

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-14-T THE PROSECUTOR
TRIAL CHAMBER I OF THE SPECIAL COURT

v.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

FRIDAY, 4 MARCH 2005
9.45 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
Ms Maxine Marcus

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

No appearance

For the Accused Moinina Fofana:

Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Yada Williams
Mr Ansu Lansana

1 [HN040305A - SV]
2 Thursday, 4 March 2005
3 [Open session]
4 [The witness entered court]
09:35:45 5 [The accused not present]
6 [Upon reconvening at 9.45 a.m.]
7 PRESIDING JUDGE: Good morning, learned counsel. We are
8 resuming the session and.
9 JUDGE BOUTET: Mr Koppe for the second accused, you're
09:53:37 10 prepared to do the cross-examination? Thank you
11 WITNESS: TF2-168 [Continued]
12 CROSS-EXAMINED BY MR KOPPE:
13 Q. Good morning, Mr Witness?
14 A. Good morning, sir.
09:53:56 15 Q. Mr Witness, you have testified yesterday that you saw the
16 killing of your wife which occurred on the 25th of March
17 1998; is that correct?
18 A. March 25.

19 Q. Yes, March 25 1998?

09:54:33 20 A. It's correct.

21 Q. And it was in the year of 1998; is that correct?

22 A. Yes, sir.

23 Q. Mr Witness, you have also testified that the people who

24 killed your wife took away money from your wife; correct?

09:55:02 25 A. It's correct, sir.

26 Q. And you have told this Court, Mr Witness, that that

27 amount of money was 1,600,000 leones?

28 A. 1.6 million leones.

29 Q. And finally, Mr Witness, I also heard you testify

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1 yesterday that after your wife was killed you finally
2 buried her at the edge of the farm -- of your farm; is
3 that correct?

4 A. It's correct, sir.

09:56:39 5 Q. Mr Witness, could you explain to me where your farm is?

6 A. The farm? Yes, I can explain where it is.

7 Q. Please do.

8 JUDGE BOUTET: Mr Koppe, I have no problem with your questions

9 per se except that if he gives a fairly accurate

09:56:58 10 description it may lead to his identity being revealed.

11 So I don't know if you have any other way of asking that

12 question.

13 MR KOPPE: I'll approach it differently, Your Honour.

14 Q. Mr Witness, is your farm close to a road?

09:57:30 15 A. The road is a little bit far. The main road is a little

16 bit far from where the farm was laid.

17 Q. Would you be able to indicate how far the farm is

18 situated from the road?

19 A. The main road that led to the other village, it's about a
09:57:59 20 quarter of a mile.

21 Q. Mr Witness, this road that you're speaking of, you said
22 it's leading to town, which town is that?

23 A. Well, if I should call that name, that town --

24 JUDGE BOUTET: Maybe we can use the method that we've used and
09:58:50 25 ask the witness if he can write it down on a piece of

26 paper if it is of some assistance to you. So we can

27 avoid some difficulties about that. It's a suggestion,

28 Mr Koppe. If you feel it is important for you let's use

29 that method.

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1 MR KOPPE:

2 Q. Mr Witness, would you be able to write down on a piece of
3 paper the name of this road, the name of the town to
4 which this road is leading to, I mean?

09:59:15 5 A. Yes sir, if the paper were brought I would be able to
6 write the name. [Witness complies]. The name of the
7 village is beneath.

8 JUDGE BOUTET: Would you show it to your colleagues and to the
9 Prosecution, please. Mr Koppe, you will want this to be
10:01:13 10 marked as an exhibit? Okay, it's the road leading to the
11 name, so.

12 MR KOPPE: The second name is where the road is leading to.

13 JUDGE BOUTET: Yes, on the top it says "road leading" and the
14 second line is the name of the village in question.

10:02:00 15 THE WITNESS: Yes, sir.

16 JUDGE BOUTET: So this document from witness TF2-168 which
17 contains the name of the village is marked as exhibit 76,
18 I think.

19

[Exhibit No. 76 was admitted]

10:02:37 20 JUDGE BOUTET: So, Mr Witness, just to make sure that we

21 understand as well this is the road leading to a village

22 and your farm is at the quarter of a mile from that road?

23 THE WITNESS: Correct, sir.

24 JUDGE BOUTET: Yes, Mr Koppe.

10:04:42 25 MR KOPPE:

26 Q. Mr Witness, how far is the place where your wife is

27 buried away from the road you just described?

28 A. I told you that from the road to the place is a quarter

29 of a mile, that's to the area where my wife was buried,

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1 where the farm was.

2 Q. So, Mr Witness, just to be absolutely sure, the place

3 where your wife is buried is approximately a quarter of a

4 mile off that road?

10:05:46 5 A. Yes, sir.

6 Q. Mr Witness, your wife, was she from the same town as you

7 are?

8 A. I don't understand that question.

9 JUDGE BOUTET: You mean born?

10:06:19 10 MR KOPPE: Born and raised in the same town as you were.

11 JUDGE BOUTET: Yes, because it may mean so was she living in

12 the same place you were living, so that's the confusion.

13 THE WITNESS: Both of us is not hailed from the same town.

14 MR KOPPE:

10:06:34 15 Q. She was not from the same town?

16 A. No, not the same town.

17 Q. Mr Witness, would you be able to tell this Court where

18 the family of your wife -- from which town they are from,

19 which chiefdom?

10:07:13 20 PRESIDING JUDGE: [Inaudible] the chiefdom, please.

21 THE WITNESS: Well, she hailed from the local area. If you

22 ask me to name the village I will do so.

23 MR KOPPE: I would like to know but I don't think this will

24 reveal the identity.

10:07:47 25 PRESIDING JUDGE: Go ahead.

26 MR KOPPE:

27 Q. Could you please tell from which village your wife was

28 from?

29 A. Her father came from xxxxxxxxxxx. Her father came from

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1 xxxxxxxxxx.

2 PRESIDING JUDGE: Can you spell that, please?

3 THE WITNESS: I don't understand.

4 PRESIDING JUDGE: Can you spell that, xxxxxxxxxx.

10:08:34 5 THE WITNESS: Yes sir, xxxxxxxxxx.

6 MR KAMARA: It is xxxxxxxxxxxxxxxxxxxxxx-

7 THE WITNESS: That is where her father lived.

8 JUDGE BOUTET: Mr Kamara, can you please speak into the

9 microphone.

10:08:48 10 MR KAMARA: It's xxxxxxxxxxxxxxxxxxxxxx

11 PRESIDING JUDGE: So her father came from xxxxxxxxxxxxxxxxxxxxxx

12 THE WITNESS: Yes. That is where her father resides.

13 MR KOPPE:

14 Q. Mr Witness, when the hostilities or when the war was over

10:09:37 15 did you consider to rebury your wife somewhere else?

16 A. If I decided to exhume her and bury her somewhere else?

17 I don't understand that question.

18 Q. Did you --

19 PRESIDING JUDGE: Mr Witness, it's a very simple question.

10:10:05 20 After the war --

21 THE WITNESS: Yes, sir.

22 PRESIDING JUDGE: -- did you decide to exhume her and to bury

23 her elsewhere?

24 THE WITNESS: No, sir. The bones are still there where it was

10:10:26 25 buried.

26 MR KOPPE:

27 Q. Mr Witness, did the father of your wife want to have a

28 reburial somewhere else?

29 A. Her father?

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1 Q. Yes.

2 A. I don't understand.

3 Q. Did the father of your wife ever ask you to have his
4 daughter reburied somewhere else?

10:11:34 5 A. No, sir.

6 Q. Did anybody else of your wife's family ask you to have
7 your wife reburied somewhere else?

8 A. They did not ask me.

9 Q. Mr Witness, did the family of your wife attend the
10:12:52 10 funeral?

11 A. None was able to go there, they were in Freetown when
12 this incident occurred and I was the one that came and
13 informed them about it.

14 Q. Mr Witness, was there ever a memorial service for your
10:13:54 15 wife where the family was present?

16 A. It was on our own side that we did it. We did not ask
17 the relatives to do so, we did it.

18 Q. Mr Witness, did you have -- in a later point of time ever

19 have a memorial service when the family came back?

10:14:43 20 A. Well, the family -- it was only in our own area there

21 that we offered a sacrifice and we offered rice flour.

22 Q. Mr Witness, did you report the death --

23 PRESIDING JUDGE: Mr Koppe, just a minute. When you were

24 offering the sacrifice, Mr Witness, were members of your

10:15:30 25 wife's family present?

26 THE WITNESS: It was only her children but the brothers and

27 sisters, none was able to turn up.

28 MR KOPPE:

29 Q. Mr Witness, did you report the death of your wife to the

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1 authorities, for instance, the death and birth registry?

2 A. Well, at that time no office was open. Everybody was

3 out. In fact there was no administration to which to

4 report. But they all understood that my wife had been

10:16:47 5 killed and in fact all of them were in sympathy with me.

6 Q. Mr Witness, when the administration of the town was

7 functioning again later that year did you report the

8 death of your wife then?

9 A. I told them, everybody knew. But I did not report,

10:17:47 10 everybody knew.

11 Q. Mr Witness, did you report the incident of the killing of

12 your wife to the police?

13 A. The chieftom police?

14 Q. Yes.

10:18:21 15 A. Well, later when they came and they all knew. Everybody

16 in the village knew that they had killed my wife, right

17 to up to the paramount chief, he knew.

18 Q. But my question was, Mr Witness, whether you officially

19 reported the killing of your wife to the police?

10:18:49 20 PRESIDING JUDGE: To which police? Is it the town police or

21 the --

22 MR KOPPE: Chiefdom police.

23 PRESIDING JUDGE: Chiefdom police.

24 THE WITNESS: The chiefdom police because did not get regular

10:19:08 25 police in the town.

26 MR KOPPE:

27 Q. Did you report the killing of your wife to the chiefdom

28 police, Mr Witness?

29 A. At the moment that she was killed -- the moment she was

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1 killed nobody was around. In fact, you couldn't see
2 chiefdom police. They were no where to be seen.

3 Q. But, Mr Witness, did you report the killing of your wife
4 to the chiefdom police when things were normal again?

10:20:00 5 A. Well, at the time the situation was normal everybody
6 knew. In fact, some of them -- most of them were in
7 sympathy in me. Even there in town I was offered rice
8 flour. They all rallied around me.

9 PRESIDING JUDGE: What he is saying, Mr Koppe, is that
10:20:21 10 everybody knew and he didn't have any cause to be making
11 specific reports. The chiefdom police is with them in
12 town. Everybody knew, from what he is saying, that the
13 wife had been killed. From what he is saying. So I
14 infer because you are eliciting this question several
10:20:41 15 times, so I think we should move on because I think what
16 he is trying to say is that everybody knew and so he
17 didn't have any cause to make a formal report because the
18 chiefdom police knew. Maybe you may want to find out

19 from him whether the regular police force -- whether he
10:21:01 20 reported to the regular police force.

21 MR KOPPE: Mr Witness, there is a difference between knowing
22 something and actually filing a report as a witness,
23 because he was a witness.

24 JUDGE BOUTET: Yes, but I think his evidence is he did not, to
10:21:16 25 use your word, file a report. But ask him if he has made
26 an official report.

27 PRESIDING JUDGE: And, in any event, the answer to that
28 question is that he did not make a report because
29 everybody knew about it. Would I be right, you said.

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1 That would be his answer.

2 MR KOPPE: That seems to be his answer.

3 PRESIDING JUDGE: That's his answer.

4 MR KOPPE: I will move on, Your Honour.

10:21:44 5 Q. Mr Witness, do you recall speaking to investigators from

6 the Special Court?

7 A. If I spoke to them?

8 Q. Yes.

9 A. Ask the question again, sir.

10:22:04 10 Q. Mr Witness, do you recall speaking to investigators of

11 the Special Court?

12 A. If I spoke to them? I don't understand that question. I

13 don't understand that question.

14 Q. Mr Witness, do you remember that you spoke to

10:22:31 15 investigators from the Special Court?

16 A. Like what type of talk are you talking about?

17 Q. Mr Witness, there was an interview with you at the

18 Moyamba police station on the --

19 A. Yes, at the time when -- that was the time when we went.
10:23:05 20 When we went there, the paramount chief himself, he
21 advised that the people should go there and we went there
22 and gave them statement.
23 Q. Mr Witness, is it possible that this interview took place
24 on the 27th of November 2003?
10:23:55 25 A. It was in 2003 that the people went there.
26 Q. Do you remember, Mr Witness, that you were speaking in
27 Krio?
28 A. Yes, I spoke in Krio.
29 Q. Mr Witness, do you remember how many people spoke to you

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1 that day?

2 A. Well, the man who was interpreting and the woman who was
3 manipulating the computer.

4 Q. So, Mr Witness, the things that you told these people
10:25:46 5 about the death of your wife they wrote down in a
6 computer?

7 A. They wrote. Well, I don't know whether they wrote that
8 or not but I explained that to them.

9 Q. Mr Witness, the things that you told these people, these
10:26:32 10 investigators of the Court, were these the same things
11 that you've told this Court yesterday?

12 PRESIDING JUDGE: It's unfair to ask him that question.

13 Proceed to the main -- just get along. It's unfair

14 because this is an incident which occurred years back,
10:26:55 15 police investigated years back, we are in a different
16 time frame. Proceed the way we have been proceeding.

17 JUDGE BOUTET: Put the question to him that he said whatever

18 it is in his statement to --

19 MR KOPPE: Yes.

10:27:08 20 PRESIDING JUDGE: If you put such a question to me I would not

21 be able to answer at my intellectual level.

22 JUDGE BOUTET: But before you do that, Mr Koppe, may I suggest

23 that you pursue a bit more the background. I know you

24 have done that in part but, for example, whatever he

10:27:30 25 said, was it read back to him afterwards? I mean, so we

26 know a little bit more of the background. Because

27 presumably you are moving in a direction to say well,

28 there is this portion in your statement that says

29 whatever.

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1 MR KOPPE: Yes.

2 Q. Mr Witness, the things that you have told the

3 investigator, after they've written it down in the

4 computer was it read back to you?

10:28:04 5 A. They did not read it to me but all that I spoke I

6 understood it, and that's the same thing that I'm saying

7 here. They did not read that to me but what I told them

8 is what I'm saying here now.

9 JUDGE BOUTET: Mr Witness, during that interview they spoke to

10:28:29 10 you in Krio?

11 THE WITNESS: The man -- I was speaking in Krio and the man

12 and was talking to the woman and he himself was talking

13 to me.

14 JUDGE BOUTET: But he was talking to the woman in English and

10:28:48 15 he was talking to you in Krio?

16 THE WITNESS: That was how it happened.

17 MR KOPPE:

18 Q. Mr Witness, did you, at that day, sign anything?

19 A. Well, I did not. When we finished talking they did not
10:29:23 20 give any paper to sign.

21 JUDGE BOUTET: Ask him if he remembers having said whatever,
22 so probably --

23 MR KOPPE: Yes, I will come to that now.

24 Q. Mr Witness, I have in front of me a piece of paper and
10:29:51 25 this piece of paper was made by the people who

26 interviewed you that day and in this piece of paper it is

27 said, or it is stated, that the killing of your wife took

28 place on the 25th of March 1999?

29 PRESIDING JUDGE: Mr Koppe, just for clarification, that

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1 statement, does it contain his signature or a thumbprint.

2 MR KOPPE: No.

3 PRESIDING JUDGE: Nothing.

4 JUDGE BOUTET: Nothing, as the witness said.

10:30:46 5 MR KOPPE:

6 Q. Mr Witness, is this statement of the people who

7 interviewed you wrong?

8 A. I don't understand about that statement that you are

9 talking about.

10:31:07 10 JUDGE THOMPSON: Mr Koppe, you are quarreling with the date on

11 the statement, aren't you; the date of the death of his

12 wife alleged and also his own testimony on that date.

13 Why not put it specifically to him rather than saying

14 that the statement is incorrect? Be specific because

10:31:27 15 that's what you are complaining about, for the time being

16 anyway.

17 MR KOPPE:

18 Q. Mr Witness, what I shall do is I shall read to you a

19 fragment from this statement which was drafted by the
10:31:59 20 interviewers and then you please give your comment.

21 JUDGE BOUTET: Yes, Mr Sauter?

22 MR SAUTER: I would like to ask the counsel when reading out
23 this part of the statement not to read out the name of
24 his wife which is contained there. Thank you.

10:32:36 25 JUDGE BOUTET: As my brother and colleague Justice Thompson
26 has said, maybe you can just bring his mind back to the
27 fact that he has stated in his evidence such a date as
28 to, now I will read a portion of your statement where
29 this or that and this is what it says. So presumably

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1 you'll ask him comments about that.

2 MR KOPPE: That's why I started with --

3 JUDGE BOUTET: Well, try to keep it as simple as possible so

4 you don't get confusion.

10:33:05 5 MR KOPPE: I'll try.

6 PRESIDING JUDGE: Mr Koppe, we have it that this statement was

7 a product of an interview at the Moyamba police station

8 sometime in March.

9 MR KOPPE: No, 27 November 2003.

10:33:25 10 PRESIDING JUDGE: 27th of November 2003. Okay.

11 MR KOPPE:

12 Q. Mr Witness, you told this Court today that the killing of

13 your wife took place on the 25th of March of 1998. You

14 remember saying that, don't you?

10:33:53 15 A. That was what I said.

16 Q. Now I'm reading to you a portion of this statement which

17 was taken down by the interviewers. I quote:

18 "On the 23rd of March 1999 Obai and his men again

19 invaded Bradford and this time they found the items
10:34:26 20 hidden by villagers in the bush including the items that
21 the witness had taken to the bush." The witness is you.
22 "On 25th of March 1999 the witness said the CDF came
23 in large number to attack their village Bradford and its
24 environs even though there was no presence of rebels or
10:35:04 25 soldiers in the town. The witness said the CDF went
26 under the command of one Kakpata and Obai. The CDF went
27 to his farm in the bush where he was hiding with his
28 family. He ran into a nearby bush when he saw them
29 coming. His wife was unfortunate and so was captured by

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1 the CDF. The witness said from where he was in the bush,
2 which was a distance of approximately 10 metres, he saw
3 the CDF take a plastic bag from his wife containing their
4 money, about 600,000 leones."

