

THE SPECIAL COURT FOR SIERRA LEONE

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

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

MONDAY, 7 MARCH 2005
9.45 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Raimund Sauter
Mr Mohamed Stevens

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Ansu Lansana
Mr Neerav Kingsland (intern)
Mr James T Kamara (intern)

1 Monday, 7 March 2005
2 [Accused Fofana and Kondewa entered
3 court]
4 [Accused Norman not present]
09:33:00 5 [The witness entered court]
6 [Open session]
7 [Upon reconvening at 9.45 a.m.]
8 PRESIDING JUDGE: Learned counsel, good morning. We are
9 resuming our session. I hope you had a sufficiently restful
09:51:42 10 weekend and that we have come with reinforced energies to
11 continue our march towards the end of this session, which is
12 around the corner, although we don't appear to be reassured to
13 work as hard as we should because the temperature is not very
14 conducive this morning. I hope that the technicians would take
09:52:09 15 the necessary measures to restore our normal working temperatures
16 here. We would be resuming with a new witness and, Mr Sauter, I
17 imagine he is your witness?
18 MR SAUTER: Your Honours, the Prosecution calls witness
19 TF2-165. It is witness number 57.
09:53:09 20 PRESIDING JUDGE: And he'll be testifying in what language,
21 Mr Sauter?
22 MR SAUTER: In English, Your Honour.
23 WITNESS: TF2-165 [sworn]
24 EXAMINED BY MR SAUTER:
09:53:43 25 JUDGE BOUTET: Yes, Mr Sauter.
26 MR SAUTER:
27 Q. Good morning, Mr Witness.
28 A. Good morning, sir.
29 Q. I am going to ask you some questions. Please take your

1 time when you answer and focus on the questions. First some
2 questions to your personal data. Mr Witness, how old are you?
3 A. I am 43 years old.
4 Q. Where were you born?
09:54:15 5 A. I was born in XXXXXX
6 Q. In which town you are residing now?
7 A. I reside in XXXXXX XXXXXX.
8 Q. Are you married, Mr Witness?
9 A. I am married.
09:54:35 10 Q. Do you have children?
11 A. Yes, I do.
12 Q. How many children do you have?
13 A. I have six children.
14 Q. Did you attend school?
09:54:47 15 A. Yes.
16 Q. For how many years?
17 A. I went to my primary school in XXXXXX, went up to class 7.
18 I further went to the secondary school, I spent another five
19 years there. And I went to the XXXXXX XXXXXX College and spent
09:55:18 20 three years there.
21 Q. Finally, Mr Witness, what is your profession?
22 A. I am a teacher by profession.
23 Q. Thank you very much, that is all as far as your personal
24 data is concerned. Mr Witness, do you recall that there was a
09:55:48 25 coup in Sierra Leone in 1997?
26 A. Yes, My Lord.
27 Q. Directed against the government of President Kabbah?
28 A. Yes, My Lord.
29 Q. Where did you live when the coup occurred?

1 A. I was in XXXXXX.

2 Q. How was the situation in XXXXXX at this time? That means,
3 who was in control over XXXXXX?

4 A. The Kamajors were in control by then.

09:56:35 5 Q. After this point in time, the coup, has XXXXXX ever been
6 attacked by another fighting group?

7 A. Yes, My Lord.

8 Q. When?

9 A. After the coup, the AFRC attacked Moyamba, because Moyamba
09:57:08 10 became very stubborn to subdue to them. So they attacked the
11 town and we fled into the bush together with the Kamajors.

12 Q. Do you recall, Mr Witness, when this attack happened?

13 A. It was in 1997.

14 Q. You recall the month?

09:57:54 15 A. I can't recall the date -- the month, cannot.

16 Q. But you said it was after the coup?

17 A. Yes.

18 Q. Could you say approximately how many months after the coup?

19 A. About two months -- no. It was about --

09:58:22 20 Q. If you don't recall --

21 A. I cannot recall exactly. I don't want to give the wrong
22 date.

23 Q. Okay. And you said, "We and the Kamajors fled" --

24 PRESIDING JUDGE: But you say it's about two months after
09:58:36 25 the coup?

26 THE WITNESS: Not exactly two months. I can't remember.
27 It's about few weeks, few weeks.

28 MR SAUTER:

29 Q. Mr Witness, you said, "We and the Kamajors fled into the

1 bush"?

2 A. Yes.

3 Q. When you say "we", who do you mean?

4 A. We, the citizens in the town and my family, we all fled the

09:59:16 5 town.

6 Q. And this included you yourself?

7 A. Myself, yes.

8 Q. Did, during this attack, anything happen to you or your

9 family?

09:59:47 10 A. Yes. I, personally, nothing happened to me, because I fled

11 into the bush. And during my stay in the bush, these people were

12 in control for eight days. The AFRC were in XXXXXX Town for

13 eight days.

14 Q. The question was whether anything special happened to you

10:00:13 15 or your family. Did you suffer from anything during this time?

16 A. No.

17 Q. So after this eight days you said the AFRC retreated from

18 XXXXXX; is that right?

19 A. Yes, news reached us in the bush that they have left.

10:00:40 20 Q. Did you return to XXXXXX?

21 A. One week after they have left, I went to make sure actually

22 they have left.

23 Q. What did you observe when you returned?

24 A. I realised that my father's house was burnt --

10:01:01 25 PRESIDING JUDGE: You say you returned one week after --

26 THE WITNESS: One week had --

27 PRESIDING JUDGE: -- you heard they had left?

28 THE WITNESS: After they had left, I also left one week.

29 MR SAUTER:

1 Q. To make this clear, for how long time you stayed in the
2 bush?

3 A. I was in the bush for eight days at the initial stage.
4 News reached us that they have left, so I did not want to take
10:01:30 5 any risk of going there. I waited. After five days I said I
6 should go back, let me go and check whether they have really
7 left.

8 Q. So beyond this eight days you stayed initially in the bush,
9 you stayed another five days?

10:01:45 10 A. Yes.

11 Q. And went back to XXXXXX to check what the situation was?

12 A. Yes.

13 Q. So you were at the point that you wanted to tell us what
14 your observations were when you returned to XXXXXX?

10:01:59 15 A. Yes. I realised that they burnt my father's house -- two
16 houses were burnt and several houses were also burnt.

17 Q. Did you return to XXXXXX after this initial visit?

18 A. I went round and -- after going round to see actually what
19 has gone wrong, I went back to the bush, because the town was so
10:02:40 20 frightful, less people -- a lot of people were not in town.

21 Q. And this time how long did you stay in the bush?

22 A. I took almost -- after they had left I took about two weeks
23 in the bush before finally coming back to town.

24 Q. Okay. What about the Kamajors, did they return to XXXXXX
10:03:40 25 as well?

26 A. By then the Kamajors were not in Moyamba. I learned from
27 somebody that they had all gone to a place called Tihun.

28 Q. Called what, please?

29 A. Tihun, Tihun, I don't know the place, but I learnt that

1 they have gone there.

2 Q. Are you able to spell the name of this place?

3 A. Well, perhaps I may end up spelling it wrongly.

4 Q. Try it. Wrong is better than nothing.

10:04:26 5 PRESIDING JUDGE: Is it not the same name that has been
6 coming up -- Tihun, Tihun? Isn't it the T-I-H-U-N name?

7 THE WITNESS: Perhaps.

8 PRESIDING JUDGE: Is that not the name? Yes, T-I-H-U-N,
9 that's the name we've come by a number of times.

10:04:42 10 MR SAUTER: Okay, thank you.

11 Q. So did they return at a later point?

12 A. Yeah, after some time they returned.

13 PRESIDING JUDGE: Who returned?

14 THE WITNESS: The Kamajors came, they returned, in full
10:04:57 15 swing. Under the leadership of one Mr Ngobeh.

16 MR SAUTER: The spelling of Ngobeh is G-O-B-E-H. N-G? I
17 correct. It's N-G-O-B-E-H.

18 Q. Did you know Mr Ngobeh?

19 A. I know him. I saw -- well, the very first time I saw him,
10:05:56 20 that was the only time I came to know.

21 Q. So after their return to Moyamba what was the behaviour of
22 the Kamajors?

23 A. News went round that some youths within Moyamba have
24 disarmed the Kamajors. They have disarmed some Kamajors,
10:06:35 25 especially the AK rifles, and given them to the AFRC people.
26 That was the news that went round. So they were making desperate
27 hunt --

28 PRESIDING JUDGE: Please, please.

29 MR SAUTER: Go slow, please.

1 PRESIDING JUDGE: Some youths have disarmed the Kamajors of
2 the AK rifles?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: And?

10:07:12 5 THE WITNESS: And that they were desperately chasing or
6 hunting for those people who -- those youths who did that.

7 MR SAUTER:

8 Q. Do you personally know any of the boys who was hunted
9 allegedly?

10:07:49 10 A. Few names were pronounced, few names were called. That is
11 a boy like Kapor was known to be one of those who had disarmed
12 the Kamajors. There is also --

13 PRESIDING JUDGE: Kapor?

14 THE WITNESS: Kapor, that is the name I knew. Kapor.

10:08:10 15 MR SAUTER:

16 Q. Could you spell?

17 A. K-A-P-O-R or like that. There was another one called Abdul
18 Patam. He also, they said --

19 PRESIDING JUDGE: Abdul Bar?

10:08:27 20 THE WITNESS: Abdul Patam.

21 MR SAUTER: To my knowledge P-A-T-A-M.

22 THE WITNESS: And there was also this TK Mamoud. They said
23 he was also one of those who disarmed the Kamajors. And a few
24 others; I can't remember them.

10:09:12 25 MR SAUTER:

26 Q. Did you engage yourself for any of the hunted boys?

27 A. Well, most of them fled the town. Most of the youths, they
28 fled the town. Even those whose names were not called, because
29 they were afraid.

