

THE SPECIAL COURT FOR SIERRA LEONE

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

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

WEDNESDAY, 2 MARCH 2005
9.46 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:

Mr Geoff Walker

For the Prosecution:

Mr Mohamed Bangura
Mr Kevin Tavener
Mr Mohamed Stevens

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

No appearance

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 [HN020305A - CR]

2 Wednesday, 2 March 2005

3 [Open session]

4 [Accused Kondewa and Fofana present]

5 [The witness entered Court]

6 [Upon reconvening at 9.46 a.m.]

7 PRESIDING JUDGE: Good morning, learned counsel. Good
8 morning, Ms Virginia Chitanda. I suppose you're the
9 person in front of us now.

10 THE WITNESS: Yes. Good morning.

11 JUDGE BOUTET: Court Management, has the witness been sworn?
12 Would you please proceed to do so?

13 WITNESS: VIRGINIA CHITANDA [sworn]

14 PRESIDING JUDGE: Learned counsel, very briefly, this is just
15 to refresh your memories on what we have to do this
16 morning. Because of certain issues that I arose during
17 the course of cross-examination of witness number
18 TF2-021, you do recall that the Chamber did, by its
19 decision on 2 February 2005, on the application of the
20 Defence, decided to call two investigators who were
21 involved in recording the statements of this witness.
22 There are two of them. There is Ms Virginia Chitanda and
23 Mr Tamba Gbokie. The witness is here. We will proceed
24 with the exercise that has brought Ms Chitanda here.

25 JUDGE BOUTET: Thank you. Mr Prosecutor, we ask you to simply
26 lead the opening evidence of the witness, take her to the
27 statement and then we'll move to the Defence, because
28 that's all you've been asked to do; to bring the witness
29 to those statements. I adhere to the decision of this

1 Court that has been made on 2 February 2005. on the
2 application that has been made, one of the witnesses that
3 was ordered to be recalled was involved in one statement
4 and looking at the handwriting of that, it seems to have
5 been written down by two different individuals. Based on
6 our decision, we've decided that it would appear that
7 this witness was involved in the 19A document. Take it
8 from there. Thank you.

9 EXAMINED BY MR TAVENER:

10 Q. Ms Chitanda, are you from Sierra Leone?

11 A. No, I am not. I am from Zimbabwe.

12 Q. What languages do you speak?

13 A. English, Shona, now some Krio.

14 Q. When did you first come to Sierra Leone?

15 A. On September --

16 PRESIDING JUDGE: You're proceeding a bit too fast. Can you
17 start, please.

18 MR TAVENER:

19 Q. Just to summarise, you are from Zimbabwe. Can you tell
20 the Court again what languages you speak?

21 A. I speak English, Shona and now some Krio.

22 MR MARGAI: Sorry, My Lords, how do we label this witness?

23 [Chamber confers]

24 PRESIDING JUDGE: This is a Court witness against the Defence.
25 I would label her a court lay witness.

26 MR MARGAI: CW1?

27 JUDGE BOUTET: CW1. It is a Court-ordered witness. We
28 ordered the Prosecution, to avoid any confusion at the
29 end of the day,

- 1 MR TAVENER: Yes.
- 2 JUDGE BOUTET: I see you're smiling, Mr Tavener, you're
3 satisfied with that, presumably.
- 4 MR TAVENER: Thank you, Your Honour.
- 5 Q. When did you first arrive in Sierra Leone?
- 6 A. I arrived in Sierra Leone September 15th, 2002.
- 7 Q. And for what reason did you come to Sierra Leone?
- 8 A. I was employed by the Special Court for Sierra Leone as a
9 gender crimes investigator.
- 10 Q. Prior to coming to Sierra Leone --
- 11 PRESIDING JUDGE: Mr Tavener.
- 12 MR TAVENER: Sorry, Your Honour.
- 13 Q. Prior to that time, had you worked as an investigator, or
14 in other capacities?
- 15 A. Prior to my arrival here, I directed the Women's Rights
16 Advocacy Program for the International Human Rights Law
17 Group in Washington DC. In that capacity. I worked in
18 several countries around the world collecting evidence,
19 albeit not for Prosecution of crimes committed on women
20 during conflict.
- 21 JUDGE BOUTET: Taking evidence on women?
- 22 A. On crimes committed on women in conflict situations.
- 23 MR TAVENER:
- 24 Q. Before arriving in Sierra Leone, did you have any
25 understanding or any capacity to speak Krio?
- 26 A. I did not.
- 27 Q. Is it correct to say that as part of your duties as an
28 investigator, you were required to interview witnesses?
- 29 A. That is correct.

1 Q. In interviewing those witnesses, just verbally, what
2 languages were spoken by the witnesses?

3 A. The majority of the witnesses with --

4 MR MARGAI: May it please My Lords, can we confine ourselves
5 to the specific issue before this Court? That is the
6 interview conducted with TF2-021. Instead of
7 generalising, that's just complicating the whole issue.

8 PRESIDING JUDGE: We have to get to somewhere, Mr Margai.

9 JUDGE THOMPSON: Why is the general context not instructed in
10 understanding the particulars?

11 MR MARGAI: I would have thought that we are here because of
12 the specific order by this Court --

13 JUDGE THOMPSON: We're not denying that. I'm only saying, to
14 make sense and meaning, and to acquire comprehension of
15 this particular process, why isn't the general context,
16 even if it is a sentence or two, helpful in understanding
17 the particulars, like moving from the universal to the
18 particulars?

19 MR MARGAI: If it please Your Worships.

20 JUDGE BOUTET: We are all of that view, we need to have some
21 background information to put it in context.

22 PRESIDING JUDGE: And you know what has brought her here is
23 her statement and you know in what context most of these
24 statements have been recorded. So this information, to
25 me, Mr Margai, appears to be relevant.

26 MR MARGAI: If it please Your Worships.

27 JUDGE BOUTET: When you get to the specific questions, it will
28 indeed be limited.

29 PRESIDING JUDGE: It might be a bonus dividend to the Defence,

1 who knows?

2 MR MARGAI: We shall wait.

3 JUDGE BOUTET: Mr Tavener, please continue.

4 MR TAVENER:

5 Q. When you interviewed people in respect of the inquiries

6 you were conducting, in what languages were those people

7 speaking?

8 JUDGE THOMPSON: You said generally, Mr Tavener, that's what

9 you meant?

10 MR TAVENER: That's right.

11 THE WITNESS: The majority of the witnesses and the potential

12 witnesses that I spoke to spoke Krio. Some spoke only

13 Mende, some spoke only Temne. Some spoke the native

14 languages and Krio. We spoke, the investigators - or I

15 spoke - in English.

16 MR TAVENER:

17 Q. You mentioned that now you speak some Krio; is that

18 correct?

19 A. That's correct.

20 Q. Can you speak Krio fluently?

21 A. I wouldn't say fluent.

22 PRESIDING JUDGE: She has already said some. She can't speak

23 fluently.

24 MR TAVENER:

25 Q. Can you understand Krio?

26 A. I can understand conversational Krio, yes.

27 Q. Now, as to how you conducted an interview with a person

28 who did not speak English, I want to ask you some

29 questions about conducting an interview. When you spoke

1 to a Krio-speaking person, did you have an interpreter
2 with you?

3 A. Yes, I did.

4 Q. Can you tell the Court how that interview was then
5 conducted?

6 A. Can I ask for clarification of that question?

7 Q. Yes. How did you record the statement? What process was
8 adopted for you to obtain a statement from a person who
9 did not speak English but was in fact speaking Krio?

10 A. I would, obviously, be leading the interview. I would
11 ask questions in English through an interpreter, who then
12 asked the question to the witness or the potential
13 witness.

14 JUDGE THOMPSON: Slowly, Mr Tavener.

15 THE WITNESS: The interpreter then asked the witness, or the
16 potential witness, in Krio. The witness, or potential
17 witness, then responded in Krio and the interpreter told
18 me their answer in English. The witness could ask any
19 questions that they wanted to ask in Krio and the
20 interpreter told me those questions in English.