10:36:43 5 Mr Witness, you have heard me reading a fragment of
6 that statement and you might have heard that the events
7 described in this statement took place in March 1999.
8 Today you gave testimony to the effect that the killing
9 of your wife took place in March 1998. Could you please

10:37:29 10 give clarification to the Court when exactly - which year
11 I mean - the killing of your wife took place?

12 A. It was in 1998. All that is said was not what I said.

13 25th of March 1998.

14 Q. Thank you. Mr Witness, you also heard me read from the
10:37:55 15 statement and you heard that a plastic bag from your wife
16 was taken and this plastic bag contained the money, about
17 600,000 leones?

18 A. Perhaps what I said was not written because they did not

19 read it back to me. That was not what I told them. What
10:38:28 20 I told them was this exactly what I'm saying here.

21 Q. Mr Witness, you gave testimony that 1.6 million leones
22 was taken from your wife; correct?

23 A. It's correct.

24 Q. So this means that the interviewers understood you
10:39:07 25 wrongly when they talked to you?

26 PRESIDING JUDGE: They recorded it wrongly.

27 THE WITNESS: Perhaps it might be so.

28 PRESIDING JUDGE: [Overlapping speakers] not misunderstanding,

29 I think maybe misunderstanding in the recording, but what

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1 is important is the recording. They recorded him

2 wrongly. Would that not be correct?

3 MR KOPPE: Well, that's an inference, Your Honour. We will

4 speak about that later. I'm just reading part of the

10:39:37 5 statement in which it says 600,000.

6 PRESIDING JUDGE: Yes, we know. He was saying this in the

7 background of what he is alleging was taken, 1.6 but

8 there it is six. So he is in effect saying that he was

9 not properly recorded because he is insisting that it was

10:39:57 10 1.6 and there in his statement which he says -- which he

11 alleges was not read to him, it is 600,000 leones.

12 MR KOPPE:

13 Q. Mr Witness, I would finally like to read another fragment

14 of that statement which was made by the interviewers.

10:40:42 15 "The witness said he was able to bury his wife after

16 three days as all the young men were afraid to help him

17 bury his wife because of the presence of Kamajors. The

18 witness said he buried his wife on the road leading to"

19 -- that's --

10:41:16 20 JUDGE BOUTET: That's the name that is on exhibit 76.

21 PRESIDING JUDGE: 76.

22 MR KOPPE: Yes.

23 Q. So the witness said he buried his wife on the road

24 leading to that village. Then it says "on the left-hand

10:41:30 25 side of the road in the bush. Witness said he could take

26 investigators to the site if required." So I will repeat

27 it to you, Mr Witness. "The witness said he buried his

28 wife on the road leading to... on the left-hand side of

29 the road in the bush."

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1 PRESIDING JUDGE: Is that an inconsistency?

2 MR KOPPE: We'll get to that later, Your Honour. I just would
3 like now to ask the witness the following question.

4 PRESIDING JUDGE: Or is that a very material inconsistency?

10:42:14 5 Anyway, since we'll get back to that, you may proceed.

6 JUDGE BOUTET: Ask him if he did or did not.

7 MR KOPPE: Yes, I will. I was on my way.

8 Q. Mr Witness, you gave testimony today to this Court that

9 you buried your wife at the edge of your farm which was a

10:42:39 10 quarter of a mile from that road. So if I understand it

11 correctly, Mr Witness, I read from the statement which

12 was made by the investigators that you buried your wife

13 very close to the road, but you have given testimony

14 today that you buried your wife a 250 metres -- a quarter

10:43:29 15 of a mile from that road?

16 JUDGE BOUTET: Well, with all due respect, Mr Koppe, you are

17 giving an interpretation of very close to the road. This

18 is not -- read the statement. If you want to put it to

19 him put the statement as it is written. You say on the
10:43:49 20 left side of the road as such and you have given the
21 interpretation that it means close to the road.
22 MR KOPPE: I will read it again, Your Honour. "The witness
23 said he buried his wife on the road leading to".
24 JUDGE BOUTET: Yes, on the road.
10:44:03 25 PRESIDING JUDGE: On the road leading to.
26 JUDGE BOUTET: [Overlapping speakers]
27 MR KOPPE: On the left-hand side of the road in the bush.
28 JUDGE BOUTET: In the bush. So, you have to look at the
29 totality of that statement.

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1 MR KOPPE: I'm not saying there is a discrepancy. I'm just
2 trying to clarify.

3 JUDGE BOUTET: What I'm saying to you is you say, well, you
4 said to the investigator that you buried her. All I'm
10:44:28 5 saying to you is don't give an interpretation to it at
6 this moment. Ask him if this is what he said and then
7 obviously we will hear arguments about it as to what it
8 means or not in due course.

9 MR KOPPE: Yes.

10:44:42 10 Q. So Mr Witness, once more I will read from that statement
11 and please tell me if that is what you said to the
12 investigators. "The witness said" - that is you - "he
13 buried his wife on the road leading to this village on
14 the left-hand side of the road in the bush." Did you say
10:45:07 15 that to the investigators?

16 A. On the left-hand side of the bush. That is the road that
17 led to that village. A quarter of a mile to the area
18 where she was buried.

19 JUDGE THOMPSON: Learned counsel, like my learned brothers, I
10:45:52 20 am at a loss myself. What are you highlighting here for
21 the tribunal? What is your complaint there - I need to
22 get it quite clearly myself - between what is recorded in
23 the statement and what he testified here on that
24 particular issue? I need to be educated of that.

10:46:18 25 MR KOPPE: As I understand it, Your Honour, and of course I
26 might be wrong --

27 JUDGE THOMPSON: No, I mean we're all here to be educated.
28 That's why I want to hear your side of it. You may
29 persuade me. It is just that I am at a loss.

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1 MR KOPPE: As I understand his testimony to be is that his
2 wife was buried on the edge of a farm and this farm was a
3 quarter of a mile off that road. I actually asked for
4 more specification; whether the place where his wife was
10:46:51 5 buried was also a quarter of a mile off the road. If I
6 read this statement --

7 JUDGE THOMPSON: And the statement says what?

8 MR KOPPE: The statement says: "The witness said he buried
9 his wife on the road leading to" whatever "on the
10:47:03 10 left-hand side of the road in the bush".

11 JUDGE THOMPSON: So your complaint is that there is a lack of
12 geographical precision here in terms of what he told the
13 investigators and what he has testified here?

14 MR KOPPE: Not necessarily, Your Honour, because I haven't
10:47:22 15 been there.

16 JUDGE THOMPSON: Well, I haven't either myself.

17 MR KOPPE: And I'm just trying to find out if this edge of the
18 farm could possibly be -- I'm not saying it is a

19 discrepancy but it might be.

10:47:35 20 JUDGE THOMPSON: Because I hear him talk about bush also. So

21 perhaps the term bush and farm, those terms are used

22 interchangeably in their kind of colloquial setting. My

23 difficulty is that if you are striving to say that there

24 is some lack of geographical precision between what he

10:48:03 25 said here and what is in that statement, then to persuade

26 me I'd like to see the real contradiction. That's all

27 I'm saying, that's all. Because if is lack of further

28 and better particulars but that the wife was really

29 buried somewhere there, variously described by the

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1 interrogator in their own language and described here

2 differently, but there isn't really any substantial

3 difference, then I am --

4 MR KOPPE: I absolutely see your point, your Honour. There is

10:48:40 5 of course a difference [overlapping speakers].

6 JUDGE THOMPSON: And remember that he didn't write that

7 statement. He was speaking through an interpreter.

8 MR KOPPE: I'm just trying to see if there -- maybe there is

9 no discrepancy.

10:48:54 10 JUDGE THOMPSON: I'm trying to follow you too, thanks.

11 JUDGE BOUTET: Because, Mr Koppe, you are reading this as

12 meaning that he was right there on the side of the road

13 and the witness is saying a quarter of a mile, but also

14 the statement says in the bush.

10:49:07 15 PRESIDING JUDGE: It cannot be on the road and in the bush at

16 the same time.

17 MR KOPPE: On the left-hand side of the road in the bush.

18 JUDGE BOUTET: That's right.

19 PRESIDING JUDGE: On the bush on the left-hand side of the
10:49:17 20 road.

21 JUDGE BOUTET: And if the bush is a quarter mile to the
22 left-hand side of the road.

23 MR KOPPE: I am not saying that is it, but I'm just trying to
24 explore.

10:49:26 25 PRESIDING JUDGE: Mr Koppe, I think you have made the point.

26 We understand where you are coming from and what you want
27 to establish. I think we may move to the next point of
28 your cross-examination.

29 MR KOPPE: Actually, that was my last point of

1 cross-examination. I would just like to mark this

2 statement.

3 PRESIDING JUDGE: To have that statement marked?

4 MR KOPPE: I have three copies, Your Honour. Yes.

10:49:52 5 JUDGE BOUTET: You have the Court Management record page

6 number on this, on your statement, on the top right-hand

7 corner?

8 MR KOPPE: It's not there, your Honour.

9 MR KAMARA: Your Honours, if the Prosecution may be heard on

10:50:20 10 this. We are not totally opposed to that document going

11 in but for the highlighted areas. And if my learned

12 friend is highlighting the last aspect of his

13 cross-examination, and I think the learned judge has

14 pointed out there is no contradiction and there is no --

10:50:37 15 PRESIDING JUDGE: No, we have not yet pointed out. We have

16 not yet pointed out. Oh, yes, they're mere observations

17 we are making. We have not yet pointed out.

18 JUDGE THOMPSON: Yeah, quite. I wanted to correct you that I

19 did not say that there is not.

10:50:47 20 PRESIDING JUDGE: I did not say so.

21 JUDGE THOMPSON: Quite right.

22 MR KAMARA: Thank you, Your Honours. The indications that --

23 the observations of the Bench and even my understanding

24 too, and I would submit, Your Honours, that it is the

10:50:59 25 construction of my learned friend that appears to have

26 the problem rather than with what the witness has said in

27 testimony and what is in the statement. And so,

28 therefore, if as to regards to the last aspect of his

29 cross-examination, we will object to that being

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1 highlighted or being specifically referred to as

2 inconsistency.

3 JUDGE BOUTET: Don't you think it is for the Court to make

4 that decision.

10:51:22 5 PRESIDING JUDGE: It is for the Court to make that

6 observation.

7 JUDGE BOUTET: I mean, yes, it is open to arguments as such,

8 but I don't think it is the time to hear arguments as to

9 what it means or doesn't mean. We will hear that in due

10:51:32 10 course.

11 JUDGE THOMPSON: My position is that we will record your

12 objection but we'll overrule it.

13 MR KAMARA: Thank you, Your Honour.

14 JUDGE BOUTET: I fell short of saying this but I think you

10:51:47 15 understood my position as well.

16 PRESIDING JUDGE: I concur.

17 JUDGE BOUTET: So according to what I see in the documents,

18 that statement is page -- the first page is 11887 of the

19 documents filed with Court Management. You are at page 2
10:52:15 20 so it would be page 11888. I think it is the part that
21 you have not underlined. It is on the middle of the page
22 on the 23rd of March 1999, Mr Koppe.
23 MR KOPPE: Sorry, Your Honour.
24 JUDGE BOUTET: The portion that you have read is in the middle
10:52:38 25 of the second page of the statement on the 23rd March
26 1999 up to and including "about 600,000 leones".
27 MR KOPPE: That's it, Your Honour. Of course I didn't mention
28 the name.
29 JUDGE BOUTET: Yes, but --

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1 MR KOPPE: Yes. And I read on page 3.

2 JUDGE BOUTET: Page 3, which is 11889.

3 MR KOPPE: Yes. I started reading on the second line where

4 the witness said he was able to bury his wife.

10:53:11 5 JUDGE BOUTET: The witness said, that's right, up to the end

6 of that paragraph?

7 MR KOPPE: Yes, that's right, your Honour.

8 JUDGE BOUTET: This is Exhibit 77, indeed.

9 [Exhibit No. 77 was admitted]

10:53:43 10 JUDGE BOUTET: That concludes your cross-examination, thank

11 you. So that document is marked as Exhibit 77 for the

12 purpose that you have stated, to show alleged

13 inconsistencies between the evidence of the witness and

14 what is contained in the statement. Counsel for third

10:54:05 15 accused, are you ready to proceed with your

16 cross-examination?

17 MR LANSANA: By all means, your Honour.

18 JUDGE BOUTET: Thank you.

19

CROSS-EXAMINED BY MR LANSANA:

10:54:20 20 Q. Mr Witness, when you were testifying before this Court

21 yesterday you said that you were ordinarily resident in

22 Bradford in the year 1996; correct?

23 A. It's correct.

24 Q. And that you came to Freetown; not so?

10:55:07 25 A. Yes. I left and came to Freetown.

26 Q. Now, you later returned to Bradford, according to you,

27 when you heard that the CDF who were there had left?

28 A. It was not the CDF that were there. It was the RUF. It

29 was when the rebels had pulled out. That was the time

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1 that I returned.

2 PRESIDING JUDGE: That is true. That is what the records

3 reflect.

4 MR LANSANA: As Your Honour pleases.

10:55:59 5 Q. When the rebels that were there had left, that was when

6 you went to Bradford, not so. The rebels were in

7 Bradford. You heard that they had left Bradford?

8 A. Yes.

9 Q. That was when you returned to Bradford?

10:56:18 10 A. That was the time that I returned back, I returned to

11 Bradford.

12 Q. Can you tell this Court exactly what year it was that you

13 returned to Bradford?

14 A. 1997.

10:56:53 15 Q. Now, I will refer you to your statement to the

16 investigators.

17 JUDGE BOUTET: You mean Exhibit 77?

18 MR LANSANA: Yes, Your Honour. The very first page, second

19 line of that statement, Exhibit 77.

10:57:18 20 Q. I will read it to you and I'll invite your reaction.

21 According to this exhibit, this statement, it is written

22 that: "He said he returned" - that's you, witness -- you

23 returned with your family some time in June 1998 to

24 Bradford?

10:57:46 25 A. I did not tell him that. I returned in Bradford in 1997.

26 PRESIDING JUDGE: You say in the statement it says in June

27 1998?

28 MR LANSANA: Yes, Your Honour. "He said he returned with his

29 family some time in June 1998 to Bradford". And, Your

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1 Honours, I would make an application that that portion be
2 highlighted as against what the witness is attesting to
3 in court.

4 JUDGE THOMPSON: Well, the witness is disclaiming that portion
10:58:38 5 of the statement.

6 MR LANSANA: Precisely. Precisely, Your Honour.

7 Q. Mr Witness, you said that when Obai, who you say had a
8 group, CDF group, raided Bradford --

9 JUDGE THOMPSON: Are you reading from Exhibit 77?

10:59:28 10 MR LANSANA: No, Your Honour.

11 JUDGE THOMPSON: I see. His testimony?

12 MR LANSANA: Yes, Your Honour.

13 Q. When Obai and the CDF group raided Bradford - that was
14 the first time they went there - they took away your

10:59:41 15 rice; not so?

16 A. They first of all went there and called a meeting on the
17 8th. The second was on the 19th. And that was the time
18 they raided all the property that was there. That was

19 the 19th March.

11:00:05 20 Q. My error. Now, I accept that you went there on the 19th

21 of March 1998. My question is: Is it true that he and

22 his group stole your rice or took away your rice?

23 A. They were the ones that took it away. I saw them.

24 Q. May I ask what the quantum of rice was that they took

11:00:49 25 away; what was the quantum? What quantity of rice? How

26 many bags?

27 A. It was 63 bags. 63 bags.

28 Q. 63 bags of rice?

29 A. Husk, husk one.

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- 1 Q. Husk rice, 63 bags. Mr Witness, did you tell the
2 investigators -- I will read from Exhibit 77, Your
3 Honours, the beginning of the second paragraph. Did you
4 tell the investigators that Obai and his group went to
11:01:47 5 Bradford the second time on the 23rd of March 1999? Did
6 you tell them that?
- 7 A. They went there. It was Kakpata who chased us on the
8 23rd when we were sleeping. On the 23rd.
- 9 Q. Mr Witness, please endeavour to answer the exact question
11:02:16 10 I put to you. It will make progress [inaudible]. I will
11 come again. Did you tell the investigators that Obai and
12 his group went to Bradford on the 23rd of March 1999?
- 13 A. It was 1998. The 23rd of March.
- 14 Q. 23rd of March?
- 11:02:44 15 A. Of March.
- 16 MR LANSANA: Your Honours, may I again apply that that by
17 highlighted because he is disclaiming that it was not
18 1999 but 1998.

19 JUDGE THOMPSON: 3rd or the 23rd?

11:03:09 20 MR LANSANA: 23rd, yes, Your Honour.

21 JUDGE THOMPSON: The year is what [Microphone not activated].

22 MR LANSANA: Yes, Your Honour.

23 PRESIDING JUDGE: The date and the month is the same.

24 MR LANSANA: Yes, your Honour, he has accepted that.

11:03:24 25 PRESIDING JUDGE: Is that true?

26 MR LANSANA: Yes, your Honour.

27 JUDGE BOUTET: So this is the first line of the second

28 paragraph you are talking about.

29 MR LANSANA: Yes, your Honour. The line reading, "Witness

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1 said on March 23rd, 1999 Obai and his Kamajors raided his
2 village, Bradford, and looted 33 bags of rice."