1 Q. So the answer would be no, you did not do anything for any
2 of the hunted boys?

3 A. Well, after some time one Abdul Patam came back. Whether
4 he was arrested or came out of his own volition, I can't tell,
10:10:09 5 but I met him at XXXXXX XXXXXX place.

6 Q. Mr Witness, you said you met him at XXXXXX XXXXXX place.
7 Who was Kini Torma?

8 A. Kini Torma was the second in command to Mr Ngobeh.

9 Q. The spelling is K-I-N-I, last name Torma, T-O-R-M-A? So
10:10:46 10 you say Kini --

11 PRESIDING JUDGE: Was the second in command to Mr Ngobeh?

12 THE WITNESS: Ngobeh.

13 MR SAUTER:

14 Q. And what specifically did you observe at Kini Torma's
10:11:06 15 house?

16 A. There were Kamajors, Kamajors were there, and Abdul also
17 was there. XXXXXX attempted in pleading for Abdul, but Kini Torma was
18 so furious.

19 Q. Did you say XXXXXX were pleading for Abdul Patam's --

10:11:49 20 A. Yes, I was --

21 Q. -- release, release?

22 A. I was pleading for him.

23 Q. For his release?

24 A. For his release.

10:11:54 25 Q. And were you successful with your plea?

26 A. Well, I was not successful, but he was later released.
27 They did nothing to him.

28 Q. Do you recall any other boy who was hunted?

29 A. No.

1 Q. Do you know whether or not the Kamajors were in search for
2 a special person?
3 A. Yes, in another development one XXXXXX was also hunted
4 as a collaborator.
10:12:57 5 Q. XXXXXX.
6 A. He's a treasury clerk.
7 Q. Do you know what happened to XXXXXX?
8 A. Yes --
9 PRESIDING JUDGE: Said he was hunted as a collaborator and
10:13:21 10 what did you add?
11 THE WITNESS: Yes, his own case he was suspected as a
12 collaborator -- a collaborator with the AFRC, in that he
13 collected information from Moyamba and passed it on to the AFRC
14 people.
10:13:37 15 JUDGE THOMPSON: Is that part of the suspicion or are you
16 telling us what he did?
17 THE WITNESS: No, it's part of the suspicion.
18 JUDGE THOMPSON: Suspicion, the charge, the allegation.
19 THE WITNESS: Yes.
10:13:48 20 JUDGE THOMPSON: Right, let's have it again. He was
21 suspected of being a collaborator and as having passed --
22 THE WITNESS: Pardon?
23 PRESIDING JUDGE: For collecting information from Moyamba.
24 THE WITNESS: From Moyamba, selling it to the AFRC people
10:14:05 25 at Camp Charlie.
26 PRESIDING JUDGE: At what place, camp what?
27 THE WITNESS: Camp Charlie, that is 91. They were staying
28 there.
29 PRESIDING JUDGE: Don't assume we know the place. Camp

1 Charlie. How do you --

2 THE WITNESS: They say Camp -- that's the name, Camp

3 Charlie.

4 PRESIDING JUDGE: How do you spell it?

10:14:36 5 THE WITNESS: It's C-A-M-P, camp.

6 PRESIDING JUDGE: Yes, I know camp. Charlie? Okay, we'll

7 write it the way it is.

8 THE WITNESS: Yes.

9 PRESIDING JUDGE: The way it is pronounced, Camp Charlie.

10:14:49 10 MR SAUTER:

11 Q. Which is close to Mile 91?

12 A. No, very close to Moyamba. It is in Mile 91.

13 Q. So what happened to Mr Thomas?

14 A. After one week --

10:15:10 15 Q. One week from?

16 A. After one week --

17 Q. From what?

18 A. When -- after hearing that news that he is a collaborator,

19 they were hunting him and later he was brought. I saw him in the

10:15:27 20 midst of Kamajors going towards Mr Ngobeh's place, that is at

21 Tanini [phon].

22 PRESIDING JUDGE: You say you saw him where?

23 THE WITNESS: I saw him in the midst of Kamajors.

24 PRESIDING JUDGE: Yes.

10:15:56 25 MR SAUTER:

26 Q. And he was brought to Mr Ngobeh's place?

27 A. They passed and went towards Ngobeh house -- Ngobeh's

28 place. I did not follow them.

29 Q. Go ahead, please.

1 A. So I did not know what happened there, but one evening at
2 about 5.00 p.m. --
3 Q. How long after you saw him being arrested?
4 A. About three or four days back. Three or four days back,
10:16:49 5 after he was arrested. Three or four days back, about that. XXXXXX
6 saw him the second time, but it was in the midst of Kamajors
7 singing and dancing, coming towards Shenge Park.
8 Q. Shenge, S-H-E-N-G-E. Which is in XXXXXX; right?
9 A. In XXXXXX.
10:17:29 10 Q. Please continue. Go ahead, please.
11 A. On reaching the Shenge Park, whilst in their midst, they
12 were dancing with him. He was in front of them and they stood
13 just opposite the [inaudible] court barri, the local
14 administrative.
10:18:35 15 Q. Yes?
16 A. They were now speaking in low tunes among themselves.
17 Q. So that you could not hear what they were speaking?
18 A. No, no.
19 Q. Yes, please?
10:19:17 20 A. A lot of people were standing there waiting to see what was
21 going to become of XXXXXX.
22 Q. Yes?
23 A. Finally I heard a voice among them saying, "Go, go, you are
24 now a free man, go." Shouted at him and he started running
10:19:55 25 towards the court barri, going towards the court barri.
26 Q. Do you know who was saying these words?
27 A. I can't tell because they were Kamajors. I can't tell.
28 Q. So you say he started to run towards the court barri?
29 A. Yes. There is a street, Siaka Stevens Street, before the

1 court barri. So he was going down that street.

2 Q. Did he manage to run away?

3 A. Whilst he was going, running --

4 Q. Yes?

10:20:59 5 A. He was being shot at by the Kamajors and he fell down.

6 Q. Do you know who was commanding this group of Kamajors at

7 this time?

8 A. At that time it was Mr Ngobeh. Mr Ngobeh was in command,

9 in control.

10:21:57 10 Q. You said ~~XXXXXX~~ fell to the ground?

11 A. Yes, he could not move again and I concluded that he was

12 already dead.

13 Q. Can you recall how many shots were fired?

14 A. I can't remember, but shots were given. Can't remember.

10:22:30 15 PRESIDING JUDGE: The shots were?

16 THE WITNESS: He was given shots.

17 MR SAUTER:

18 Q. Since he was running away, I assume that he was shot at his

19 back?

10:22:55 20 A. Yes.

21 Q. What happened to the body after ~~XXXXXX~~ fell to the

22 ground -- has fallen to the ground?

23 A. Some of the Kamajors took the body across Langowa Street.

24 These are two streets that are very close, Siaka Stevens Street,

10:23:29 25 Langowa Street. They drag the body to Langowa Street and

26 Mr Thomas's head was cut off.

27 PRESIDING JUDGE: To?

28 THE WITNESS: Langowa Street.

29 PRESIDING JUDGE: Can you spell it for us?

1 THE WITNESS: L-A-N-G-O-W-A.
2 PRESIDING JUDGE: Langowa Street?
3 THE WITNESS: Yes.
4 PRESIDING JUDGE: Where Thomas's head was cut off?
10:23:54 5 THE WITNESS: Yes, on that street.
6 PRESIDING JUDGE: By the Kamajors?
7 THE WITNESS: By the Kamajors. And I was so scared and
8 frightened. Some of the Kamajors drank the blood, some rubbed
9 the blood on their bodies, and one took the head and placed it on
10:24:46 10 his own head.
11 MR SAUTER:
12 Q. Mr Witness, just to make it very sure, you saw all of this,
13 what you have just narrated, by your own eyes clearly?
14 A. Yes, I was standing at XXXXXX XXXXXX, watching for myself.
10:25:29 15 Q. How far away from the place of the incident approximately?
16 A. It's about approximately 20 yards. Not too far.
17 Q. So did this incident affect in any way the situation in
18 XXXXXX?
19 A. They processed with the head, going along Langowa Street
10:26:22 20 this time, dancing, with the head on one of the Kamajor's head.
21 They left the body there for some time.
22 Q. Did you witness any other atrocities committed by Kamajors
23 in XXXXXX around this time?
24 A. Yes. After that incident which I was really frightened, I
10:27:19 25 wanted to leave the town for fear that I don't become the next
26 victim or anybody, because they were looking out for people who
27 collaborated. And these were Kamajors who came from far, they
28 don't know us and we don't know them. Those were strange faces.
29 But I stayed since I was a peaceful citizen.