21 MR TAVENER:

22 Q. So the process, as you've indicated: questions asked;
23 interpreted to the witness; then interpreted back to you?

24 A. Yes.

25 Q. You then recorded --

26 A. I then recorded, on the basis of the information that the
27 interpreter was telling me.

28 JUDGE BOUTET:

29 Q. How is it recorded?

1 A. Handwritten on a witness statement sheet that they were
2 looking at.

3 Q. By yourself?

4 A. By myself. At the end of the statement, after I had
5 exhausted all my questions, I asked the witness, or the
6 potential witness, if they have any questions for me, or
7 if there is something that I haven't asked them that they
8 would like to say. When we both had no questions to ask,
9 I asked the interpreter to read the full statement back
10 to the witness, or potential witness, in Krio. If the
11 witness has no -- if the witness agrees to all the
12 contents of the statement, we ask them to sign. If they
13 are literate, then they write their name. If they are
14 illiterate, then they put their thumb in ink and they put
15 the thumbprint of their mark on all the pages of the
16 statement.

17 MR TAVENER:

18 Q. Were you able to query the factual content of what was
19 being told to you by the witness?

20 A. I guess I wasn't in Sierra Leone when this conflict
21 happened, so I really couldn't query anything factually.
22 But what I did do was to ask questions to a certain --
23 what the witness was talking about; when what they were
24 talking about happened; how it happened; who committed it
25 or who did the act. Then I would always ask how did the
26 witness know about these events. That was the only way
27 that I could seek to verify the content.

28 Q. You've just raised one issue. In terms of clarifying
29 whether the witness was speaking about what he saw or

1 what someone else saw and he was speaking about, were you
2 able to discern whether or not the witness was describing
3 what he had seen with his own eyes or whether he was
4 merely relating what someone else had told him?

5 A. The purpose of the question, "How do you know?" was to
6 establish whether or not the witness had actually seen
7 what they were talking about with their own eyes or
8 whether somebody else had told them; whether the witness
9 had been told -- sorry, if the witness had been told,
10 then I always wanted to know who told them. Most times,
11 if you asked the question "How do you know?" many of the
12 people that I spoke to would say, "My sister told me."
13 Then I would know they didn't witness it themselves, or
14 those who had witnessed it themselves would say, "I was
15 standing there," or, "I saw it myself," whatever the
16 circumstances were.

17 Q. You then, as you say --

18 PRESIDING JUDGE: Mr Tavener, we are getting a bit too long.

19 MR TAVENER: I'm moving now to the statement.

20 Q. If we move now to the statement made by the witness
21 TF2-021, do you recall taking that particular statement?

22 A. I do.

23 JUDGE BOUTET: Maybe you can show the witness. This is
24 exhibit 19A. I do have one or two questions.

25 Q. This particular statement that you took, you say with the
26 assistance of an interpreter?

27 A. Yes.

28 Q. Was there any other person present other than you, the
29 witness and the interpreter?

1 A. No, there was not.

2 Q. So you were three altogether?

3 A. Yes.

4 Q. Okay, thank you.

5 MR TAVENER: Before the statement is shown to the witness, I
6 will just ask her one question following on from what
7 Your Honour has said.

8 Q. As part of the process of recording a statement, is there
9 a cover sheet filled out by you?

10 A. Yes, there is.

11 Q. And on that cover sheet, is there provision for
12 identifying the language spoken, the people present and
13 so on?

14 A. Yes.

15 Q. Do you recall whether you recorded the name of the
16 interpreter used to interview witness TF2-021?

17 A. I know I did not, but that was my error; I was supposed
18 to.

19 MR TAVENER: Thank you. If the witness might be shown exhibit
20 19A, please?

21 [Exhibit 19A shown to witness]

22 Q. You have been shown exhibit 19A. Does that consist of a
23 cover sheet and an attached copy of a handwritten
24 statement?

25 A. It does.

26 Q. As far as you can tell, is that the statement taken by
27 you?

28 A. It is.

29 Q. Prior to taking that statement, exhibit 19A, had you met

1 TF2-021 before?

2 A. I had.

3 Q. How long prior to taking that statement had you met him?

4 A. I think I had met him on January 13, 2003.

5 Q. How long had you met him on that occasion; for what
6 period of time?

7 A. For about five minutes.

8 PRESIDING JUDGE:

9 Q. Did you say five minutes?

10 A. Five minutes.

11 MR TAVENER:

12 Q. Is it correct to say that the next time you met him is
13 when you took the statement from him?

14 A. That is correct.

15 Q. Did you adopt the method you've described in interviewing
16 that particular witness?

17 A. I did.

18 Q. And that is through the interpreter --

19 PRESIDING JUDGE: Well, we are clear on the method.

20 MR TAVENER: Thank you.

21 Q. The particular witness, do you recall how old he was at
22 the time of taking the statement?

23 A. I think he said he was 16. I think 16.

24 Q. You are familiar with the contents of this statement?

25 A. I am.

26 Q. Were you in a position to make any assessment as to
27 whether or not the witness was affected by post-traumatic
28 stress?

29 MR MARGAI: Objection, My Lords.

1 JUDGE BOUTET: Objection sustained. I think we are going much
2 farther than what the intent was.

3 MR TAVENER: If I can mention why I ask the question - I
4 accept Your Honours rulings. I understood the purpose of
5 calling the witness for the Court to be informed about
6 how statements were taken and one of the issues which
7 arises is one, the question of interpretation going
8 backwards and forwards; a lapse of time; issues such as
9 the language used. I would also suggest one issue is the
10 impact of trauma on a witness when they're reciting a
11 story as to their ability to convey to the investigator
12 what had happened to them.

13 JUDGE THOMPSON: My short interjection here is: is she
14 qualified to do that?

15 MR TAVENER: That's the only question I want to ask.

16 JUDGE THOMPSON: To give that kind of opinion.

17 MR TAVENER: I'm not asking for an opinion, I will ask her
18 whether she was qualified to make that assessment.
19 That's the only question I want to ask about it.

20 JUDGE THOMPSON: The purpose that she has come here to testify
21 is as an investigator,

22 MR TAVENER: That's correct.

23 JUDGE THOMPSON: Not an investigator who is an expert on
24 post-traumatic syndrome.

25 MR TAVENER: That's exactly my point, Your Honour.

26 JUDGE THOMPSON: That's my concern, too. We are on the same
27 wave length.

28 MR TAVENER: We are. That's why I want to ask that question
29 was she qualified to make that assessment, because the

1 Court is making an inquiry going behind the taking of a
2 statement. In my submission, the Court should be
3 informed as to the capacity of a person who is taking the
4 statement to take that statement. And there are a number
5 of issues that arise in the course of an international
6 conflict, such as here, as to the effect on the witness
7 as to the events they are describing. So the only
8 question I want to ask of this witness is could she make
9 that assessment or was she qualified. That's the only
10 question I want to ask about this matter.

11 MR MARGAI: Your Lordships have ruled.

12 JUDGE BOUTET: Indeed, we have ruled.

13 MR TAVENER:

14 Q. You then took the statement. Did you seek to have the
15 witness adopt it in some way, either by signing it or by
16 putting his fingerprint on it?

17 A. I did.

18 Q. In this case, what did he do?

19 A. He put his thumbprint on all the pages after the
20 statement had been read back to him in Krio.

21 MR TAVENER: Thank you. Nothing further at this stage.

22 JUDGE BOUTET: Have you had the witness identify the
23 statement?

24 MR TAVENER: I did. I will leave the statement with her; it
25 may be referred to.

26 JUDGE BOUTET: Now we move to the Defence. This is an
27 application that was made by the first accused supported
28 by the second accused and also supported by the third
29 accused. The issue was raised by the first accused and,

1 therefore, it is for you, Mr Counsel for the first
2 accused, to ask these questions. Again, it is limited.
3 I just refer you to our decision of this matter, because
4 you were alleging important - in your words -
5 inconsistencies between the out-of-Court statement of
6 that particular witness and what the witness was giving
7 in Court, and there were specific portions of the
8 statement that were in dispute.