3 JUDGE BOUTET: You want that portion too?

4 MR LANSANA: Yes, that's what I'm coming to now, Your Honour.

11:03:55 5 Q. Now, Mr Witness, you have just told this Court a while

6 ago that the quantum of rice taken by Obai and his group,

7 his Kamajors, was 66 bags of rice. Do you still stand --

8 JUDGE THOMPSON: 63.

9 [Overlapping speakers]

11:04:15 10 MR LANSANA:

11 Q. 63 bags of rice. Do you still stand by that statement?

12 A. 63 bags, husk rice.

13 Q. 63 bags of husk rice. Did you at all tell the

14 investigators that the quantum was 33 bags of husk rice?

11:04:57 15 A. I did not tell them so. I said 63.

16 MR LANSANA: Your Honour, may I again have that highlighted?

17 33 bags of husk rice.

18 JUDGE BOUTET: And again the alleged discrepancy is 33 rather

19 than 63.

11:05:34 20 MR LANSANA: As against 63, yes, Your Honour.

21 Q. Mr Witness, you have told this Court that you were a

22 farmer?

23 A. Yes.

24 Q. And you say that the rice that was taken from you was

11:06:00 25 yours; not so?

26 A. Yes, it's mine.

27 Q. Did you at all tell the investigators that the rice that

28 the Kamajors took away from you was rice given by Care

29 that was meant for farmers of Bradford? Did you tell the

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1 investigators that?

2 A. I did not tell them that because Care had gone away.

3 Care had pulled out away from this place.

4 PRESIDING JUDGE: Just a minute, I am trying to get it down.

11:07:06 5 MR LANSANA Yes, Your Honour. My apologies.

6 Q. Mr Witness, you have just said that in fact Care was at

7 Bradford and that they had left; not so?

8 A. Care was there for so long, but they had pulled out, they

9 had gone away. In fact, they did not come back.

11:08:17 10 Q. Now, when Care was operating in the Bradford area, what

11 were some of the things they were assisting as relief

12 assistance to the people of Bradford? What kinds of

13 assistance were they rendering to the people of Bradford?

14 A. It was bulgar, oil and beans.

11:09:05 15 Q. Now, you told this Court yesterday that the rebels were

16 harassing you people in Bradford; not so?

17 A. In the farm where I was, at the time that I was at the

18 farm, they used to go there and harass us.

19 Q. Yes, precisely. And one of the activities that
11:10:04 20 constituted that harassment was that they were taking
21 away from you rice that you had harvested; correct?
22 A. When we had finished harvesting and when we had packed
23 it, few days we would see them, they would come and take
24 everything. If this rice is threshed they would come and
11:10:24 25 collect everything and take it away.
26 Q. Thank you very much. And the reason why farmers keep
27 husk rice is that they want to use it as seed rice for
28 the next planting season; isn't that true?
29 A. Yes, it's true.

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1

2 Q. Now, due to this harassment you went to Freetown and in
3 1997 you returned to Bradford; correct?

4 A. It was 1996. That is the time that I came to Freetown
11:11:48 5 when they were harassing us in the farms. Towards the
6 end of 1996, that was the time that I came in Freetown.

7 JUDGE BOUTET: His evidence is not that he was being harassed
8 in 1996 by the Kamajors. In 1996 he left because of the
9 rebels.

11:12:09 10 MR LANSANA: Your Honour, that is not in dispute. I am coming
11 to my point. I am not contending that at all; I am not
12 contending what he is saying.

13 JUDGE BOUTET: Okay, because you said, "You left because of
14 harassment." You were talking of harassment at the time
11:12:31 15 the rice was taken away. I am confused, too, so I am
16 just trying to understand.

17 MR LANSANA: I will clarify that. He had attested to this
18 Court that --

19 JUDGE BOUTET: He went to Freetown.

11:12:38 20 MR LANSANA: -- they were being harassed by the rebels. Part

21 of the harassment was that when they harvested rice, the

22 rebels would take the harvested rice from them. Due to

23 this harassment -- not specifically because of the rice

24 harassment, but due to this harassment by the rebels he

11:12:51 25 left in late 1996 and came to Freetown and returned in

26 1997.

27 JUDGE BOUTET: You see, I had failed to follow you on that

28 because you were talking about harassment. I understood

29 your questions and the answers having to do with when the

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1 rice was taken away from him by the Kamajors.

2 MR LANSANA: By the rebels.

3 JUDGE BOUTET: Now you say the rebels, but I am telling you

4 that I understood your questions to be related to the

11:13:23 5 Kamajors and not the rebels.

6 MR LANSANA: As Your Honour pleases.

7 JUDGE BOUTET: I do not think I am the only one, because I

8 think my colleagues have understood the same thing, too.

9 MR LANSANA: The rice that was taken from them was, according

11:13:32 10 to him, on 19th March 1988.

11 JUDGE BOUTET: Yes, which is the time the Kamajors were there,

12 not the rebels.

13 MR LANSANA: Yes, Your Honour. What I am talking about now is

14 what caused him to --

11:13:43 15 PRESIDING JUDGE: The harassment that led him to flee to

16 Freetown was because of the harassment by the rebels.

17 MR LANSANA: Yes.

18 PRESIDING JUDGE: That's the state of the evidence.

19 JUDGE BOUTET: And that harassment had to do with the fact
11:13:51 20 that they were taking rice away from them as well.

21 MR LANSANA: It's the fact that there is rice involved in both
22 incidents. That is the problem. As Your Honour pleases.

23 May I go on?

24 JUDGE BOUTET: Yes.

11:14:08 25 MR LANSANA:

26 Q. Mr Witness, you said that you left Bradford for Freetown
27 late 1996; not so?

28 A. Yes, that is true.

29 Q. Can you please assist this Court with the month in 1996

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1 that you left Bradford for Freetown?

2 A. It was the month of December. Month of December, that
3 was the time that I left to come to Freetown.

4 Q. Mr Witness, did you do any rice farming in 1996?

11:14:59 5 A. The rice that I harvested, I hid it and packed it
6 somewhere before I left in 1996, when I came down. I
7 packed it.

8 PRESIDING JUDGE: Did you do any rice farming? Answer that
9 first. Did you do any rice farming in 1996?

11:15:19 10 THE WITNESS: 1996 I did not do any rice farming. It was that
11 1995, the rice that I harvested that I kept.

12 MR LANSANA:

13 Q. Now when you returned in 1997 from Freetown, was the rice
14 still there?

11:16:14 15 A. Yes, although some of it was eaten by rats, but I still
16 found it where I stored it up.

17 Q. And that was what month of 1997, if I may ask?

18 A. It was towards the approach of 1997, after the rebels

19 have left, that was the time I returned. Between
11:17:12 20 November and December, that was the time I returned to
21 Bradford.
22 Q. November to December of 1996? Because you are talking
23 about the approach of 1997.
24 A. 1998. Yes, 1998.
11:17:39 25 Q. Now, let me ask you this: How many bags of husk rice did
26 you store in 1996 before you left Bradford for Freetown?
27 A. I did not put it in bags.
28 Q. When you returned from Freetown to Bradford, did you
29 eventually put them in bags?

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1 A. When I returned from Freetown I took along bags. I

2 pounded it and put it in bags.

3 Q. So, there was no more husk rice; not so?

4 A. It was threshed. It was still husk rice. It was where I

11:19:19 5 thresh it. I remove it from the -- thresh it and put it

6 in bags.

7 Q. You mean it was threshed?

8 A. I threshed.

9 Q. Threshed it?

11:19:32 10 A. I threshed it and found it.

11 Q. How many bags did that come up to?

12 A. 63.

13 Q. Mr Witness, what kind of rice farming do you do --

14 mechanical rice farming or manual labour?

11:20:02 15 A. I do not have machines. I hire labour, I hire people,

16 and then we do it in a kind of communal -- they do it as

17 a communal work, communal labour.

18 Q. Mr Witness, I am putting it to you that the 63 bags of

19 rice you are referring to were not yours but community
11:20:48 20 rice; they were not yours.

21 A. It was mine, bona fide. It does not belong to the
22 community.

23 Q. I further put it to you that that rice was rice that was
24 given to the Bradford community by the NGO Care to assist
11:21:25 25 with the replacement of rice looted from farmers.

26 A. It was my own bona fide labour; it did not belong to the
27 community. It was not the community that made it.

28 Q. Now, you further said that Obai and his group of Kamajors
29 came to Bradford on the 23rd of March 1998, that was

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1 after the 19th; not so?

2 A. It is so.

3 Q. And that when they came you said, "We were not in town."

4 A. There was nobody in the town, everybody was in the
11:22:51 5 corner. They were all hidden in corners with our

6 families.

7 Q. Thank you. And you further said, "When they opened fire,

8 we all ran into the bush"; not so?

9 A. When you are in the garden you are very close to the
11:23:29 10 bush. When you have -- if there is fire you'll just have

11 to run into the bush.

12 Q. So you ran from the bush into the bush. Is that what you

13 are saying?

14 A. The garden over the river's very close to the bush, so we
11:23:45 15 ran into the bush.

16 Q. The small boy you said they were running after, were the

17 Kamajors running after that boy in the town or in the

18 bush?

19 A. It was the 25th that that happened. It was not the same
11:24:21 20 day that you are talking about now.

21 Q. Mr Witness, on 25th March 1998 they ran after a boy,
22 according to you. Was it in the bush or in the town?

23 A. When you leave farm there is a road towards that farm.

24 That boy was running to us along the road and they were
11:24:56 25 running after him to that bush. And by the time he

26 passed, running, that was the time another boy says, "Oh,

27 the people have come." That is the time we heard the

28 fire, the gunshots very close to the farms. That was on

29 the 25th.

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1 Q. You referred to one Kakpata; not so?

2 A. Yes, it's true.

3 Q. Did the two of you know each other before you saw him in

4 Bradford in 1998?

11:25:42 5 A. I did not know him before. I did not know him and he did

6 not know me either.

7 Q. Now, you said when your wife was shot, she called your

8 name and, according to you, Kakpata said - I will quote

9 you exactly - "You see, [Krio spoken]." You said this to

11:26:22 10 this Court yesterday; not so?

11 A. Yes, that is what I said.

12 Q. And you took that expression, [Krio spoken], to mean

13 Kakpata was referring to you as the Pa; correct?

14 A. Yes, I am the Pa.

11:26:58 15 Q. And from that you agree with me that he knew you?

16 A. Maybe they've talk to him about me, because we were mixed

17 up, the people who were born there and those that came.

18 They were all mixed up. They must have told him about

19 me; they must have told him my name.

11:27:41 20 Q. Now, would it be a fair assessment to say that you were a

21 well-known figure at Bradford?

22 A. Very well. Now within the whole chiefdom, everybody knew

23 me.

24 Q. Would it again be a fair assessment to say that you were

11:28:14 25 very well-known because you were notorious?

26 PRESIDING JUDGE: What sort of question is that you are

27 putting from the bar, Mr Lansana?

28 MR LANSANA: Your Honours, I would --

29 JUDGE THOMPSON: Why is that terminology appropriate here?

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1 MR LANSANA: Your Honours --

2 JUDGE THOMPSON: Let me remind you.

3 MR LANSANA: To be well-known.

4 JUDGE THOMPSON: I am sure that as a lawyer you are very

11:28:39 5 sensitive to nuances when it comes to words. If you have

6 put to him that he was well known, why the notion of

7 notoriety?

8 MR LANSANA: Your Honour, this witness as said yesterday that

9 when his wife was killed, everywhere he went for

11:29:04 10 assistance people were running away from him. Which

11 pre-supposes the fact that he was not a well-liked

12 character.

13 PRESIDING JUDGE: [Overlapping speakers] but that does not

14 prove that he is notorious.

11:29:16 15 JUDGE THOMPSON: No, but I am objecting to the use of the word

16 "notorious". It is pejorative in the extreme and I need

17 to remind you that one of the elementary principles of

18 cross-examination is not to embarrass, humiliate or

19 harass a witness. The term "notoriety" or "notorious" is
11:29:36 20 pejorative in the extreme. You can simplify things
21 without using such loaded language.
22 MR LANSANA: I apologise, Your Honour. I apologise; I got
23 carried away.
24 JUDGE BOUTET: Your interpretation as to why people ran away
11:29:55 25 is one of the many possibilities. It may have been
26 because people were simply afraid of the people who were
27 there, not particularly this witness. That is one way of
28 putting it.
29 MR LANSANA: I will put it to him.

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1 JUDGE BOUTET: Fine.

2 MR LANSANA: I apologise.

3 JUDGE THOMPSON: This Court really needs to remind counsel

4 that certain words clearly do have negative connotation.

11:30:17 5 The Court does observe a high standard of decorum and

6 protocol. To put to a witness that kind of

7 characterisation when in fact you can put the question in

8 a different way -- for example, as you were saying, "You

9 were not liked, you were not popular". Perhaps I am too

11:30:40 10 sensitive to words of that nature.

11 PRESIDING JUDGE: It is not sensitivity, my learned brother.

12 It is, to say the least, unprofessional to use such terms

13 in these circumstances.

14 MR LANSANA: I apologise, Your Honours.

11:30:56 15 JUDGE BOUTET: We are very, very sensitive to any possible

16 harassment and intimidation of witnesses. So any word

17 that may have that tendency, as such, will not be

18 accepted.

19 MR LANSANA: I apologise most profusely.

11:31:16 20 Q. Mr Witness, I put it to you that people did not know you

21 in Bradford for good things.

22 A. They knew me because I am a very good person.

23 PRESIDING JUDGE: Mr Lansana, you said --

24 MR LANSANA: They did not know him in Bradford for good

11:32:02 25 things.

26 PRESIDING JUDGE: Which is incorrect for you to say.

27 [HN040305C 11.31 a.m. - JM]

28 JUDGE THOMPSON: He has an answer that he was known for good

29 things, contraposing yours.

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1 MR LANSANA: Precisely.

2 PRESIDING JUDGE: Mr Lansana, please. That what?

3 MR LANSANA: He says that he was known for good things. And

4 I'm saying that he wasn't known for good things.

11:32:32 5 PRESIDING JUDGE: He was not known because?

6 MR LANSANA: He was a do-gooder.

7 PRESIDING JUDGE: Hmm.

8 MR LANSANA:

9 Q. Mr Witness, I further put it to you that the reason why

11:32:54 10 people did not mobilise to assist you when you had that

11 misfortune that you allege you had was because they did

12 not like you.

13 A. The problem, what I'm telling you, wherever somebody was

14 killed, to get people to come to assist you, everybody

11:33:26 15 was conscious. So I went about for two days asking

16 people, asked people to come to help me. In fact, it

17 took them time. And even when they came, they could not

18 dig deep to get the body buried.

19 Q. I further put it to you that there was some bad blood
11:34:40 20 between you and Kakpata, some bad blood between you and
21 Kakpata.
22 A. Like what kind of bad blood?
23 Q. There was something about you that he didn't like at all;
24 there was some feud between the two of you.
11:35:03 25 A. That man did not live in Bradford for me to have known
26 that in fact there was a feud between us. He was not
27 from Bradford.
28 Q. Now, you say two shots were fired at your wife. Not so?
29 A. Yes, that is how it happened together. Pow, pow.

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1 Q. Can you tell this Court if you found any injuries on her?

2 A. That woman, the cartridge went through the body's hands,
3 through the breasts, and then the other parts of the
4 body.

11:36:27 5 Q. Now, Mr Witness, I'll refer you to page 2 of your
6 statement.

7 MR LANSANA: Your Honours, Exhibit 77.

8 Q. Last two lines, the second-but-last line: Now,

9 Mr Witness, according to Exhibit 77, which is your

11:37:20 10 statement, it is written: "As he said these words, that

11 is when Kakpata said, 'you don't want to shoot the

12 woman,' as he said these words, one of the Kamajors shot

13 his wife." That is your wife. "On her right side of her

14 arm." I don't know what that would mean. But "on her

11:37:44 15 right side of her arm."

16 Did you tell the investigators that it was the right

17 arm that was shot?

18 A. They stood sideways, and they shot her from her side,

19 broke the arm, and then it went through the breast. She
11:38:11 20 stood sideways.

21 Q. So it is not the right side of her arm that was shot?

22 You didn't tell the investigators that?

23 A. This way and that way. I did not know the right part

24 where the cartridge went through, but it broke the arm
11:38:41 25 and the ribs.

26 JUDGE THOMPSON: Learned counsel, what's your rationalisation

27 there?

28 MR LANSANA: Your Honour, from the statement here, I take it

29 to mean that it was the right arm that was shot.

SCSL - TRIAL CHAMBER I

1 JUDGE BOUTET: But --

2 MR LANSANA: But he has clarified it now.

3 JUDGE THOMPSON: Yes, quite. Again, the Tribunal needs to

4 have a kind of intelligible appreciation of the evidence,

11:39:06 5 and this witness, of course, cannot describe these things

6 with military precision.

7 MR LANSANA: It is just it was not clear from --

8 JUDGE THOMPSON: Yes, quite.

9 MR LANSANA: -- the right side of her arm. So as Your Honours

11:39:22 10 please.

11 Q. Mr Witness, when your rice and property -- let me ask you

12 this: You said that Obai Kamara was the commander of the

13 CDF in the Ribbi area. Not so?

14 A. That is what they told us, that he was a commander

11:39:52 15 between Ribbi and Bumpe.

16 Q. Was he present when Kakpata gave orders for your wife to

17 be shot?

18 A. I did not see Obai himself on the farm. I did not see

19 Obai on the farm.

11:40:25 20 Q. I take it that he wasn't present. When this happened,

21 did you find out where he was, Obai?

22 A. I was not bold enough to find out about him. Otherwise,

23 I would have been killed.

24 Q. Did you take steps to find out who Obai's or Kakpata's

11:41:21 25 superior was?

26 A. I don't have the mind. I was not bold enough. I'm not a

27 Kamajor. I hadn't the mind to do any other thing. I was

28 trying to save my own life so that I, too, cannot fall

29 victim.