1 Q. The question, Mr Witness, was whether or not you witnessed
2 any other atrocities committed by Kamajors around this time?
3 A. Yes. Later news reached us in XXXXXX that Mr Ngobeh is
4 dead. That is few weeks back, about three or four weeks, I can't
10:28:49 5 be very precise. News reached us that Mr Ngobeh was now dead.
6 And the command was now under Kini Torma and one other gentleman
7 called Chuck Norris. That is how they call him.
8 Q. Could you spell this name?
9 A. Chuck Norris, that is how they used to call him.
10:29:27 10 Q. Are you able to spell this name?
11 A. C-H-U-C-K is Chuck, Norris is N-O-R-R-I-S.
12 Q. Thank you. So what about this Chuck Norris?
13 A. He was the second in command to Kini Torma after Ngobeh's
14 death. The other incident I witnessed is the one they brought
10:29:55 15 three men from Shenge.
16 Q. When you say they caught -- [Overlapping speakers]
17 A. Three men --
18 Q. -- [Overlapping speakers] Kamajors?
19 A. Kamajors brought three men from XXXXXX.
10:30:15 20 Q. Around what time? When did this happen?
21 A. It was in 1990 -- later part of 1997 to 1998, I cannot
22 exactly remember now.
23 Q. Okay. You said the Kamajors brought three men?
24 A. Yes. The only time I realise that they brought three men
10:30:47 25 was the day they were dancing, because each time they dance and
26 shout we'll suspect that something was going to happen. So we
27 went again to this same usual place, XXXXXX.
28 Q. And what did you see at XXXXXX?
29 A. The same XXXXXX XXXXXX along the same Siaka Stevens, Langowa

1 Street. And they set fire on a tyre just on Siaka Stevens Street
2 opposite the court barri.
3 Q. Yes?
4 A. So I started imagining what really was going to happen.
10:31:57 5 Why should they be burning a tyre here? Few minutes later they
6 brought three men from the NA cell, hairless men.
7 Q. NA means what?
8 A. Three -- NA cell.
9 Q. NA, what means NA?
10:32:18 10 A. Yeah, the lock-up. Native administration. They brought
11 them and they asked them to sit on the floor.
12 Q. Yes, please?
13 A. One of the Kamajors was talking in Mende that "These are
14 the cannibals who killed somebody in Shenge." A lady, a woman in
10:32:51 15 Shenge, one of the Kamajors. That was how we, the public, came
16 to know that that was the crime they committed.
17 Q. Are you able to understand Mende?
18 A. Yes.
19 PRESIDING JUDGE: What did he say? One of these men
10:33:12 20 or these men?
21 THE WITNESS: One of -- no, I'm not talking about the three
22 men who were brought in for cannibalisms. The Kamajors.
23 PRESIDING JUDGE: The Kamajors, yes.
24 THE WITNESS: Yes, I'm talking about --
10:33:26 25 PRESIDING JUDGE: Were now talking to the public.
26 THE WITNESS: They were talking, yes.
27 PRESIDING JUDGE: In Mende.
28 THE WITNESS: In Mende.
29 PRESIDING JUDGE: And said this is --

1 THE WITNESS: "These are the people who killed a woman in
2 Shenge for cannibalism purposes."

3 JUDGE BOUTET: And they were making reference to the three
4 men?

10:33:41 5 THE WITNESS: Three men, they were three men.

6 JUDGE BOUTET: When they said these are the people that
7 killed the woman, they were talking of these three men?

8 THE WITNESS: Yeah, they pointed at them.

9 JUDGE BOUTET: Thank you.

10:34:02 10 MR SAUTER:

11 Q. Go ahead, please.

12 A. So they said they were going to give justice to one of them
13 there in Moyamba and they will take the remaining two back to
14 Shenge and do likewise, so that their people will know that they
10:34:27 15 are bad people.

16 Q. Yes?

17 A. Their hands were tied behind their backs.

18 Q. The hands of all the three of them?

19 A. Yes, were tied.

10:35:16 20 Q. Yes?

21 A. They took one and placed him into the fire, a burning fire.

22 Q. Yes?

23 A. And he burnt to ashes. I left the scene.

24 Q. Do you know what really happened to the remaining two?

10:36:16 25 A. I don't know, I did not see them again.

26 Q. Once again the question: Could you clearly see this one
27 man being burnt to ashes with your own eyes?

28 A. Yes, I was there when he got burned.

29 Q. Do you know who was the overall commander of the Kamajors

1 at this time?

2 A. Well, I will say two people were now in control: Kini
3 Torma and Chuck Norris.

4 Q. I do not speak about the local commanders. The overall
10:37:21 5 commander?

6 A. No, no, the overall commander -- you mean for the Kamajors?

7 Q. Yes.

8 A. Yes, from the radio I know that Hinga Norman is the head of
9 the Kamajors.

10:37:40 10 Q. Did you ever see him?

11 A. Yes, I have seen him several times. He has been in Moyamba
12 on several occasions and I have been seeing him. That is before
13 this incident.

14 Q. Before both of the incidents you have narrated?

10:38:02 15 A. Well, when this incident during this AFRC time, I saw him,
16 well, once. That was from a distance, he was now boarding his
17 vehicle. Yeah, from a distance. Once. I did not see him
18 talking to somebody, he was entering his vehicle.

19 MR SAUTER: Thank you very much, Mr Witness. This will be
10:38:25 20 all for this witness, thank you.

21 JUDGE BOUTET: Thank you, Mr Sauter. Counsel for the third
22 accused, are you ready to proceed with the cross-examination of
23 this witness?

24 MR LANSANA: By all means, Your Honour.

10:39:26 25 JUDGE BOUTET: Yes, Mr Koppe, you seem --

26 MR KOPPE: I was under the impression that I would start,
27 but I am very happy that he will start. Go ahead.

28 MR LANSANA: As Your Honour pleases.

29 JUDGE BOUTET: Was the order we had issued that it will be

1 the second accused, third accused and then the first accused? If
2 that is the case, we will stick with that order. I know there
3 has been some change last week for other reasons, as such. But
4 if the order we had issued was second accused, we'll go with
10:40:07 5 second accused. It is not our intention this morning to change
6 that order. We had done that once last week as a result of a
7 special request. In that case I ask second accused, are you
8 ready to proceed with cross-examine and if so, please do so.

9 CROSS-EXAMINED BY MR KOPPE:

10:40:36 10 MR KOPPE:

11 Q. Good morning, Mr Witness.

12 A. Good morning.

13 MR KOPPE: Your Honour, I have one or two questions which
14 might be relating to his identity.

10:40:48 15 JUDGE BOUTET: Can we use the piece of paper?

16 PRESIDING JUDGE: We wouldn't like to go into closed
17 session. In fact, we go into closed session only when it
18 becomes --

19 JUDGE BOUTET: Can you do it simply by using that -- yes,
10:41:03 20 please do so. The question is written in English presumably, Mr
21 Koppe. Mr Witness, you can read the English? I know you speak
22 English.

23 THE WITNESS: Yes, I know.

24 JUDGE BOUTET: But don't answer. Please write the answer
10:42:30 25 on that piece of paper. Don't say it.

26 [Witness complied]

27 JUDGE BOUTET: So Mr Walker, I think we are at 82. So
28 there is one question about brother and another question about a
29 function he would have occupied. That document will be marked as

1 Exhibit 82.

2 [Exhibit No. 82 was admitted]

3 JUDGE BOUTET: Yes, Mr Koppe.

4 MR KOPPE:

10:47:24 5 Q. Mr Witness, that person referred to on that piece of paper,
6 have you ever spoken to him about the two incidents that you have
7 given testimony of today?

8 A. No.

9 Q. Why not? Did it never come up or you wouldn't want to talk
10:47:54 10 about it?

11 A. I decide not to talk about it. Because I was not a
12 Kamajor. I wouldn't want people to feel why are you interfering,
13 why do you want to know about the Kamajors? These are decisions
14 taken by the Kamajors. So I did not want to discuss that with
10:48:13 15 him. I was only a civilian.

16 Q. So you would not be able to tell this Court whether these
17 events that you have described were isolated acts or that they
18 have been committed upon orders of higher ranking Kamajors?

19 A. I did not get that clearly.

10:48:37 20 Q. My question is: Am I correct in saying that you are not
21 able to tell the Court whether these incidents that you have
22 spoken about today were isolated incidents in your town or that
23 they were acts upon instructions from higher ranking Kamajors?
24 You don't know that?

10:49:08 25 MR KAMARA: Objection, Your Honour. That question is
26 double barreled. He could separate the two as being isolated
27 acts of Kamajors and, secondly, as to whether they were specific
28 orders from authorities of the Kamajors. But putting together
29 could infer and attach two different answers to those questions.

1 JUDGE BOUTET: It could lead to some confusion. So, Mr
2 Koppe, I know you had an answer, but if you could break that
3 question in two. Because it contains two aspects. There is two
4 aspects to your question and the no, I'm not sure if it goes to
10:49:39 5 one or the other.

6 MR KOPPE: It was my intention to have these two aspects
7 in, whether it was one or the other.

8 JUDGE THOMPSON: In other words, it's an either/or
9 situation?

10:49:56 10 MR KOPPE: Yes.

11 PRESIDING JUDGE: If it is either/or, then there are two
12 questions. Don't you concede?

13 MR KOPPE:

14 Q. Mr Witness, do you have any knowledge whether these two
10:50:07 15 events that you have described -- whether they were isolated
16 acts?

17 A. Yes.

18 Q. Yes, you have knowledge or yes, they were isolated acts?

19 A. I can't understand it properly.

10:50:30 20 Q. These events that you have described, do you have knowledge
21 whether these events were isolated acts by Kamajors?

22 A. Yes, they were being carried out at different times by
23 Kamajors. At different times.

24 MR KOPPE: That's why I put in the alternative.

10:50:53 25 JUDGE THOMPSON: If I understand counsel rightly, counsel
26 is saying that these were either isolated acts - in other words,
27 acts done not in pursuance of any command - or they were acts
28 done in pursuance of some command? Am I trying to get you right?

29 MR KOPPE: Yes. Because he is not a simple -- [Overlapping

1 speakers]

2 JUDGE THOMPSON: Right, yes. In other words, a kind of
3 disjunctive situation, either/or, but not -- yes, okay.

4 THE WITNESS: Well, I won't actually be able to tell
10:51:33 5 whether they were on instructions, because they were in control.
6 Whatever was going on you can't be able to judge it, because it
7 is being carried out by them. Whether they got an instruction
8 from higher command or what, I cannot say.

9 JUDGE THOMPSON: So the answer is that you cannot tell
10:51:57 10 whether they were isolated acts or whether they were acts done in
11 pursuance --

12 THE WITNESS: Yes.

13 JUDGE THOMPSON: -- of some command.

14 MR KOPPE:

10:52:31 15 Q. Mr Witness, I would like to ask you a question about that
16 first event that you have described this morning. That was about
17 the killing of XXXXXX.