9 MR YILLAH: Yes, My Lord, the Defence has agreed that
10 Mr Margai asks the questions on behalf of the entire
11 Defence.

12 JUDGE BOUTET: That's agreeable to the second accused as well?

13 MR BOCKARIE: Yes.

14 JUDGE BOUTET: Fine. Mr Margai.

15 CROSS-EXAMINED BY MR MARGAI:

16 Q. Are you Miss or Missus?

17 A. Missus.

18 Q. Mrs Chitanda, what is your discipline?

19 A. I'm a lawyer.

20 Q. Would you describe yourself as a professional
21 investigator?

22 A. No.

23 Q. But your services were retained as an investigator
24 vis-a-vis the Special Court for Sierra Leone?

25 A. Yes, very specific to gender crimes investigations.

26 Q. Now, in relation to this task --

27 PRESIDING JUDGE: Specifically gender crimes?

28 A. Yes.

29 Q. And you didn't add anything else?

1 A. No.

2 MR MARGAI:

3 Q. In preparation for this task, did you take steps to
4 acquaint yourself with the events leading to the Special
5 Court?

6 A. Upon arrival at the Special Court appointment of my
7 duties, we did undergo some training to familiarise about
8 the events leading to the Special Court for Sierra Leone
9 and the context of the conflict here.

10 Q. Now, before coming to Sierra Leone, did you familiarise
11 yourself with the genesis of the setting up of the
12 Special Court; that is, the war in Sierra Leone?

13 A. I did.

14 Q. You did. Thank you. In that exercise, would I be right
15 that you identified the players in the conflict; that is
16 to say, the RUF, the AFRC, the CDF?

17 A. I did.

18 Q. Would I also be right in saying --

19 PRESIDING JUDGE: Mr Margai.

20 MR MARGAI: I'm sorry My Lord.

21 Q. Would I also be right in saying that in that exercise you
22 had identified certain players within the CDF
23 organisation?

24 MR TAVENER: I object to that question. It's a matter of
25 relevance. I don't understand why this witness has been
26 asked about --

27 PRESIDING JUDGE: Objection sustained.

28 JUDGE BOUTET: Mr Margai, you were complaining about going too
29 wide. I think you are moving very much in that

1 direction.

2 MR MARGAI: I'm moving within the parameters as outlined by
3 Your Lordships.

4 PRESIDING JUDGE: Our parameters are defined in this decision,
5 Mr Margai, please. We want to restrict and confine our
6 agenda for this morning as much as possible to the
7 statement, because we are now, you know, getting out of
8 those confines.

9 MR MARGAI: As My Lord pleases.

10 PRESIDING JUDGE: The Chamber would appreciate you adhering to
11 that.

12 MR MARGAI: As My Lord pleases.

13 Q. Now, Mrs Chitanda, in answer to learned counsel for the
14 Prosecution, you accepted that there were portions
15 dealing with - apart from the interviewer - interpreters,
16 et cetera, et cetera, in the cover note.

17 A. That is correct.

18 Q. In this interview with TF2-021, you were very much aware
19 of the importance of that interview, were you not?

20 A. I was.

21 Q. I am sure you were also aware that the outcome of this
22 particular interview would assist the Prosecution in
23 determining whether to prove the charges or not?

24 A. I was.

25 Q. You said because of your limited knowledge of the Krio
26 language, you conducted the interview through an
27 interpreter.

28 A. I did.

29 Q. Through your mistake, you failed to record the name of

1 the interpreter?

2 A. That is correct.

3 Q. Who was this interpreter?

4 MR TAVENER: The Prosecution doesn't object to that question
5 per se, but the interpreter used has a connection with
6 the witness; he was not a licensed interpreter. We have
7 no objection to the name being provided to the Defence.
8 In an abundance of caution, we prefer the name not to be
9 used because of the association.

10 PRESIDING JUDGE: Because of which association?

11 MR TAVENER: The interpreter has an association with the
12 witness.

13 MR MARGAI: Out of an abundance of caution, even though I have
14 reservations as to that objection, I wouldn't mind,
15 subject to Your Lordships convenience, if the witness
16 could write down on paper the name of the interpreter.

17 JUDGE BOUTET: Fine. We will file this name as part of the
18 evidence, Mr Margai?

19 MR MARGAI: Yes, My Lord.

20 JUDGE BOUTET: Exhibit 72 is a piece of paper containing the
21 name of the interpreter that I took as the interpreter
22 during the interview of this witness, which is witness
23 TF2-021.

24 MR MARGAI: I wonder, My Lords, if we could indicate the
25 pseudonym.

26 JUDGE BOUTET: We will.

27 PRESIDING JUDGE: We always do, Mr Margai.

28 MR MARGAI: I know your Lordship always does. It is because I
29 did not see it from the witness.

- 1 JUDGE BOUTET: It is for TF2-021.
- 2 PRESIDING JUDGE: Coming from CW1.
- 3 MR MARGAI:
- 4 Q. Mrs Chitanda, can you tell the Court who provided this
5 interpreter?
- 6 A. The child protection agency that I was working for.
- 7 Q. The child protection unit, was it?
- 8 A. The child protection agency.
- 9 Q. The agency provided the interpreter.
- 10 JUDGE BOUTET: Given the protection measures, I will just
11 caution you to be careful about that prescription.
12 Presumably this is the organisation mentioned on the
13 documents in 19A and the cover sheet.
- 14 THE WITNESS: Yes.
- 15 MR MARGAI:
- 16 Q. Were you told at the time of providing this interpreter
17 whether he was **xxxxx**?
- 18 A. I was not.
- 19 Q. No, not you, the interpreter?
- 20 A. No, I was not.
- 21 JUDGE BOUTET: What's your question again? If she had been
22 told that the interpreter was **xxxxx**?
- 23 MR MARGAI: Yes.
- 24 Q. Were you told his tribe?
- 25 A. I was not.
- 26 Q. Can you tell the Court the tribe of the interviewee?
- 27 A. I don't know.
- 28 Q. You don't know. You didn't find out?
- 29 A. I asked, but off the top of my head, I didn't retain what

1 tribe he is. I wouldn't be able to tell you now what
2 tribe he was from.

3 PRESIDING JUDGE: The tribe of?

4 MR MARGAI: TF2-021.

5 Q. But he certainly spoke in Krio?

6 A. He elected to speak in Krio, yes.

7 Q. And you wholeheartedly relied on what was interpreted to
8 you by this interpreter?

9 A. I don't know if wholeheartedly would be the word, but,
10 yes, I relied on what the interpreter said. There may
11 have been a few occasions where I felt that the
12 interpreter did not fully understand my question, and I
13 was able --

14 PRESIDING JUDGE: Slowly, slowly.

15 THE WITNESS: I felt there were times when the interpreter did
16 not fully understand my question.

17 PRESIDING JUDGE: Please wait.

18 [HN020305B 10.30 a.m. - SGH]

19 PRESIDING JUDGE: The question, yes.

20 THE WITNESS: And from what I understood him to be telling the
21 witness and at that point I would say that is not what I
22 said.

23 MR MARGAI:

24 Q. Thank you.

25 A. And I would ask the question again through the
26 interpreter.

27 Q. Now, even with your limited knowledge of the Krio
28 language, yet you sometimes expressed concern about the
29 correctness of the interpretation by this interpreter?

1 A. I did.

2 Q. Thank you. Now the purpose of this morning's exercise is
3 that TF2-021 has denied certain portions of Exhibit 19A
4 as having been made by you. As the investigator, what
5 would be your response?

6 A. As I explained earlier on, I had a standard procedure for
7 taking a statement. That procedure was carried out in
8 this situation, culminating in the statement being read
9 back to the witness in Krio, the witness agreeing that
10 this is what he had said, and proceeding to put his
11 thumbprint on.

