times
12:27:09 15 when you have eaten the meat you find some bullets. You
16 know, you find bullets inside.

17 JUDGE BOUTET: Pellets, pellets.

18 PRESIDING JUDGE: Yes, I'm sorry, pellets, you find them
19 inside.

12:27:24 20 THE WITNESS: You know, that is not only that single bullet
21 that killed the animal. It is not the only -- it's not
22 one single bullet that's killed it and it's not the only
23 one that was put in the gun.

24 PRESIDING JUDGE: Don't you worry, Mr witness. [Inaudible]
12:27:38 25 get very argumentative.

26 MR MARGAI: Do I take it that Your Lordships are taking
27 judicial notice of this, please?

28 THE WITNESS: I want to ease myself, please.

29 JUDGE BOUTET: No, no. It's only the witness had testified

1 that [overlapping speakers] one cartridge shot many
2 bullets.
3 MR MARGAI: I appreciate that, My Lord.
4 THE INTERPRETER: Your Honours, the witness says he wants to
12:28:00 5 ease himself.
6 PRESIDING JUDGE: Mr Margai, the witness wants to ease
7 himself, please. He wants to put himself at ease. May
8 we rise for five minutes and come and wrap up Mr
9 Williams, I hope, with your cross-examination. The Court
12:28:19 10 will rise, please.
11 [Break taken at 12.30 p.m.]
12 [Upon resuming at 12.40 p.m.]
13 PRESIDING JUDGE: We are resuming the session.
14 MR MARGAI: I was seeking clarification from Your Lordships as
12:38:08 15 to whether Your Lordships were taking judicial notice of
16 the multifaceted nature of the bullet. I mean, this is a
17 criminal trial. I just want to be guided.
18 JUDGE THOMPSON: I would like to make short shrift of this
19 matter by saying I do not know of any authority in the
12:38:26 20 jurisprudence requiring judges to take judicial notice of
21 matters of expert knowledge.
22 MR MARGAI: As My Lords please, and I believe that is the view
23 of your brothers. I am grateful.
24 PRESIDING JUDGE: There is no doubt about that, that is our
12:38:40 25 view. It is a matter which -- we have been talking of
26 ballistics and ballistics. We are not one, I am not one,
27 he is not one, so.
28 MR MARGAI: Even if we were, My Lord, Your Lordships could
29 only take cognisance through testimony on oath. I'm

1 grateful, thank you.

2 JUDGE BOUTET: Mr Williams?

3 MR WILLIAMS:

4 Q. Yes, Mr witness, I'm putting it to you that the killings
12:39:13 5 you spoke about at Telama never took place?

6 A. I know that it happened.

7 Q. Were you a farmer before the war?

8 A. Yes.

9 Q. Was that all you did for a living?

12:39:44 10 A. Yes.

11 Q. I am putting it to you, Mr Witness, that at no point in
12 time did any Kamajor fire a weapon on you?

13 A. I know that it happened.

14 MR WILLIAMS: That will be all for this witness.

12:40:50 15 JUDGE BOUTET: Thank you. Mr Prosecutor, any re-examination?

16 MR SAUTER: Just briefly, Your Honour.

17 RE-EXAMINED BY MR SAUTER:

18 MR SAUTER:

19 Q. Mr witness, it was put to you by Defence for first
12:41:04 20 accused and third accused that no Kamajor within this
21 incident shot at you. Therefore, my question: Have any
22 marks been left at your body from this shot?

23 A. Yes, even as I'm talking now there's one bullet lodged in
24 my body.

12:41:26 25 Q. Could you please show these marks to the Court while
26 staying seated?

27 A. Yes.

28 Q. Please do so.

29 MR WILLIAMS: I take an objection to this, My Lord.

1 PRESIDING JUDGE: What is the purpose of your objection?
2 MR WILLIAMS: Showing a mark on his body is not synonymous to
3 a bullet wound, My Lord. It is not synonymous, My Lord,
4 to --
12:41:58 5 JUDGE BOUTET: To what?
6 MR WILLIAMS: Being a mark of bullet wounds, My Lord. What he
7 is showing is a scar. I mean, there is no --
8 JUDGE BOUTET: The Court would appreciate -- are you objecting
9 because it does not follow up from the cross-examination
12:42:12 10 or not? Whether it is true, that is not what we have to
11 decide. It is whether or not it is permissible in
12 re-examination. We are not concluding from that that
13 this is what it is.
14 MR WILLIAMS: As My Lord pleases.
12:42:28 15 JUDGE BOUTET: I don't know how tall the witness is, if he
16 could stand up it might be easier. Is he tall?
17 PRESIDING JUDGE: Mr Witness, stand up.
18 MR SAUTER: Too tall for this shield.
19 PRESIDING JUDGE: This witness sitting down here, not at all.
12:42:52 20 I don't think so. Mr Witness, remove your earphones.
21 Remove your earphones. Stand up, try to --
22 JUDGE BOUTET: Go back, that's okay. So now the witness is
23 showing marks on his top left shoulder with his finger.
24 It is at the back of his -- yes.
12:43:34 25 MR SAUTER: That's all, thank you very much.
26 JUDGE BOUTET: But I have one question for the witness. We
27 will just wait until he puts his earphones back.
28 Mr Witness, what was it you were just showing to the
29 Court on your left shoulder? What was it?

1 THE WITNESS: The place where they shot me.
2 JUDGE BOUTET: Is it the place where you say there is still
3 one bullet.
4 THE WITNESS: Yes.
12:44:07 5 JUDGE BOUTET: But you mentioned that there were four bullets
6 that had been removed, they had been removed from that
7 location.
8 THE WITNESS: Yes, there is still one there. They didn't shot
9 me but there is still one there, the one is still there.
12:44:24 10 JUDGE BOUTET: But all the bullets were on your left shoulder.
11 THE WITNESS: The five?
12 JUDGE BOUTET: Yes.
13 THE WITNESS: Yes, on the left arm, but this one was not
14 discovered by the dispenser, the one who treated me.
12:44:42 15 JUDGE BOUTET: Thank you.
16 MR WILLIAMS: I don't know whether we can seek leave to
17 further clarify that piece of evidence, My Lord. I mean,
18 some marks, by my estimation -- for the records, My Lord,
19 we want the Court to know the number of marks that he
12:45:01 20 displayed, My Lord.
21 JUDGE BOUTET: From here it appears to be one but I don't
22 know. I am not close enough to see if there is more than
23 one.
24 MR WILLIAMS: We were closer, My Lord. We saw a large number
12:45:13 25 of marks, My Lord. So we would want for the records to
26 truly reflect what he has shown.
27 JUDGE BOUTET: That's fine, it is not re-examination
28 [Overlapping speakers]
29 PRESIDING JUDGE: Mr Williams, you can go there with

1 representative of the Prosecution.
2 JUDGE BOUTET: It is for better clarity of the record, I don't
3 have any problem. As I say, we cannot see at this
4 distance.
12:45:52 5 THE WITNESS: You see these, this.
6 JUDGE BOUTET: So the witness is still pointing to his left
7 shoulder but I take it, Mr Williams, that you have
8 counted with the Prosecutor the number of marks you've
9 seen on his left shoulder.
12:47:08 10 MR WILLIAMS: Yes, My Lord.
11 JUDGE BOUTET: What is it?
12 MR WILLIAMS: There are 14 scars, My Lord.
13 JUDGE BOUTET: 14 scars around the left shoulder.
14 MR WILLIAMS: Yes, and a large number of other marks which he
12:47:19 15 says are traditional marks.
16 JUDGE BOUTET: But 14 scars that could be identified as being
17 the bullets? Could be. I'm not saying they are.
18 MR WILLIAMS: As My Lord pleases.
19 JUDGE BOUTET: You've counted 14 marks other than the tribal
12:47:37 20 marks?
21 MR WILLIAMS: Yes, My Lord.
22 MR SAUTER: The Prosecution agrees.
23 JUDGE BOUTET: This is a follow-up to your own re-examination
24 so we want to make sure the record is straight in this
12:47:51 25 respect. Thank you.
26 PRESIDING JUDGE: So what do the records say? That those 14
27 marks could have been --
28 JUDGE BOUTET: 14 marks on the left shoulder.
29 PRESIDING JUDGE: Could have been inflicted or may have been

1 inflicted? I mean, what should be on the records?
2 JUDGE BOUTET: well, the witness is saying that these are the
3 marks caused by the bullets that he has received on that
4 occasion. That's what it is.
12:48:34 5 JUDGE THOMPSON: Learned counsel on both sides, ought we not
6 to have some reflection of your visual inspection of
7 those marks and some kind of common language which both
8 sides would approve as being necessary to reflect on the
9 records in addition to the witness's testimony.
12:49:00 10 Otherwise the question could be asked what's the purpose
11 of this bilateral visual examination? So I think both
12 sides need to be able to give us some form of words
13 reflecting the findings that you have made.
14 MR TAVENER: As Your Honours are also the tribunal of fact,
12:49:26 15 and I also note the time, it might be easier if we simply
16 have, before we break, a quick closed session simply for
17 the purpose of allowing Your Honours to see the witness,
18 rather than have it reported through another party.
19 PRESIDING JUDGE: No, we don't want to get into that. The
12:49:46 20 Defence and the Prosecution have been there.
21 MR WILLIAMS: We would prefer, My Lords, that the records
22 reflect that those 14 marks, according to the witness,
23 were sustained by bullets, My Lord.
24 JUDGE THOMPSON: In short, then, your inspection becomes
12:50:00 25 irrelevant in the process of evaluation, the joint
26 inspection of both sides?
27 MR WILLIAMS: 14 marks or scars were seen on his left shoulder
28 and the witness says he got them through the bullets.
29 JUDGE THOMPSON: So that is what you think should be the final

1 position?

2 MR WILLIAMS: Yes, My Lord, because that is exactly what he
3 said.

4 JUDGE THOMPSON: And both of you agree on that?

12:50:25 5 MR WILLIAMS: I don't know for the Prosecution.

6 MR SAUTER: I agree on the number of marks but I think it is
7 best to know that I cannot differentiate what kind of
8 marks they are, whether they entry wounds, exit wounds or
9 whatsoever. I have just seen 14 marks which could be
12:50:45 10 caused by a gunshot.

11 JUDGE BOUTET: What the Defence is saying is the marks that
12 you observed, the 14 marks, are, according to the
13 witness, the marks that have been caused by the bullets
14 he has received.