18 A. Yes.

19 Q. You've given testimony that when he was held at one point,
10:52:56 20 one Kamajor or Kamajors told him, "Go, you are a free man"; is
21 that correct?

22 A. Yes, I said a voice. A voice came from among them saying,
23 "Go, you are a free man." Because initially I said when they
24 came with him they stood there for a while and they were talking
10:53:18 25 in low tones, and later somebody spoke above this voice, "Go, you
26 are a free man."

27 Q. But then when he actually left and while he was running,
28 you've given testimony, he was being shot?

29 A. Yeah, he was being -- was given shots. Not one shot, he

1 was given shots. Because all of them were having -- most of them
2 were having guns.

3 Q. But I'm trying to understand, to get a clear picture of
4 that situation, on the one hand he was told that he was free and
10:54:11 5 he could go?

6 A. Yes.

7 Q. But just a few moments later he was shot?

8 A. Yes.

9 Q. Are you sure he was shot by Kamajors?

10:54:28 10 A. Yes, I'm quite sure, because it was the Kamajors who were
11 only having guns and it was they -- it was from them the man
12 left, whilst going and the shots came from them. Nobody else had
13 a gun. Because the entire public was standing to see what was
14 going to happen.

10:54:58 15 Q. Mr Witness, would it be a possibility that this instruction
16 or order that he was a free man was contravened by somebody else?

17 A. Once more, let me get it clearly.

18 Q. Yes?

19 A. Go over the question once more.

10:55:52 20 Q. Well, in one moment of time Mr Thomas was told that he was
21 able to go and he was a free man, and just a few moments later he
22 was shot. And you're saying you are quite sure that he was shot
23 by Kamajors. I am trying to understand these two different,
24 apparently contradicting things. On the one hand he was told he
10:56:25 25 was a free man and few moments later he was shot. Do you
26 understand what --

27 A. Yes, I do understand.

28 PRESIDING JUDGE: Mr Koppe, you are changing the nature of
29 your question.

1 MR KOPPE: No, I am trying to expand and explain what I'm
2 trying to ask him. And now he -- he understands that.

3 PRESIDING JUDGE: Settle down for a version. Your original
4 version was that you wanted to know from him whether the
10:56:47 5 instructions which had been given may not have been contravened.
6 That was the question.

7 MR KOPPE: I think the witness understands my point now.

8 JUDGE THOMPSON: Let me intervene too. Here the witness is
9 testifying to what he actually heard and saw. He's put them
10:57:12 10 together. He heard a voice say from the Kamajors, "Go, you are a
11 free man." That's what he heard. We can call that direct
12 evidence. Then he actually saw the deceased being shot at.
13 Again, that's direct evidence. You're now putting it to him by
14 way of some kind of legal rationalisation, if I understand you
10:57:38 15 rightly, that the two don't seem to harmonise. Is that what
16 you're saying? That the two do not seem to harmonise?

17 MR KOPPE: Not from a legal rationale, but just from a
18 factual perspective.

19 JUDGE THOMPSON: Good. Well, for me, what I find difficult
10:57:57 20 to follow is how this witness, who is here to testify to what he
21 actually heard and saw, can actually get into an argument
22 factually as to whether what he heard and what he saw do not
23 harmonise. Persuade me.

24 MR KOPPE: Maybe after this person has been shot he heard
10:58:23 25 arguments or Kamajors speaking to each other.

26 JUDGE THOMPSON: Good, right. If that is the position,
27 then what you are saying to him is are there any gaps in your
28 perception that you may not have filled in? Is that how you are
29 proceeding?

1 MR KOPPE: Well, that is what I am going to.

2 JUDGE THOMPSON: If that is the case then I am satisfied it
3 is a legitimate line of cross-examination.

4 MR KOPPE:

10:58:53 5 Q. So, Mr Witness, my question was whether you have seen or
6 heard or understood that there might be a contravening order when
7 this man was shot. In other words, at one moment he was told
8 that he could go and the next moment he was shot. Did you
9 witness afterwards discussion among the Kamajors about what
10:59:26 10 happened?

11 A. No, I did not witness any. Like I said earlier, no sooner
12 after they have spoken in low tones and that instruction came
13 from somebody -- a voice came, a voice was heard saying, "Go, you
14 are a free man," the man left and he was shot. And after being
10:59:52 15 shot it was the same Kamajor -- another Kamajor, not the same
16 man. A Kamajor went and brought the man on the other street and
17 cut his throat, and they processed and danced. So I have all
18 evidence that they did it, they gave the instruction. I don't
19 see an element of regret of what they did, because they were
11:00:16 20 jubilating, dancing.

21 Q. And you gave testimony that you don't know who the Kamajor
22 was who said, "you are free to go"?

23 A. No, I don't know. That was the voice I heard. I only
24 heard a voice.

11:01:06 25 Q. Mr Witness, have you ever spoken to, for instance, the
26 Moyamba police or any other police force about these two
27 incidents?

28 A. No.

29 Q. Have you ever been invited to give your testimony to, for

1 instance, ECOMOG?

2 A. Not to ECOMOG, but whilst in XXXXXX I was called upon

3 by -- I can't remember. It was a white lady from Freetown who

4 went to Moyamba to ask me what is my own view about the

11:01:58 5 activities of Kamajors in Moyamba at that time, because I was in

6 town. I could remember.

7 Q. Are you referring to investigators of the Special Court?

8 A. Investigators, yes.

9 Q. Of the Special Court?

11:02:15 10 A. Well, whether from the Special Court, but they left here

11 and went to XXXXXX and found me. I don't know. It's maybe from

12 the Special Court.

13 Q. You don't know?

14 A. I don't know.

11:02:35 15 Q. Mr Witness, have you ever been invited to give testimony of

16 these two events to the chiefdom -- people of the chiefdom?

17 A. No.

18 MR KOPPE: That will be all, Your Honour, thank you.

19 JUDGE BOUTET: Thank you. Counsel for the third accused?

11:03:02 20 MR LANSANA: Yes, Your Honour.

21 CROSS-EXAMINED BY MR LANSANA:

22 MR LANSANA:

23 Q. Mr Witness, you've testified before this Court that you

24 returned to XXXXXX some time in 1996, 1997; correct?

11:03:25 25 A. Yes.

26 Q. When you returned to XXXXXX, at that time were Kamajors in

27 XXXXXX?

28 A. Yes.

29 Q. What was the relationship like between the Kamajors at that

1 time -- between Kamajors and the local population?

2 A. It was very cordial.

3 Q. Very, very cordial?

4 A. Yes.

11:04:52 5 PRESIDING JUDGE: Say very, very cordial?

6 THE WITNESS: It was cordial, because I say cordial --

7 PRESIDING JUDGE: No, you say it was very cordial, wasn't

8 it, and you added another "very". So can we take it you --

9 THE WITNESS: No, I said --

11:05:10 10 PRESIDING JUDGE: -- said it was very cordial at that time?

11 THE WITNESS: It was very cordial.

12 MR LANSANA:

13 Q. Were there Kamajors in Moyamba prior to June 1997?

14 A. Yes.

11:05:51 15 Q. Was the cordial relationship between the Kamajors and the

16 local population still existent prior to June 1997?

17 A. Yes.

18 PRESIDING JUDGE: What is the question?

19 MR LANSANA: Whether the cordial relationship that he has

11:06:13 20 described was still existent prior to June 1997.

21 Q. Now, you say in June 1997 the AFRC attacked Moyamba Town;

22 correct?

23 A. Yes.

24 Q. And you have attested before this Court that the AFRC

11:07:05 25 committed a lot of atrocities; not so?

26 A. Yes.

27 Q. Do you have any specifics of these atrocities that you

28 attested to?

29 A. Yes, several people were killed, our house was burnt, other

1 houses were burned down, some houses were looted.

2 Q. Did these atrocities committed by AFRC affect the Kamajors
3 in any way? My question basically is did AFRC commit any
4 atrocities against the Kamajors?

11:08:35 5 A. Yes, I would say yes. Because the Kamajors were also
6 people who owned houses in that community --

7 Q. Thank you.

8 A. -- and they must have suffered equally.

9 Q. Did these atrocities against the Kamajors by any way
11:09:37 10 include disarming Kamajors?

11 A. Yes.

12 Q. Thank you. In your testimony in chief you said that there
13 was news that certain youths had disarmed Kamajors and turned
14 over their weapons to the AFRC; not so?

11:10:21 15 A. Yes.

16 Q. Would I be right to say that these youths who did that were
17 working hands in gloves with the AFRC? Would I be correct to say
18 that?

19 A. No.

11:11:10 20 Q. You say they were not working hand in gloves with the AFRC,
21 but is it to your knowledge that -- when these weapons that were
22 taken from the Kamajors were handed over to the AFRC, is it to
23 your knowledge that the AFRC rejected these weapons?

24 A. It is not to my knowledge.

11:11:50 25 Q. It is not to your knowledge. Now, you remember being
26 interviewed by investigators from the Special Court; not so?

27 A. Yes.

28 JUDGE THOMPSON: Before you proceed, I am in difficulty
29 here lest the evidence reflects something which is not on the

1 record. Because the testimony seems to be that he had news that
2 certain youths had disarmed some Kamajors and turned over their
3 weapons to the AFRC. There is no evidence that actually he
4 testified here that he knew of his own knowledge that the youths
11:13:01 5 actually handed weapons to the AFRC. This is based on news.
6 That was why perhaps I wanted to say that the -- that particular
7 line of cross inquiry was getting argumentative. Because what he
8 has testified to that news in fact was heard that certain youths
9 had disarmed some Kamajors and turned over their weapons to the
11:13:29 10 AFRC. And then we made a leap -- a factual leap from your
11 cross-examination to that he knew that weapons were indeed turned
12 over to the AFRC. I am troubled by that kind of thing because
13 this is all based on news. News, news, news. Perhaps you would
14 like to clarify it.