12 Q. In other words, do you accept the contents of Exhibit 19A
13 as reflecting a true picture of what was said --

14 A. I do.

15 Q. -- and recorded?

16 A. I do.

17 Q. Thank you. In its entirety?

18 A. In its entirety.

19 Q. Thank you.

20 MR MARGAI: My Lords, in the light of the witness's
21 testimony, I do not see the need, subject to your
22 Lordship's direction, to highlight specific portions of
23 the statement, Exhibit 19A, that were denied as being --
24 having been made by -- as being made by the witness.

25 PRESIDING JUDGE: I think it should be highlighted.

26 MR MARGAI: Very well.

27 PRESIDING JUDGE: Yes, we are here for that.

28 MR MARGAI: I shall.

29 PRESIDING JUDGE: Yes, please.

- 1 MR MARGAI: Very well.
- 2 Q. Before I move on to highlight that, that should
3 not take me more than 10 minutes. Now look at
4 Exhibit 19A, Mrs Chitanda. Was that recorded
5 by you? Is it your handwriting?
- 6 A. It is.
- 7 Q. It is. Thank you. Now would you look at page 9402,
8 lines 7 to 10, counting from the top. Starting with the
9 word "By. By this time."
- 10 A. I see it.
- 11 Q. Now, were those said by the witness?
- 12 A. They were.
- 13 Q. They were?
- 14 A. They were.
- 15 Q. Thank you. Let us turn to page 9403, lines 5 to 6.
16 Starting with, "Foday Sankoh addressed us in Kailahun."
17 Lines 5 to 6, My Lords, page 9403. Were those words said
18 by the witness?
- 19 A. They were.
- 20 Q. Thank you. Further down the line on the same page, lines
21 9 to 20, starting with the words, "Then we went to
22 xxxxx," and ending, "I will remember."
- 23 A. I see them.
- 24 Q. Were those said by the witness?
- 25 A. They were.
- 26 Q. Thank you. And finally page 9409, lines 1 to 2.
- 27 MR MARGAI: No, sorry, My Lord, I think this one is not for
28 her. I am so sorry. She did not take the statement on
29 13.1.03. That was the only statement for this witness.

- 1 A. This is the only statement I took of this
2 witness.
- 3 Q. Thank you very much.
- 4 MR MARGAI: That will be all for this witness.
- 5 JUDGE BOUTET: Mr Tavener.
- 6 MR TAVENER: Very brief.
- 7 RE-EXAMINED BY MR TAVENER:
- 8 Q. You were asked some questions about the
9 interpreter. The interpreter came from an
10 agency? You nominated the agency?
- 11 A. Yes, that is correct.
- 12 JUDGE BOUTET: She did not, but I did refer to the fact that
13 this is the agency described on the cover sheet.
- 14 MR TAVENER: Yes, sorry.
- 15 Q. You did not take the interpreter with you from
16 the Court?
- 17 A. No, I did not.
- 18 Q. You were asked about the tribe of the interpreter?
- 19 PRESIDING JUDGE: No, she did not.
- 20 JUDGE BOUTET: Yes, yes, she was asked if the interpreter was
21 a **XXXXX**.
- 22 PRESIDING JUDGE: She did not ask about the tribe, She didn't
23 even bother to --
- 24 JUDGE BOUTET: She was asked.
- 25 MR TAVENER: She was asked.
- 26 PRESIDING JUDGE: Yes, she was asked. She was asked and she
27 said --
- 28 MR TAVENER: Sorry. Just one other question.
- 29 Q. Had you met the interpreter prior to the day he

1 assisted you in taking the statement?

2 A. Yes, I had met him on January 13th, 2003.

3 Q. Did you know whether he was a licensed interpreter.

4 A. I don't. I don't know.

5 JUDGE BOUTET: I do have one question, if I may, not on this

6 issue, but it has been --

7 PRESIDING JUDGE: Excuse me a minute.

8 Q. You met the interpreter when for the first time?

9 JUDGE BOUTET: 13th January 2003.

10 Q. My question indeed has to do with 13th January 2003

11 because I just noted that Exhibit 19B, which is the other

12 statement that has been tabled, is a statement that was

13 taken on 13 January 2003. So were you there when that --

14 I am talking here now of a statement that has been marked

15 as 19B in these procedures today. I heard you to say you

16 had met the witness on 13 January 2003. Was it on that

17 occasion?

18 A. It was on that occasion, but I was not present when that

19 statement was recorded.

20 Q. Okay, but you met the witness, wherever it was, at that

21 time for the first time?

22 A. I did.

23 Q. Okay.

24 A. And I can explain my interaction with him.

25 Q. Well, we are calling another witness for that particular

26 statement?

27 JUDGE THOMPSON: Quite right. I was going to intervene to

28 say, but not for the purposes of the recording of

29 Exhibit 19B, otherwise we multiply the issues you not

1 having been the recorder of that statement. I would
2 caution against that.

3 JUDGE BOUTET: Do you have any questions arising out of my own
4 questions, Mr Tavener?

5 MR TAVENER: No, thank you.

6 JUDGE BOUTET: Mr Margai.

7 MR MARGAI: No, My Lord.

8 PRESIDING JUDGE: Let me ask --

9 Q. Mrs Chitanda, when do you say you arrived
10 Freetown?

11 A. September 15th, 2002.

12 Q. September 15th, 2002. September 15th, 2002?

13 A. 2002, yes.

14 Q. The interview in Exhibit 79A, which is in your
15 handwriting, from what I see of the interview sheets it
16 was conducted on the 4th February 2003?

17 A. Yes, that is correct.

18 Q. How many months thereafter, September to February.

19 A. Yes.

20 Q. Before you came to this country you did not speak Krio?

21 A. I did not speak Krio.

22 Q. Thank you.

23 PRESIDING JUDGE: Well, Mrs Chitanda, we are sorry to have
24 bothered you, but the interests of justice do lead us to
25 throw a net around them to catch some fishes which may
26 be delicious, you know, for our consumption. And you
27 happen to be one of them. So we are happy to have you,
28 fortunately not for consumption physically, but for the
29 consumption of your evidence which you have given to us

1 you. We thank you very much for the assistance and for
2 the guidance you have given to the Court to arrive at
3 the truth of this very important matter that is before
4 us. We thank you very much and we wish you a safe
5 journey back to your station.

6 A. Thank you.

7 Q. We hope that we would not have to call you back here
8 again, but if ever need arises don't be surprised because
9 justice is a very complicated machinery. We hope you
10 will always come to see us if we want to see you again.
11 Thank you very much and please have a safe journey back
12 to your station.

13 A. Thank you.

14 Q. Thank you. The Court will rise to allow Mrs Chitanda to
15 retire and for the next witness to be put in place.

16 [Break taken at 10.47 a.m.]

17 [On resuming at 11.05 a.m.]

18 PRESIDING JUDGE: We are resuming the session, learned
19 counsel.

20 JUDGE BOUTET: Mr Prosecutor, are you ready to proceed with
21 your next witness?

22 MR BANGURA: Yes, Your Honour.

23 JUDGE BOUTET: Who is your next witness, please?

24 MR BANGURA: Your Honour, the next witness is TF2-073.

25 PRESIDING JUDGE: This is your 50 --

26 MR BANGURA: 54th.

27 JUDGE BOUTET: And what is the language the witness will be
28 testifying in?

29 MR BANGURA: English, Your Honour.

- 1 JUDGE BOUTET: English. Thank you.
- 2 WITNESS: TF2-073 [sworn]
- 3 EXAMINED BY MR BANGURA:
- 4 Q. Good morning, Mr Witness?
- 5 A. Good morning.
- 6 Q. Mr witness, I will be asking you questions to which you
7 will give your answers. I will ask you not to speak too
8 fast when you give your answers because the answers are
9 going to be recorded.
- 10 A. Okay.
- 11 Q. Mr Witness, I will first ask you questions about
12 yourself, your personal details. How old are you?
- 13 A. 65 years.
- 14 Q. Where were you born?
- 15 A. I was born in xxxxxx, xxxxxx, xxxxxx District.
- 16 Q. Your Honours, xxxxxx is xxxxxxxx
- 17 A. Yes.
- 18 Q. xxxxxx is xxxxxxxx?
- 19 A. Yes.
- 20 Q. xxxxxx is xxxxxxxx.
- 21 A. Yes.
- 22 Q. Where do you presently reside.
- 23 A. I reside there. Where I was born.
- 24 Q. And have you been living in xxxxxxxx all your life?
- 25 A. Yes, please.
- 26 Q. Are you married?
- 27 A. Yes, please.
- 28 Q. And do you have children?
- 29 A. Yes, please.