SCSL - TRIAL CHAMBER I

1 Q. So I take it you did not make any complaint or report of
2 this incident, I mean, the incident involving the killing
3 of your wife, to someone superior to Kakpata or Obai?

4 A. Nobody would be bold enough. A certain group has come
11:42:05 5 and killed somebody, has killed somebody. Then you try
6 to make a complaint again. I was not bold enough to do
7 it.

8 Q. So you did not report?

9 A. There was no way I could have reported at that moment.

11:42:20 10 Q. Did you report the looting of the 63 bags of husked rice
11 and property belonging to you to anybody superior to Obai
12 Kamara?

13 A. There was nowhere to report. There was nowhere to have
14 reported because they were all armed. Then I would have
11:42:54 15 lost my life. So I didn't wait.

16 Q. So you did not report.

17 A. I did not report to anybody.

18 Q. Okay, thank you.

19 A. Because everybody in the village was looted.

11:43:13 20 Q. Did you report the 1.600.000 Leones that was taken away

21 from your wife?

22 A. There's nowhere I could have reported.

23 Q. Thank you very much. You did not report.

24 A. Nobody.

11:43:37 25 MR LANSANA: Your Honours, that will be all for this witness.

26 JUDGE BOUTET: Thank you.

27 First accused.

28 MR YILLAH: Thank you, My Lord.

29 CROSS-EXAMINED BY MR YILLAH:

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1 Q. Mr Witness, you testified in your evidence-in-chief about
2 the meeting that the Kamajor commander for Ribbi held at
3 Bradford Town. Is that correct?

4 A. Correct. That was on the 8th of March.

11:44:16 5 Q. Now, Mr Witness, do you know who gave him authority to
6 convene or to hold that meeting?

7 A. Well, he came with his group. He call everybody to meet
8 at the barrie. He said that Hinga Norman has appointed
9 him to be the commander, commander between the Bumpe and

11:44:47 10 Ribbi, that he was a commander. That was what he told us
11 at the meeting.

12 Q. Mr Witness, thank you very much, but you haven't answered
13 my question. Do you know who gave him authority to hold
14 that meeting in Bradford?

11:45:02 15 MR KAMARA: Objection, Your Honour. That question has been
16 answered.

17 JUDGE BOUTET: It has been answered. Objection sustained. He
18 just told you why.

19 MR YILLAH: My question was not why, My Lord. I asked him who
11:45:13 20 gave the commander authority to hold that meeting in
21 Bradford Town.
22 JUDGE BOUTET: He has answered your question.
23 MR YILLAH: I take the cue, My Lord. Thank you, My Lord.
24 Q. Did you have a paramount chief in Bradford?
11:45:32 25 A. At that time, nobody was able to see him. Nobody.
26 Everybody had left that area and they were in Freetown.
27 Only we, the poor people, that stayed back.
28 Q. So at the time the meeting was held, the paramount chief
29 was not present. Is that what you're saying?

SCSL - TRIAL CHAMBER I

1 A. He was not there.

2 Q. Mr Witness, was that meeting held after you returned from
3 Freetown?

4 A. Yes, by that time I had returned. I had returned from
11:46:16 5 Freetown and I had returned to Bradford.

6 Q. And would I be correct to say during that period it was
7 relatively safe and calm in Bradford? There was no rebel
8 activities in Bradford at the time?

9 A. No at all. There were no rebel activities around there.

11:46:38 10 Q. And then there was no paramount chief there at all?
11 During that period. Is that what you're telling the
12 Court?

13 A. The paramount chief who was there, but then he was old.
14 He was in Freetown. After all, he died. He was too old.

11:46:58 15 So later, his son was crowned.

16 Q. So at that time --

17 PRESIDING JUDGE: Mr Yillah, you are interested in the records
18 reflecting the evidence.

19 MR YILLAH: I'm sorry, My Lord. I'm sorry. I apologise
11:47:17 20 profusely.

21 PRESIDING JUDGE: It's okay.

22 MR YILLAH:

23 Q. Mr Witness, now you have said at the time this meeting
24 was held Bradford was relatively calm. And you said the
11:47:48 25 paramount chief was not there.

26 A. He was not there. We were there peacefully. We the
27 people that had just returned. We cleaned the town.

28 Q. Now, did he -- was there a deputy? Was there someone in
29 Bradford who stood in the place of the paramount chief?

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1 A. There was no chiefdom speaker. By then, we had no
2 speaker. The one that was there -- there was no chief.
3 Everybody was afraid of his life, to secure his life.

4 Q. Mr Witness, are you one of the elders in Bradford
11:49:22 5 village?

6 A. Well, that is exactly so.

7 Q. Do you sit on any council within the village that assists
8 the chief in the running of the village?

9 JUDGE BOUTET: Mr Yillah, I don't want to restrict your
11:49:53 10 cross-examination. If you want to move in that

11 direction, again, it has to do with protective measures
12 concerning the identity of this witness. So either we do
13 it differently, or we go into closed session. And I want
14 to emphasise, we're not trying, and I'm not trying to

11:50:08 15 restrict and restrain your cross-examination. But at the
16 same time, I wasn't sure that --

17 MR YILLAH: I take the hint, My Lord.

18 JUDGE BOUTET: -- the protective measures are well in place.

19 MR YILLAH: I take hint, My Lord.

11:50:20 20 JUDGE BOUTET: Thank you.

21 MR YILLAH: My Lord, I'll just write the question.

22 PRESIDING JUDGE: Is Mr Yillah writing an essay or a

23 dissertation?

24 MR YILLAH: Thank you, My Lord. I don't know whether myself

11:51:58 25 or my learned friend approach the witness to interpret

26 the question.

27 PRESIDING JUDGE: If what you've written is complicated --

28 JUDGE BOUTET: It's written in English?

29 MR YILLAH: It is written in English, My Lord.

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1 Q. Mr Witness, do you understand the question?

2 A. I have seen what --

3 [Defence counsel confer]

4 [Trial Chamber confers]

11:55:11 5 JUDGE BOUTET: So this document will be marked as Exhibit 78,

6 I think. And that document has a question about

7 committee and the answer given by the witness to that

8 question.

9 MR YILLAH: Very well, My Lord.

11:55:27 10 [Exhibit No. 78 was admitted]

11 MR YILLAH:

12 Q. Mr Witness, would I be correct to say that as a member of

13 that group, that as a member of the body that you've just

14 responded to, you're one of the people charged with the

11:55:54 15 responsibility of protecting the lives and properties of

16 the citizens of that town?

17 A. Yes, that is why I'm there, to guide people.

18 Q. Mr Witness, would I also be correct to say that in

19 fulfillment of the functions I've just asked you about,
11:56:43 20 you liaised with the paramount chief, the chiefdom
21 police, and the district office to give effect to your
22 functions. Would I be correct to say that?
23 A. Well, if anything went wrong, yes, yes. If anything went
24 wrong in the chiefdom, yes.

11:57:17 25 Q. Mr Witness, was it the initiative of that body to raise
26 local Kamajors to defend that village or that chiefdom
27 against invading rebels? Was it the initiative of that
28 body?
29 A. I did not join. I have no dealings with the Kamajors.

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1 PRESIDING JUDGE: No, no, no, Mr Witness. Listen to the
2 question very carefully. The Kamajors were there. Were
3 they raised by the villagers to defend the villagers?

4 THE WITNESS: It was not us at all. It was not us.

11:58:36 5 MR YILLAH:

6 Q. Now, Mr Witness, okay, let me ask you this: Were some of
7 the Kamajors that you saw at that meeting and in the
8 subsequent meets that you've spoken about, are they
9 natives of Bradford? Are some of them natives of

11:58:56 10 Bradford?

11 A. They were not born from -- in Bradford. They came from
12 other villages and from Bumpe and came from another
13 place.

14 PRESIDING JUDGE: They were not from Bradford but they were
11:59:10 15 living in Bradford? They were living in Bradford, those
16 who were identified as Kamajors? Yes, they were not born
17 in Bradford, but they were living in Bradford.

18 THE WITNESS: They were not in Bradford. They were from

19 Bumpe.

11:59:36 20 MR YILLAH:

21 Q. Now, Mr Witness, would I be correct to say that it was on

22 the invitation of the paramount chief that the villagers

23 were informed in the meeting that you spoke about, about

24 the Kamajors coming to defend the village against the

11:59:55 25 invading rebels? Would I be correct to say that?

26 A. It is not correct.

27 Q. Mr Witness, you said in your evidence-in-chief that the

28 Kamajors who came to -- and under cross-examination, that

29 the Kamajors who came to Bradford had come from different

SCSL - TRIAL CHAMBER I

1 areas, including Bumpe. Is that correct?

2 A. Well, yes, because Obai came from Bumpe with other
3 people. That is why I said so.

4 Q. Mr Witness, did you also observe that the Kamajors were
12:01:44 5 in different groups, different groups?

6 A. Well, they were all mixed up as they came.

7 PRESIDING JUDGE: They were not in groups. They were mixed
8 up. Huh?

9 MR YILLAH: They were mixed up.

12:02:05 10 THE WITNESS: They were mixed. They were all mixed up.

11 MR YILLAH:

12 Q. Yes, Mr Witness, could you kindly say again? You were
13 about to say something.

14 A. Why I said -- why I said they were mixed up, some came
12:02:30 15 from the direction of Rotifunk, and others came from
16 Bumpe. And they just came from the Malako way, and they
17 all came to the town. They converged on the town.

18 Q. Mr Witness, did you also observe that these different

19 groups of Kamajors that had come from different
12:03:05 20 directions, from Rotifunk and from other directions, were
21 under different commanders, various commanders?
22 A. Well, that man came and said he was a commander. He was
23 a commander. We know him to be the commander of our
24 area, Obai. And they said he was commander from Bumpe
12:03:33 25 and Ribbi.
26 Q. Mr Witness, you spoke about one Kakpata --
27 PRESIDING JUDGE: Kakpata.
28 MR YILLAH: Kakpata. Thank you, My Lord.
29 PRESIDING JUDGE: The name sounds like a gunshot.

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1 MR YILLAH:

2 Q. You spoke about one Kakpata. Was he also a commander?

3 A. Well, when he came, he looked like he was. Because he

4 looked like he was with them. He looked like he was one

12:04:28 5 of the commanders who chased us out of the farms.

6 Q. So apart from -- so Mr Witness, apart from Obai, in that

7 group of Kamajors that entered, Kakpata was also a

8 commander? He looked like a commander, according to you?

9 A. I mean, you saw him passing orders, asking why he don't

12:05:37 10 shoot that woman, and he asked that man to shoot at my

11 wife.

12 Q. Mr Witness, you earlier spoke about a meeting in which

13 the -- in which Obai introduced himself as a Kamajor

14 commander. And according to him, he was appointed by the

12:06:19 15 first accused. Now, Mr Witness, did he show you a letter

16 of appointment at that meeting? Did he show -- you were

17 amongst the congregation. Did he show a letter of

18 appointment at that meeting stating that he was appointed

19 as a commander by the first accused? Did he or did he
12:06:40 20 not?

21 A. He did not show. And there was nobody who was bold
22 enough to have asked him. So when he introduced himself
23 as a commander, we all agreed.

24 Q. Now, Mr Witness, would I be correct to say that because
12:08:00 25 of the privileged position you held in your society, you
26 were familiar with the district apparatus: The paramount
27 chief, the chiefdom police, and the district office?
28 Would I be correct to say that?

29 A. You mean how the district office and the authorities

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1 there do operate?

2 Q. Yes, how they operate. Exactly.

3 A. Well, now, well, the chiefdom is under the district

4 headquarter.

12:08:44 5 Q. Mr Witness, in March -- in March 1998, do you know

6 whether there was a district officer based in Moyamba

7 headquarter town that covered the administration of the

8 entire Moyamba district? Do you know?

9 A. I didn't know at all. Because at that time, I wonder

12:09:34 10 whether the district office had started functioning

11 because everybody was in Freetown.

12 Q. Now, Mr Witness, after the district office started

13 functioning and after the election of the paramount

14 chief's son as the paramount chief, did you make a report

12:10:21 15 of the killing of your wife and the looting of your rice

16 to these various bodies?

17 JUDGE BOUTET: Mr Yillah, don't you think we have covered this

18 report issue? I mean, left, right, and centre. He has

19 not reported it. He has said so in and out. So it's...

12:10:43 20 MR YILLAH: I will take the cue, My Lord.

21 PRESIDING JUDGE: We would like to advise, without necessarily

22 seeking to limit the scope of your cross-examination,

23 that when issues are settled by questions which emanate

24 from one Defence team, they do not need to be revisited

12:11:04 25 by another Defence team.

26 MR YILLAH: As My Lord pleases.

27 PRESIDING JUDGE: The witness did not contradict himself. He

28 said he didn't report. Mr Koppe took him round and

29 round, and I think Mr --

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1 JUDGE BOUTET: Lansana.

2 PRESIDING JUDGE: -- Lansana also did the same. So please,

3 those areas which cover reporting, we have it in evidence

4 that he never reported.

12:11:36 5 MR YILLAH: My Lord, I'll take the cue. My only difficulty I

6 have is because of his peculiar knowledge, I was

7 asking --

8 JUDGE BOUTET: He has not reported.

9 MR YILLAH: No, My Lord. From my records, none of counsel has

12:11:50 10 asked whether he reported to the district office. And

11 it's a deliberate thing, My Lord.

12 PRESIDING JUDGE: Right, okay. Proceed.

13 MR YILLAH:

14 Q. Mr Witness, did you report to the district officer? Did

12:12:01 15 you report these incidents to the district officer who

16 was in charge of Moyamba District when the administration

17 returned?

18 A. I did not go there after peace has returned. I did not

19 go.

12:12:22 20 MR YILLAH: That will be all for this witness.

21 JUDGE BOUTET: Thank you. Any re-examination?

22 MR SAUTER: No re-examination. Thank you.

23 JUDGE BOUTET: Thank you.

24 PRESIDING JUDGE: Well, Mr Witness.

12:14:34 25 THE WITNESS: Yes, sir.

26 PRESIDING JUDGE: We have finished with you and your story.

27 We thank you for coming. We thank you very much for

28 making yourself available to this Chamber to relate the

29 events as you witnessed them.

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1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: We are finished with you now. But there

3 might be a necessity for us to recall you here sometime.

4 It has not yet arisen. I wouldn't say it will arise

12:15:07 5 either. But if it ever does, we would count on you to

6 come and still testify before us. But this said, we

7 thank you very much and we wish you a safe journey to

8 your place of abode. Thank you.

9 THE WITNESS: Yes, sir. Yes, sir.

10 PRESIDING JUDGE: Learned counsel, we would rise for the

11 morning and for lunch break. And we will take the next

12 witness -- Mr Kamara, do we have chances -- the

13 possibility that we can wrap up with that witness this

14 afternoon?

15 MR KAMARA: Yes, Your Honour.

16 PRESIDING JUDGE: Examination-in-chief and cross-examination?

17 MR KAMARA: I believe so, Your Honour.

18 PRESIDING JUDGE: Right. We'll take that witness at 2.30. So

19 the Court will rise --

20 THE INTERPRETER: My Lord, what language is the next witness

21 going to testify?

22 MR KAMARA: Krio.

23 PRESIDING JUDGE: Krio. Good.

24 So we would now rise and resume the session at 2.30.

25 The Court will rise, please.

26 [Luncheon recess taken at 12.17 p.m.]

27 [HN040305 - CLR]

28 [On resuming at 2.37 p.m.]

29 PRESIDING JUDGE: Learned counsel, good afternoon, we are

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1 resuming the session.

2 JUDGE BOUTET: Yes, Mr Koppe.

3 MR KOPPE: There is one point, since it is Friday today, that

4 I would like to raise before we start with our next

14:45:45 5 witness. That's the following issue: Your Honours might

6 have noticed that since last Tuesday - since this

7 Tuesday, my client, the second accused, has been back in

8 Court.

9 JUDGE BOUTET: In part.

14:46:09 10 MR KOPPE: In part, he has been following the case, except for

11 today, today is his family visit and the nature of this

12 witness, he decided not to be in Court today, but Monday,

13 and the rest of next week and the week after, he will be

14 in Court again. This being the situation, I am wondering

14:46:30 15 whether my status and the status of my co-counsel should

16 still be the status of Court-appointed. I have tried to

17 go back into the history of this trial to see what

18 circumstances or what facts led to the decision that

19 counsel for the second accused was to be Court-appointed.
14:46:58 20 Although there are some factors to indicate, I will not
21 go over them in detail now. But it seems to me that at
22 this point, there are no longer any relevant
23 considerations leading to the conclusion that we, that is
24 myself and co-counsel, should be Court-appointed. Since
14:47:24 25 concluding that, our client is present again and also
26 reiterating that the relation between counsel and the
27 second accused is still as it ever was, we feel we should
28 be assigned counsel rather than Court-appointed counsel.
29 It is my application to your Court that this decision is

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1 being reconsidered and that as of today, or as of any
2 moment possible, we are again assigned counsel rather
3 than Court-appointed counsel.

4 JUDGE THOMPSON: Let me speak for myself. Before we pre-empt
14:48:26 5 what the Presiding Judge might want to say, if I

6 understand the thrust of the submissions, you're
7 suggesting this Chamber has authority to vary a previous
8 decision as regards to your appointment as
9 Court-appointed counsel? In other words, we have a

14:48:50 10 discretion to vary our previous order. I think I agree
11 with that, but speaking for myself, it would seem as if,
12 if a Court is being called upon to vary an order, perhaps
13 it would be necessary for whoever is moving the Court to
14 come in a formal way and canvass the circumstances that

14:49:14 15 justify variation or revocation. I just wanted to say
16 that for myself.

17 PRESIDING JUDGE: I concur.

18 MR KOPPE: As I started my submission, the most important fact

19 leading to this submission of today is the renewed
14:49:40 20 presence of the second accused.