11:13:53 15 MR LANSANA: Yes, Your Honour. There are two comments on
16 that. You recall that my question followed closely on the heels
17 of my asking the witness whether the atrocities against the
18 Kamajors included their being disarmed.

19 JUDGE THOMPSON: Yes.

11:14:07 20 MR LANSANA: Yes, Your Honour, that was what encouraged me
21 to attempt to --

22 JUDGE THOMPSON: I concede that. But there is no evidence
23 yet from him that he knows personally, as distinct from hearing,
24 that indeed the youths handed over weapons to the AFRC.

11:14:25 25 MR LANSANA: I take the cue from the Bench. I will put the
26 question.

27 JUDGE THOMPSON: I mean, that is just for me -- I mean, the
28 evidence.

29 MR LANSANA: As it please Your Honour.

1 Q. Now, Mr Witness, you talked about this news. Is it to your
2 knowledge that that news was true, that in fact certain youths
3 did hand over weapons disarmed -- taken from the Kamajors to the
4 AFRC?

11:14:52 5 A. Well, I can't say it is true or not true, because these
6 were news. And inasmuch as Kamajors claimed that this has
7 happened, you, an ordinary civilian, cannot deny the fact. So I
8 will say whether it is correct or not, but it was the news. I
9 did not see the guns myself. I did not see who disarmed.

11:15:26 10 JUDGE BOUTET: But you're saying that these news were
11 communicated to you by the Kamajors.

12 THE WITNESS: Yes, they talk -- one quality about Kamajors,
13 no sooner they get information they will talk in a hot-tempered
14 manner. That is to say, "Those youths who went and disarmed our
11:15:48 15 Kamajors, we're going to deal with them." You hear this from
16 them. Though you don't know their name, but you have got that
17 from them. So that is the latest news you will work with.

18 JUDGE THOMPSON: Actually, my own concern is between news
19 which you heard and what you actually perceived.

11:16:08 20 THE WITNESS: I did not --

21 JUDGE THOMPSON: That is my concern.

22 THE WITNESS: Yes, it was a kind of news I heard. I did
23 not see the youths that disarmed the Kamajors.

24 JUDGE THOMPSON: Quite right. That's my concern.

11:16:22 25 THE WITNESS: I did not see it.

26 JUDGE THOMPSON: Otherwise the evidence is clearly on a
27 different plane.

28 MR LANSANA:

29 Q. Now, Mr Witness, you do agree with me that, as you've

1 rightly said, no sooner had the Kamajors got something they
2 would, in a hot-tempered manner, let the population know; not so?
3 A. Yes.

4 Q. Would I take it then that this was an immediate reaction
11:16:50 5 from the Kamajors, that their colleagues were being disarmed by
6 certain youths? An immediate action. As it happens they're
7 coming, like you said.

8 A. Well, I can't tell because the time they got the message --
9 the time they got that news and the time I got it, these are two
11:17:16 10 different times. Perhaps they have got the message long before
11 this time and have held meetings, they have discussed it, what to
12 do, what not to do before I get in it, so I can't say.

13 [HN070305B 11.10 a.m. - SV]

14 Q. Did you personally hear the Kamajors comment?

11:17:33 15 A. Like I said --

16 Q. On their being disarmed?

17 A. Like I said --

18 PRESIDING JUDGE: He has said so, Mr Lansana. He has said
19 so, hasn't he. He had said they were very outspoken. They were
11:17:49 20 very forthright. I mean, yes. [Overlapping speakers] when they
21 got the news they came and said, these youths who disarmed our
22 people and handed the guns over.

23 MR LANSANA: As it please Your Honour.

24 Q. Now, I was asking whether you made a statement to
11:18:09 25 investigators from the Special Court and I guess you said yes?

26 A. Initially I said I made a statement to a group of -- well,
27 to one lady precisely who left here and went to Moyamba. I don't
28 know whether she is from Special Court or from where.

29 Q. Is that lady by any means called Cathrine?

1 A. Yes. You may be right. It's quite some time now, I can't
2 remember.

3 Q. And was the statement made on 27th of November 2003?

4 A. Yes. Yes.

11:18:48 5 Q. Thank you. And I guess you spoke in the English language
6 and you were recorded in the English language?

7 A. Yes.

8 Q. And when your statement was made did they read it over to
9 you? Was it read over to you?

11:19:09 10 A. Yes.

11 Q. And did you admit it to be true and correct?

12 A. Yes.

13 PRESIDING JUDGE: Mr Lansana, may I have the date of the
14 statement please.

11:19:27 15 MR LANSANA: Your Honour, it is the 27th of November 2003.

16 Q. And, Mr Witness, this statement was made to the
17 investigators at the police station in XXXXXX?

18 A. Yes.

19 Q. Mr Witness, did you tell the investigator or the
11:20:10 20 investigators --

21 JUDGE THOMPSON: Did he sign it?

22 MR LANSANA: Thank you, Your Honour.

23 JUDGE BOUTET: And how was it recorded?

24 MR LANSANA: He said it was written down, in English.

11:20:26 25 JUDGE BOUTET: Was it handwritten or typewritten?

26 MR LANSANA: I guess whether they had typewriters there.

27 Q. Mr Witness, was the statement written down in handwriting
28 or was it recorded on a tape?

29 A. I think it was typewritten because while she was

1 interviewing me I saw her.

2 Q. Typing?

3 A. Yes.

4 JUDGE BOUTET: On a computer?

11:20:46 5 THE WITNESS: Yes.

6 MR LANSANA: Thank you, Your Honour.

7 JUDGE BOUTET: That's what I meant by typewritten, in
8 opposition to being handwritten.

9 MR LANSANA: Yes.

11:20:51 10 Q. And did you sign it?

11 A. I can't remember signing it.

12 Q. You can't remember signing it.

13 JUDGE BOUTET: But if the document you have has a signature
14 on it, I don't know, if it has a signature --

11:21:05 15 MR LANSANA: It doesn't have any signature, Your Honour.

16 Q. Now, Mr Witness, I will read a portion of this statement to
17 you and I invite your comment. "Also hunted" --

18 MR LANSANA: Your Honours, it's the second page, last
19 paragraph of the statement.

11:21:30 20 Q. "Also hunted was Mr Thomas and his family. He was arrested
21 and in his presence" - that is you, in your presence - "Mr Thomas
22 was arrested at Shenge park. Kini Torma and Ngobeh gave command
23 to the commanders of the Kamajors to shoot him three times."

24 Sorry, I will go over that again. He was arrested and in your

11:22:04 25 presence at Shenge park, "Kini Torma and Ngobeh gave command to
26 the Kamajors who shot him three times. His head was cut and some
27 commanders, some Kamajors licked and drank Mr Thomas's blood" and
28 it continues. Did you tell the investigators that?

29 A. Yes well, whether I have said that perhaps it was --

1 Q. Mr Witness, it's a yes or no question?

2 A. Yes.

3 JUDGE BOUTET: Let the witness explain that. You've asked
4 the question and he is explaining the why. Because presumably
11:22:39 5 you want to use that to say he has or has not said this.

6 MR LANSANA: Yes, Your Honour, but he started off by saying
7 well, I may have said that. It's either "I said that because" or
8 "I didn't say that."

9 JUDGE BOUTET: But he's explaining something --

11:22:52 10 THE WITNESS: I said so but I want to explain. At the time
11 when they met me to give my own version of the story or the
12 incident which took place I witnessed, I did see Mr Thomas in the
13 midst of Kamajors, being processed to us, at Ngobeh's place. I
14 saw them and since it was a command -- perhaps mistakenly -- I
11:23:22 15 cannot actually say whether it was Mr Ngobeh who gave the
16 instruction. But since he was the man in command I went to that
17 judgment that he must have gave command. But the voice came from
18 the midst of Kamajors. That's what I'm saying.

19 Q. But it is true that you told the investigators that Kini
11:23:42 20 Torma and Ngobeh gave command to the Kamajors?

21 A. No.

22 MR SAUTER: Your Honours, I would like my colleague from
23 the other side to continue reading this statement and when you go
24 ahead there's exactly what he said here. There is no
11:24:01 25 inconsistency. It's on the next page.

26 JUDGE THOMPSON: Why not let him complete? We will take
27 the opportunity of intervening if we think that he is being
28 unfair to the witness. But let him have an uninterrupted run in
29 his cross-examination except where it is so compelling.

1 PRESIDING JUDGE: Mr Sauter, you can revisit it during
2 re-examination.

3 MR LANSANA: As it please Your Honours, I need not say
4 more.

11:25:26 5 Q. My last question to you was, before the objection was
6 raised, is that you have rationalised your statement to the
7 investigators. I mean, the reasons why you may have said that.
8 But my question really is: You agree with me that, in fact, you
9 did say that to the investigators?

11:25:26 10 A. Yes, I said so.

11 MR LANSANA: Your Honour, may I tender the statement of the
12 witness?

13 JUDGE BOUTET: What for? He admits that he said so.

14 MR LANSANA: Yes, your Honour. I want to tender it to show
11:26:07 15 that there is an internal contradiction. The very same statement
16 has two pieces of evidence that are at variance with each other.