12:50:57 15 MR SAUTER: Yes.

16 JUDGE BOUTET: We are not discussing entry, exit. That's the
17 evidence of the witness; 14 marks on his body caused by
18 the bullets he has received period.

19 MR MARGAI: If I may be heard. Perhaps, My Lord, the way out
12:51:12 20 could be the question coming from the Bench as to the 14
21 marks to the witness on oath.

22 JUDGE BOUTET: I don't think he has counted them per se on his
23 body. The purpose was to ask both counsel to go there
24 and count the number of scars that he has on his left
12:51:32 25 shoulder and that count, at least they seem to agree, is
26 14.

27 MR MARGAI: I am not disputing that but then for the witness
28 to assist the Court as to the cause or causes of those
29 marks, the 14. We have his testimony as to the shot and

1 the number of bullets that entered his body, but now that
2 both counsel have counted and they have come to an
3 agreement that there are 14 marks, perhaps the witness
4 could respond to a question from the Bench as to the
12:52:11 5 cause of those 14 marks, which we're prepared to accept,
6 out of abundance of caution.
7 JUDGE BOUTET: I don't need to ask a question but maybe my
8 colleagues would like to. I don't need this, but we'll
9 see.
12:52:31 10 MR MARGAI: It's all in pursuit of justice.
11 PRESIDING JUDGE: Mr Witness, let's close the chapter. Mr
12 witness, they have counted 14 marks on your left
13 shoulder. You have shown them 14 marks.
14 THE WITNESS: Yes.
12:52:56 15 PRESIDING JUDGE: what caused those 14 marks?
16 THE WITNESS: It's the place where I was shot.
17 JUDGE BOUTET: Any other questions deriving from this question
18 from the Court?
19 MR SAUTER: No, thank you.
12:53:25 20 JUDGE BOUTET: Defence?
21 MR YILLAH: No, My Lord.
22 PRESIDING JUDGE: Mr Witness, we have finished with you. I
23 can see a smile on your face.
24 THE WITNESS: Yes.
12:54:40 25 PRESIDING JUDGE: Since we are finished with you I see you are
26 stretching your legs, you have a feeling of being free to
27 move out of the place. We want to thank you for coming
28 to assist the Tribunal with your testimony in order to
29 enable us to arrive at the truth of this matter. Thank

1 you very much for coming. We wish you a safe journey
2 back to your place of abode, to where you live, but
3 necessity may arise, we do not know yet -- necessity may
4 arise for us to call you back here. If it does arise we
12:55:32 5 hope that you will come willingly to assist us in getting
6 at the truth of this matter. So once more we wish you a
7 safe journey and all the best in your daily endeavours
8 including your farming of course.

9 well, learned counsel, the Tribunal will rise and we
12:56:01 10 will resume at -- I hope, Mr Tavener, we are taking
11 another witness and a stand-by as well.

12 MR TAVENER: Yes, Your Honour, that's correct. We have a
13 witness and a stand-by.

14 PRESIDING JUDGE: You have a witness this afternoon and a
12:56:19 15 stand-by?

16 MR TAVENER: Yes.

17 PRESIDING JUDGE: So we will rise and resume at 2.30. The
18 Court will rise, please.

19 [Luncheon recess taken at 1.00 p.m.]

14:45:28 [On resuming at 2.50 p.m.]

21 PRESIDING JUDGE: Good afternoon, learned counsel. We are
22 resuming the session.

23 JUDGE BOUTET: Thank you. Just before we proceed with the
24 next witness I would like to observe for the record that
14:47:02 25 one accused was present this morning, the third accused,
26 but he is not present this afternoon. Are you prepared
27 to call your next witness and please identify who he is?

28 MR KAMARA: Yes, Your Honour. The Prosecution intends to call
29 witness TF2-001.

1 PRESIDING JUDGE: That will be your 44th witness.
2 MR KAMARA: Yes, Your Honour, quite right.
3 WITNESS: TF2-001 [sworn]
4 EXAMINED BY MR KAMARA:
14:48:48 5 PRESIDING JUDGE: Yes, Mr Kamara, you may proceed, please.
6 MR KAMARA: Thank you, Your Honour.
7 Q. Good afternoon, Mr witness.
8 A. Good afternoon, sir.
9 JUDGE BOUTET: Please go ahead.
14:49:01 10 MR KAMARA: Thank you.
11 Q. Mr witness, will you tell this Court your age?
12 A. Forty-seven years old.
13 Q. And where were you born?
14 A. Bo District.
14:49:35 15 Q. You are married?
16 A. Yes, sir.
17 Q. Do you have children?
18 A. Yes, sir.
19 Q. How many children do you have?
14:50:05 20 A. I had 12 and one died, and I have 11 remaining.
21 Q. So you now have 11 children?
22 A. Yes, sir.
23 Q. Mr witness, I shall be asking you questions and please
24 take your time to answer as the judges, their Lordships,
14:50:25 25 are taking down whatever you are saying. Okay? And try
26 to be as direct as you can. What do you do for a living,
27 Mr witness?
28 A. I am a police officer.
29 Q. What division or department of the police force are you

1 currently assigned?
2 A. I work at the CID.
3 Q. When you say CID --
4 A. Criminal Investigation Department.
14:51:10 5 Q. Thank you. Will you tell this Court how long you have
6 been assigned to that division?
7 A. Twelve years by now.
8 Q. And, Mr witness, on the whole, how long have you been in
9 the police force?
14:51:35 10 A. Twenty-seven years. This is the 28th year.
11 Q. Thank you. You just said you were assigned to the
12 Criminal Investigation Department. Will you kindly tell
13 this Court, what are your duties?
14 A. Yes. We were in charge of criminals. When they are
14:52:21 15 arrested they bring them over to us.
16 Q. Mr witness, I want to take your mind as far back to 1998.
17 Do you recall the 15th February 1998?
18 A. Yes, sir.
19 Q. And where were you on that day?
14:53:00 20 A. I was in Bo.
21 Q. What were you doing in Bo at that time?
22 A. I was doing my police work.
23 Q. Did anything happen on that day of the 15th
24 February 1998?
14:53:25 25 A. Yes, My Lord.
26 Q. Would you kindly tell this Court?
27 A. Yes, Your worship.
28 Q. If you want to refer to the panel, they are their
29 Lordships. Okay?

- 1 A. Yes.
- 2 Q. Thank you.
- 3 A. Yes, sir.
- 4 Q. Kindly tell this court what happened on that date, the
14:54:01 5 15th February?
- 6 A. On that day I reported for duty at the Bo police station,
7 CID.
- 8 Q. And where is that police station located in Bo?
- 9 A. At Dambala Road, Bo.
- 14:54:51 10 Q. Your Lordships, the spelling of that is D-A-M-B-A-R-A --
11 D-A-M-B-A-L-A. Dambala Road. Yes, you reported for
12 duty?
- 13 A. I reported for duty. Then I heard information that the
14 AFRC and the RUF they have all left the town and they
14:55:18 15 don't know their whereabouts.
- 16 Q. Mr witness, could you speak a little bit louder so that
17 everyone else in the room could get you clearly, okay?
- 18 A. Yes, Your Lordship.
- 19 Q. You received information.
- 14:55:48 20 A. That the junta -- the AFRC -- AFRC and the RUF, all of
21 them have disappeared and they don't know their
22 whereabouts.
- 23 Q. Did you do anything upon hearing that information?
- 24 A. Yes, My Lord.
- 14:56:15 25 Q. What did you do?
- 26 A. The CPO that was in charge, he asked us to go and find
27 out from the brigade headquarter in Bo and the Bo-Taiama
28 highway.
- 29 Q. You mentioned the CPO. Who is this CPO?

- 1 A. One Mr Konneh.
- 2 Q. Your Lordships, I believe that spelling is K-O-N-N-E-H.
3 And for CPO are you referring to chief police officer?
- 4 A. Yes, My Lord.
- 14:57:08 5 Q. Thank you. You were saying you were instructed to go to
6 the brigade headquarters.
- 7 A. I joined the team of police officers and we went there.
- 8 Q. Yes, what happened?
- 9 A. On our arrival at the brigade headquarter, we did not
14:57:47 10 meet any soldiers, and there were no RUF. We met -- we
11 found some goods and properties scattered all about, like
12 bags, rice bags, a dress and a lot of other things
13 scattered all over.
- 14 Q. So what did your team do?
- 14:58:52 15 A. We returned to the Bo police station and we informed the
16 chief police officer that we did not meet anybody there
17 and there was no soldier nor RUF. They told us that he
18 had heard information that the Kamajors were coming.
- 19 Q. Are you referring to Mr Konneh, the CPO?
- 14:59:35 20 A. Yes. That was what he told us. So then he said the
21 Kamajors are our brothers, so they came out and then
22 welcomed them.
- 23 Q. So what did you yourself do when the Kamajors came to Bo?
- 24 A. Well, first he told us that we should tie red -- white
15:00:23 25 pieces on our hands and to children and so they will make
26 form queues so that when they come we welcome them. The
27 white bands we tied showed that that was a sign of love,
28 that we are all one.
- 29 Q. So did you yourself tie this piece of white cloth?