21 PRESIDING JUDGE: But they are not steady in Court. They are
22 not very steady in Court as yet. I think you had better
23 come by way of a motion and we will look at it. We
24 cannot give you a reply on the table here.

14:49:57 25 JUDGE THOMPSON: Our order is in writing. If I would say to
26 my brother colleagues, I would like to agree with
27 Mr Koppe, but I would like to see that I can see
28 something in writing that persuades me to vary.

29 PRESIDING JUDGE: You may be right.

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1 JUDGE THOMPSON: I'm not saying you may be wrong. I have
2 varied, in the national jurisdictions, I have varied
3 previous orders that I've made. But I want it on record
4 that the arguments are there persuading me that there has
14:50:19 5 been a significant change of circumstances. I'm just
6 going on the procedural aspect, not the merits yet.

7 MR KOPPE: Very well, Your Honours.

8 JUDGE BOUTET: Are you to provide one in writing and then
9 we'll deal with it at that time? Or the time being,
14:50:43 10 we'll take this as being a notice to the Court that
11 you're going to file a motion in writing.

12 MR KOPPE: Yes, Your Honour.

13 JUDGE BOUTET: Thank you. Mr Kamara, are we ready to proceed
14 with your next witness?

14:50:57 15 MR KAMARA: Yes, Your Honour. It is TF2-153.

16 JUDGE BOUTET: And this is witness 56. And you have stated
17 that the witness is going to give evidence in Krio?

18 MR KAMARA: In Krio, yes, My Lord.

19 MR LANSANA: Just a point of concern, is it 153 or 173?
14:51:28 20 MR KAMARA: 173.
21 JUDGE BOUTET: I heard 153.
22 PRESIDING JUDGE: I heard 153 too.
23 MR KAMARA: I am sorry, Your Honours, it is 173.
24 JUDGE BOUTET: It would seem that the witness may not have the
14:56:41 25 translation from the interpreters. Can we get
26 confirmation that the oath has been translated to the
27 witness in Krio?
28 THE INTERPRETER: It has not been translated to him in Krio.
29 JUDGE BOUTET: It has not been. Would you please do so?

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1 Mr Walker, would you just repeat it to make sure it is
2 properly translated in Krio for the witness.

3 WITNESS: TF2-173 [sworn]

4 EXAMINED BY MR KAMARA:

14:58:03 5 Q. Good afternoon, witness.

6 A. Good afternoon, sir.

7 Q. I shall be asking you a few questions. Please take your
8 time in answering them.

9 A. Okay.

14:58:11 10 Q. Whatever you say is being recorded. Now, Mr Witness,
11 when were you born?

12 A. I was born on May 13, 1970.

13 Q. Where were you born?

14 A. I was born in Bradford, Rotifunk.

14:58:48 15 Q. Mr Witness, are you married?

16 A. I'm married.

17 Q. And do you have children?

18 A. I have them.

19 Q. How many children do you have?

14:59:09 20 A. Two.

21 Q. Now, Mr Witness, what is the level of your education?

22 A. Form one.

23 Q. What do you do for a living, Mr Witness?

24 A. I saw, I fell down trees, saw timber, sell some plants

14:59:46 25 and that's where I get my living.

26 Q. So you're a power saw operator, are you?

27 A. Yes.

28 Q. Mr Witness, what languages do you speak?

29 A. Temne and Krio.

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1 Q. Do you know one Marie Sankoh?

2 A. Yes, My Lord.

3 Q. Where is she now?

4 A. She's dead.

15:00:43 5 Q. Do you know the circumstances of her death?

6 A. Yes, My Lord.

7 Q. Please tell the Court how she died.

8 A. Well, we were in Bradford one day.

9 Q. Now, you said one day. What year was that, do you

15:01:09 10 remember?

11 A. 1998.

12 Q. Yes.

13 A. We received information from Obai, who was a defence

14 commander.

15:01:37 15 Q. You got information from one Obai, defence commander.

16 What do you mean by defence commander?

17 A. He was a Kamajor. He was leader of the squad in Ribbi

18 chiefdom.

19 Q. What was this information you received from this Obai?

15:02:20 20 A. He sent a message to one man called Kenie Spencer that

21 they were coming and they will be going to Mabang.

22 Q. He sent a message through one Kenie Spencer?

23 MR KAMARA: K-E-N-I-E, Your Honours. And Spencer,

24 S-P-E-N-C-E-R.

15:02:40 25 PRESIDING JUDGE: K-E-N-I-E?

26 MR KAMARA: Yes, Your Honour. Spencer, S-P-E-N-C-E-R.

27 Q. What was the message?

28 A. He said that they had an order from Hinga Norman that

29 they should remove the soldiers from Mabang.

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1 PRESIDING JUDGE: Remove the solders from?

2 MR KAMARA: Mabang, M-A-B-A-N-G.

3 Q. You received this message. Did you do anything as a
4 result of that message?

15:03:45 5 A. Well, we decided to run and go out, but Kenie Spencer
6 told us that we should not run away.

7 Q. Did you stay behind?

8 A. Yes. So many of us stayed in the town.

9 Q. After you'd been advised by Kenie Spencer, what did you
15:04:26 10 do?

11 A. We slept. In the morning, the Kamajors came at about
12 6.30, going to 7.

13 Q. Now, these Kamajors you referred to, how were they
14 dressed?

15:05:08 15 A. They were dressed in their normal way, some had wool
16 material, some had masks, some had bells hanging on them.

17 Q. Were they carrying anything with them, once again?

18 A. Yes.

19 Q. What were they carrying with them?

15:05:37 20 A. They had guns and cutlasses.

21 Q. So this group of Kamajors that came, was there any leader

22 amongst them?

23 A. Yes.

24 Q. Who was this leader?

15:06:06 25 A. Pardon me? Sanawi.

26 Q. S-A-N-A-W-I, Your Honours. One Sanawi was the leader; is

27 that what you say?

28 A. Yeah.

29 Q. Tell this Court where you were when the Kamajors came to

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1 Bradford the next day?

2 A. Well, I was sitting with my friends going towards

3 Benguema Road.

4 Q. Did you do anything when you saw these Kamajors?

15:07:16 5 A. Yes.

6 Q. What did you do?

7 A. At that time, we went to go across the road, because so

8 many of them have come and they were in the market.

9 Q. Are you referring to the Benguema Road?

15:07:37 10 A. No, we wanted to go to Manisoko [phon], but we were

11 sitting at Benguema Road. We wanted to go to Manisoko.

12 Q. Now, Mr Witness, did you move from where you were sitting

13 with your friends?

14 A. Yes, we moved. When we saw them coming, the other gang,

15:08:01 15 we went back to where we were sitting down and we sat

16 down there, because they had passed the commander who had

17 we shouldn't run away. Obai had passed, the commander,

18 we shouldn't run away.

19 Q. So you had come back to where you were seated?

15:08:18 20 A. Yes.

21 Q. Did anything happen there while you were so seated?

22 A. Yeah.

23 Q. Mr Witness, are you okay? Are you getting me? I see

24 you're pointing to the -- is something wrong with your --

15:08:36 25 A. Yeah, yeah.

26 PRESIDING JUDGE: Is he having problems with his translation?

27 MR KAMARA: Yes, I think so.

28 THE WITNESS: The sentence is not complete. Yes.

29 PRESIDING JUDGE: It is okay now?

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1 THE WITNESS: It's okay, yeah.

2 JUDGE BOUTET: Mr Witness, if you do have some difficulties,
3 let us know. We'll see what the problem is, okay?

4 THE WITNESS: Okay.

15:09:29 5 MR KAMARA: Thank you, Your Honour.

6 Q. Mr Witness, the question is you came back to where you
7 were seated. Did anything happen when you came back and
8 sat where you were?

9 A. Yes.

15:09:44 10 Q. Please tell the Court.

11 A. Well, the Kamajors came and they were placed under
12 gunpoint and the three of us were arrested.

13 Q. All right, wait. Could you explain to us what you mean
14 by being placed under gunpoint?

15:10:26 15 A. The gun was pointed at us and they asked us what our
16 mission was.

17 Q. What was your response to that question about your
18 mission?

19 A. We said, well, it was the boss who said we should go on
15:11:05 20 our way. We were born here and we showed them our
21 houses.

22 Q. Having explained, did they ask any further questions?

23 A. Yes.

24 Q. Explain to the Court.

15:11:48 25 A. Sanawi asked us, "you have said that it was Obai who
26 wanted us to come. Let's go to Obai. If Obai says he
27 knows you, they will let go of you, but if he says he
28 doesn't, then we'll all go together to the battlefield."
29 PRESIDING JUDGE: And if he says he does not know you?

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1 MR KAMARA: Then all of them will go together to the
2 battlefield.

3 Q. This is the same Sanawi that you refer to as the
4 commander of the group.

15:12:49 5 PRESIDING JUDGE: This is the same Sanawi?

6 MR KAMARA: Yes, S-A-N-A-W-I.

7 Q. Please continue.

8 A. Well, on our way going, we turned around and saw Obai's
9 brother -- two of his brothers and they were among the

15:13:27 10 gang.

11 Q. As you were moving along, you turned around and saw two
12 of Obai's brothers?

13 A. Yeah.

14 Q. Do you know their names?

15:13:46 15 A. Yeah.

16 Q. Please tell the Court what are their names.

17 A. One is called Saidu, the other one Lukunday.

18 Q. Lukunlay?

19 A. Lukunday, Lukunday.

15:14:06 20 MR KAMARA: That is spelt L-U-K-U-N-D-A-Y.

21 Q. Now you saw these two brothers of Obai?

22 A. Yes.

23 Q. What did you do?

24 A. Then I said, "Saidu, you know that you guys know us. You

15:14:46 25 should have sat down there and allowed these guys to kill

26 us. Those of you who know us, you've hidden away."

27 Q. You're telling this Court, that you knew these two

28 before; is that so?

29 A. Yeah.

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1 Q. And that they failed to identify you to the others as

2 being part of the Bradford people?

3 A. Yeah.

4 Q. So what happened there?

15:15:35 5 A. They decided to take us along.

6 Q. To where?

7 A. To Obai.

8 Q. Did you get to Obai?

9 A. We've not yet reached there.

15:16:13 10 Q. What happened on your way to Obai?

11 A. When this Kamajor wanted to shoot us, then he saw Marie

12 Bumbuna.

13 Q. This Marie Bumbuna, is she the same as the Marie Sankoh I

14 asked you about?

15:16:40 15 A. Yeah.

16 Q. So what happened when you saw Marie Sankoh?

17 A. We stopped her and said, "Please stop."

18 Q. In what language?

19 A. At that time, he spoke Krio to her, that, "If you don't
15:17:32 20 stop, I'll shoot you."
21 PRESIDING JUDGE: Who is this who addressed her to Marie
22 Sankoh? Who was this?
23 MR KAMARA: This was the Kamajor.
24 PRESIDING JUDGE: Was it all of them talking at the same time,
15:17:54 25 or it was one in particular?
26 MR KAMARA: One particular one, the one that intended to shoot
27 them in the first place.
28 THE WITNESS: One of them. The others were all standing by
29 when he called her.

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1 MR KAMARA:

2 Q. Do you know which of these Kamajors it is you're

3 referring to? Which one of them spoke to Marie Sankoh?

4 A. This Sanawi's gang. I don't know the boy's name.

15:18:39 5 Q. Did Marie do anything?

6 A. Yes, she came closer to them.

7 Q. And then what happened?

8 A. Then all of the other Kamajors said, "Marie Sankoh taji?"

9 Q. What language is that?

15:19:09 10 A. Mende.

11 PRESIDING JUDGE: T-A what?

12 MR KAMARA: Taji. T-A-J-I.

13 Q. What was your understanding of that?

14 A. "Is this not Marie Sankoh?"

15:19:53 15 Q. Yes?

16 A. I want to drink water.

17 Q. Now, one of the Kamajors was asking about whether that

18 was Marie Sankoh. Let's take it from there.

19 PRESIDING JUDGE: Let the witness repeat that question,
15:20:58 20 because I'm not sure that question was properly
21 translated.

22 MR KAMARA: It seems like it.

23 Q. Mr Witness, the question to you is: You explained that
24 one of the Kamajors said, "Marie Sankoh taji," meaning,
15:21:15 25 "Is this not Marie Sankoh."

26 PRESIDING JUDGE: Meaning what? Don't say?

27 THE WITNESS: Yes.

28 MR KAMARA: What is the meaning of "Marie Sankoh taji"?

29 A. He said, "Is this not Marie Sankoh?"

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1 Q. Did Marie Sankoh respond to that?

2 A. Before she could say anything, one of them attempted to
3 chop her, then she jumped.

4 Q. What was it he used to chop her?

15:22:26 5 A. The cutlass.

6 Q. You said she jumped. Then did anything happen after
7 that?

8 A. As soon as she jumped, she was shot at twice, then she
9 fell down.

15:23:10 10 Q. Now, Mr Witness, how far were you away from this scene
11 where Marie Sankoh was shot to where you were standing
12 with your friends?

13 A. It's like between myself, where I'm sitting here and the
14 judges.

15:23:40 15 MR KAMARA: It has been suggested, Your Honours, this is a
16 distance of about 15 feet.

17 JUDGE BOUTET: The witness said in between, so it would be 7
18 or 8 feet.

19 MR KAMARA: Thank you, Your Honour.

15:24:09 20 Q. Did you have a clear vision of what happened -- a clear

21 vision between you and where Marie Sankoh was shot?

22 A. Yes, I saw it, because we were under arrest with the

23 Kamajors.

24 Q. Now, Mr Witness, you said that you saw Marie Sankoh being

15:24:51 25 shot. Did anything happen to you?

26 A. Yes.

27 Q. Please tell the Court what happened to you then.

28 A. I was imagining what kind of trouble has Obai got us

29 involved in. I was trying to raise my head up when I was

SCSL - TRIAL CHAMBER I

1 shot on my right arm.

2 MR KAMARA: Your Honours, I would like the witness to show the

3 Court his right hand.

4 JUDGE BOUTET: Is it his hand or arm, Mr Kamara?

15:26:18 5 MR KAMARA: Let me confirm that. It seems his arm.

6 Q. Now, you said you were shot. Where were you shot?

7 A. At Bradford.

8 Q. What part of your body?

9 A. On my right hand.

15:26:35 10 Q. Would you like to show the Court?

11 A. Yes.

12 Q. Raise your hand.

13 MR KAMARA: Is it visible?

14 JUDGE BOUTET: Is he tall enough that if he stands up --

15:26:56 15 MR KAMARA: I don't think he is that tall.

16 PRESIDING JUDGE: Stand.

17 [Witness complies]

18 JUDGE BOUTET: Okay. Thank you, Mr Witness.

19 MR KAMARA:

15:27:27 20 Q. What is that scar that you've just shown to the Court?

21 A. That's where I was fired.

22 Q. Mr Witness, you said you realised that you had been fired

23 - you were shot at. What did you do once you realised

24 you were shot at?

15:28:01 25 A. I tried to lie down.

26 Q. Yes, go on.

27 A. That same guy, Sanawi, the commander, he tapped me with

28 his right hand.

29 Q. What did you understand that sign to mean?

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1 A. That we should go into the bush because he was whistling

2 some of the guys should cease fire, but they refused.

3 They had gone wild.

4 Q. They gestured for you to go into the bush; is that what

15:28:50 5 you are saying?

6 A. Yes.

7 Q. Let's take it from there. Did you go to the bush?

8 A. Yes, the three of us ran into the bush.

9 PRESIDING JUDGE: They ran into the bush?

15:29:24 10 MR KAMARA: The same Commander Sanawi made a gesture for them

11 to run away, and then they run into the bush.

12 Q. Now, what happened in the bush?

13 A. As I went into the bush -- they chased us through the

14 blood and started shooting, calling me out why I couldn't

15:29:58 15 answer them.

16 Q. Mr Witness, were you able to seek medical attention?

17 A. I travelled from Bradford to Makith, together with one

18 of -- because the others said they were going to their

19 children.

15:30:45 20 MR KAMARA: Your Honours, the spelling of Makith is

21 M-A-K-I-T-H.

22 Q. You travelled from Bradford to Makith?

23 A. Yeah.

24 Q. Did anything happen at Makith?

15:31:20 25 A. That's when I borrowed the vehicle to go to town.

26 Q. Which town?

27 A. Freetown.

28 Q. Did you go to a hospital in Freetown?

29 A. I was treated first at Makith ^ .

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1 Q. Who treated you at Makith?

2 A. The driver refused to go ahead, because he was scared.

3 When I reached there, I alighted.

4 Q. Yes, who treated you?

15:32:15 5 A. The soldiers arrested us and accused us that we were

6 Kamajors.

7 Q. Did you respond to that accusation?

8 A. To them?

9 Q. Yes.

15:32:41 10 A. I talked to them.

11 Q. Did you tell them you were accused of being a Kamajor?

12 A. I said no. I told them we are from Bradford and the

13 Kamajors had come and were accusing us of harbouring

14 soldiers and they started shooting at us.

15:33:07 15 Q. So were you assisted by them?

16 A. Yes, they treated me and administered the POP, they give

17 me medicines and put me in one vehicle that took me to

18 Freetown. I was going to see a doctor.

19 Q. So once you got to Freetown, did you go to a hospital?

15:33:48 20 A. Yes.

21 Q. Which hospital?

22 A. At Connaught Hospital. I spent one week there.

23 Q. For how long were you in Freetown during that period?

24 A. After I had been discharged, I stayed in town with my

15:34:31 25 sister for about two months.

26 Q. After those two months, did you travel anywhere.

27 A. I travelled to go inside.

28 Q. Bradford?

29 A. Bradford.

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1 Q. You went back to Bradford after two months?