17 JUDGE BOUTET: I don't follow you on that. Which two
18 pieces are you talking about?

19 MR LANSANA: Your Honour, I would further refer you to the
11:26:07 20 third page.

21 PRESIDING JUDGE: Mr Lansana.

22 MR LANSANA: Yes, Your Honour.

23 PRESIDING JUDGE: Before we visit that --

24 JUDGE THOMPSON: Let me suggest that if you are invoking
11:26:46 25 the rubric prior inconsistent statement it would seem to me to be
26 trite law that as a prior inconsistent statement, that is to say
27 an out of court statement which is at variance with the oral
28 testimony. I'm not sure whether we have the rubric of prior
29 inconsistent out of court statements. I mean, otherwise the

1 whole purpose of this exercise would be futile. I'm not sure
2 whether we, unless you can canvass the jurisprudence -- that we
3 are in a position to go along with you pointing internal
4 inconsistencies in a particular document which is out of court,
11:27:05 5 which is not in evidence, if that does not relate to the oral
6 testimony. So the comparative assessment which you are inviting
7 us to do should be the out of court statement on the one hand and
8 the oral testimony, not internal alleged inconsistencies in an
9 out of court statement. Am I clear?

11:27:30 10 MR LANSANA: You're very clear, Your Honour. Basically
11 this is a very subtle one. This is an out of court statement
12 that he has admitted now in court.

13 JUDGE THOMPSON: Yes. Which is at variance with itself
14 with certain particulars.

11:27:48 15 MR LANSANA: Precisely, Your Honour.

16 JUDGE THOMPSON: But unless you persuade us that the law
17 allows you to invoke our jurisdiction to admit that prior
18 inconsistent statement in evidence, other than for the purposes
19 of showing an alleged inconsistency between that statement and
11:28:07 20 his oral testimony, I'm not satisfied.

21 MR LANSANA: As it please Your Honour.

22 PRESIDING JUDGE: Mr Lansana, why don't you visit the
23 details of this witness's oral testimony in court and relate that
24 to the passage you have read?

11:28:23 25 MR LANSANA: Precisely. That's what I think I will do in
26 the circumstances.

27 JUDGE BOUTET: Maybe, too, you should look at the next page
28 where the evidence that the witness is giving us, was raised,
29 would explain what you're talking about.

1 PRESIDING JUDGE: You see, this witness, Mr Lansana -- we
2 want to move. We want to move fast.

3 MR LANSANA: Yes, Your Honour.

4 PRESIDING JUDGE: They marched these people, this man, to
11:29:01 5 somewhere and then after some time they conferred amongst
6 themselves and sooner or later a voice came out and said, "You
7 are now a free man. You can go." And he was going and going and
8 going and then he was shot at.

9 MR LANSANA: Yes, Your Honour.

11:29:22 10 PRESIDING JUDGE: Is that not the evidence as we have it,
11 briefly stated?

12 MR LANSANA: It is.

13 JUDGE BOUTET: And I have taken my statement out of my book
14 and I look at the next page and this is exactly what he's talking
11:29:35 15 about. So let's get the full picture, not only what you are
16 trying to get the witness to agree to. He has accepted that
17 that's what he said at the time of the interview as such, but he
18 said he made additional comments on that incident. So if you are
19 covering the incident, I would suggest you cover the whole of it,
11:29:54 20 not only a portion because we don't get the real picture.

21 MR LANSANA: Yes, Your Honour. As a matter of fact I've
22 gotten from this witness what I really wanted and I think I will
23 abandon any questions on that particular one. I will go further.

24 Q. Mr Witness, you attested before this Court that Mr Thomas
11:30:14 25 was killed; not so?

26 A. Yes.

27 Q. And you say that he was killed by Kamajors?

28 A. Yes.

29 Q. And you've also told this Court that there were at first

1 two commanders in Moyamba town, a Mr Ngobeh and second in command
2 Kini Torma; correct?
3 A. Yes.
4 Q. Now, when Mr Thomas was killed were there any superior
11:30:56 5 authority to Mr Ngobeh and Kini Torma? Were there any Kamajors
6 in Moyamba who were superior to Mr Ngobeh and Kini Torma?
7 A. You mean after the death of Mr Thomas?
8 Q. Yes.
9 A. After the death of Mr Thomas?
11:31:21 10 Q. Yes.
11 PRESIDING JUDGE: Is it after or during? At the time of
12 the incident, isn't it?
13 MR LANSANA: Yes.
14 Q. At the time of the incident were there any Kamajors in
11:31:30 15 superior authority to Mr Ngobeh and Kini Torma?
16 A. Well, I can't tell. I don't know their line of
17 superiority. I can't tell.
18 Q. Now, Mr Witness, did you make any report of the killing of
19 Mr Thomas to any superior Kamajor authority?
11:32:35 20 A. No.
21 Q. You did not. Similarly, did you report the burning of the
22 man accused to have committed cannibalism to any superior Kamajor
23 authority?
24 A. No, they --
11:33:15 25 Q. Thank you very much.
26 PRESIDING JUDGE: Don't cut him short, please. Yes,
27 Mr Witness?
28 THE WITNESS: If you see the Kamajors doing an act you see
29 them, I wonder to whom are you going to report the matter again

1 when they are in full control.

2 MR LANSANA:

3 Q. Did you report it after they had left Moyamba town?

4 A. To whom?

11:33:42 5 Q. Because when they were there you said their presence was
6 awe inspiring, if I get you right.

7 JUDGE BOUTET: No, that's not what he's saying. He's
8 saying they're the ones that I see doing it, why would I report
9 that to them? I mean, they're doing it. They're the ones doing
11:33:58 10 it. What's the logic of him reporting when they're the ones
11 doing it, to report --

12 MR LANSANA: As it please Your Honour, but you will recall
13 that I had said whether he knew of any people who were in
14 authority beyond those who were there.

11:34:14 15 JUDGE BOUTET: I know.

16 MR LANSANA: I preceded my question with that.

17 JUDGE BOUTET: Yes but he's answering your question,
18 whether in authority or not, they're all there doing it. He says
19 why should I report it, they know it themselves.

11:34:28 20 MR LANSANA: As it please Your Honour.

21 Q. My question now is: Afterwards, afterwards, did you report
22 these incidents to any superior Kamajor authority?

23 A. No.

24 MR LANSANA: Thank you very much. That will be all for
11:34:43 25 this witness, Your Honours.

26 JUDGE BOUTET: Counsel for first accused?

27 CROSS-EXAMINED BY MR JABBI:

28 Q. Mr Witness, you were given a piece of paper by counsel for
29 the second accused with a question and you wrote an answer; do

1 you remember?

2 A. Yes.

3 PRESIDING JUDGE: He wrote answers to two questions, yes.
4 That's to Exhibit 82, is it?

11:35:38 5 MR JABBI: Yes, My Lord.

6 JUDGE BOUTET: Yes, Mr Jabbi, we're waiting for you.

7 MR JABBI:

8 Q. Now, with respect to that person whose name you wrote on
9 that paper can you tell this Court if he had anything to do with
11:36:11 10 the Kamajor movement?

11 JUDGE BOUTET: Well, I would say -- don't answer the
12 question yet, please, because I would have thought that the
13 answer to the second question was -- is the answer to your
14 question.

11:36:27 15 PRESIDING JUDGE: Yes, that was what I was going to say.

16 JUDGE BOUTET: The answer on that piece of paper.

17 MR JABBI: My Lord, if I may --

18 JUDGE BOUTET: Yes. Mr Walker, can you show the piece of
19 paper to counsel.

11:36:46 20 PRESIDING JUDGE: The first question is in relation to the
21 relationship between X and second is the position of X within the
22 Kamajor society. So if he had that position then there would be
23 no doubt that he was part of the society.

24 MR JABBI: Okay.

11:37:16 25 Q. Now, can you tell the Court what interaction you had with
26 this person during the stay of the Kamajors in Moyamba before the
27 AFRC came? I should also forewarn you the question was very
28 careful to ensure that your own identity and that of the name you
29 wrote is not disclosed. So you watch that in your answer,

1 please. But what sort of interaction did you have with that
2 person in Moyamba before the AFRC coup?

3 MR KAMARA: Your Honours, if I may comment on that
4 question. I take an objection being that that question is overly
11:38:23 5 vague; what kind of interaction. Bearing in mind that the
6 witness will not want to go into certain issues as my learned
7 friend had forewarned him about. Other than that, if my learned
8 friend could pose specific and direct issues to the witness he
9 will be able to address it. But to say what interaction in
11:38:45 10 open -- what interaction indeed is vague, Your Honour.

11 JUDGE BOUTET: Your objection is denied. I think the
12 witness is capable of answering that question. I think it is
13 possible. We'll see from what the witness is saying.

14 PRESIDING JUDGE: Mr Kamara, particularly with the warning
11:38:59 15 that has preceded the question by Mr Jabbi.

16 JUDGE BOUTET: We are all concerned about that. I think it
17 was certainly a very fair statement by counsel that you have to
18 be careful, when answering, not to.

19 JUDGE THOMPSON: And vagueness is not a ground of
11:39:18 20 impermissibility. Sometimes vague questions are deliberate.

21 MR KAMARA: Thank you, your Honour.

22 MR JABBI: I believe the question is general but not
23 necessarily vague.

24 Q. So Mr Witness, with the forewarning, can you explain to the
11:39:37 25 Court what sort of interaction you had with the person whose name
26 you wrote on that piece of paper before the AFRC coup?

27 A. Well, I had a cordial relationship with him but I had
28 nothing to do with the group to which he belonged as a Kamajor.

29 Q. Thank you. If I may ask more directly, did you share a

1 residence with him?

2 A. Well, I came and found him there because I was not there.

3 By 1996 I was now -- 1996 July, July to August, I was in Moyamba,
4 1996, and I found him there.

11:40:48 5 Q. During that time that your were in Moyamba did you share a
6 residence with him?

7 A. No.

8 Q. You did not share a residence?

9 A. The reason I moved out from there because I was afraid.

11:41:06 10 Q. Did you at any time share a residence with him, however
11 briefly?