- 1 A. I tied it and I gave it to all my children to tie it. So
2 he assigned me to Bo eastern police station on the
3 Bo-Kenema highway.
- 4 Q. The Bo eastern police station?
- 15:02:19 5 A. Yes, My Lord. The further brief was that when the
6 Kamajors come so that let us get down their names and
7 where they were coming from and to what group they
8 belonged.
- 9 Q. Yes, Mr witness.
- 15:03:07 10 A. I was with a team of police officers when we started
11 taking names when the Kamajors came.
- 12 Q. Now, you said you were with a team of police officers
13 when these Kamajors came. How do you know they were
14 Kamajors?
- 15:03:38 15 A. When we queued up on the Bo-Kenema highway, we saw them
16 coming from the Kenema highway and it was in a long line
17 they were all coming.
- 18 Q. Yes, my question is how do you know they were Kamajors?
- 19 A. They came they were in country cloth. They had cowrie
15:03:51 20 shells which they tied round their heads. Some of them
21 had raffia skirts on which there were so many cowries.
22 Some had bells hung at the back and each time they walked
23 this bell rattled.
- 24 Q. Was that the first time you had seen a Kamajor?
- 15:04:35 25 A. That is not the first time I saw a Kamajor. My brothers
26 were also Kamajors and they all moved about.
- 27 Q. Thank you. Mr witness, you were trying to describe the
28 arrival of the Kamajors. Can you kindly continue in
29 those lines? You said you saw them in a line, queuing in

1 a straight line. Coming from what end of Bo?
2 A. From the Kenema direction towards Bo. Along the
3 Bo-Kenema highway.
4 Q. Were they carrying anything with them when you saw them?
15:05:53 5 A. Yes.
6 Q. What was each carrying?
7 A. They had guns, AK-47. RPG bombs, machetes, catapults,
8 and sticks with nails all attached to them.
9 Q. Now, Mr witness, what would you estimate the strength of
15:07:00 10 these Kamajors that you saw coming into Bo from the
11 Kenema direction?
12 A. All of them that came after counting them from our
13 direction, there were up to 2000 Kamajors that came from
14 the Kenema direction coming towards our own end.
15:07:48 15 Q. Do you know what is the total number of the Kamajors that
16 were registered on that whole entire process? Or that
17 had their names written?
18 MR MARGAI: I am afraid, My Lords, we have not received
19 evidence that in fact they were registered. He was so
15:08:10 20 instructed to register them, but I am not sure whether
21 Your Lordships have on record that in fact they were
22 registered.
23 JUDGE BOUTET: I have that there were a team of police
24 officers who took the names of the Kamajors when they
15:08:26 25 came.
26 MR MARGAI: Very well.
27 JUDGE BOUTET: I would say it is given equivalent to -- he
28 didn't use the term register, but I have the evidence to
29 be that they were taking names when they were coming.

1 MR MARGAI: As My Lord pleases.
2 MR KAMARA: Thank you, Your Honours.
3 Q. Mr witness, do you know the number in total of
4 Kamajors whose names were written?
15:08:49 5 A. Yes, My Lord.
6 Q. How many?
7 A. 17,000. The eastern police station registered 2,000 and
8 the headquarters at Bo police station registered 15,000
9 and the total went up to 17,000.
15:09:40 10 Q. 17,000 Kamajors in totality?
11 A. That was the total number we gave at that time.
12 Q. Now, Mr witness, having registered these Kamajors, what
13 did you yourself do on that date?
14 A. While I was there we were asked to surrender our weapons.
15:10:33 15 Q. Who asked you to surrender your weapons?
16 A. Kamajor leaders that met us there.
17 Q. Yes, Mr witness?
18 A. Albert Nallo.
19 Q. Who is this Albert Nallo?
15:11:19 20 A. He was one of the Kamajor leaders that met us.
21 Q. Was there any other Kamajor leader you know?
22 A. Yes, Agba Murray.
23 MR KAMARA: Your Lordship, that name is spelled A-G-B-A M-U --
24 PRESIDING JUDGE: But he was going to say something about
15:11:52 25 Albert Nallo. He just started like that.
26 MR KAMARA: He mentioned the names of the commanders that came
27 to the police station, Albert Nallo being one and Agba
28 Murray.
29 THE WITNESS: Agba Murray.

1 MR KAMARA: M-U-R-R-A-Y.
2 THE WITNESS: John Ngombah.
3 MR KAMARA:
4 Q. How would you spell that Ngombah, do you know,
15:12:29 5 Mr witness?
6 A. N-G-O-M-B-E-H.
7 Q. N-G-O-M-B-E-H.
8 A. And one Kamoh Lahai.
9 Q. K-A-M-O-H L-A-H-A-I. So you are saying that these are
15:13:00 10 the leaders that came to the police station?
11 A. Yes, My Lord.
12 Q. So what was the response to that?
13 A. well, I said that I was a CID so I had no gun. Then Agba
14 Murray asked me what about the SSD man, the SSD boss.
15:14:04 15 Q. Now who was this boss?
16 A. The OC SSD, Mr Bundu.
17 Q. When you say SSD?
18 A. Special security division. Mr Bundu.
19 PRESIDING JUDGE: Mr who?
15:14:33 20 MR KAMARA: Bundu, B-U-N-D-U, Your Lord.
21 THE WITNESS: They asked him that where are the guns they had
22 and the men. The Kamajors asked him that he should
23 provide the guns he had.
24 MR KAMARA:
15:15:18 25 Q. Was there any response to that question?
26 A. He told him that all guns and ammunition have been
27 distributed among the officers so he had no guns, he had
28 nothing.
29 Q. Yes?

- 1 A. But he said, "Let them go to his house. He must have
2 ammunition there".
- 3 Q. Did they go to his house?
- 4 A. They went to his house, but before they could do so he
15:16:32 5 asked them what they needed the ammunition for.
- 6 Q. Was any answer given to that question?
- 7 A. Then Agba Murray that they needed the ammunition -- Agba
8 Murray said that they needed the ammunition because the
9 AFRC and the RUF were at SALCOST so they wanted to chase
15:17:10 10 them there.
- 11 Q. And do you know where this SALCOST is?
- 12 A. Along the Bo-Taiama Highway.
- 13 Q. Yes, Mr witness?
- 14 A. He said, "Let them go to his house". But when he refused
15:17:53 15 to go they started beating him, that is you go there by
16 force.
- 17 Q. So eventually they went to his home?
- 18 A. They went there and they came with ammunition, but was it
19 not much.
- 15:18:31 20 Q. Now, Mr witness, let's talk about yourself. You have
21 referred to OC Bundu. What did you do?
- 22 A. When I saw that he was arrested and I saw it was no
23 longer a joke so I went to my house, I left the station.
- 24 Q. Did anything happen once you went to your house?
- 15:19:05 25 A. When I got to my house I found two type of Kamajor group
26 there that are registered [inaudible]. I found them
27 plundering all my property.
- 28 Q. What is the name of the Kamajor group?
- 29 A. The group of people, they call them Avondo group. They

- 1 only had raffias, catapults on them and then the head
2 band and then they had cowrie shells on their calves.
- 3 Q. were they also part of the Kamajor?
- 4 A. They were the Kamajors, the notorious group.
- 15:20:01 5 Q. when you say notorious, can you help this Court to
6 understand what you are trying to refer to?
- 7 A. Yes. They had no sympathy for anybody. whosoever they
8 caught, they either killed you or they amputate you.
- 9 Q. So what did these Avondos do at your house?
- 15:20:49 10 A. when my property was plundered and I found the last group
11 that I have needed to use the 40 day ceremony for my late
12 sister, they were about to take it away and I said no,
13 they will not take it away.
- 14 Q. would you make that a little bit clearer for us. You
15:21:10 15 mentioned about 40th [inaudible] goods. Take your time
16 and explain that slowly for the Court to be able to
17 understand.
- 18 A. All the property I had was my bed, my mattress, the
19 property of my children, with the goods, it was tied at
15:21:42 20 the back of the door. So after all of the things were
21 plundered, all property that valued up to 500,000 Leones,
22 they have taken that away. They wanted to take the goods
23 away and I said, "No, this won't go. When you have
24 finished with me".
- 15:22:10 25 Q. You estimated the value of the properties they took away
26 to be to the tune of 500,000?
- 27 A. 3,500,000 Leones. That is not part of my property
28 belonging to my wife, I don't know that. I know the
29 value of my own property.

1 Q. So could you explain the incidents afterwards?
2 A. After they have done that so we were fighting over -- and
3 one came and hit me at the back with a gun.
4 Q. Yes?
15:23:21 5 A. Then I turned around to the one and I said, I said it in
6 Mende, that this is not the way we are [inaudible]. You
7 have now been overdoing it. They said, "Because you have
8 said -- because of what you have said we are going to
9 kill you". So I told them that we were all the same so
15:23:32 10 don't kill me. So I left them, leaving the goods with
11 them.
12 Q. You are saying you left your properties with them?
13 A. Yes, My Lord. I joined the street and when I came and
14 joined the street then I saw them with OC Bundu, the
15:24:25 15 captured OC Bundu.
16 Q. Is it the same group or it's another group that you saw?
17 A. That was another group. OC Katta and OC Danema.
18 MR KAMARA: Your Honours, that is spelled as D-A-N-E-M-A.
19 Q. So what about these three OCs, OC Bundu, OC Katta and OC
15:25:08 20 Danema, what happened to them?
21 PRESIDING JUDGE: [Inaudible] Danema?
22 MR KAMARA: Danema. D-A-N-E-M-A.
23 THE WITNESS: I saw them taking them along to go and show
24 where their properties were.
15:25:22 25 MR KAMARA:
26 Q. Now you said you saw them bringing them. Could you
27 explain what you mean by that, bringing them?
28 A. Yes, they were in front of them. With the -- they were
29 under gunpoint bringing them, beating them, especially

1 the OC Katta. I heard them cry.
2 Q. So did they eventually get to their houses?
3 A. I was afraid so that I not to be seen, so I ran away. I
4 left them while they while they were going and I ran
15:26:31 5 away.
6 Q. Now did you make a report of this scene?
7 A. I decided to meet my friend Freeman because the
8 authorities to whom we are supposed to report were being
9 captured. So I went to my friend Freeman.
15:27:09 10 Q. Who is this Freeman?
11 A. He was a police corporal. We used to work together at
12 the Criminal Investigation Department.
13 Q. Were you able to see this Freeman?
14 A. I went to his house, I met -- his wife was weeping. His
15:28:00 15 wife told me that Freeman has collapsed because the
16 Kamajors have looted all his property and now he has been
17 admitted.
18 Q. Yes.
19 A. I met Freeman, they said he had hypertension, they have
15:28:49 20 just treated him. I explained to him that Kamajors have
21 looted all our properties, so let us go and meet his
22 brother. Maybe he can talk with them.
23 Q. Now, Mr witness, I am not going to ask you the name of
24 the brother, but why did you decide to go to this
15:29:11 25 brother?
26 A. His brother was one of the Kamajors leaders. He may have
27 authority to talk to them, that was why we decided to go
28 there so that he can talk to them so that they may give
29 us some of our properties.