2 A. Yes.

3 Q. So what was Bradford like once you got back to the town?

4 A. Pardon me?

15:35:31 5 Q. What was the situation in the town once you got back; you

6 had been away for two months. How did you find Bradford?

7 A. It was impossible for me to settle down there because

8 even my house was occupied by a Kamajor commander.

9 Q. Do you know who that Kamajor commander was?

15:35:58 10 A. Yes.

11 Q. What is his name?

12 A. His name is Kakpata.

13 Q. What are you trying to say? What did Kakpata do?

14 A. He said he was occupying the house, so I left and went

15:36:34 15 away.

16 Q. Now, you went away; where did you go?

17 A. I came back to Freetown.

18 Q. Did you have cause to go back to Bradford at any other

19 point once you came back to Freetown?

15:37:19 20 A. Well, it took some time. It was when I had a job as a

21 driver that's when I started applying, that year.

22 Q. And what year was that?

23 A. 1999.

24 Q. Mr Witness, did anything happen during that period while

15:37:52 25 you were applying for that job as a driver in 1999 that

26 you want this Court to hear?

27 A. Yes.

28 Q. What happened in that year?

29 A. Well, I was running a vehicle to Mabang, because the

1 bridge had been damaged.

2 Q. When you say you had your own transport, were you driving
3 to Mabang and Freetown; was that the route, to Mabang to
4 Freetown?

15:38:32 5 A. Yes. Yes, sometimes I would cross, but because of the
6 treatment that was meted out to people once a vehicle got
7 stuck on the bridge, that is what discouraged me, so
8 sometimes I would leave my vehicle on the other side and
9 go across to get passengers.

15:38:56 10 Q. Now, what happened at this time?

11 A. Well, at another time, when I came during the day, I met
12 my friends and they told me, "Hey, our boss is coming to
13 pass through this area. He is returning."

14 Q. What is the name of this boss?

15:39:26 15 A. Hinga Norman.

16 Q. So what happened once you heard that Hinga Norman is
17 returning and he will be planning that route?

18 A. Well, I just parked my vehicle over there and waited for

19 passengers because the bridge was damaged and any vehicle
15:39:48 20 which got stuck there would face some problems.

21 Q. Was there a vehicle stuck at the bridge?

22 A. Yes, one truck was stuck there. One vehicle was stuck

23 there and they were trying to get it out. That's when

24 the Pa came.

15:40:11 25 Q. Who is the Pa?

26 A. Hinga Norman.

27 Q. Had you known him before that day?

28 A. Yes.

29 Q. What happened when Hinga Norman came?

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1 A. He asked for the commander who was Minkilu.

2 MR KAMARA: Your Honours, the spelling of the commander is

3 M-I-N-K-I-L-U.

4 Q. Yes, he asked for the Commander Minkilu. Continue,

15:41:05 5 please?

6 A. He said had he not told them that he would be passing

7 through. Then he said they should clear the road

8 immediately, because he wants to pass through, so they

9 started using civilians to clear the way.

15:41:26 10 Q. Wait, wait. They gave you instructions that they wanted

11 to use the road?

12 A. Yes.

13 Q. Who were using civilians to clear the way?

14 A. The Kamajors used the civilians to try and get the

15:41:50 15 vehicle out. But the boys whom he had with him were very

16 impatient and they started firing in the bush.

17 Q. They started firing where?

18 A. At the bridge and they fired one student. I was present.

19 Q. What did you do when you heard this firing?

15:42:33 20 A. I ran across the bridge and took my vehicle and moved to

21 Makolo. I loaded some palm oil and went away to

22 Waterloo. I went to Waterloo.

23 Q. Thank you, Mr Witness.

24 MR KAMARA: That's all for this witness.

15:43:29 25 THE WITNESS: That's all I know.

26 CROSS-EXAMINED BY MR KOPPE:

27 Q. Mr Witness, good afternoon.

28 A. Good afternoon.

29 Q. The incident you have been talking about today to this

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1 Court, have you ever filed a report with anybody about
2 the events that happened?

3 A. Yes.

4 Q. Would you please tell us with whom you filed the report?

15:45:00 5 A. Well, first of all, I went to TRC to Moyamba and I submit
6 my report.

7 Q. Can you tell us what his reaction was?

8 MR KAMARA: Whose reaction?

9 JUDGE BOUTET: TRC, I would take it to be the Truth &
15:45:55 10 Reconciliation Commission.

11 MR KOPPE: Yes, I know. I misunderstood the name.

12 Q. What I mean, Mr Witness, did you file a report with
13 anybody, for instance, in your chiefdom?

14 A. Yes, yes.

15:46:22 15 Q. Could you please tell us to whom in Bradford you filed
16 the report?

17 A. I reported to the chiefdom speaker, the town's chief and
18 even the paramount chief. My sister also is aware. Of

19 course, she took me to the hospital. Even the minister
15:46:53 20 honourable knows about it. The chief of Bumpeh, the
21 paramount chief, also knows about it, sir.

22 MR KAMARA: Your Honours, as an officer of the Court, I think
23 I have to be of help here. The response of this witness
24 is not as to whom he reported, but as to who knew about
15:47:20 25 the incident.

26 JUDGE THOMPSON: Yes. In fact, I think also the question
27 "filing a report" might well have been misunderstood by
28 the witness.

29 MR KAMARA: Yes.

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1 JUDGE THOMPSON: That's why it's sometimes better to simplify
2 these things. "Did you make any complaint to anybody,"
3 something like that.

4 MR KOPPE: Thank you, Your Honour, I will rephrase.

15:47:49 5 Q. Mr Witness, did you file with anybody within Bradford a
6 complaint?

7 A. I have called them, yes.

8 PRESIDING JUDGE: Called them? What does that mean? That is
9 incomplete, because what I have got here is he reported

15:48:16 10 to the town speaker, chiefdom speaker, paramount chief,
11 and even to the sister.

12 JUDGE THOMPSON: Minister.

13 THE WITNESS: They are aware. Do you want me to call their
14 names again?

15:48:31 15 PRESIDING JUDGE:

16 Q. What was the name of this Minister?

17 A. The name of the Minister.

18 Q. Yes.

19 A. Alex Koroma one.

15:48:59 20 MR KAMARA: I'm sorry, Your Honours, it is not Alex Koroma

21 one. The interpreter is saying Alex Koroma, the same. I

22 hope that Your Lordship is not taking it Alex Koroma one

23 [inaudible].

24 JUDGE BOUTET: That is what I have.

15:49:15 25 MR KAMARA: It is Alex Koroma. The name is Alex Koroma. He

26 is trying to say the same Alex Koroma. So the

27 interpreter in saying Alex Koroma one might --

28 PRESIDING JUDGE: That's what I have here. Maybe there is a

29 royalty somewhere. There is a monarchy operating

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1 somewhere.

2 JUDGE BOUTET: The same Alex Koroma, but the same as to what?

3 MR KAMARA: It is in parlance when you say, "It is this Alex

4 Koroma," something like that.

15:49:50 5 JUDGE BOUTET: I see.

6 JUDGE THOMPSON: Perhaps one way to get through this

7 difficulty, because I don't think the witness in his

8 answer has shifted from the original position, is to ask

9 him whether he personally made any complaint to anyone.

15:50:07 10 Because apparently what he's saying is that these various

11 people knew about what happened to him. I'm sure that's

12 not the thrust of your question. You wanted to know

13 whether he personally made some complaint to some

14 authority. So perhaps if it's put that way. I'm just

15:50:30 15 merely suggesting.

16 MR KOPPE: I agree with you, Your Honour.

17 JUDGE BOUTET: Or if you suggest a word, "did you tell them".

18 Maybe the word "complaint" --

19 THE WITNESS: I don't need to complain, because all of them
15:50:55 20 are aware of it.

21 MR KOPPE: I will rephrase the question.

22 Q. Mr Witness, did you ask anybody to do something about

23 what happened to you?

24 A. No.

15:51:22 25 Q. Let me give you an example.

26 A. Talk, I'm listening.

27 Q. Maybe, Mr Witness, you incurred damage because of your

28 treatment in the hospital? Maybe you had to pay money

29 because of your treatment in the hospital in Freetown?

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1 A. Yes, it's my sister with whom I was staying with.

2 Q. Did you want anybody, for instance, to help you to get
3 that money back?

4 A. Well, I didn't ask anybody to refund me because my sister
15:52:34 5 already treated me. She took me for X-ray. My arm was
6 X-rayed, so I didn't tell anybody. The one who did it is
7 the one who did it. So I can't ask someone who has not
8 done it to me to help me for treatment.

9 JUDGE BOUTET: Maybe if I can suggest on this, Mr Koppe. He
15:52:57 10 said he didn't complain because they all knew. How did
11 they know about it, when he gave the whole listing of all
12 the people he says that knew.

13 MR KOPPE: I'm just trying from another angle.

14 JUDGE BOUTET: I know.

15:53:11 15 MR KOPPE:

16 Q. Mr Witness, you have given testimony to the fact that
17 many people knew about the incident. Did you ask any of
18 these people to punish the ones who shot you?

19 A. No. Well [inaudible] punished, they haven't done
15:54:02 20 anything to me. They have done it already to me.

21 Q. Mr Witness, do you know when in 1998 the police station
22 in Bradford was in operation again?

23 A. We don't have a police station in Bradford.

24 Q. Mr Witness, what is the closest police station to
15:55:03 25 Bradford?

26 A. I said there is no police station in Bradford.

27 PRESIDING JUDGE: He said what is the closest police station
28 to Bradford?

29 THE WITNESS: Rotifunk Police Station.

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1 MR KOPPE:

2 Q. Mr Witness, did you ever go to Rotifunk Police Station to
3 tell about this incident?

4 A. At that time, there was no police station. Nobody was
15:55:54 5 there.

6 Q. Mr Witness, after these incidents sometime in 1998, I'm
7 sure the police station was functioning again in
8 Rotifunk; is that so?

9 A. No.

15:56:42 10 Q. Are you saying that there is still no functioning police
11 station in Rotifunk today?

12 A. There is one right now.

13 Q. Do you know when it started to function again after the
14 hostilities were over?

15:57:17 15 A. I can't tell. I can't remember.

16 Q. I will finalise on that point. Did you or did you not go
17 to the police station in Rotifunk and tell the people
18 there about the incident?

19 A. No.

20 Q. Mr Witness, am I correct in saying that Mabang is a few

21 miles from Bradford?

22 A. Yes, yes.

23 Q. Mr Witness, am I also correct in saying that around June

24 1998, forces of ECOMOG were deployed at the bridge of

25 Mabang?

26 A. I heard about that, but I never went there again. I was

27 in Freetown.

28 Q. Mr Witness, today you gave testimony that after two

29 months in Freetown you returned again to Bradford;

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1 correct?

2 A. Yes, I tried to inquire for my properties, because I was

3 trying to run away. But when I went, I met a Kamajor in

4 my house so I decided to return.

5 Q. Mr Witness, my last question: am I to conclude that you

6 never filed a report with ECOMOG about the incidents that

7 you have given testimony today?

8 A. Yes, I made a complaint, but it was later. I made a

9 complaint to one Captain Kolajor of the 5th Battalion.

10 Q. The 5th Battalion of ECOMOG?

11 A. Yes.

12 Q. Could you spell the name of that man?

13 A. Captain Kolajor.

14 MR KAMARA: It could be K-O-L-A-J-O-R.

15 MR KOPPE:

16 Q. Mr Witness, when did you file that report with Captain

17 Kolajor?

18 A. I can't remember, because he was the very one who asked

19 me - saw my hand, and he asked me then I made a report.

20 I told him I was fired at by Kamajors. I can't remember

21 the time.

22 [HN040305E 3.55 p.m. - SV]

23 Q. Mr Witness, was it in the same year, 1998?

24 A. Yes, '98, when they were about to go to Kono.

16:02:43 25 Q. After you filed the complaint, Mr Witness, did you ever

26 hear back from Captain Kolajor?

27 A. Well, he said it has been done. He took me as his

28 friend. In fact, when he was ready to go to Kono he was

29 going to take me along, but I said no and he went.

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1 Q. So he didn't present your complaint to any of the

2 Kamajors?

3 A. In fact, the Kamajors who were within -- in Bradford were

4 the very ones who did the act. They said it was a stray

16:03:51 5 bullet. So, in fact, I had forgotten about that.

6 Q. So you decided not to pursue this any more?

7 A. Yes.

8 MR KOPPE: That will be all, thank you.

9 JUDGE BOUTET: Thank you. Third accused, are you ready to

16:04:53 10 proceed? Mr Williams?

11 CROSS-EXAMINED BY MR WILLIAMS:

12 MR WILLIAMS:

13 Q. Yes, Mr Witness, apart from selling timber you also had

14 other professions; is that correct?

16:06:01 15 A. I'm a driver.

16 Q. Was it after 1998 that you became a driver?

17 A. Yes.

18 Q. You mentioned somebody called Obai. Was he based at

19 Bradford before the incident of 1998?

16:07:12 20 A. Yes, the man is in his village. He is in his village.

21 Q. My question is whether Obai was resident at Bradford

22 before 1998?

23 A. Yes. He was coming and going. He was not stagnant

24 there.

16:07:54 25 Q. So it will be correct to say that you knew Obai before

26 the war?

27 A. Yes, I know him.

28 Q. Was he your friend? I mean, the relationship between the

29 two of you, was it cordial?

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1 JUDGE THOMPSON: Which do you want? Both? I could have a
2 cordial relationship with someone who is not my friend.

3 THE WITNESS: The man was -- we were born in the same chiefdom
4 and the man is my friend.

16:09:16 5 MR WILLIAMS:

6 Q. What about Sanawi, was he also resident at Bradford
7 before the war?

8 A. No. No.

9 Q. Do you know the surname -- Obai's surname?

16:09:53 10 A. Well, I heard people calling him Obai Kanu.

11 Q. When did Sanawi first come to Bradford?

12 A. He has never come to Bradford. It was only that day I
13 knew him.

14 Q. What about Kamabote, was he -- had you known him before

16:10:51 15 that day?

16 A. Bote?

17 Q. Yes.

18 A. I don't know that name.

19 JUDGE BOUTET: Kakpata.

16:11:14 20 MR WILLIAMS: Sorry.

21 JUDGE THOMPSON: There is no such name in the records.

22 MR WILLIAMS: As My Lord pleases.

23 Q. Kakpata, had you known him before that day?

24 A. Kakpata, unless when I went to the village, when I saw

16:11:28 25 him in my house. That was the time I saw him and I

26 returned.

27 Q. Was he staying with other Kamajors at your house or was

28 he staying there alone?

29 A. He was not alone. He was there with the Kamajors.

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1 Q. I mean, did you know, Mr Witness, that the Kamajors --
2 did you know that they were a government militia?

3 A. Yes.

4 Q. And you were not happy, I presume, when you saw or met
16:13:02 5 these Kamajors at your house?

6 A. Well, as a guest they are staying there whether I am
7 happy or not. In fact, they were in charge. You see, I
8 had nothing to do.

9 PRESIDING JUDGE: Were you happy, that's the question.

16:13:37 10 THE WITNESS: I was not happy. I was not happy.

11 MR WILLIAMS:

12 Q. Were they using your house as an office or as their place
13 of residence?

14 PRESIDING JUDGE: Mr Williams.

16:14:16 15 MR WILLIAMS: Yes, My Lord.

16 PRESIDING JUDGE: A man has his house. He returns from
17 voluntary exile for a few days. He comes and meets
18 people in his house he was not expecting. Would you

19 expect him to know whether they were using it as an
16:14:37 20 office or a house?

21 MR WILLIAMS: My Lord, I believe it's a fair question.

22 PRESIDING JUDGE: It isn't a fair question at all. I do not
23 think it is a fair question.

24 JUDGE THOMPSON: Would he ask them what they were using it
16:14:49 25 for?

26 MR WILLIAMS: This is something he can see.

27 JUDGE THOMPSON: Would he go and inquire in such situation?

28 PRESIDING JUDGE: He would go inside the house and inspect and
29 see files or so?

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1 MR WILLIAMS: Not necessarily, but I take the cue, My Lord.

2 JUDGE THOMPSON: Remember the house had been requisitioned.

3 It was a time of war.

4 MR WILLIAMS: Yes, My Lord.

16:15:12 5 JUDGE THOMPSON: And what where the possibilities open to him

6 to go and inquire?

7 MR WILLIAMS: I take the cue, My Lord, I take the cue.

8 My Lord, I'll proceed.

9 PRESIDING JUDGE: Please do.

16:15:24 10 MR WILLIAMS:

11 Q. After the return to normalcy did you make a request from

12 the Government of Sierra Leone to compensate you for a

13 government militia using or requisitioning your house?

14 A. No.

16:15:51 15 Q. You did not?

16 A. No, I did not.

17 Q. Did you know that you have a right to ask the government

18 to compensate you for the use of your property during the

19 time or during times of war?

16:16:24 20 JUDGE BOUTET: Are you giving him legal advice?

21 MR WILLIAMS: My Lord, I'll do the brief pro bono for him.

22 Q. Mr Witness, do you know that, that that is a right open

23 to you to ask the government to compensate you for the

24 use of your property for military purposes during times

16:16:51 25 of war?

26 MR KAMARA: I'm objecting to that question, Your Honours. I

27 fail to comprehend the relevance of that question to the

28 evidence-in-chief of this witness, and I fail to see how

29 it will help this Court to reach a conclusion.

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1 JUDGE THOMPSON: He is a citizen. He either knows or does not
2 know whether such a right exists.

3 MR KAMARA: Yes, your Honour, but then if --

4 JUDGE THOMPSON: If such a right does exist.

16:17:16 5 MR KAMARA: If it does exist. My second objection is also
6 based on the fact that it is a legal question. What his
7 legal rights are with regards to propriety interest is a
8 legal issue and this witness is not the right person to
9 ask those questions.

16:17:33 10 JUDGE THOMPSON: Are you saying that the witness is not
11 justice literate?