12 A. Yes, yes.

13 Q. Thank you. You have also given evidence that on the AFRC
14 attack you in fact fled Moyamba with Kamajors and other people
11:41:48 15 into the bush?

16 A. Yes.

17 Q. Did that person flee with you into the bush on that
18 occasion?

19 A. He's a Kamajor. Whether he left --

11:42:32 20 PRESIDING JUDGE: Did he flee? Please, answer the
21 question.

22 THE WITNESS: Not together with me. I --

23 PRESIDING JUDGE: Did he flee? Did he flee with you? No,
24 isn't it?

11:42:44 25 THE WITNESS: No.

26 MR JABBI:

27 Q. Now, when you returned to Moyamba after that brief stay by
28 the AFRC did he come back to Moyamba -- that same person, did he
29 also come back to Moyamba?

1 PRESIDING JUDGE: Did he flee to begin with? We have no
2 evidence that he fled.

3 MR JABBI: Well, My Lord, his general evidence suggests
4 that he did.

11:43:27 5 PRESIDING JUDGE: No, no.

6 MR JABBI: Because he had said that this person is a
7 Kamajor and all Kamajors fled Moyamba.

8 PRESIDING JUDGE: Not everybody fled Moyamba, the town. He
9 didn't say that the whole village was empty.

11:43:42 10 MR JABBI: No, My Lord. He characterised the person as a
11 Kamajor and he also gave evidence that all Kamajors fled Moyamba.

12 MR KAMARA: That is not the state of the evidence. He said
13 we fled into the bush with Kamajors. He never said all Kamajors
14 fled Moyamba.

11:44:08 15 JUDGE BOUTET: You're quite right.

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

17 MR JABBI: Yes indeed, My Lord. If that is the case may I
18 return this document.

19 JUDGE BOUTET: Thank you.

11:44:13 20 MR JABBI:

21 Q. Do you know whether when you fled into the bush on that
22 occasion that person also fled Moyamba?

23 A. I can't tell.

24 Q. You do not know. And when you returned to Moyamba from the
11:44:45 25 bush did you find him in Moyamba?

26 A. No.

27 Q. Did he at any time return to Moyamba after your own return?

28 A. Yes.

29 Q. And did he continue to stay there on that occasion?

1 A. Yes.

2 Q. Again, after he came back to Moyamba what was the state of
3 your interaction with him?

4 A. Not quite too cordial.

11:46:27 5 Q. Not as cordial as earlier?

6 A. Yes.

7 Q. But were you on speaking terms?

8 A. Yes.

9 Q. Did you by chance stay together in the same house?

11:47:08 10 A. After his last return?

11 Q. Yes?

12 A. No.

13 Q. After the AFRC incident?

14 A. No.

11:47:41 15 Q. And was he in Moyamba when the alleged incidents that you
16 have narrated took place?

17 A. I can't tell.

18 Q. You cannot tell. I take it therefore that, notwithstanding
19 your relationship with him, you never actually reported or
11:48:38 20 complained about any of these incidents to him; is that correct?

21 A. Yes.

22 Q. At the conclusion of your testimony in chief you said you
23 once saw Chief Sam Hinga Norman entering a vehicle. You remember
24 that?

11:49:37 25 A. Yes.

26 Q. Where was that?

27 A. At the main junction.

28 Q. Which town?

29 A. Moyamba town.

1 Q. And when was it?

2 A. I can't remember the time.

3 PRESIDING JUDGE: Try to remember the time in relation to
4 incidents, please.

11:50:21 5 MR JABBI:

6 Q. Was it before or after the AFRC attack on Moyamba?

7 A. It was after. It was after the AFRC attack.

8 Q. You were not in a position to talk to him, were you?

9 A. No, from a distance. I saw him from a distance just
11:50:54 10 entering his vehicle.

11 Q. Now, how long did you yourself stay in Moyamba after your
12 return to the town following the AFRC incident?

13 A. I was there from the latter part of 1996 up to 2004.

14 Q. Okay, that slightly misunderstands the question. Again
11:52:13 15 listen to the time frame, please. The question was: How long
16 did you stay in Moyamba after the AFRC incident when you returned
17 there? That is well after '96, according to your evidence?

18 A. Yes.

19 Q. So how long after that incident. How long did you stay in
11:52:37 20 Moyamba?

21 A. I've been there ever since.

22 JUDGE THOMPSON: Can we have some clarity.

23 THE WITNESS: I've been there ever since.

24 JUDGE THOMPSON: Just a minute. Can we have some clarity.
11:52:44 25 The records do not seem to show AFRC incident. We do have the
26 AFRC attack, the AFRC coup. So perhaps counsel want to help us
27 with the records.

28 MR JABBI: Yes, My Lord. I am referring to the AFRC
29 incident in Moyamba. That is the attack and stay.

1 JUDGE THOMPSON: Well, just a little precision lest we
2 multiply the issues.

3 MR JABBI: Thank you very much, My Lord.

4 Q. With respect to the period after the AFRC attack on Moyamba
11:53:22 5 and your return, how long did you stay in Moyamba on that
6 occasion?

7 A. Initially I said after one or two weeks I left, after the
8 AFRC have left I went to Moyamba and ever since I've been in
9 Moyamba. I did not go anywhere again.

11:53:49 10 Q. So what you're saying is that in fact after you returned to
11 Moyamba from the bush --

12 A. Yes.

13 Q. But earlier you said when you got the rumour that the AFRC
14 had left you waited for some five days --

11:54:02 15 A. Yes.

16 Q. -- before visiting the town?

17 A. Yes.

18 Q. And then after visiting the town you spent another two
19 weeks --

11:54:08 20 A. Yes, in the bush.

21 Q. -- in the bush before coming back?

22 A. Then I went to town finally.

23 Q. Then you went to Moyamba?

24 A. Finally.

11:54:17 25 Q. So from that time you have been in Moyamba all the time?

26 A. Yes.

27 Q. And I take it, of course, the civil authority returned to
28 Moyamba during that time and since then?

29 A. Yes.

1 Q. Now, during that time have you endeavoured to make any
2 report, say to the police for instance, of the incidents you have
3 narrated to the Court?

4 A. No.

11:55:52 5 Q. And also during that time --

6 PRESIDING JUDGE: Mr Witness, you have not done that up to
7 date?

8 MR JABBI: That's what I was coming to, My Lord

9 Q. During that time, that is since the return of civil
11:56:12 10 authority, have you also attempted to report to any known Kamajor
11 authority before or since?

12 A. I have not but I assume -- it's an issue of the town. A
13 lot of people are aware of that but, like I said, since it is a
14 Kamajor issue one has to be very careful because living in their
11:56:41 15 midst and bringing up a complaint, you have to fear for your
16 life.

17 MR JABBI: Thank you very much. That's all for the
18 witness, My Lord.

19 JUDGE BOUTET: Thank you, Mr Jabbi.

11:57:14 20 MR SAUTER: No re-examination, Your Honour.

21 JUDGE BOUTET: Thank you, Mr Sauter.

22 PRESIDING JUDGE: Mr Witness, I think we are through with
23 you and we would like to thank you very much for coming to
24 testify before us and to let us share the experiences with you
11:59:21 25 during this period. We thank you for coming. We've finished
26 with you but necessity might arise for us to get you back here
27 for one reason or the other. It has not yet arisen, I say it
28 might. I hope that when it does it will be your pleasure to come
29 back and testify before us again on one issue or the other. With

1 this said, we would like to wish you a safe journey back to your
2 station and to extend our best wishes to your family.

3 THE WITNESS: Thank you very much.

4 PRESIDING JUDGE: Right. Learned counsel, I think we would
12:00:06 5 be rising for the morning because if we do rise for the witness
6 to be installed and so on, we mightn't get to the end of
7 examination-in-chief before rising and we want to make the
8 records neat and maybe also give the technicians some time to see
9 if they can look into our atmospheric situation in this room. So
12:00:41 10 we would rise and resume sitting at 2.30. The Court will rise,
11 please.

12 [Luncheon recess taken at 11.55 a.m.]

13 [Upon resuming at 2.40 p.m.]

14 [HN070305C - AD]

14:26:16 15 [Open session]

16 PRESIDING JUDGE: Good afternoon, learned counsel. We are
17 resuming the session.

18 JUDGE BOUTET: Mr Sauter, are you ready to proceed with
19 your next witness?

14:44:32 20 MR KAMARA: Your Honours, the Prosecution wishes to inform
21 the Court that we shall be calling the recall witness, TF2-057,
22 tomorrow. I have already given an indication to my learned
23 friends on the other side that we wish to call TF2-057, the
24 recall witness.

14:44:54 25 JUDGE BOUTET: That is not the investigator; that is the
26 other one.

27 MR KAMARA: Yes, the recall witness.

28 JUDGE BOUTET: That is the motion by Mr Margai.

29 MR KAMARA: Yes, Your Honour.

1 JUDGE BOUTET: So you want to do that first?

2 MR KAMARA: Tomorrow we want to start off with the recall
3 witness if we finish with this one today.

4 JUDGE BOUTET: Even if we finish with this one that will
14:45:12 5 be, but if we are not finished with this one, we are going to
6 finish this and then that one.

7 MR KAMARA: Yes, Your Honour. Also, this may likely be the
8 last witness for today. We prepared ourselves for two witnesses
9 for today. If we happen to finish this one before the close of
14:45:31 10 the day, we apologise, and it might be the last one for today.

11 PRESIDING JUDGE: That is all right; that is okay. But
12 please make sure you always have contingency plans because we
13 have gone faster, I suppose, than you would have envisaged. So
14 that re-emphasises the necessity for your contingency plans to
14:45:54 15 take care of eventualities of this nature.