- 1 Q. Were you able to see this brother, his brother Freeman?
- 2 A. Yes, sir. Yes, My Lord. We went there. We spoke with
3 him. We met Kamajors in his house.
- 4 Q. So what did you tell Freeman's brother?
- 15:30:27 5 A. I told him that the Kamajors have looted all our
6 properties so that you will go and talk to them, so that
7 they will return our properties. We were all working
8 together, they should not put us in this distress
9 position.
- 15:30:50 10 Q. Did you respond to that?
- 11 A. We told him and he responded that we are his brother,
12 that is why we are coming to his house. There is a law
13 that every policeman that goes into civilian's house that
14 particular house should -- individual should be killed,
15:31:10 15 that is what he told us.
- 16 Q. When he told you a law has been put, did he tell you who
17 put that law?
- 18 A. He said himself and the other Kamajor commanders. Of
19 course we met them there, they were at a meeting. He
15:31:34 20 said we should leave his house. So after that I was
21 standing at the veranda talking to my -- so Freeman moved
22 about a hundred yards from where I was standing.
- 23 Q. Yes, please continue.
- 24 A. Then we Kamajors coming from the Kenema direction. Many
15:32:27 25 of them, they were coming and singing.
- 26 Q. So what happened when you saw these Kamajors coming?
- 27 A. I saw Freeman, it was the direction that he was about to
28 go then when he saw them he retreated and came back where
29 I was. When he came back where I was standing, where I

1 stood there is a road leading to Kandeyama [phoen]
2 village, we call it Kandeyama Road. Another group of
3 Kamajors --

4 MR KAMARA: The spelling of Kandeyama, Your Lordships is
15:33:28 5 K-A-N-D-E-Y-A-M-A. And you are telling this Court hat
6 Freeman saw this group coming and then he retreated and
7 he was coming towards you?

8 A. Yes, My Lord.

9 Q. So what happened?

15:33:48 10 A. When he came to us my position, he saw this other group
11 coming from Kandeyama Road to Kenema highway, so he
12 tried --

13 Q. Wait, Mr witness. while he was trying to get to you, he
14 saw another group of Kamajors coming from the Kandeyama
15:34:12 15 Road; is that what you are saying?

16 A. That's what I said to join the Bo-Kenema highway. So he
17 was right in middle of them, so he tried -- there was a
18 house opposite the barracks as you turn on the right
19 towards the Kenema direction on the right. So he tried
15:34:51 20 to climb the stairs -- the fence so that he would jump
21 over, that is Freeman. In the process, when he climbed,
22 he saw the group coming from Kenema, so he was shot at,
23 then he dropped.

24 Q. [Microphone not activated] the kamajor group that was
15:35:23 25 coming from that direction.

26 A. The PH Kamajor group that was coming, they shot at
27 Freeman and he dropped on the ground. So they rushed at
28 him and they drag him to the road and hacked him with
29 cutlass. He was dragged on the highway. He was moved

1 from the fence and brought to the highway and he was
2 chopped by machetes and they were shouting, "Allahu
3 Akbar, Allahu Akbar."
4 Q. Now, Mr witness, how far were you from this incident?
15:36:57 5 A. Well, it's about 150 yards from them. So after they have
6 hacked him a boy shouted, "Daddy, daddy, daddy."
7 Q. He did not say a boy, Mr interpreter.
8 THE INTERPRETER: Can you please go over.
9 MR KAMARA:
15:37:12 10 Q. Mr witness, could you please go over that again?
11 A. After he has been hacked, the house that we went -- that
12 was a girl child, he shouted to his father he said, "They
13 have killed your brother. Daddy, daddy, they have killed
14 your brother." She said, "Freeman." And the man moved
15:37:39 15 out of the room and went there.
16 Q. And this man you are referring to; who is he?
17 A. He was one of the Kamajors leaders the one who we went to
18 meet in his house.
19 Q. Is it the same man that was Freeman's father -- brother
15:38:02 20 the one you reported to?
21 A. That is the man.
22 Q. So what happened; you said he came outside?
23 A. He came out and took Freeman's body and said, "Oh,
24 Freeman had died."
15:38:18 25 MR KAMARA: Your Lordships, the witness seems to be
26 inconvenienced now and I don't know if we will take a
27 short break to let the witness get his composure
28 together.
29 PRESIDING JUDGE: [Microphone not activated]

1 VWS OFFICER: Your Honour, the witness wants to go out for a
2 few minutes.
3 PRESIDING JUDGE: The Court will rise. When he is ready you
4 call us in, please.
15:39:59 5 [Break taken at 3.44 p.m.]
6 [On resuming at 3.55 p.m.]
7 PRESIDING JUDGE: Yes, we are resuming the session
8 Mr Bangura -- rather, Mr Kamara even. You may proceed,
9 please.
10 MR KAMARA: Thank you, Your Honour.
11 Q. Mr witness, we are sorry we have to revisit some of these
12 incidents.
13 PRESIDING JUDGE: Mr witness, are you now all right?
14 THE WITNESS: Yes.
15 PRESIDING JUDGE: Can we proceed?
16 THE WITNESS: Yes, sir.
17 MR KAMARA:
18 Q. Now, Mr witness, I will try to fast forward to the next
19 day of the 16th.
20 A. On the 16th I came to town from the bush. Because when
21 they killed that man I ran to the bush. I came in the
22 morning.
23 Q. When you say you came back into town, are you referring
24 to Bo town?
15:54:52 25 A. I came to Bo Towns. I came to Bo Town, I slept
26 in the bush. I came to look for my children.
27 I met one of my children and she told me that
28 her mother is at xxxxxxxxxxxx house.
29 Q. Mr witness, I will advise not to mention certain names

1 until I ask you to. Okay? We are trying to be careful
2 not to expose your identity. So your son informed you
3 that your wife is living with someone else?
4 A. Yes.
15:55:51 5 Q. Was she there with the entire family?
6 A. No, they were not all there, some of them were at my
7 sister, but a few were there. I went to that house. I
8 met my sister and she took 15,000 Leones and gave it to
9 the man for him to protect me, because he too was an
15:56:22 10 authority among the Kamajors.
11 Q. So for how long were you in that house?
12 A. I was there for quite some time. I was sitting in the
13 veranda when I saw the Kamajors moving up and down over
14 from the police barracks with loads on their head going
15:56:50 15 towards the Bo township.
16 Q. And this was still on the 16th?
17 A. On the 16th.
18 Q. So while seated on that veranda, did anything happen?
19 A. Yes, I saw the Kamajors coming from town going towards
15:57:29 20 new police barracks. That is along new Gerihun Road.
21 That is where I was sitting.
22 MR KAMARA: Your Lordships, the spelling for Gerihun is
23 G-E-R-I-H-U-N.
24 Q. You are saying they are coming along Gerihun Road?
15:57:42 25 A. Yes. They were going towards the barracks.
26 [HN140205D - RK 4.00 p.m.]
27 Q. So what happened there?
28 A. When they were coming, I saw SI James Vandy, the police
29 CID, he was walking in front of them.

- 1 Q. You said SI James Vandy?
- 2 A. Yes, James Vandy.
- 3 Q. SI James Vandy? So it's V-A-N-D-Y.
- 4 A. James Vandy. He was the sub-inspector, police CID.
- 15:58:52 5 Q. So what about Mr Vandy, the sub-inspector?
- 6 A. When they reached opposite me, the Kamajors remembered
7 the rest of the things that were in the new police
8 barracks, we should go and bring them. He turned to them
9 and said, "Aren't you leaving the policemen alone? what
15:59:07 10 have they done to you? You are telling lies, the police
11 have not done anything to you." The one man turned and
12 watched and looked at him, and he said, "have you
13 forgotten about this man? He's a policeman."
- 14 Q. And they were referring to this SI James Vandy?
- 15:59:44 15 A. Yes, they turned to them and said he's a policeman.
- 16 Q. So once he was identified by this group of Kamajors, did
17 anything happen to him?
- 18 A. Those who had gone ahead of him turned and those who were
19 standing in front of him hacked him with a cutlass, and
16:00:12 20 he fell.
- 21 Q. So, Mr witness, where were you when you saw this incident
22 happen?
- 23 A. I was in the veranda. I wanted to run, but there was no
24 way because they were all over the place.
- 16:00:27 25 Q. And how far were you to where Mr Vandy was hacked?
- 26 A. About 200 yards.
- 27 Q. So what happened to Mr Vandy?
- 28 A. Then Mr Vandy dropped and died, and he was cut into
29 pieces and they were singing, "Allahu Akbar, Allahu

1 Akbar." They cut him in the middle and the head part,
2 they put it in the stream under the bridge and the rest
3 was left abandoned in the road. And they sang going
4 towards the barracks.

16:01:44 5 Q. Now, Mr witness, you've narrated this scene for the
6 Court. Did you do anything as a result?
7 A. Yes. I stood up and wanted to run away, but my wife told
8 me to sit down, that I should not hurry because if I do
9 they will kill me. And so I sat back and they went.

16:02:09 10 After some time he came back and said they have
11 identified that somebody is in this man's house, so
12 I should find a way of getting away, then I stood up.
13 Q. Who is it that came back?
14 A. My wife.

16:02:33 15 Q. If we get your evidence straight you said you were about
16 to run and your wife advised you to stay put. Did she
17 leave after that?
18 A. Yes. After she had said that, she went away in the crowd
19 where the Kamajors were.

16:02:53 20 Q. And then now you're saying she came back?
21 A. Where she came, she told me to go away, and because she
22 said they had identified somebody, the policeman staying
23 here. As I was coming out, I met them.
24 Q. As you were coming out, you met whom?

16:03:22 25 A. I met the Kamajors, about ten of them. They had
26 cutlasses and guns, they were coming up the stairs whilst
27 I was going down.
28 Q. So did you head for any place in particular?
29 A. Yes, I went and sat in one man's house, but he drove me

- 1 after he identified me as policeman. That's when I left
2 there.
- 3 Q. So you were driven away from this house. And where did
4 you go to next?
- 16:04:16 5 A. I went to one school called Centenary [phoen]. That's
6 where I went.
- 7 Q. So for how long were you in that school, that Centenary
8 school?
- 9 A. When I reached the Centenary, one man identified me as a
16:04:43 10 policeman that he knows me. He called. The Kamajors
11 were lying down. I didn't know. And they all stood up
12 and I ran away into the bush.
- 13 Q. Take your time, Mr witness. You went to the Centenary
14 school, again you were identified as a police officer.
- 16:05:08 15 A. Yes.
- 16 Q. What were you trying to say about Kamajors lying around?
17 A. They were lying down in the barrie, but I didn't now.
18 And they stood up and chased me, and I entered the bush.
- 19 Q. So did anything happen in that bush when you were there?
- 16:05:48 20 A. Yes the man who had identified me, that there is a hole
21 in that bush, that is where I've gone, that they should
22 brush the bush and they would see me. So they surrounded
23 the area and brushed the area, brushed the bush. As they
24 were brushing, we heard the sound of a gun from the town
16:06:16 25 end, Freetown end. The gun sound was so heavy because I
26 heard them talking, they said these guns that we're
27 hearing from it does not look like a Kamajor gun sound,
28 so let's pull out.
- 29 Q. And you were still in that hideout of yours?