- 1 Q. What is your present occupation?
- 2 A. I am a farmer.
- 3 Q. Are you able to read and write?
- 4 A. Yes, please.
- 5 Q. English?
- 6 A. Yes.
- 7 Q. What languages do you speak?
- 8 A. I speak Mende, Krio and English.
- 9 Q. Mr Witness, without naming a position or a job that you
10 held, the question is have you held any important
11 position within your community before this time?
- 12 A. Yes.
- 13 Q. And do you also presently hold some other important
14 position within your community?
- 15 A. Yes, I do.
- 16 Q. Would it be right to say that you would consider yourself
17 a senior citizen within your community?
- 18 A. Yes, please.
- 19 Q. Mr witness, I will take your mind to events that occurred
20 in this country not so long ago. Do you recall May 1997?
- 21 A. Yes I do.
- 22 Q. How do you recall this period?
- 23 A. In that period there was an overthrow of the civilian
24 government of President Ahmed Tejan Kabbah by a military
25 junta known as the AFRC.
- 26 Q. Were you living in xxxxxx at this time?
- 27 A. Yes, I did.
- 28 Q. Now, Mr witness, just for clarification, xxxxxx is
29 within xxxxxx District. How far is xxxxxx from the

- 1 headquarter town of xxxxxx?
- 2 A. 18 miles.
- 3 Q. Can you describe the situation in the xxxxxx area at
4 this time after the coup?
- 5 A. After the coup we noticed a sudden upsurge of military
6 presence in conflict with the Kamajors.
- 7 Q. How would you describe this situation just before the
8 coup?
- 9 A. Just before the coup the situation was one of normal life
10 under civilian administration with security being handled
11 by the police.
- 12 Q. Do you know which forces took control over your area
13 after the coup?
- 14 A. Yes, I do.
- 15 Q. Which forces?
- 16 A. The Kamajor forces took control of the security situation
17 in my area.
- 18 Q. And these Kamajors were stationed in xxxxxx town?
- 19 A. Yes, please.
- 20 Q. Can you describe the relationship between these Kamajors
21 and the towns people in xxxxxx?
- 22 A. It was fairly cordial, although we had sporadic events of
23 harassment here and there. But it was fairly normal. We
24 sought refuge with a security.
- 25 Q. Mr witness, do you recall some time in November 1997?
- 26 A. Yes, I do.
- 27 Q. How do you recall this period?
- 28 A. In that period we observed a sudden arrival of some
29 Kamajors by boat on the xxxxx river that came to xxxxxxxx

1 town. And, on their arrival, they took control of the
2 local Kamajor check-points that were already existing in
3 the town.
4 Q. Slow it a bit, Mr Witness.
5 PRESIDING JUDGE: You said they arrived through what?
6 THE WITNESS: By the xxxxx river.
7 MR BANGURA:
8 Q. Are you able to spell that word xxxxxx?
9 A. xxxxxxxx.
10 Q. Did you say they came and took control?
11 A. They took control of the exit and entry check-points that
12 were already existing that were manned by the local
13 Kamajors.
14 Q. Okay.
15 A. They dislodged the local Kamajors from those check-points
16 and took control of the check-points themselves.
17 Q. Mr witness, to your knowledge where did these Kamajors
18 come from?
19 A. I was told later by them that they had come from
20 xxxxxxxx, xxxxx, xxxxxx.
21 MR BANGURA: Your Honours, xxxxxxxx is
22 xxxxxxxxxxxx.
23 PRESIDING JUDGE: Spelled xxxxx?
24 MR BANGURA: xxxxxxxx. xxxxx, xxxxxxx. And
25 xxxx is xxxxx.
26 Q. Mr witness, these Kamajors who came into town.
27 How did they come? You said they came up the
28 river, can you describe how they looked when
29 they came into xxxxxxx?

1 A. They were in Kamajor attire and they had guns with them.

2 Q. You have just told this Court that they took control of
3 the existing check-points in the town --

4 A. Yes.

5 Q. -- from the local Kamajors. Did anything happen on that
6 day that they came after taking over control of these
7 check-points?

8 A. Yes.

9 Q. Please tell the court.

10 A. They went into ambush at the check-points and from time
11 to time they pounced on returning villagers from their
12 farms and looted them of their --

13 JUDGE THOMPSON: Let's have that slowly, counsel.

14 MR BANGURA:

15 Q. Mr witness, please try to speak not too fast, please.

16 JUDGE THOMPSON: They went into ambush.

17 THE WITNESS: They went into ambush at those check-points and
18 from time to time they pounced on returning farmers from
19 their farms and looted them of their food stuff and other
20 properties. They also --

21 PRESIDING JUDGE: Please wait.

22 MR BANGURA: Hold on. Not too fast, Mr witness.

23 Q. Yes, please.

24 A. They also went around in the villages, the surrounding
25 villages, and came back with looted properties such as
26 food stuff, livestock, et cetera to their base in the
27 town.

28 Q. Mr Witness, how were you able to know this?

29 A. My position in the town was such that people used to

1 (inaudible) cases to me. So a lot of people came to me
2 and complained.

3 Q. You have just said that they took some of these looted
4 items to their base. Where were they based in town?

5 A. They were based with the local Kamajor grand commander
6 called Teacher Edward xxxxx.

7 MR BANGURA: Your Honours, xxxxxx is spelled slightly
8 differently. xxxxxxx.

9 THE WITNESS: Yes.

10 PRESIDING JUDGE: That was?

11 THE WITNESS: Teacher Edward xxxxxx. He was the head of the
12 local Kamajors.

13 MR BANGURA: Thank you.

14 Q. Mr Witness, the day that these Kamajors entered
15 town, apart from these incidents that you have
16 just explained, did you get reports of any
17 further activities by them?

18 A. Yes, I did.

19 Q. What reports did you get?

20 A. That same evening a Mr xxxxx xxxxx came to my house.

21 MR BANGURA: Your Honours, xxxxx xxxxx. xxxxx.
22 xxxxx is xxxxxx.

23 [HN020305C 11.25 a.m. - EKD]

24 THE WITNESS: And told me that he had been harassed at the
25 Kamajor entry point into the town by visiting Kamajors.

26 MR BANGURA:

27 Q. Did they do anything to him? Did he tell you that they
28 did anything to him?

29 A. He told me that on arriving at the entry checkpoint into

- 1 the town he had been stopped, removed from his Mercedes
2 Benz car and stripped of his money and clothes and his
3 car had been taken away from him by the Kamajors. He did
4 the rest of the journey to his house on foot.
- 5 Q. Apart from this incident reported to you by xxxxx xxxxx
6 did you get any other report of activities by the
7 Kamajors that evening?
- 8 A. Yes, I did.
- 9 Q. Please tell the Court.
- 10 A. There was -- I also got a report that same evening from a
11 Mrs xxxxxxxx.
- 12 Q. xxxxxxxx.
- 13 A. Who had also arrived. She had also arrived in the town
14 that evening and had been stopped at the same checkpoint
15 by the Kamajors. She had been removed from her car and
16 left on the ground.
- 17 Q. What was her condition at that time?
- 18 A. She was sick, she told me. And her car had been taken
19 away from her. She was so sick that her relatives had to
20 come and take her home on a stretcher.
- 21 Q. Who made that report to you?
- 22 A. She herself sent her daughter to come and tell me of the
23 story.
- 24 Q. Did you confirm the story?
- 25 A. Yes, I did. I walked across to her and met her and she
26 confirmed the story to me herself. She subsequently died
27 a few days after that.
- 28 Q. All of these --
- 29 PRESIDING JUDGE: Please, can you go slowly.