12 MR KAMARA: Partly so.

13 JUDGE THOMPSON: I mean, I know my rights.

14 MR KAMARA: Yes, Your Honour. The circumstances of this
16:17:43 15 witness will not enable him to properly respond to this
16 question posed by my learned friend.

17 JUDGE THOMPSON: Well, I --

18 MR KAMARA: He invited him to make conjectures, which --

19 JUDGE THOMPSON: At times sometimes we make assumptions about
16:17:52 20 witnesses because they are not as educated but I know
21 that witnesses from the provinces will know their rights
22 sometimes under the constitution. Anyway, I would --
23 MR KAMARA: The question is sophisticated for this witness,
24 Your Honour.

16:18:12 25 MR WILLIAMS: My Lord, I don't know --

26 JUDGE BOUTET: Go ahead, please.

27 MR WILLIAMS: As My Lord pleases.

28 Q. Could you answer the question?

29 MR KAMARA: He's answered.

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1 MR WILLIAMS: What was his answer?

2 THE WITNESS: Please ask the question again?

3 MR WILLIAMS:

4 Q. Do you know that you have a right to ask the government

16:18:28 5 to compensate you for the use of your property by -- I

6 mean, for military purposes during times of war?

7 A. No, I don't have that right to ask. I wouldn't ask that

8 question. I cannot even answer that.

9 Q. Thank you, Mr Witness.

16:19:33 10 MR WILLIAMS: The witness is having fun, My Lord.

11 JUDGE BOUTET: It's how serious he took your questions. He is

12 not having fun. He is having fun at your questions.

13 MR WILLIAMS: Yes, My Lord, and I'm enjoying it as well.

14 MR KAMARA: He is now aware that he has remedies to pursue.

16:19:53 15 MR WILLIAMS: It's section 23 of the Constitution, My Lord,

16 but I will continue.

17 Q. When these incidents happened between you and the

18 Kamajors, the Kamajors were still fighting soldiers and

19 the rebels; is that correct?

16:20:28 20 A. Yes, at that time the war was on, I didn't know how they

21 were fighting. I was at my own place.

22 Q. And, Mr Witness, when Marie Sankoh came out to meet the

23 rebels -- sorry, the Kamajors that were taking you away,

24 you said one of them said in Mende "Marie Sankoh,

16:21:21 25 [foreign language spoken]"; is that correct?

26 A. Yes.

27 Q. And that would imply that these Kamajors had been looking

28 out for Marie Sankoh; is that correct?

29 A. Yes.

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1 Q. Marie Sankoh is a blood relative of yours?

2 MR KAMARA: Objection, Your Honour. That question would
3 reveal the identity of this witness.

4 JUDGE BOUTET: Your objection has to do with the protective
16:22:30 5 measures, identity of the witness.

6 MR KAMARA: Yes, your Honour. We can use or adopt our method
7 which we have.

8 MR WILLIAMS: I believe the witness had said in his
9 evidence-in-chief -- had clearly stated what that

16:22:44 10 relationship was.

11 JUDGE BOUTET: Did he?

12 PRESIDING JUDGE: No.

13 JUDGE BOUTET: I don't have that recollection but maybe he
14 did. I don't have that. But in any event, if you want

16:22:54 15 to ask the question on a piece of paper, Mr Williams,
16 certainly. The objection is not to the question itself.

17 It is in the format.

18 MR WILLIAMS: I will use the normal procedure, My Lord.

19 Mr Walker, can I have a blank sheet of paper, please? I
16:24:01 20 think the witness would want to say something.
21 THE INTERPRETER: His hand is up.
22 THE WITNESS: I want to ease myself.
23 PRESIDING JUDGE: The witness, I think, wants to put himself
24 at ease. We would rise and as soon as you're ready
16:24:26 25 please call us in.
26 [Break taken at 4.20 p.m.]
27 [Upon resuming at 4.39 p.m.]
28 JUDGE BOUTET: So Mr Williams, we were at the stage where you
29 were about to write something on a piece of paper and

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1 what you have written on the piece of paper is a question
2 as to what was the relationship between the witness and
3 Marie Sankoh.

4 MR WILLIAMS: Yes, My Lord.

16:45:48 5 JUDGE BOUTET: So obviously the question can be given to him
6 through the interpreters in Krio, and he has got to be
7 informed that he is not to give the answer verbally but
8 to write it down.

9 MR WILLIAMS: Your Honour, I believe what we have done in the
16:46:05 10 past is for counsel on both sides to approach him.

11 JUDGE BOUTET: That's fine. So this answer by TF2-173.

12 PRESIDING JUDGE: It contains an answer to a question?

13 MR WILLIAMS: Yes, My Lord.

14 JUDGE BOUTET: An answer to the question of the relationship
16:47:13 15 of the witness with Marie Sankoh is marked as Exhibit 79;
16 Mr Walker?

17 MR WALKER: Correct, Your Honour.

18 [Exhibit No. 79 was admitted]

19 MR WILLIAMS:

16:47:44 20 Q. Could you kindly tell the Court why --

21 JUDGE BOUTET: Just a few seconds, Mr Williams. Yes?

22 MR WILLIAMS:

23 Q. Could you kindly tell the Court why the Kamajors were

24 searching for Marie Sankoh?

16:48:24 25 A. Yes.

26 Q. Go ahead.

27 A. One Kamajor was called Kamajor Boangor.

28 PRESIDING JUDGE: What?

29 MR WILLIAMS: B-O-A-N-G-O-R, My Lords.

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1 JUDGE BOUTET: Yes, Mr Witness?

2 PRESIDING JUDGE: One Kamajor called Boangor, yes.

3 THE WITNESS: Well, I don't know. I don't know what that
4 means.

16:49:28 5 JUDGE BOUTET: Maybe you should repeat your question,

6 Mr Williams.

7 [HN040305F 4.45 p.m. - JM]

8 MR WILLIAMS:

9 Q. My question is this, Mr Witness: You've mentioned that

16:49:40 10 Kamajors were searching for your --

11 JUDGE BOUTET: Sankoh.

12 MR WILLIAMS: I'm sorry, My Lord.

13 Q. For Marie Sankoh. Yes, they were searching for

14 Marie Sankoh. My question is why were they searching for

16:50:03 15 Marie Sankoh?

16 MR KAMARA: My objection is you implied.

17 PRESIDING JUDGE: You implied, yes.

18 MR KAMARA: He agreed with your implication but he didn't say

19 they were searching for her. You made an implication and
16:50:10 20 he agreed. There is a subtle distinction there.

21 PRESIDING JUDGE: Mr Kamara, if he agreed, if he agreed
22 there's an implication. There's an inference.

23 MR KAMARA: But not a fact.

24 PRESIDING JUDGE: Given Exhibit --

16:50:28 25 MR KAMARA: 79.

26 PRESIDING JUDGE: 79. Is it 79 or 80? 79, yes.

27 JUDGE THOMPSON: Mr Kamara, are you suggesting that there's
28 nothing on the record so far that they were searching for
29 her?

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1 MR KAMARA: As a fact.

2 JUDGE THOMPSON: I thought I didn't see it on the record, but

3 counsel's question was that could you give the reason?

4 So in other words, really, he probably should have asked

16:50:51 5 whether they were searching for her.

6 MR KAMARA: Searching for her, and if so, why?

7 JUDGE THOMPSON: Unless perhaps one is implying it from the

8 circumstances. I don't know.

9 PRESIDING JUDGE: The only -- what is near that, you know, is

16:51:04 10 that the witness said from the question --

11 JUDGE BOUTET: Do you know why the Kamajors were searching for

12 Mary Sankoh. That is the question and his answer has

13 been yes.

14 PRESIDING JUDGE: Anyway.

16:51:21 15 MR KAMARA: I'm sorry. I'll take the objection back, but my

16 recollection of the evidence is that counsel implied when

17 the one said "Marie Sankoh taji," that means they were

18 looking for her. He said yes, it could mean that.

19 JUDGE BOUTET: That was earlier in the cross-examination. But
16:51:43 20 the very last question before that when the answer was
21 Boangor, the question that preceded that was: "Do you
22 know why the Kamajors were searching for her?"
23 PRESIDING JUDGE: That is when he was answering, one Boangor.
24 JUDGE THOMPSON: That is what he was saying.
16:52:04 25 JUDGE BOUTET: My recollection is he said yes, and then he
26 said what? And then he said one Boangor.
27 MR KAMARA: I'll take the objection back, My Lords.
28 JUDGE BOUTET: But again, Mr Williams, you should go back a
29 bit to that question because we seem to have lost a bit

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1 of the understanding of where we are.

2 MR WILLIAMS: My Lord, I'll pursue another line, My Lord.

3 JUDGE BOUTET: Okay.

4 MR WILLIAMS:

16:52:32 5 Q. Could you tell the Court whether Kenie Spencer was -- is

6 a local of Bradford?

7 A. Yes, he's from Bradford.

8 Q. Was he a Kamajor?

9 A. No.

16:53:28 10 Q. Was he with you when you were arrested by the Kamajors?

11 A. No.

12 Q. I mean, did you come across him after you had been

13 arrested?

14 A. No, I didn't see him.

16:54:16 15 Q. Would you be able to give an estimate of the population

16 of Bradford before the rebels came on the date you were

17 arrested?

18 A. No, I can't tell.

19 Q. Can you tell the Court why these Kamajors picked on you
16:55:20 20 and the other two, just you and the other two?

21 A. Not just the three of us.

22 Q. Didn't you say that the three of you were led away?

23 A. We were at the first place before you enter into the

24 town. That's where we were. So when they took us, they
16:56:09 25 went on arresting other people.

26 Q. Were there soldiers at Bradford before that day?

27 A. No.

28 Q. Did soldiers ever occupy Bradford during the war?

29 A. Yes.

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1 Q. Have you ever heard of the word "vigilantes"?

2 A. No.

3 Q. I think the Mende equivalent of that is Vigilanticia?

4 Have you ever heard of that Mende word, Vigilanticia?

16:58:17 5 A. No.

6 Q. Did civilians organise themselves during the war to

7 protect their properties and businesses? At Bradford,

8 did they organise themselves into groups to defend or

9 protect their properties and interests?

16:59:09 10 A. I didn't come across that.

11 Q. Did civilians help in any way to augment the Kamajors in

12 any way in fighting the rebels?

13 A. No, I don't have that idea.

14 Q. Could you say that aloud, please.

17:00:30 15 A. I said I do not seem to understand your questions. How

16 could he help somebody who was carrying a gun to fight?

17 He is a Kamajor, he has a gun. How could a civilian help

18 him to fight?

19 Q. Did civilians, for example, tell or inform Kamajors about
17:00:51 20 the movement of soldiers? That is one way that civilians
21 can help. Did they, for example, inform the Kamajors
22 that they spotted rebels around town?
23 JUDGE THOMPSON: Perhaps one difficulty the witness is having
24 is the lack of specificity in your question because when
17:01:17 25 you talked about augment, I don't know how that was
26 translated. It's a loaded sort of thing. But now you've
27 actually come to specifics. If you have one or two
28 specific cases to put to him, he probably may find your
29 questions intelligible.

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1 MR WILLIAMS: Thank you, My Lord.

2 Q. The first one is did civilians, for example, inform the
3 Kamajors when they spotted rebels?

4 A. There was no cordial relationship between the Kamajors
17:02:04 5 and the civilians. In fact, when they see civilians,
6 they kill them. Cane, cane. They beat them. Sorry.

7 Q. What about the relationship between the civilians at
8 Bradford and the soldiers during the period of the AFRC?

9 A. When these people went to Bradford, the civilians had all
17:02:49 10 fled. So I don't know whether civilians -- some
11 civilians left behind with them.

12 Q. Where were you during the period of the AFRC?

13 A. I was at Makoba, my mother's hometown.

14 Q. You fled Bradford after the AFRC took over power.

17:03:55 15 A. Yes, I had left there. I was at Makoba.

16 Q. After the AFRC took over power, or before?

17 A. I had left there before I was in town. And when I came
18 and I returned to Makoba.

19 Q. Did the Kamajors ever accuse you of being an RUF
17:04:34 20 collaborator?

21 A. At all.

22 Q. And I'll read a portion of your statement. I don't
23 intend to tender it, but I just want to refresh your
24 memory. Page 3 -- the third page of your statement --

17:05:05 25 PRESIDING JUDGE: Mr Williams, did you say an RUF
26 collaborator?

27 MR WILLIAMS: Yes.

28 THE WITNESS: If it is something I remember, then I'll talk.
29 If I couldn't remember, I'll say I couldn't remember.

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1 MR WILLIAMS:

2 Q. Before that, you made a statement to the investigators
3 from the Office of the Prosecutor on the 29th of November
4 2003. Is that correct?

17:05:27 5 A. Where?

6 Q. At Bradford.

7 A. I don't think I came across that one.

8 Q. You didn't make a statement to people from the Office of
9 the Prosecutor? Did you ever talk to them and they wrote

17:05:58 10 you down?

11 JUDGE BOUTET: Do you have a name on that statement?

12 THE WITNESS: Which office are you talking about?

13 JUDGE BOUTET: Do you have a name of the person who conducted
14 the interview with him?

17:06:14 15 MR WILLIAMS: Jusu, Anne-Cathrine.

16 MR KAMARA: Will the interpreter say Special Court people.

17 The interpreter keeps on saying Prosecutor. The witness
18 does not understand what he's saying.

19 THE INTERPRETER: That's what the lawyer is saying.

17:06:36 20 JUDGE BOUTET: [Previous translation continues]

21 MR KAMARA: When he keeps on saying to the witness Prosecutor,

22 the witness does not understand.

23 JUDGE BOUTET: The interpreter is interpreting the question as

24 asked. The question is: Has the Prosecutor talked to

25 you?

26 PRESIDING JUDGE: That was Mr Williams.

27 JUDGE BOUTET: If Mr Williams was asking Special Court people,

28 they would translate Special Court people.

29 PRESIDING JUDGE: Mr Williams, can you use Special Court

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1 people or whatever? Can you break it down? Don't be too

2 Shakespearean.

3 MR WILLIAMS: My learned friend is now dictating my language.

4 JUDGE BOUTET: He was not dictating your language.

17:07:19 5 MR WILLIAMS: I'm only joking, My Lord. I'll comply with his

6 --

7 PRESIDING JUDGE: Mr Williams, please, we are entitled to an

8 early weekend. Can you proceed expeditiously and let's

9 be done with this, please.

17:07:31 10 MR WILLIAMS:

11 Q. Did you speak with people --

12 JUDGE BOUTET: From the Special Court.

13 MR WILLIAMS:

14 Q. -- who went to Bradford from the Special Court?

17:07:43 15 PRESIDING JUDGE: Investigators? Did they see you?

16 THE WITNESS: What did you say?

17 MR WILLIAMS:

18 Q. People from the Special Court, did they meet you at

19 Bradford and ask you questions about your experiences
17:08:06 20 during the war?

21 A. Yes.

22 Q. And when they spoke with you, they were writing down what
23 you were saying. Is that correct?

24 A. Yes, that's what I've said.

17:08:32 25 Q. The third page, lines 4 onwards, this was what you said
26 to them --

27 JUDGE BOUTET: Maybe you could ask him as well how it was
28 done? Was the statement or whatever it was read to him
29 afterwards? Has he accepted that statement? How was it

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1 done? I mean, I think we need to know that if we are to
2 have some understanding as to the nature of this
3 statement.

4 THE WITNESS: What they asked me is whether they gave us is
17:09:31 5 statement and that's when they brought me and that's what
6 I've spoke about.

7 MR WILLIAMS:

8 Q. When you spoke with them, they were recording you. They
9 were putting the words you were saying into writing. Is
17:09:46 10 that correct?

11 A. I did see them writing, but I didn't know what they were
12 writing because I was not up to that level.

13 Q. And after they had finished writing, they read over to
14 you what they recorded?

17:10:11 15 A. Yes.

16 Q. I'll just read a portion of it to you.

17 JUDGE THOMPSON: Did he admit the statement was true and
18 connect?

19 MR WILLIAMS:

17:10:38 20 Q. Did they ask you if that was exactly your version of

21 things?

22 A. Anyway, I did not understand well.

23 JUDGE THOMPSON: [Microphone not activated]

24 THE INTERPRETER: My Lord, your microphone is off.

17:11:05 25 JUDGE THOMPSON: Did he admit what they read over to him was

26 true and correct? Isn't it a better formula?

27 MR WILLIAMS: I think so, My Lord.

28 Q. Did you admit -- after they had read over what you had

29 explained to them, did you admit that to be true and

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1 correct?

2 A. From what I've explained here.

3 Q. No, your statement. The statement you made to them.

4 A. The statement that I gave to them, I have spoken about it

17:11:42 5 all here. You should put me true. [Overlapping

6 speakers]

7 Q. The procedure that was adopted, that is what I want to

8 know. When they were taking down your statement.

9 PRESIDING JUDGE: Mr Witness, Mr Witness.

17:12:09 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: Drink your water first. Drink. You want to

12 drink again? Don't be in a hurry. Drink, drink.

13 THE WITNESS: No, this is enough.

14 PRESIDING JUDGE: Okay. You said that people from the Special

17:12:27 15 Court talked to you. As they were talking to you, you

16 saw them writing, and they read it over to you, what they

17 had written. They read it over to you. That is what you

18 have said. Did you at that time tell them that what they

19 read over to you was correct?

17:12:49 20 THE WITNESS: Yes.

21 MR WILLIAMS:

22 Q. I'll just read a portion of that statement to you now.

23 Did you sign the statement? Did you put your thumbprint

24 on it?

17:13:19 25 A. At all.

26 Q. Mr Witness, I'll just read a portion of that statement to

27 you. It is stated here that you told the investigators

28 that before the last group joined the other Kamajors at

29 the market square, the last group told you that they

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1 wanted to kill you, Chanu Jalloh and Chanu Kallon [phon]
2 because you -- it was alleged that you were all from
3 Ribbi Chiefdom up to Koya Chiefdom and you were all
4 rebel/RUF collaborators?