- 1 A. I was there.
- 2 Q. So did they pull out upon hearing these heavy gunshots
3 you said?
- 4 A. Those who were in the police barracks on top of the hill
16:07:06 5 where I was I heard them shouting, "Kamajor retreat!
6 soldiers have some back!" when they heard that, they all
7 retreated, saying they should not die chasing this one
8 man.
- 9 Q. So when they retreated, did you do anything?
- 16:07:30 10 A. Yes. After some minutes, I came out. When I stood up,
11 I saw a large crowd, all the people heading for Kenema,
12 the Kenema direction.
- 13 Q. So you saw those people?
- 14 A. So I joined them.
- 16:07:57 15 Q. You joined this crowd of people?
- 16 A. I joined the crowd. We were all going.
- 17 Q. Did anything happen on your way towards Kenema?
- 18 A. We were not going to Kenema. We joined the Kenema road
19 and we tried to take the Kandeyama road. That is when
16:08:38 20 I saw a vehicle coming from Kenema end.
- 21 Q. You said you joined this group that was moving towards
22 Kenema, but you did not actually move towards Kenema?
- 23 A. I didn't go towards Kenema. I branched towards to the
24 Kandeyama road.
- 16:09:03 25 Q. And you were referring to you seeing a vehicle?
- 26 A. Yes, I saw a car which had an AA mounted on top.
- 27 Q. When you say "AA" what are you referring to?
- 28 A. An anti-aircraft gun.
- 29 Q. This was mounted on this vehicle?

1 A. Yes, My Lord. On top of that bonnet, the bonnet of that
2 vehicle I saw Lieutenant Kolleh who was at Gerihun.
3 MR KAMARA: Your Lordships, I believe the spelling on that
4 lieutenant is K-O-L-L-E-H.
16:09:50 5 MR BOCKARIE: Your Honour, I just want to be certain whether
6 we are still on the 16th or not.
7 JUDGE BOUTET: On what?
8 MR BOCKARIE: Still on the 16th, the event. I just want it
9 clarified from the Prosecutor, please.
16:10:08 10 MR KAMARA: Yes, I want to believe we are still on the 16th.
11 Are we still on the same date of the 16th?
12 THE WITNESS: I'm talking about the 16th. We've left the
13 15th. I'm talking about the 16th.
14 JUDGE THOMPSON: Thank you.
16:10:25 15 MR KAMARA: Most welcome.
16 THE WITNESS: They came past by me, firing, shooting.
17 Q. Now, Mr witness, you've moved -- you branched off to this
18 Kandeyama road?
19 A. Yes.
16:10:52 20 Q. Did you have cause to stop anywhere?
21 A. As this vehicle had passed, all the Kamajors -- we went
22 to Kandeyama, that's where we met.
23 Q. Okay. Did anything happen at this Kandeyama?
24 A. Yes, when we all reached Kandeyama they said all the
16:11:23 25 Kamajors should pass together and the civilians should
26 pass together. So they said -- they found that they were
27 all mixed up.
28 Q. I do not understand you, Mr witness. What do you mean by
29 passing together and mixing up. Take your time and see

1 if you can clarify that area for us.

2 A. well, the kamajors called the people and said whoever was
3 a kamajor should go in one place and whoever was a
4 civilian should go to one place so, they would know if
16:12:00 5 there were other people among them like the juntas and
6 the RUF.

7 Q. Oh, I see [inaudible]

8 A. Yes.

9 Q. And all kamajors were ordered to fall in one line, and
16:12:18 10 civilians in another line. Is that what you're saying?

11 A. Yes, My Lord.

12 JUDGE BOUTET: who is ordering you around, if I may.

13 MR KAMARA: Thank you, Your Honour.

14 Q. His Lordship Boutet wants to know who made the order for
16:12:37 15 the kamajors to follow in one line and the civilians in
16 another line?

17 A. It was the kamajor leaders. Agba Murray and others.

18 Q. Do you know why these orders were issued?

19 A. Yes, My Lord.

16:13:02 20 Q. Please tell the court.

21 A. He said they understand that some policemen have joined
22 them and they've come to Kandeyama and they wanted to
23 know what their position was. That's why they did that.

24 JUDGE BOUTET: I would like to understand a little bit more
16:13:26 25 the scenario. I thought the witness had testified that
26 the kamajors retreated and after that he was on the
27 way -- on the road to Kenema, then branched out. And so
28 presumably he did meet with the kamajors or joined up
29 with the kamajors. I'm confused as to what is happening

1 here.

2 MR KAMARA: Your Lordship, his evidence is that when the
3 soldiers came back, especially the one he mentioned the
4 Lieutenant Kolleh in that vehicle, the Kamajors all
16:14:00 5 retreated together with the civilians, and they went up
6 to the Kandeyama and that is where the Kamajors' leader
7 ordered, the leaders ordered everyone to stop. Kamajors
8 fall in one line, and then civilians in the other.

9 JUDGE BOUTET: I have missed that one. So when the Kamajors
16:14:13 10 retreated they were retreating together with the
11 civilians.

12 MR KAMARA: Yes.

13 JUDGE BOUTET: All right. Thank you.

14 MR KAMARA:

16:14:21 15 Q. So to which of these lines did you fall?

16 A. I went to the civilian line, but I was -- they were able
17 to pick me up. But the civilians were denying me.

18 Q. Are you telling this Court that you were identified as a
19 police officer?

16:14:47 20 A. Yes, sir, Your Honour.

21 Q. And having been --

22 PRESIDING JUDGE: The civilians were denying him.

23 MR KAMARA: Yes, Your Honour.

24 Q. Denying you as what?

16:15:01 25 A. That I'm a civilian.

26 Q. They were denying you being a civilian.

27 A. That I was not a civilian.

28 Q. So having been so identified, was anything done to you?

29 A. I was arrested together with some other police officers.

- 1 Q. What happened once you were arrested?
- 2 A. They searched me. And they took 15,000 Leones from me.
- 3 Q. And Mr witness, lest we forget, how were you dressed on
4 that day?
- 16:16:28 5 A. I had on long trousers that had a green colour, I had a
6 shirt, but I didn't put it on. It was on my shoulder.
- 7 Q. So they took this 15,000 away from you?
- 8 A. They took it away from me, then someone from among them
9 identified me that he knows me but they should leave me
16:17:00 10 alone, because he was not the kind of person they were
11 looking for. So they should leave me alone. But they
12 took the money from me and my watch.
- 13 Q. But you were released?
- 14 A. Yes, I was released.
- 16:17:25 15 Q. So did you continue your journey?
- 16 A. Yes, we slept at one of the villages near Kandeyama.
- 17 Q. And where were you heading for?
- 18 A. I was going to my village. Either toxxxxxxxx or
19 xxxxxxxxxxx.
- 16:18:12 20 Q. Now having resumed your journey, did you have cause again
21 to stop at any particular place?
- 22 A. When we slept in the bush near Kandeyama early in the
23 morning near 4.00, our group moved towards -- some going
24 towards Mattru, and some towards Tikonko, and others to
16:18:43 25 Koribundu. I went towards Tuedu [phoen] and I reached a
26 known village called Fobu.
- 27 MR KAMARA: Your Lordships, I believe the spelling is F-O-B-U.
- 28 Q. You went to this village called Fobu?
- 29 A. Fobu.

- 1 Q. What was the composition of this group that moved to
2 Fobu?
- 3 A. We had Kamajors, policemen, like myself and so many other
4 civilian, we moved together.
- 16:19:27 5 Q. And once you got to Fobu, did anything happen at that
6 village?
- 7 A. We met a gate before you could enter the town, a
8 checkpoint was there. You would be searched at that
9 checkpoint to find out whether you're a policeman before
16:19:54 10 you could enter the village, so they searched me.
- 11 Q. Did you make it through that checkpoint?
- 12 A. Yes, they didn't say anything with me. I passed through.
13 As I was about to move, somebody came and held me by the
14 back and said I was a soldier.
- 16:20:32 15 Q. This time you were identified as a soldier?
- 16 A. Yes. When I said I was not a soldier, the man said he
17 had seen me in Koribundu. That was where I was that I
18 was uprooting the cassava to come and sell in Bo.
- 19 Q. Was anything done to you?
- 16:20:52 20 A. As soon as he said that I was tripped and they left me on
21 the ground and they took me there in one of the houses.
- 22 Q. So you were taken in the back of this house?
- 23 A. Yes.
- 24 Q. So what happened back there?
- 16:21:28 25 A. I met four people lying down there naked, two women and
26 two men.
- 27 Q. Lying naked?
- 28 A. They were all lying down looking at the sun on their
29 backs.

- 1 Q. So what did they do to you when they took you back?
- 2 A. And they asked me to remove my clothes and I removed my
3 trousers. I was only left with my pants and they took a
4 bayonet and put it in my pants and tore it and I was
16:22:18 5 tripped again and fell on the ground. And they said
6 I should lie down like the others are lying down on their
7 back looking at the sun.
- 8 Q. who took you behind this house?
- 9 A. It was the Kamajors.
- 16:22:38 10 Q. So now you're made to lie down on your back facing the
11 sun?
- 12 A. Yes, when we laid down, they said we were soldiers and
13 they said we should tell them how to do the parade. We
14 queued and they stepped on our stomachs and go through.
- 16:23:07 15 And others would come and step on our stomachs and go
16 through. In the process, they stepped on the woman's
17 ribs, she shouted and sat up and she was shot and his
18 guts came out and it stopped on her leg.
- 19 Q. So what was the duration of this parade when you said
16:23:41 20 they were marching on top of your bellies? Do you know
21 how long it lasted?
- 22 A. Over one hour.
- 23 Q. You mentioned with one of the ladies with whom you were
24 made to lie on the ground was shot. Do you know who shot
16:24:00 25 that lady?
- 26 A. It was the Kamajors, because no other person was there.
27 They were the only people who surrounded us there. They
28 were guiding us.
- 29 Q. So tell this Court what happened to this lady that was

1 shot.

2 A. They took her and -- took her behind, under the house and
3 all of them went there. Not too long, I saw one of them
4 carrying her heart in their palm. "The same thing that
16:24:50 5 we did to that woman we're coming to do to you shortly.
6 Just wait for us."