- 1 MR BANGURA: Sorry, Your Honour.
- 2 PRESIDING JUDGE: You say she died a few --
- 3 THE WITNESS: Days after the incident.
- 4 MR BANGURA:
- 5 Q. These incidents that you have just explained, you have
- 6 just told the Court about, happened on the first day?
- 7 A. Yes.
- 8 Q. That the Kamajors arrived?
- 9 A. Yes, please.
- 10 Q. Did anything happen the next day?
- 11 A. Yes, please.
- 12 Q. Please tell the Court.
- 13 A. The next day --
- 14 PRESIDING JUDGE: Please wait. So these two incidents
- 15 occurred on the first day?
- 16 MR BANGURA: Yes, Your Honour.
- 17 THE WITNESS: Yes, yes.
- 18 PRESIDING JUDGE: Of the arrival of the new contingent --
- 19 THE WITNESS: Yes, please.
- 20 PRESIDING JUDGE: -- of Kamajors.
- 21 THE WITNESS: Yes, please.
- 22 MR BANGURA:
- 23 Q. You were going to tell the Court about what happened the
- 24 next day?
- 25 A. The next day, Friday, the visiting Kamajors went on a
- 26 rampage around the villages and looted civilians of a lot
- 27 of properties and brought them back to their base in the
- 28 town.
- 29 Q. Did you yourself see this, these looted properties?

1 A. Yes.

2 Q. Did you have any experience with these Kamajors on the
3 second day?

4 A. Yes, I did.

5 PRESIDING JUDGE: What property did he say?

6 THE WITNESS: Livestock, food stuff, clothing. Virtually
7 anything they could lay hands on.

8 MR BANGURA:

9 Q. What was your encounter with the Kamajors the next day?

10 A. Next day in the evening I went to bed early.

11 PRESIDING JUDGE: Is this the third day?

12 MR BANGURA: No, the second day.

13 THE WITNESS: Second day, sir. I went to bed early that
14 evening. Between 8.00 and 8.30 p.m. I heard a big bang
15 on my door and I was woken out of bed by the new
16 contingent of Kamajors. They led me to my veranda under
17 gunpoint. There were six of them. They surrounded me
18 with guns pointing at me.

19 MR BANGURA:

20 Q. Did they say anything to you?

21 A. They said they wanted to have a word with me and I asked
22 them who they were and what was their mission. They said
23 they were Kamajors from their high priest, Allieu
24 Kondewa, and they said they were coming from xxxxx,
25 xxxxx, xxxxxxxx and other villages around. They
26 introduced themselves to me -- three of them introduced
27 themselves to me as Steven Sowa. Sowa is S-O-W-A. Moses
28 Mbalacolor.

29 PRESIDING JUDGE: The first name?

1 THE WITNESS: Steven, Steven Sowa. S-T-E-V-E-N, Sowa,
2 S-O-W-A.

3 PRESIDING JUDGE: Not P-H?

4 THE WITNESS: No, not P-H, V-E-N.

5 PRESIDING JUDGE: Steven Sowa.

6 THE WITNESS: Yes, Steven Sowa, S-O-W-A. Moses Mbalacolor,
7 M-B-A-L-A-C-O-L-O-R, and Mohamed Sankoh. Mohamed Sankoh
8 said he was deputy director of war under Sam
9 Hinga Norman.

10 MR BANGURA:

11 Q. After introducing themselves to you, Mr Witness, did they
12 say anything more to you?

13 A. Yes.

14 Q. Yes, they said?

15 A. They said they wanted to inspect my garage for arms and
16 ammunition. I told them I did not have my keys to the
17 garage on me, and they said they will go and check for
18 themselves. So they went to the garage. They looked
19 through a loophole in the garage and saw my car, a
20 Mercedes Benz car, in the garage. They shouted for joy
21 and they sent for a reinforcement of six more of their
22 group, so there were now 12 of them.

23 Q. Did they do anything to the garage?

24 A. Not yet. They came back to me and said they wanted that
25 car in that garage. And I said, "What for?" And they
26 said they wanted to run a few errands. And I said,
27 "Where do you want to go?" They said they wanted to raid
28 around, they had been sent by their high priest to raid
29 around the few villages and people to get resources to

1 fight the war. And told them --

2 PRESIDING JUDGE: Please wait.

3 MR BANGURA:

4 Q. Slow down, Mr Witness.

5 A. I told them I didn't have the keys to my car. My driver
6 had the keys and he was not around. I said that is
7 surprising, to raid around by Kamajors is a surprise to
8 me. Because only recently Chief Kondewa himself had
9 been --

10 PRESIDING JUDGE: Wait, wait, please.

11 MR BANGURA:

12 Q. Mr Witness, if you would just tell us what happened
13 rather than so much of what you said I would be --

14 PRESIDING JUDGE: No, no, there is no problem about it. It is
15 just that he should go slowly. I am not bothered about
16 what he is saying, he should tell his story.

17 MR BANGURA: As Your Honour pleases, because I was going to
18 come to that.

19 PRESIDING JUDGE: You told them that you were surprised.

20 JUDGE BOUTET: Of the raids around the Kamajors because and
21 I've lost it from there.

22 MR BANGURA:

23 Q. Mr Witness, if you could take it from the point where you
24 said you were surprised that they had been sent by the
25 high priest to raid, to come and conduct raid. Take it
26 from there.

27 A. Okay. I said I was surprised that Allieu Kondewa could
28 send you to raid civilians. Because only recently he
29 himself had addressed a parade of Kamajor recruits in

1 this town and he had warned them against harassing and
2 looting civilians. He had said if any Kamajors did that
3 they will perish with the war. So for you to tell me
4 that he has sent you to raid around is very surprising.

5 Whilst I was saying that, they left me and broke
6 into my house. They woke up my children from bed, they
7 beat them up with gun butts, ransacked the rooms, my
8 cupboards, and they came upon my car keys and garage
9 keys. They then headed for the garage, opened the garage
10 and got into my car. And they drove out the car to their
11 base in the town.

12 Q. Mr Witness, apart from the car was anything else taken
13 away by the Kamajors?

14 A. Yes.

15 Q. What else did they take away?

16 A. Took away my generator, my car tyres -- spare tyres, and
17 a lot of other gadgets that were in the garage.

18 Q. Mr Witness, you have told this Court that before they
19 took the car away, when they said they needed your car,
20 they were being sent to conduct a raid, you mentioned to
21 them that you were surprised?

22 A. Yes.

23 Q. That they had been sent by Allieu Kondewa who had only
24 recently been in town; is that right?

25 A. Yes.

26 Q. Now, is it a fact that Allieu Kondewa had been in town
27 not long before this incident?

28 A. Yes.

29 Q. What was the purpose of his visit to the town?

1 A. He had initiated Kamajors in that area and during the
2 passing out parade he had addressed them and warned them
3 not to harass, torment or loot civilians.

4 Q. Were you yourself present at that ceremony?

5 A. Yes, I was. We are greatly relieved at that time.

6 Q. Mr Witness, did anything else happen on this second day,
7 this is the day they looted your car? Did anything else
8 happen?

9 A. Not to my knowledge.

10 Q. I would like you to take your mind to the third day of
11 the arrival of the Kamajors in town. Do you recall
12 anything happening on that day?

13 A. Yes, please.

14 Q. Would you like to tell this Court what happened?

15 A. In the morning of the third day this contingent of
16 Kamajors now had three cars. They went out of town with
17 those three cars. I later learned that they went to
18 xxxxx, 36 miles away from my own home town.