17:14:41 5 A. Yes, but that's not how it went. That's not how they
6 asked the question.

7 Q. What I want to know is whether you told the investigators
8 that the Kamajors alleged that you were -- the three of
9 you were RUF collaborators.

17:15:04 10 A. No, that's not how I told them.

11 JUDGE BOUTET: What did you tell them?

12 THE WITNESS: I told them that -- that they told the Kamajors
13 we were coming. They had information from Obai that from
14 Bradford up to Mobai, everybody at Mobai, everybody was a

17:15:44 15 collaborator. We are the people who tell the soldiers
16 that Kamajors are coming. That's what they did.

17 MR WILLIAMS:

18 Q. And it is suggested to you that you denied you told these

19 Kamajors that you were not an RUF collaborator and that
17:16:22 20 Obai would prove your innocence. Did you say that to
21 them?

22 PRESIDING JUDGE: Has he not said so before?

23 THE WITNESS: Ah-ha.

24 PRESIDING JUDGE: He had confirmed that earlier on.

17:16:45 25 MR WILLIAMS:

26 Q. And then, Mr Witness, after you said you were injured by
27 the Kamajors you said you fled to Freetown.

28 A. Yes.

29 Q. And you were treated at the Connaught Hospital?

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1 A. Yes.

2 Q. Do you recall who treated you?

3 A. Well, at that time, it was a nurse, including one woman,

4 Monica, a white woman.

17:17:33 5 JUDGE BOUTET: Mr Williams, can we move on, please.

6 MR WILLIAMS: Yes.

7 Q. I'm suggesting to you, Mr Witness, that that scar you

8 showed the Court you got through a stray bullet.

9 A. I don't believe, sir. The point where they wanted to

17:18:22 10 shoot me, it's just that they didn't shoot me there. But

11 they really shot at me. It's not a stray bullet.

12 Q. How far away were you from them?

13 A. The distance is like from where I'm sitting here to where

14 the magistrates are. I didn't even know that I was shot.

17:18:50 15 I just felt my hand like it was electrocuted. I just

16 stood there, and it was oozing blood, and that's when the

17 bullets came out and dropped.

18 Q. Do you know the person who shot at you?

19 A. I can't tell.

17:19:21 20 Q. Chanu Jalloh and Chanu Kallon, were they present when

21 this was done to you?

22 A. Yes.

23 Q. Are they still resident at Bradford?

24 A. Yes, they are there even as I'm talking.

17:19:50 25 Q. Mr Witness, you said when you returned -- you said an

26 incident took place at Mabang bridge.

27 A. Yes.

28 Q. Had you seen Mr Hinga Norman before that date? Had you

29 ever seen him before that date?

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1 PRESIDING JUDGE: He has said yes.

2 MR WILLIAMS: My Lord. Just now, My Lord?

3 PRESIDING JUDGE: I thought he had said yes.

4 MR WILLIAMS: He did not answer, My Lord. He has not answered

17:20:37 5 the question.

6 PRESIDING JUDGE: Earlier on.

7 MR WILLIAMS: No, before that date, My Lord.

8 PRESIDING JUDGE: Yes, it's in my notes here.

9 MR WILLIAMS: As My Lord pleases.

17:20:51 10 Q. And then, Mr Witness, you said in your statement -- in

11 this statement that I referred you to that when these

12 -- the bodyguards of Mr Norman started firing, you fled

13 into the bush. Is that correct?

14 A. Who?

17:21:12 15 Q. The people that were accompanying Mr Norman, when they

16 started firing their guns, you fled into the bush. Is

17 that correct?

18 A. Are you asking about the Mabang incident? No.

19 Q. You did not run away?

17:21:36 20 A. I didn't run into the bush.

21 Q. Did you run away?

22 A. I run to my vehicle. From there, I went to Makolo.

23 MR WILLIAMS: No further questions, My Lords.

24 JUDGE BOUTET: Thank you. First accused.

17:22:06 25 CROSS-EXAMINED BY MR YILLAH:

26 Q. Mr Witness.

27 A. Yes, My Lord.

28 Q. Were you registered with the DDR, the disarmament,

29 demobilisation and resettlement institution? Were you

1 registered with them?

2 A. At all. I was not involved in that.

3 PRESIDING JUDGE: DDR stands for what?

4 MR YILLAH: Disarmament, demobilisation and reintegration.

17:22:51 5 JUDGE BOUTET: Did that apply to civilians or to military?

6 MR YILLAH: People who took part in the -- fighters.

7 JUDGE BOUTET: Fighters.

8 MR YILLAH: Yes, My Lord.

9 JUDGE BOUTET: I said military. I mean civilians, not -- it

17:23:05 10 applied to fighters.

11 MR YILLAH: Fighters, yes. Civilians who fought and military.

12 JUDGE BOUTET: So you had to be fighters --

13 MR YILLAH: To qualify, yes, My Lord.

14 PRESIDING JUDGE: Are you suggesting he fought?

17:23:15 15 MR YILLAH: Not in so many words, My Lord.

16 Q. Mr Witness, during the period -- when did you learn

17 driving?

18 A. At the end of 1998. I was an apprentice for a long time

19 but at the time I started driving, it was at the end of
17:23:44 20 1998.

21 Q. Mr Witness, did Commander Obai ever hold a meeting at
22 Bradford, so far as you know?

23 A. I was not there, but I heard that he held a meeting
24 there. But I was not present.

17:24:31 25 Q. Mr Witness, did you also hear that that meeting was on
26 the invitation of the paramount chief, and the town chief
27 as well, of Bradford?

28 A. Not to my knowledge, sir.

29 Q. Now, Mr Witness, Bradford is found in Ribbi Chiefdom; is

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1 that correct?

2 A. Yes, yes.

3 PRESIDING JUDGE: Please, spell that Ribbi.

4 MR YILLAH: Ribbi is R-I-B-B-I.

17:25:54 5 PRESIDING JUDGE: R-I-B-B-I.

6 MR YILLAH: Yes, My Lord.

7 PRESIDING JUDGE: Not R-I-B-B-Y. Okay.

8 MR YILLAH:

9 Q. Do you know whether Commander Obai is a native born of

17:26:10 10 Ribbi Chiefdom?

11 A. Yes, he was born there.

12 Q. Is it also true that some of the Kamajors that you saw,

13 including Obai's brothers that you have testified to, are

14 natives born of Ribbi Chiefdom?

17:26:47 15 A. Yes.

16 Q. Mr Witness --

17 PRESIDING JUDGE: Some of the Kamajors, including Obai's --

18 MR YILLAH: Brothers, that he testified to in his evidence,

19 are natives born of Ribbi Chiefdom.

17:27:13 20 Q. Mr Witness, did you hear that at the meeting that you

21 heard about it was decided by the community to raise a

22 local group, a local Kamajor militia, to defend Bradford?

23 Did you hear about that?

24 A. Well, I can't tell about that. I just saw them making

17:27:50 25 defence, developing Kamajors. In fact, the paramount

26 chief was not around to say he was the one who gave

27 instructions for that.

28 Q. Mr Witness, you said the paramount chief was not around.

29 Was there any caretaker in place of the paramount chief

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1 at the time?

2 A. Well, the one whom he left was killed by the Kamajors.

3 Not in my presence but he was killed. That was the

4 chiefdom speaker.

17:28:44 5 Q. Mr Witness, do you know the individual whose name is

6 written on this piece of paper?

7 JUDGE BOUTET: He may not be able to read that, Mr Yillah.

8 MR YILLAH: Yes, My Lord. May I approach the witness together

9 with --

17:29:58 10 JUDGE BOUTET: We'll see what he responds to your question

11 first. Ask him if he's able to read that first.

12 MR YILLAH:

13 Q. Mr Witness, are you able to read that name? You need not

14 say it aloud.

17:30:12 15 A. No.

16 PRESIDING JUDGE: Let somebody. Mr Kamara, as usual, comme

17 d'habitude.

18 JUDGE BOUTET: So you want to produce that as an exhibit?

19 MR YILLAH: Yes, My Lord.

17:31:04 20 JUDGE BOUTET: So we are 80, Mr Walker.

21 MR YILLAH: He has said he knows that individual.

22 JUDGE BOUTET: That piece of paper containing the name. It's

23 a three-part name, that's what it is?

24 MR YILLAH: Yes, My Lord.

17:31:24 25 JUDGE BOUTET: By Witness TF2-173. This is Prosecution

26 Witness 56. It's marked as Exhibit 80.

27 [Exhibit No. 80 was admitted]

28 MR YILLAH: May I proceed, My Lord?

29 JUDGE BOUTET: Yes, you may.

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1 MR YILLAH:

2 Q. Mr Witness, when was the last time you saw that

3 individual?

4 A. The person whom you showed me?

17:33:02 5 Q. Yes.

6 A. He's living in the village there.

7 Q. When was the last time you saw him?

8 A. I saw him even yesterday. I saw him yesterday.

9 Q. Where?

17:33:16 10 A. I said I saw him yesterday.

11 MR KAMARA: Your Honour, I'm worried about that answer. It

12 might disclose the locations of our witnesses and the

13 movements of this particular witness as well.

14 JUDGE BOUTET: Yes. He said he saw him in the village. If

17:33:34 15 you want to be more precise about that, it may cause some

16 difficulties.

17 MR YILLAH: My Lord, I take the cue, My Lord. But this is

18 very --

19 JUDGE BOUTET: If it is important, you know, we can do it in
17:33:45 20 closed session. I mean, we're not trying to preclude
21 anything.
22 MR YILLAH: I appreciate that, My Lord.
23 JUDGE BOUTET: That's the tool that is available.
24 MR YILLAH: My Lord, it's about just two sets of questions.
17:33:58 25 My Lord, with your indulgence, I'm looking at the time
26 again. With Your Lordships' indulgence --
27 JUDGE BOUTET: If it is important for you, we'll have to take
28 the time.
29 MR YILLAH: Yes, My Lord.

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1 PRESIDING JUDGE: But you have to be careful about, you know,
2 because I hope it doesn't have to do with the location of
3 witnesses and so on and so forth. I don't know. I don't
4 know where you're moving towards.

17:34:23 5 MR YILLAH: My Lord, with your leave, My Lord, I just want to
6 put two sets of questions on this same piece of paper so
7 we can avoid --

8 JUDGE BOUTET: Fine, fine.

9 MR YILLAH: As My Lord pleases.

17:34:39 10 PRESIDING JUDGE: You'll show the questions to the
11 Prosecution.

12 MR YILLAH: I'll do that, My Lord.

13 PRESIDING JUDGE: Before the witness sees them.

14 MR YILLAH: As My Lord pleases.

17:35:31 15 Yes, My Lord.

16 JUDGE BOUTET: Mr Yillah, I suggest you go with it and meet
17 with the Prosecution. Because you will have to read the
18 question to the witness -- read the question in Krio to

19 him so he understands what you have written down.

17:35:45 20 MR YILLAH: As My Lord pleases.

21 [Defence and Prosecution counsel confer with the witness]

22 MR YILLAH: Yes, My Lord. The answers are all written.

23 JUDGE BOUTET: So this document by TF2-173 where he is asked

24 two questions and has answered the two questions is

17:38:16 25 marked as Exhibit 81 now, and the witness being TF2-173.

26 [Exhibit No. 81 was admitted.]

27 JUDGE BOUTET: Therefore, for clarity, question 81 now is

28 related to 80. In other words, the document -- these

29 questions on that piece of paper that has been marked 81

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1 is related to the name that has been written down on 80.

2 MR YILLAH: Yes, My Lord. Thank you very much, My Lord.

3 JUDGE THOMPSON: Otherwise we wouldn't be able to make the

4 connection in looking at 81.

17:40:51 5 MR YILLAH: As My Lord pleases.

6 May I proceed, My Lord?

7 JUDGE BOUTET: Yes, yes.

8 MR. YILLAH:

9 Q. Do you, Mr Witness, also know the family of that

17:40:59 10 individual?

11 A. The one you asked me about? Yes.

12 Q. Mr Witness, when was the last time you saw that

13 individual's wife?

14 A. Ah, his wife has been killed. I don't see her any more.

17:41:59 15 I don't see her any more.

16 Q. Mr Witness, you said in your evidence-in-chief that Obai,

17 the local commander, sent word through Kenie Spencer that

18 they would be passing through Bradford to attack

19 the -- to dislodge the soldiers. Is that correct?

17:42:45 20 A. Yes. At Mabang.

21 Q. Mr Witness, is it also true that Kamajors from

22 different -- other different places came into Bradford,

23 apart from Obai's group?

24 A. Yes. They came over. 500 of them, they came. They

17:43:15 25 occupied the entire township.

26 Q. Were they in different groups?

27 A. Well, I don't know how they were assembled. When they

28 came, they were gathered in the market, and the others

29 came back and joined them so that they can mobilise to go

1 to Mabang. When they come, they will break off. And
2 Obai, who was the commander, was at the market sitting
3 there waiting for them.

4 Q. Mr Witness, now, most of the -- Commander Sanawi saved
17:44:15 5 your life. Is that correct?

6 A. Yes. Yes, yes, yes.

7 Q. Mr Witness, is it also true that even though Commander
8 Sanawi told his men to cease-fire, they didn't listen?
9 They continued shooting?

17:44:46 10 A. Yes, that took place in my presence. They blew the
11 whistle and told them to cease-fire but they didn't stop
12 and they continued shooting.

13 PRESIDING JUDGE: [Previous translation continues]

14 MR YILLAH: As My Lord pleases.

17:45:00 15 PRESIDING JUDGE: Notwithstanding his instructions.

16 MR YILLAH: As My Lord pleases.

17 Q. Mr Witness.

18 A. Yes.

19 Q. Now, the rebels had attacked Bradford before the Kamajors
17:45:13 20 ever came there. Is that correct?

21 A. Yes. Yes.

22 Q. Now, how was Bradford protected locally after the rebels
23 had left? Who protected Bradford?

24 A. No. We didn't have any defence. It was only we, the
17:45:47 25 civilians, who were there. We are the only one left in
26 the town.

27 Q. Now, Mr Witness.

28 A. Yes. I'm ready to answer.

29 Q. Would I be correct to say that you reported the alleged

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1 shooting incident concerning you to ECOMOG captain
2 because you believed that he would take appropriate steps
3 against the Kamajors who did the act? Would I be correct
4 to say that?

17:46:37 5 A. Well, I reported. But in fact, I didn't make the report
6 directly. It was the ECOMOG commander who saw my hand
7 and asked me what went wrong with my hand, and I told him
8 I was shot at. And he asked me who did it, and I said it
9 was Kamajors.

17:47:09 10 Q. Mr Witness.

11 A. Yes.

12 Q. Now, you've admitted making a statement to the

13 investigators for the Prosecutor. Is that correct?

14 A. Yes.

17:47:31 15 Q. I'll refer you to page 3 of that statement.

16 MR YILLAH: I don't intend to tender it, My Lord. Just to

17 refresh his memory.

18 Q. I'm going to read from a portion of that statement, and

- 19 you will tell me whether you recall saying so or not.
- 20 Witness said that even after the cessation of
- 21 hostilities, Hinga Norman visited Mabang Bridge. Do you
- 22 recall saying that to the investigators?
- 23 A. I didn't say he visited then. He was just passing by.
- 24 Q. But was this after the cessation of hostilities?
- 25 A. Yes. By that time, the Kamajors were in charge of the
- 26 towns from Mabang until Moyamba. They were in charge of
- 27 security.
- 28 Q. And there were no hostilities in that area at that time?
- 29 A. No. Since that time, there was no fighting or

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1 hostilities.

2 MR YILLAH: Thank you very much. That will be all.

3 JUDGE BOUTET: Thank you. Thank you very much, Mr Yillah.

4 Yes, Mr Witness, we are almost finished. Just a few
5 minutes, please.

6 Mr Prosecutor, do you have any questions in the way
7 of re-examination?

8 MR KAMARA: No re-examination.

9 JUDGE BOUTET: Thank you very much.

10 THE WITNESS: Thank you, too.

11 PRESIDING JUDGE: Mr Witness, thank you very much for coming
12 here.

13 THE WITNESS: Thank you, sir.

14 PRESIDING JUDGE: We wish you a safe journey back home. Thank
15 you for coming to assist the Tribunal with your evidence.

16 It will help us. It will enable us to arrive at the
17 truth of this matter.

18 THE WITNESS: Okay, sir.

19 PRESIDING JUDGE: We are finished with you. You can go. But
20 we may need you here again. If we shall, we'll let you
21 know. For now, it is --

22 THE WITNESS: No problem, sir.

23 PRESIDING JUDGE: -- we wish you a safe journey. And we thank
24 you very much once more for coming to throw some light
25 into the events that we are looking into.

26 Learned counsel, I think this is a convenient point
27 to stop. I'm sure even if Mr Kamara were asked to
28 produce another witness, he might do that only on
29 protest. Because I see he's exhausted and he needs his

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1 weekend. I don't think Mr Sauter is strong enough
2 either, you know -- so learned counsel, I wish everybody
3 a pleasant and restful weekend. We resume on Monday at
4 9.30. Have a nice weekend.

5 [The witness withdraws]

6 [Whereupon the hearing adjourned at 5.52 p.m., to be
7 reconvened on Monday, the 7th day of March, 2005, at 9.30
8 a.m.]

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EXHIBITS:

Exhibit No. 76	4
Exhibit No. 77	23
Exhibit No. 78	44
Exhibit No. 79	82
Exhibit No. 80	97
Exhibit No. 81	99

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-168	2
CROSS-EXAMINED BY MR KOPPE	2
CROSS-EXAMINED BY MR LANSANA	23
CROSS-EXAMINED BY MR YILLAH	40
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