7 Q. So how long were you made to lie down on the ground
8 watching the sun; do you know?

9 A. We were lying down there for over -- we were lying there
16:25:26 10 for over three hours and they would open our anuses to
11 see if we have defecated.

12 Q. Did anything happen after the three-hour period?

13 A. Yes. They said -- they heard the other people coming
14 from across the river. The other commanders said they
16:26:00 15 were coming from Jebwi [phoen] and they went there.

16 Q. Were you released by any chance?

17 A. Yes. The group that came, my brother was among them, and
18 he was the leader of the group. He saw me, and he asked
19 me what I was doing there. And they told him that I was
16:26:33 20 a soldier. Then he said, I was not a soldier and that I
21 was a policeman. But if you kill him, I will burn down
22 this town. And he asked me to get up, and I got up.

23 He asked for my clothing and he started looking for
24 them, but they couldn't get all of them. I couldn't get
16:27:14 25 my trousers so he removed one of their trousers and gave
26 it to me that I should put it on, and I put it on.

27 Q. So eventually you were released and let go?

28 A. Yes, I was released. He released me, and they prepared a
29 pass for me and they gave it to me. So wherever I went,

- 1 they should leave me alone and they won't kill me. And
2 they gave me the pass.
- 3 Q. So finally, did you make it to your destination after
4 that incident?
- 16:27:52 5 A. Where I wanted to go, I told him that that's where
6 I wanted to go. And he told me, Another group is on its
7 way to go and fight the junta in Bo Town. And if I meet
8 them on the way, they will kill me. So I should go to
9 Ngelahun, and I went to Ngelahun.
- 16:28:15 10 MR KAMARA: Your Honours, the spelling for that, I believe, is
11 N-g-e-l-a-h-u-n.
- 12 Q. So for how long were you at Ngelahun?
- 13 A. I was at Ngelahun for February, March, and I returned to
14 Bo in April. That is when I heard that ECOMOG had come.
- 16:28:42 15 Q. That is in April 1998?
- 16 A. Yes, My Lord.
- 17 Q. Did anything happen once you returned back to Bo in that
18 April?
- 19 A. When I returned to Bo, I went to the police station, and
16:29:09 20 they had put me on a missing-in-action list.
- 21 Q. They already did an MIA?
- 22 A. Yes. I was dead.
- 23 Q. Did anything happen in that station in that month of
24 April of 1998 that you want to tell this Court?
- 16:29:33 25 A. Yes. They said we had -- one morning, they said we had a
26 parade. And we went to the parade.
- 27 Q. Please, Mr Witness, who ordered the parade?
- 28 A. The CPO, the chief police officer.
- 29 Q. Do you know the purpose why that parade was ordered?

- 1 A. No. They said Chief Sam Hinga Norman was coming to talk
2 to us, and they want to know the number of policemen who
3 had returned.
- 4 Q. So did this parade take place?
- 16:30:27 5 A. Yes, the parade took place, and we went to the new police
6 barracks; that is, the East End Police Station in Bo.
7 That is where we went.
- 8 Q. At the new police station?
- 9 A. Yes, My Lord.
- 16:30:54 10 Q. So what happened at that parade?
11 A. As we were at the parade, Chief Sam Hinga Norman came
12 together with Allieu Kondewa, Moinina Fofana, Kamoh
13 Lahai, Mammy Munda, and other Kamajor leaders.
- 14 Q. They came to the parade?
- 16:31:27 15 A. All of them came there.
- 16 Q. What happened when they came?
17 A. The CPO reported the parade to him, Chief Sam Hinga
18 Norman.
- 19 Q. Did Chief Sam Hinga Norman say anything once the parade
16:32:03 20 was reported to him?
21 A. Yes, My Lord. He said, Because we were up to 150, we had
22 368 personnel, but only 150 reported.
- 23 Q. Mr witness, you're telling this Court -- you're giving us
24 numbers. Before the Bo attack, how many police officers
16:32:31 25 were in Bo at that time? Do you know?
26 A. It was 368 of us who would go for the rice, to come and
27 supply them, so I know them.
- 28 Q. Mr witness, I believe the witness is trying to say that
29 he know the number because they used to pick up supplies,

1 know that 368 of them were going for the supplies.
2 MR KAMARA: Your Honours, I think the evidence is that, with
3 the agreement of my learned friends on the other side.
4 Q. So if we were to go with that figure, that there were 368
16:33:12 5 police personnel in Bo before the Kamajor attack of Bo;
6 is that so?
7 A. Yes.
8 Q. And as of that date of April when you were asked to
9 parade for Chief Sam Hinga, how many police officers
16:33:28 10 paraded?
11 A. 150. We had returned. The others were still to come,
12 but we were present, those of us who were present.
13 Q. At that point in time, there were 150 police officers?
14 A. Yes, My Lord.
16:33:52 15 Q. Now, you were about to tell the Court what Chief Sam
16 Hinga Norman said at that parade?
17 A. After the chief police officer had reported the parade to
18 him, and he turned to the Kamajor chiefs and said they
19 had deceived him.
16:34:30 20 Q. Yes. Tell us the context of what he was saying.
21 A. He said when he was out, they reported to him that --
22 especially Moinina Fofana, that they had burnt down the
23 barracks, but now he had come and seen the barracks.
24 That is deceit.
16:34:52 25 Q. Now, do you know the Moinina Fofana he was referring to?
26 You did mention "especially Moinina Fofana." Who is this
27 Moinina Fofana?
28 A. Moinina Fofana was the war director. That's how they
29 called him, director of war.

1 Q. Yes, you're telling the Court that he said he has been
2 deceived.
3 A. The other disappointment was, Look at the number of
4 policemen on parade. They told him that they had killed
16:35:41 5 all the policemen in Bo.
6 Q. That was the second disappointment?
7 A. Yes.
8 Q. The strength of the police officers?
9 A. At this point, we all dispersed saying that this man
16:36:03 10 wanted to kill all of us. So we're not going to listen
11 to anything he's going to say. We all dispersed.
12 Q. So the entire crowd of police officers there dispersed?
13 A. Yes. We all left except the CPO and other authorities
14 who stayed by behind.
16:36:52 15 PRESIDING JUDGE: Let me get the reason for the dispersement
16 of the crowd. I want to get the reason. You gave the
17 reason that somebody wanted them there. I want him to
18 clarify on this.
19 MR KAMARA: Are you okay?
16:37:14 20 Your Honour, the witness wants to use the
21 convenience.
22 PRESIDING JUDGE: well, that's all right. He can. We will
23 rise. When he is ready, let us know, please.
24 MR KAMARA: Thank you, Your Honour.
16:37:41 25 [Break taken at 4.43 p.m.]
26 [On resuming at 5.07 p.m.]
27 PRESIDING JUDGE: May we proceed, Mr Kamara.
28 MR KAMARA: Yes, Your Honour.
29 PRESIDING JUDGE: Are you still a long way off of your direct

1 examination?

2 MR KAMARA: No, Your Honour, I was almost right there.

3 PRESIDING JUDGE: Right. Okay.

4 MR KAMARA:

17:04:19 5 Q. Mr witness, his Lordship the Presiding Judge, did ask a
6 question before the break and that is he wants to know
7 why you dispersed. You remember you were talking about
8 the parade and then Chief Hinga Norman said certain
9 things which you have mentioned to the Court and then
17:04:41 10 you dispersed. His Lordship wants to know why you
11 dispersed?

12 A. The reason why we dispersed was, one, he said he had seen
13 houses and we are still in a very large number and when
14 he said those words we concluded that he had no good
17:05:05 15 intention for us, that is why we dispersed.

16 MR KAMARA: Thank you, Mr witness. That is all for this
17 witness, Your Honour.

18 PRESIDING JUDGE: So I closed off the examination-in-chief.

19 MR KAMARA: Yes, you did, Your Honour.

17:06:15 20 JUDGE BOUTET: First accused, are you ready with your
21 cross-examination?

22 MR YILLAH: Yes, My Lord.

23 CROSS-EXAMINED BY MR YILLAH:

24 Q. Mr witness, you are an officer of 28 years standing; is
17:06:29 25 that correct?

26 A. Yes, My Lord.

27 Q. I take it that you are familiar with all the organs of
28 the Sierra Leone police force?

29 A. Yes, I know them.

1 Q. Mr witness, is it true that there's a department in the
2 Sierra Leone police force known as Records?
3 A. Yes.
4 Q. Is it also true, Mr witness, that this department keeps a
17:07:56 5 record of all police officers; is that correct?
6 A. That's true.
7 Q. Mr witness, if any police officer dies or is killed, it
8 would be reflected on his records; is that correct?
9 A. That's true.
17:08:54 10 Q. Now, Mr witness, so far as you know, do you know whether
11 the records of the police officers you have testified to
12 as being killed, do you know whether the police records
13 reflect that they were killed by kamajors? So far as you
14 know?
17:09:19 15 A. I wouldn't say the records reflect that. What I saw is
16 what I have talked about.
17 MR YILLAH: I don't know whether that is sufficient for Your
18 Lordships, but I just wanted to caution the witness to
19 answer.
17:09:39 20 PRESIDING JUDGE: It is you who framed the question. If you
21 think that it is not sufficient you put it back to him.
22 MR YILLAH: As My Lord pleases.
23 Q. Mr witness, do you know personally whether the records of
24 these police officers reflect the fact that they were
17:10:03 25 killed by kamajors?
26 JUDGE THOMPSON: Why not split the question.
27 PRESIDING JUDGE: That they were killed.
28 MR YILLAH:
29 Q. That they were killed?

1 A. I told you just now that those whom I know -- those whom
2 I saw being killed is what I know. I do not know about
3 orders because I was not there.

4 PRESIDING JUDGE: No, no. Counsel wants to know whether the
17:10:35 5 records, the records of those policemen who were killed,
6 reflect that fact -- whether those records reflect that
7 fact. We're not saying that you -- we're not contesting
8 the fact that you're saying what you know, but he is
9 taking you on the records, the records section of your
17:10:59 10 police services.

11 JUDGE THOMPSON: Isn't it also a presumption here that he
12 knows -- I think you're asking whether he knows whether
13 the records do reflect that or are you suggesting that
14 there should be -- could we switch off his --

17:11:27 15 MR YILLAH: Yes. My Lord, I --

16 JUDGE THOMPSON: Just a minute. Are you saying that he ought
17 to know, because it is clearly arguable you that he may
18 not be the custodian of the records but you're saying
19 that you want him to answer whether he knows, he has any
17:11:55 20 knowledge.