19 Q. xxxxxxx. Did you see them come back into town later?

20 A. Yes, that evening.

21 PRESIDING JUDGE: How many miles off you say?

22 THE WITNESS: 36 miles away.

23 MR BANGURA:

24 Q. What did you observe about them as they came into town
25 that evening?

26 A. They came back in the evening from xxxxx with goods,
27 livestock, food stuff and, in particular, my car had a
28 drum of petrol, I got to know later on, full of petrol in
29 the boot of my car back from xxxxx. After that --

1 PRESIDING JUDGE: Please wait. Yes?

2 THE WITNESS: That same evening they went to another village 2
3 miles away called xxxxxx.

4 MR BANGURA: Your Honours, xxxxxx is xxxxxxxxx.

5 Q. Yes, please?

6 A. In that village they looted a Mazda van, which was which
7 was under the security of my brother-in-law. They beat
8 up my brother-in-law for him to show them where the van
9 was. The van had been secured in the bush, in the woods
10 in that village. So my brother-in-law had to lead them
11 to the bush where the van was after receiving a severe
12 beating.

13 Q. Continue, please.

14 A. And they looted the vehicle and brought it back to their
15 base. My brother-in-law was so beaten that a few weeks
16 after that he died.

17 Q. Did you see this looted vehicle yourself?

18 A. Yes. My brother-in-law came --

19 PRESIDING JUDGE: Please wait.

20 MR BANGURA:

21 Q. Yes, Mr Witness, you were going to say your
22 brother-in-law --

23 A. My brother-in-law came to town the next morning and told
24 me of his encounter with them. They now had four
25 vehicles.

26 Q. Mr Witness, this was the third day of their arrival in
27 town?

28 A. Yes.

29 Q. What happened on the fourth day?

- 1 A. On the fourth day they instructed the local Kamajors to
2 take control of two of the vehicles whilst they drove
3 away in two -- in the other two vehicles, including my
4 own.
- 5 Q. So your vehicle and other vehicle?
- 6 A. My vehicle and another vehicle were taken away.
- 7 Q. Now, what about the properties that had been looted from
8 the various areas, which had been collected at the place
9 where the Kamajors were staying? What happened to those
10 ones?
- 11 A. They ate some of them there in the town for the four days
12 they were there. The rest were taken away in those two
13 vehicles.
- 14 Q. Do you know whether any instructions were left about the
15 movement of the vehicles that they did not take along?
- 16 A. Yes.
- 17 Q. What were those instructions?
- 18 A. They instructed the local Kamajors who had returned to
19 the checkpoint as they were leaving and told them not to
20 allow those remaining vehicles -- those two vehicles that
21 were remaining out of the area at all, because they might
22 be coming back in next week or so.
- 23 Q. How were you able to know that these were instructions
24 left by the Kamajors who had left?
- 25 A. Mr xxxx xxxxx, whose vehicle - his Benz - was left
26 behind managed to get the local Kamajors to return the
27 vehicle to him. But when he attempted to get away, the
28 exit checkpoint returned him, said, "No, you can't get
29 this vehicle out of this place." So he brought back the

- 1 vehicle to the town and he came to me and told me, "Let's
2 get out of here."
- 3 Q. So did you go out of town?
- 4 A. Yes. So we drove the vehicle 36 miles to xxxxxx and left
5 it there in the hands of the xxxxxx Kamajors. We
6 continued the journey by sea to Freetown.
- 7 Q. Mr Witness, while you were in Freetown did you gain any
8 information about your car which had been taken away from
9 you?
- 10 A. Yes.
- 11 Q. What information did you get?
- 12 A. My brother, who was himself a Kamajor --
- 13 Q. You don't need to call his name, please.
- 14 A. -- had gone to a Kamajor meeting in xxxx and seen --
- 15 PRESIDING JUDGE: Please wait. And seen?
- 16 THE WITNESS: And seen my vehicle in the possession of Allieu
17 Kondewa.
- 18 MR BANGURA:
- 19 Q. Did he tell you whether he did anything about it, about
20 the fact that the vehicle was there?
- 21 A. Yes.
- 22 Q. What did he tell you?
- 23 A. He said he pleaded with Allieu Kondewa and Sam
24 Hinga Norman, who was also at that meeting, to return my
25 vehicle to me, but that they did not heed him.
- 26 Q. Mr Witness, did you subsequently leave the country after
27 this incident?
- 28 A. Yes, I did.
- 29 Q. Where did you go to?

1 A. I went to xxxxxx, the xxxx xxxxx.

2 Q. When did you return from your trip to xxxxxx?

3 A. I returned after about six months. Around May, early
4 May.

5 Q. When you came back --

6 PRESIDING JUDGE: [Microphone not activated]

7 MR BANGURA:

8 Q. What year?

9 A. After the civilian government was returned -- was
10 restored.

11 Q. Was this in 1998?

12 A. Yes.

13 PRESIDING JUDGE: That would then be May 1998?

14 THE WITNESS: Yes, May 1998, after the restoration of civilian
15 government I came.

16 MR BANGURA:

17 Q. Upon your return, Mr Witness, did you try to do anything
18 to -- did you get any information about your car?

19 A. Yes, I did. I got information that my car was with
20 Allieu Kondewa in Bo.

21 Q. Did you take any steps to try and recover your car from
22 Allieu Kondewa?

23 A. Yes, I did.

24 Q. What steps did you take?

25 A. I went to the anti-looting committee of ECOMOG in
26 Brookfields office here.

27 Q. In Freetown?

28 A. In Freetown. And they asked me to obtain a certificate
29 of ownership.

1 PRESIDING JUDGE: You went there and you reported it to them?

2 THE WITNESS: Yes, I reported the matter to them. And they
3 asked me to obtain a certificate of ownership from the
4 police, which I did.

5 MR BANGURA:

6 Q. So after you obtained this certificate of ownership were
7 you directed to do anything?

8 A. I then went again to the then minister of Internal
9 Affairs, Mr Charles Margai, and reported the matter to
10 him.

11 Q. This Mr Charles Margai, do you see him in court here?

12 A. Yes.

13 PRESIDING JUDGE: Please, continue with the evidence. Can
14 you?

15 THE WITNESS: Yes.

16 PRESIDING JUDGE: Can you continue with the evidence?

17 MR BANGURA: Your Honours --

18 PRESIDING JUDGE: No, please, continue with the evidence for
19 now.

20 MR BANGURA: As Your Honour pleases.

21 PRESIDING JUDGE: Yes.

22 MR BANGURA:

23 Q. Did he do anything for you?

24 A. Yes, he give me a letter to retrieve my car. He gave me
25 a letter for the regional minister southern province to
26 retrieve my car. The ECOMOG in Freetown also give me a
27 letter for the ECOMOG in Bo for the same purpose.

28 Q. Did you take all these letters to Bo?

29 A. Yes, I did.

1 Q. While in Bo were you able to get any further information
2 about your car?

3 A. Yes.

4 Q. What information did you get?

5 A. I went to ECOMOG in Bo and whilst I was waiting to get
6 into the office -- ECOMOG office, I heard some people
7 complaining. They were complaining about Allieu Kondewa.

8 Q. What exactly were they complaining about?

9 A. They were complaining to the ECOMOG officer that
10 Mr Allieu Kondewa was in Bumpeh?

11 MR BANGURA: Your Honours, Bumpeh is B-U-M-P-E.

12 THE WITNESS: P-E-H.

13 PRESIDING JUDGE: Mr Allieu Kondewa was in Bumpeh.

14 THE WITNESS: Bumpeh.

15 PRESIDING JUDGE: Wait.

16 THE WITNESS: And --

17 PRESIDING JUDGE: Wait, wait, please. B-U-M --

18 THE WITNESS: P-E-H.

19 MR BANGURA: I accept that.

20 PRESIDING JUDGE: And?

21 THE WITNESS: He had seized their mining land and was mining.

22 And they said he had a Mercedes Benz car with him in the
23 swamps. I asked them to describe the Mercedes Benz car
24 and when they did, it was my car.

25 MR BANGURA:

26 Q. Did you get to talk to the ECOMOG officers in Bo?

27 A. Yes.

28 Q. Did they promise to do anything about your situation?

29 A. Yes, they ask me to come back the following Monday, that

1 is two days afterwards.

2 Q. Did anything happen before Monday?

3 A. Yes. On Sunday prior to the Monday as I sat in my
4 veranda in xxxx, I saw my car being driven into town. The
5 police number had been removed from it -- registration
6 number, the police registration number. There was a flag
7 in front of it and Allieu Kondewa himself was relaxing at
8 the back of the car.

9 Q. Do you know who was driving the car?

10 A. It was a driver. I don't know the driver, but the car
11 was being driven by a driver. And written at the back of
12 the car was King Kindo.

13 PRESIDING JUDGE: Can you spell that?

14 THE WITNESS: K-I-N-G K-I-N-D-O, King Kindo.

15 MR BANGURA:

16 Q. What did you do when you saw this car?

17 A. The car went and parked to buy fuel and I went to ECOMOG
18 office and told them that I have seen my car.

19 Q. Was the car eventually recovered from him?

20 A. Yes, it was.

21 Q. What was its condition when you got it?

22 PRESIDING JUDGE: By who was the car recovered?

23 THE WITNESS: It was recovered through the effort of ECOMOG,
24 but I was invited by ECOMOG to come and look at the car.
25 Through the effort of ECOMOG and the letter which
26 Mr Charles Margai had written.

27 MR BANGURA:

28 Q. You were saying you were asked to identify the car; is
29 that right?

- 1 A. Yes, yes. The car was severely damaged and I spent a lot
2 of money to put it back on the road.
- 3 Q. Mr Witness, let me take you further to another event. Do
4 you recall February, March 1999?
- 5 A. Yes.
- 6 Q. You were in xxxxxxx at this time?
- 7 A. Yes.
- 8 Q. Is that right?
- 9 A. Yes.
- 10 PRESIDING JUDGE: [Microphone not activated]
- 11 MR BANGURA: xxxxxx, his home town.
- 12 PRESIDING JUDGE: xxxxxx, his home town?
- 13 MR BANGURA: Yes, Your Honour.
- 14 THE WITNESS: Yes.
- 15 MR BANGURA:
- 16 Q. Do you recall anything that happened then that you would
17 like to tell this Court about?
- 18 A. Yes.
- 19 Q. What happened?
- 20 A. I received a report of a brutal murder of two traders
21 from a village called xxxxxxx.
- 22 PRESIDING JUDGE: xxxxxx?
- 23 THE WITNESS: Yes. Two murders by Kamajors, by local
24 Kamajors.
- 25 MR BANGURA:
- 26 Q. Mr Witness, you say from a village. Are you saying that
27 these people who were murdered came from that village?
- 28 A. No, they had come originally from xxxxxx, 36 miles away,
29 to buy produce in that village.

- 1 Q. Who made this report to you?
- 2 PRESIDING JUDGE: To buy produce --
- 3 THE WITNESS: In that xxxxxx village.
- 4 PRESIDING JUDGE: To buy produce in xxxxxx?
- 5 THE WITNESS: Village.
- 6 PRESIDING JUDGE: To buy produce in xxxxxx village?
- 7 THE WITNESS: Yes, please.
- 8 MR BANGURA:
- 9 Q. When you say "produce", what are you referring to?
- 10 A. Gari, pepper, beans, palm oil, rice, stuff like that.
- 11 Q. Who made this report to you?
- 12 A. One of the three who had come to buy produce.
- 13 Q. Did he tell you in what circumstances these two people
- 14 had been murdered?
- 15 A. Yes.
- 16 Q. Please tell the Court.
- 17 A. He said to me that early in the morning of the day of the
- 18 murder the three of them had been woken up from their
- 19 sleep and told to dress up and take their baggage and
- 20 come with them to xxxxxx Town.
- 21 Q. Did he tell you who had woken them up from their sleep?
- 22 A. Yes.
- 23 Q. Who?
- 24 A. They were Kamajors, our own local Kamajors in the town.
- 25 Q. Did they comply with this request?
- 26 A. Yes.
- 27 Q. Please tell the Court what he told you happened next?
- 28 A. xxxxxx is about 1 mile away from xxxxxx Town. So
- 29 when they came near to the town he said --

1 PRESIDING JUDGE: Please wait.

2 [HN020305D 12.25 p.m. - JM]

3 PRESIDING JUDGE: That is one man from xxxxxx.

4 THE WITNESS: Yes. When they got to near xxxxxx Town, he
5 said the Kamajors led them into a nearby bush. There
6 were about eight Kamajors. They led three of them into
7 this nearby bush. And he suspected that they were going
8 to do them harm. So he escaped.

9 The other two were shot at. One fell dead, and the
10 other ran away with bullet wounds.

11 MR BANGURA:

12 Q. Did he tell you what happened to the one who died
13 instantly?

14 A. Yes.

15 Q. What did he say?

16 A. He said the one who died instantly was thrown into the
17 river. There was a river nearby.

18 Q. Were you able to confirm any of this information that had
19 been given to you?

20 A. Yes.

21 Q. How were you able to do so?

22 A. That day, the local chief summoned a meeting of Kamajors
23 to investigate this killing, and I went there.

24 Q. Before you went to --

25 PRESIDING JUDGE: Please, please wait.

26 MR BANGURA:

27 Q. Before you went to the meeting summoned by the local
28 chief, did you go anywhere?

29 A. Yes.

- 1 Q. Where was that?
- 2 A. I went to the riverside where the report was saying this
3 body had been thrown into that river, and I saw a body
4 floating in the river.
- 5 Q. Did you observe anything about the body that was floating
6 in the river?
- 7 A. The body had blood on it. Wounds.
- 8 Q. You said you attended the meeting summoned by the local
9 chief. What happened at that meeting?
- 10 A. At that meeting, the eight suspected Kamajors who had
11 done the killing were there. And I heard them confess to
12 the killing.
- 13 Q. Did you yourself do anything about this incident?
- 14 A. Yes.
- 15 Q. What did you do?
- 16 A. I went back to my house, and I wrote a report about it to
17 the district officer in xxxxxx Town.
- 18 Q. And do you know whether this matter was investigated --
- 19 A. Yes.
- 20 Q. -- into by anybody?
- 21 A. Yes. The district officer referred my letter to the CID
22 in xxxxxx who dispatched a CID officer to xxxxxx to
23 carry out a police investigation.
- 24 Q. Okay, Mr Witness. I'd like to thank you for your
25 testimony.
- 26 MR BANGURA: That's all for this witness, Your Honour.
- 27 THE WITNESS: Thank you.
- 28 PRESIDING JUDGE: Learned counsel, as you very well know, we
29 are just sitting -- we normally sit up to midday. For

1 today, we would not take any cross-examination now. We
2 would rise for today and resume with the
3 cross-examination tomorrow. So -- because if we started
4 now, we certainly would not be able to finish with even
5 the cross-examination by any Defence team. I'd be
6 surprised if we did.

7 MR MARGAI: May I be heard, My Lord. We have decided amongst
8 the team that I would be cross-examining, and I believe I
9 should conclude latest by 1.00. The other two are not
10 cross-examining.

11 PRESIDING JUDGE: I see. Well, that is fine.

12 [Trial Chamber confers]

13 PRESIDING JUDGE: Well, I think we would like to think about
14 this proposal, which sounds very attractive. And we
15 would come back to the Defence teams tomorrow at 9.30.
16 The Court will rise, please.

17 [Whereupon the hearing adjourned at 12.33 p.m., to be
18 reconvened on Thursday, the 3rd day of March, 2005, at
19 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: VIRGINIA CHITANDA	2
EXAMINED BY MR TAVENER	3
CROSS-EXAMINED BY MR MARGAI:	14
RE-EXAMINED BY MR TAVENER	22
WITNESS: TF2-073	26
EXAMINED BY MR BANGURA	26