21 MR YILLAH: As My Lord pleases, because he had agreed to
22 earlier questions that he knows about the various organs
23 of the Sierra Leone police.

24 JUDGE THOMPSON: Yes, but did he not agree about being
17:12:05 25 custodian.

26 MR YILLAH: No, he did not agree, but I asked him whether he
27 knows personally.

28 JUDGE THOMPSON: That's what I wanted to be clear about.

29 MR YILLAH: As My Lord pleases.

1 JUDGE BOUTET: You may know about a department in the police
2 that deals with records without knowing of records, so it
3 is quite different.

4 MR YILLAH: That's what I want him to say, My Lord.

17:12:20 5 JUDGE BOUTET: well, ask him the question clearly. It's not
6 clear. The witness seems to be a bit confused and we are
7 too as to exactly what it is you're trying to establish.

8 MR YILLAH: AS My Lord pleases.

9 JUDGE BOUTET: You can suggest whatever you want, I mean,
17:12:28 10 you're in cross-examination, but it is not clear.

11 MR YILLAH: AS My Lord pleases.

12 Q. Mr witness, do you personally know whether the records of
13 the police officers whom you stated have been killed
14 reflect -- do you personally know whether the records of
17:12:58 15 the police officers that you testified as being killed
16 reflect the fact that they were killed by Kamajors?

17 PRESIDING JUDGE: No, not by Kamajors.

18 MR YILLAH: Reflect the fact that they were killed.

19 PRESIDING JUDGE: Yes, they were killed. That's fine.

17:13:10 20 MR YILLAH: AS My Lord pleases.

21 THE WITNESS: Those whom I've spoken about, I know that they
22 killed. Personally, I know that they killed them.
23 Because I saw when they killed them.

24 PRESIDING JUDGE: Mr Witness, that is not it. Mr Witness, you
17:13:30 25 have told us with your experience in the police that the
26 police department has a records division, a records
27 department and that this record is kept in the offices
28 and that if a police officer dies, normally, his records
29 will reflect the fact that he is dead. Are you following

1 me?

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: Okay. what learned counsel wants to know

4 from you is whether you know, whether you have within

17:14:09 5 your knowledge the fact that the records of these

6 officers who were killed reflect that fact. Do you know

7 whether the records - forget about your knowing they were

8 killed - do know whether their records reflect the fact

9 that they were killed?

17:14:32 10 THE WITNESS: I know. The records shows that because they

11 have given them their benefits to their women, their

12 wives. If they had not killed them, they should be

13 working by now.

14 JUDGE BOUTET: But this is not clearly the answer to your

17:15:12 15 question. Your question was do you personally know,

16 personally know if the records indicate that they were

17 killed. The answer as I get it is: well, essentially,

18 they should because they are receiving pension.

19 MR YILLAH: Yes, My Lord, it doesn't still answer my question.

17:15:30 20 JUDGE BOUTET: Mr witness, have you seen police records in

21 your career?

22 THE WITNESS: I didn't come to Freetown to check for their

23 record, but their wives had come and they had collected

24 their benefits, that is to say they had been killed.

17:15:57 25 MR YILLAH: There is still a difference, My Lord.

26 Q. Mr witness --

27 PRESIDING JUDGE: why don't we have it on record that he does

28 not know.

29 MR YILLAH: As My Lord pleases.

1 PRESIDING JUDGE: Instead of stretching this, why don't we
2 have it on record that he doesn't know whether the
3 records reflect this fact. And then, of course, we
4 couple this with what we have on record, as a reply which
17:16:16 5 is given to your question. To him, it must be reflected
6 in the records because the widows have received
7 compensation, the benefits and if they were alive they
8 should have been working and they should have been on
9 duty somewhere as per now.

17:16:29 10 MR YILLAH: AS My Lord pleases. I will not stretch the point
11 further.

12 PRESIDING JUDGE: Yes.

13 MR YILLAH:

14 Q. Mr witness, do you know whether the Sierra Leone police
17:16:41 15 force, as an institution, opened investigations into the
16 death of their personnel in Bo?

17 A. I don't know.

18 Q. Mr witness, did you say you were attached to the criminal
19 investigations department?

17:17:24 20 A. Yes, My Lord.

21 Q. And is it correct, Mr witness, to state that if the
22 Sierra Leone police had conducted investigations, your
23 department, CID, would have been in the forefront; is
24 that correct?

17:18:04 25 A. Yes.

26 Q. So, Mr witness, did you as a CID officer, personally, did
27 you report this matter to the leadership of the Sierra
28 Leone police force?

29 A. I cannot report that because they know.

- 1 Q. Mr witness?
- 2 A. Yes, My Lord.
- 3 Q. Did you at any time identify the graves of those you
4 allege killed to the investigators from the office of the
17:19:37 5 Prosecutor?
- 6 A. They didn't ask me. I know them. If they ask me, I'll
7 show them.
- 8 Q. Mr witness, in your 28 years career --
- 9 A. Yes, My Lord.
- 17:20:16 10 Q. -- have you investigated serious matters like murder,
11 treason, have you ever investigated such offences?
- 12 A. I have investigated murder, but I have not investigated
13 treason yet.
- 14 Q. Mr witness?
- 17:20:51 15 A. Yes, My Lord.
- 16 Q. Did you suggest to the investigators the location of
17 these graves? Did you suggest that to them?
- 18 A. I didn't suggest. I showed them one of the graves, that
19 this is Eric Freeman's grave as we were passing by.
- 17:21:41 20 Q. Mr witness?
- 21 A. Yes, My Lord.
- 22 Q. Is it true that before the Kamajors came to Bo Town, they
23 had sent warnings to civilians and unarmed people to
24 leave the town? Is it true?
- 17:22:00 25 A. They didn't send any warning.
- 26 Q. Is it also true, Mr witness, that on entering Bo the
27 Kamajors received heavy fire from the police barracks
28 area?
- 29 A. No. That's why we wore a white piece of cloth to welcome

1 them.

2 Q. So Mr Witness, it would not be correct if any person had
3 said to this tribunal that there was exchange of fire in
4 Bo police barracks area between people in the barracks
17:23:58 5 and Kamajors. It would not be correct?

6 A. If somebody says that, maybe he would be correct, but I
7 didn't see that.

8 Q. Mr witness?

9 A. Yes, My Lord.

17:24:51 10 Q. There is a radio station in Bo; is that correct?

11 A. Not one, but three.

12 Q. Mr witness?

13 A. Yes, My Lord.

14 Q. were there any funeral announcements, police funeral
17:25:32 15 announcements for the people you've mentioned on the
16 radio stations in Bo?

17 A. There was no time for them to even work, so they couldn't
18 have made an announcement.

19 MR YILLAH: Again, My Lords, I don't know. I seek Your
17:25:56 20 Lordships' guidance here.

21 JUDGE BOUTET: It is your cross-examination. If you're not
22 happy with the answer, carry on. We're not to limit you
23 in your cross-examination.

24 MR YILLAH: As My Lord pleases.

17:26:05 25 Q. Mr witness?

26 A. Yes, My Lord.

27 Q. My question, do you know whether the three radio stations
28 in Bo announced the funeral service of the people you've
29 alleged were killed?

- 1 A. At that particular time nobody left there, because even
2 the radio stations were abandoned, so there was no time
3 to make an announcement.
- 4 Q. Now, let me take you further, Mr witness, after that
17:26:54 5 moment when the dust had settled down, was there any
6 radio announcement regarding the funeral of the people
7 you've alleged were killed, after that period?
- 8 A. But before you make an announcement, you have to pay
9 money and we had no money so we just sat down. We just
17:27:26 10 did the sacrifices and we sat down.
- 11 Q. You don't seem to understand the question, Mr Witness.
12 My question is during that period that even the radio
13 stations were abandoned, we're taking it a stage further.
- 14 JUDGE BOUTET: [Overlapping speakers] you can tell the witness
17:27:47 15 what you mean by a stage further. The witness told you
16 that he came back in April, I think it was in April of
17 1998 or 2000.
- 18 MR YILLAH: I will take the cue, My Lord.
- 19 JUDGE BOUTET: I mean, you used the term "when the dust
17:28:02 20 settled," when is that time frame.
- 21 MR YILLAH:
- 22 Q. Mr, witness?
- 23 A. Yes, My Lord.
- 24 Q. You said in your evidence-in-chief that you returned to
17:28:13 25 Bo in April of 1998?
- 26 A. Yes.
- 27 Q. Now during that time, had the government of President
28 Kabbah been restored back to Sierra Leone?
- 29 A. That's what I said. Hinga Norman went there. He was

1 made minister of defence, deputy minister of defence.
2 Q. Mr Witness, my question was in April of 1998, is it true
3 that the government of Tejan Kabbah had been restored
4 back to Sierra Leone, including Bo is this?
17:28:58 5 A. Yes, they had brought it back.
6 Q. Were the radio stations functioning during that time?
7 A. Well, at that particular moment they weren't working.
8 PRESIDING JUDGE: And even if they were working he has said
9 they didn't have money to make those announcements they
17:29:39 10 just did the ordinary rituals and --
11 MR YILLAH: My Lord, I don't want to venture into that area.
12 I just want him to help this tribunal as far as he knows.
13 PRESIDING JUDGE: Yes.
14 MR YILLAH:
17:29:55 15 Q. Mr Witness, at any time, let us say after April at any
16 time, do you know whether the radio stations in Bo made
17 the funeral announcements of the people you allege have
18 been killed at any other time?
19 A. Those who were killed, the man who was kill was my family
17:30:18 20 member. We were not able to make any radio announcement.
21 That's what I'm telling you. We had no money.
22 Q. Thank you very much, Mr Witness. Mr Witness, you do you
23 wear police uniform as a CID personnel, do you?
24 A. No, I don't wear uniform.
17:30:50 25 Q. And is it correct to say that when a parade is being
26 conducted, it -- such a parade would only be conducted by
27 police officers dressed in uniform -- in uniforms? Is it
28 correct?
29 A. It was a composition of CID personnel.

1 Q. Please answer the question. When a parade is normally
2 conducted to receive a dignitary, is it correct to say
3 that such a parade is only conducted by policemen who are
4 dressed in their uniforms; it is correct or not?
17:31:54 5 A. It is not the policemen who wear uniforms, it is all of
6 them every section of the police force was standing
7 there.
8 JUDGE BOUTET: He's told you he does not wear a uniform. So
9 if you say in their uniform, his uniform is a suit. So
17:32:13 10 it depends that. That's not a question you ask.
11 MR YILLAH: As My Lord pleases. My Lord, there is definitely
12 a reason for that question.
13 JUDGE BOUTET: Ask the question precisely. I didn't really.
14 MR YILLAH: That is what I'm asking now.
17:32:23 15 Q. Mr witness, during your 28 years in the Sierra Leone
16 police force --
17 A. Yes.
18 Q. -- do CID personnel participate in conducting parades?
19 Do they?
17:32:37 20 A. Yes, we all do stand there.
21 Q. So they participate without wearing uniforms?
22 JUDGE BOUTET: Ask him what they wear to parades rather
23 than --
24 THE WITNESS: Yes, all of us. We are all personnel.
17:33:01 25 JUDGE BOUTET: I would answer to you that my uniform is my
26 civilian attire because that is what he works with.
27 MR YILLAH: As My Lord pleases.
28 Q. Mr witness?
29 A. Yes, My Lord.

- 1 Q. Did Mr Norman visit Bo in his capacity as minister?
2 A. We knew him as deputy minister, so any time he goes
3 there, that is how we called him.
4 Q. Do you know what date in April he went to Bo, according
17:33:54 5 to you?
6 A. I wouldn't know. It was sometime in April.
7 Q. Mr witness?
8 A. Yes, My Lord.
9 Q. Do you know whether the visit of a minister was broadcast
17:34:14 10 on the news in Bo? Do you know?
11 A. That's his home. When he is coming they do not announce
12 it over the radio. When he comes sometimes he would
13 visit us where he meets us.
14 Q. Do you know whether the parade that was conducted for him
17:34:38 15 was broadcast over the news, Mr witness?
16 A. No.
17 JUDGE BOUTET: Do you say that it was not broadcast or you
18 don't know?
19 THE WITNESS: I don't know.
17:35:06 20 MR YILLAH:
21 Q. Mr witness, I want you to tell this Court --
22 A. Yes, My Lord.
23 Q. -- in your experience and so far as you know, is it the
24 regular practice that when dignitaries visit Bo that such
17:35:30 25 visit is broadcast on the news? So far as you know.
26 A. Not all visits. Some visits are spontaneous, while
27 others are broadcast that this person is coming.
28 Q. Now, Mr witness, a visit that receives a parade, do you
29 know -- or so far as you know, do you know whether such

1 visit are broadcast on the news?

2 MR KAMARA: Objection, Your Honour. This question has been
3 answered. The witness had answered that he doesn't know
4 about that. Let's move on. He has answered that
17:36:12 5 specifically, that that parade was not broadcasted over
6 the radio and that he doesn't know and the Presiding
7 Judge I believe -- Judge Boutet, I'm sorry, he made it
8 clear as to whether that particular parade was
9 broadcasted or not.

17:36:36 10 JUDGE BOUTET: He doesn't know.

11 MR YILLAH: My Lord, my learned friend has misstated the facts
12 to this Court. My Lord, the previous question was that
13 particular parade. This question, My Lord -- this is
14 visits that attract parades, whether it is regular so far
17:36:54 15 as he knows.

16 JUDGE BOUTET: He has answered that too. He said some are
17 broadcast, some are not. When dignitaries show up at the
18 last moment it is not.

19 MR YILLAH: No, My Lord, the previous question was visits
17:37:07 20 generally, by dignitaries. This one is visits that are
21 complete with parade. Are such visits broadcasted on the
22 news so far as he knows?

23 JUDGE THOMPSON: Let me ask, why does he have to know this?
24 This question sound so abstruse. I don't know that why
17:37:31 25 is it that all visits accompanied by parade are
26 broadcast. where do we know this? In other words, where
27 does this concept come from? And particularly in the
28 context of a society where the radio system may not be as
29 sophisticated or developed as in other systems. And

1 perhaps you need to persuade me as to why it is so
2 germane that this police officer should know whether some
3 visits which are going to be accompanied by parade would
4 in fact be broadcast or not broadcast. He has not said
17:38:13 5 he a member of broadcasting section of the police unit
6 that may be in charge of that kind of -- why should he be
7 able to answer that.

8 MR YILLAH: May I respond, My Lord?

9 JUDGE THOMPSON: Yes, respond. Let me educated on that.

17:38:32 10 MR YILLAH: Certainly, My Lord. My Lord, he -- according to
11 the witness, he has been in the Sierra Leone police force
12 for 28 years and he's attached to CID department. And My
13 Lord, within the parameters of duties of the CID
14 department is the intelligence unit.

17:38:52 15 JUDGE THOMPSON: But where is this policy -- where does this
16 policy come from that as a general rule, all visits
17 accompanied by dignitaries where parades are going to be
18 organised are necessarily broadcast. Suppose it's
19 something very, very much tied up with security, and they
17:39:09 20 don't want to expose that visit. They don't want people
21 to know about it. would they broadcast it?

22 JUDGE BOUTET: Furthermore you say that about the intelligence
23 unit. I don't know that. Because this witness has
24 testified that his duties had nothing do with
17:39:23 25 intelligence. So you're making a statement that I'm
26 totally unfamiliar with.

27 MR YILLAH: I'm just giving Your Lordship my own perspective
28 of why this question is prompted.

29 JUDGE THOMPSON: I'm still open to learn anyway.

1 MR YILLAH: I personally.
2 JUDGE BOUTET: Yeah, but you're not the witness. We have to
3 live with the evidence of this witness. Maybe he is in
4 CID as he said, but maybe he's not on the intelligence.
17:39:49 5 Maybe he is not working on the intelligence side of CID.
6 I don't know.
7 MR YILLAH: As My Lord pleases.
8 JUDGE THOMPSON: But I wouldn't stop you, quite frankly, if
9 this is germane to your instructions. I would not press
17:40:03 10 further I just wanted to learn that there is some kind of
11 policy there that says all visits dignitaries that are
12 accompanied by parade are to be broadcast. You know, I
13 just wanted to give you the situation that if it's a
14 visit which has to do with some security thing, there may
17:40:18 15 be a policy not even to broadcast it.
16 PRESIDING JUDGE: Maybe Mr Yillah is driving to make a point.
17 You may proceed. Let's move.
18 MR YILLAH: As your lord pleases.
19 PRESIDING JUDGE: Please let's move.
17:40:39 20 MR YILLAH:
21 Q. Mr witness?
22 A. Yes, My Lord.
23 Q. Do you know whether -- did you personally report the
24 killings of these people to the Kamajor leadership in Bo?
17:40:59 25 A. I couldn't report that one, because I ran away --
26 I myself ran away.
27 Q. When you came back to Bo in April, did you at any time
28 thereafter report to the Kamajor leadership in Bo?
29 A. I didn't report to them.

1 Q. Mr witness?
2 A. Yes, My Lord.
3 Q. Would you it surprise you to note that in April of 1998
4 Mr Hinga Norman was out of the jurisdiction of
17:42:26 5 Sierra Leone?
6 A. I know that he went to Bo and he attended the parade.
7 Q. Finally, Mr witness?
8 A. Yes, My Lord.
9 Q. Would you be surprised to know that the records of the
17:43:11 10 persons you've alleged were killed within the custody of
11 the police force state that such persons were MIAs,
12 missing in action?
13 MR KAMARA: I'm objecting to that line of cross-examination.
14 My learned friend is assuming facts which are not in
17:43:29 15 evidence. And if he prefers to give evidence then
16 he might as well --
17 PRESIDING JUDGE: No, no, Let's get things right, Mr Kamara;
18 he is putting a question to him. He is putting a theory
19 to him. He is saying that contrary to what the witness
17:43:43 20 is testifying, these people are not killed by the MIS,
21 they are missing in action so it is a perfectly
22 legitimate question. Perfectly legitimate.
23 MR KAMARA: That even the records -- he is saying that these
24 records reflect otherwise. If he's saying that, he is
17:44:00 25 giving evidence, Your Honour.
26 PRESIDING JUDGE: He is cross-examining. So he has a latitude
27 there.
28 MR YILLAH: He is assuming the facts.
29 PRESIDING JUDGE: No, the objection is overruled, Mr Kamara.

1 MR KAMARA: As My Lord pleases.
2 MR YILLAH: I'm grateful, My Lords.
3 Q. Should I put the question again, Mr Witness?
4 A. Yes, please.
17:44:19 5 Q. Would you be surprised, Mr Witness, to know that the
6 records of the police officers you've alleged were killed
7 state that they were missing in action?
8 A. I was there when they were killed. I wouldn't say they
9 were missing in action. They had no ammunition.
17:44:47 10 JUDGE BOUTET: No, the question, Mr Witness, is more precise:
11 Do you know that the police records say that they were
12 missing in action?
13 THE WITNESS: No, I didn't see that on any police record.
14 MR YILLAH: Thank you, very much, Mr Witness. My Lords, that
17:45:17 15 will be all for this witness.
16 JUDGE BOUTET: Can I inquire about from the second accused,
17 Mr Bockarie, if you have any cross-examination. If so,
18 whether it will be long? We're just trying to determine.
19 PRESIDING JUDGE: We have just 10 minutes, so maybe if you
17:45:38 20 want 20, we can --
21 MR BOCKARIE: I wonder whether I will be through within your
22 stipulated time, My Lord, but if I can start --
23 PRESIDING JUDGE: No, we don't want you to start and we want a
24 smooth record so that we follow your evidence
17:45:53 25 sequentially. So you think you need about how much time,
26 Mr Bockarie?
27 MR BOCKARIE: At most, a quarter of an hour.
28 PRESIDING JUDGE: At most, a quarter of an hour. You'll have
29 that tomorrow morning.

1 MR BOCKARIE: As My Lord pleases.
2 PRESIDING JUDGE: well, learned counsel, I think we shall rise
3 for the day and resume tomorrow at 9.30.
4 [whereupon the hearing adjourned at 5.50 p.m., to be
17:47:40 5 reconvened on Tuesday, the 15th day of February, 2005, at
6 9.30 a.m.]
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EXHIBITS:

[Exhibit No. 58 was admitted] 40

WITNESSES FOR THE PROSECUTION:

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EXAMINED BY MR SAUTER 2

CROSS-EXAMINED BY MR YILLAH 28

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