16 MR KAMARA: The speed of the Court is outpacing the speed
17 of the Prosecution.

18 PRESIDING JUDGE: That is all right.

19 JUDGE BOUTET: That is good news.

14:46:07 20 MR SAUTER: Now, the Prosecution is calling Witness
21 TF2-170. He is witness number 58 and he will testify in Krio.

22 JUDGE BOUTET: Thank you.

23 WITNESS: TF2-170 [Sworn]

24 Yes, Mr Sauter, please proceed.

14:47:10 25 EXAMINED BY MR SAUTER:

26 Q. Good afternoon Mr Witness.

27 A. Good afternoon, sir.

28 Q. I am about to put to you some questions. Please take your
29 time when answering these questions and speak slowly because

1 whatever you say has to be recorded. Okay?

2 A. Yes, sir.

3 Q. I start with some questions concerning your personal data.

4 Mr Witness, how old are you?

14:47:52 5 A. I am 56 years old.

6 Q. And where were you born?

7 PRESIDING JUDGE: 56 is it?

8 THE INTERPRETER: 56.

9 MR SAUTER: Mr Witness, where were you born?

14:48:17 10 A. I was born at XXXXXXX, Ribbi Chiefdom in the Moyamba

11 District, Southern Province of Sierra Leone.

12 Q. Would you like me to spell the name of the place?

13 JUDGE BOUTET: The first name.

14 MR SAUTER: XXXXXXX, Ribbi Chiefdom,

14:48:40 15 Moyamba District.

16 Q. Where are you residing, Mr Witness?

17 A. I am residing at Bradford.

18 Q. Are you married?

19 A. Yes, sir.

14:49:11 20 Q. And how many children do you have, Mr Witness?

21 A. I have eight children.

22 Q. Did you attend school, Mr Witness?

23 A. Yes, sir.

24 Q. For how many years?

14:49:32 25 A. 12 years.

26 Q. Finally, what is your profession?

27 A. Well, I am a farmer.

28 Q. Mr Witness, let me now take your mind back to the year

29 1998. Where did you live in the year 1998?

1 A. I was at Bradford.

2 Q. How was the situation in Bradford at 1998? That means,
3 were any of the factions fighting in the war being deployed in
4 Bradford?

14:50:31 5 A. Yes.

6 Q. Which ones, please?

7 A. They are the CDF from Bumpe Rotifunk. We also had CDF from
8 Moyamba District. They came from various areas from the Moyamba
9 District and they met us there in 1998.

14:51:06 10 Q. Do you have any other name for the term "CDF"?

11 A. Yes, sir. The first CDF that came from Rotifunk -- that
12 is, Bumpe -- are the Kamajors. The others who came from Moyamba
13 are Vondos. The meaning is "sweat". They are called Vondos.

14 JUDGE BOUTET: Mr Sauter, will you take that back a bit,
14:51:44 15 please?

16 MR SAUTER: You let us do that again. You said there were
17 Kamajors.

18 A. Yes, sir. They came from Bumpe Rotifunk.

19 JUDGE BOUTET: That was called how?

14:52:02 20 THE WITNESS: They are called Vondos. They are CDF from
21 Moyamba District. They came from various villages from Moyamba
22 District and they met us.

23 MR SAUTER: The spelling of Vondo is V-O-N-D-O.

24 PRESIDING JUDGE: And he said "Vondo" means what?

14:52:34 25 MR SAUTER: "Vondo" means sweat.

26 Q. And both of the groups were part of CDF; is that what you
27 say?

28 A. Yes, sir.

29 Q. And were both of the groups stationed at Bradford Town?

1 A. The first group attacked us and retreated. The second
2 group, which is the Vondo, they came and based at Bradford.
3 Q. You said the first group attacked and retreated. When did
4 this happen?
14:53:15 5 A. Yes, sir.
6 Q. When?
7 A. It was in March.
8 Q. Which year?
9 A. 1998.
14:53:26 10 Q. When you say the "first group", which group do you mean?
11 A. That was the Kamajors from Bumpe.
12 JUDGE BOUTET: I would like to know what the witness means
13 by "attacked us".
14 MR SAUTER:
14:53:50 15 Q. So you say the Kamajors from Bumpe attacked that port in
16 March 1998; that is right?
17 A. Yes, sir. They came and harassed us. The houses that the
18 rebels razed down, they came in and entered, opened the doors,
19 looted our properties. Even my brother, who was staying with me,
14:54:27 20 his property was looted.
21 Q. When you say they "harassed us", who do you mean?
22 A. Well, they took our properties first fully without giving
23 it to them. They also looted properties from the traders and the
24 same night they went back to Bumpe.
14:54:58 25 Q. What I mean, Mr Witness, is who were the victims of this
26 attack? The civilian population of Bradford?
27 MR BOCKARIE: Objection.
28 THE WITNESS: The civilians; it was the civilians.
29 JUDGE BOUTET: You are really disputing that?

1 PRESIDING JUDGE: Are you disputing that?

2 JUDGE BOUTET: If you are standing up just for that --

3 PRESIDING JUDGE: That is not a contentious matter; it is a
4 non-contentious issue.

14:55:23 5 MR BOCKARIE: But it has come from the witness, My Lord.

6 JUDGE BOUTET: If it is not disputed, it is not disputed
7 whether it comes from the witness or not.

8 PRESIDING JUDGE: We, we, we. I mean, we have always said
9 that questions which are leading could be asked when they relate
14:55:37 10 to non-contentious issues. I do not think that the Defence is
11 contending he has any doubts as to what the "We, we, we" refers
12 to. I do not see any difficulty. Anyway, please answer the
13 question.

14 MR SAUTER:

14:55:53 15 Q. Mr Witness, please try to avoid terms like "us" and "they";
16 name the groups or name the persons you mean. Say not "they",
17 but "the Kamajors", for example, or "the soldiers", or who so
18 ever, but not "they" or "us". Name the groups.

19 JUDGE THOMPSON: But, Mr Sauter, if he forgets, there is no
14:56:15 20 problem in reminding him. He is not familiar with this setting.

21 MR SAUTER: Of course, it is just an attempt --

22 JUDGE THOMPSON: Yes, I know you are trying to help him,
23 but there is nothing wrong with reminding him or asking him to
24 explain.

14:56:34 25 MR SAUTER:

26 Q. So this attack happened, according to your statement, in
27 March 1998 and was carried out by the Kamajors; right?

28 A. Yes.

29 Q. What did you do -- you personally -- when this attack

1 occurred?

2 A. What I did -- when the CDF attacked us they used to come
3 and enter into civilian houses. By then I was in my house. I
4 came outside. I saw them with flashlights in the evening,
14:57:32 5 coming. I took my luggage. I went into the bush and hid myself.
6 So in the morning -- at night I went to a village and hid myself.
7 In the morning, I came to check if they have gone. I came, I was
8 unable to reach --

9 PRESIDING JUDGE: Slower, please. It is offhand.

14:57:59 10 MR SAUTER: Pardon?

11 PRESIDING JUDGE: He is going too fast.

12 MR SAUTER: I know.

13 Q. So you said you took your luggage and went to the bush;
14 right?

14:58:17 15 A. Yes, sir.

16 Q. And you said at night you went to another village to sleep
17 there; right?

18 A. Makehe. Yes, sir.

19 Q. What is Makehe? Is that the name of the village?

14:58:52 20 A. Yes, sir.

21 Q. Could you tell the Court this name again? What was the
22 name of the village where you sleep?

23 A. Yes, sir. Makehe.

24 Q. Could you spell this name?

14:59:15 25 A. Yes, sir. M-A-K-E-H-E, Makehe.

26 Q. Did you personally ever encounter the Kamajors at this
27 time?

28 A. The time I did not get too clear.

29 Q. I will phrase it otherwise. The time you were hiding in

1 the bush, at daytime and sleeping in this village at nighttime,
2 did you ever meet Kamajors?
3 A. I did not meet any Kamajors. We had the Kamajors; that is
4 the Vondos. They met us where we hid. I will come to that; I am
15:00:31 5 taking it step by step.
6 Q. I am very grateful.
7 JUDGE BOUTET: You have asked him to do that, so
8 he follows your directions.
9 MR SAUTER: I am very grateful for this.
15:00:48 10 A. Yes, sir.
11 Q. So please come to the point when you met Kamajors, but step
12 by step as you announced and go slowly, please.
13 A. Yes, sir. When they drove us at night, we went to a
14 village called Makehe. I slept there. In the morning I came to
15:01:26 15 Bradford to see if they had gone. But on my way coming, I heard
16 two gunshots.
17 PRESIDING JUDGE: "On my way coming to Bradford --
18 MR SAUTER:
19 Q. On your way to Bradford you heard the gunshots?
15:02:00 20 A. What?
21 Q. On the way to Bradford or on the way back from Bradford?
22 A. I did not reach Bradford; I was coming towards Bradford.
23 Q. Okay, so on your way to --
24 A. I heard gunshots on my left-hand side, yes.
15:02:16 25 Q. You heard two gunshots?
26 A. Yes, sir, on my left-hand side.
27 Q. Okay. And after this?
28 A. After that, I was unable to reach Bradford. I returned
29 where I spent the night. I took my luggage and went to a

1 village. I did not reach Bradford. I went to a village
2 called --

3 Q. What is the name of the village?

4 A. Makabi Loko.

15:02:55 5 Q. The spelling is M-A-K-A-B-I L-O-K-O village. So what did
6 you do at Makabi Loko village?

7 A. Well, I went to hide. I was displaced. I left my home and
8 went to the village.

9 Q. How long did you stay at Makabi Loko village?

15:03:54 10 A. Well, from March to June because I normally leave Makabi
11 Loko to work at my farm and in the evening return to Makabi Loko.

12 Q. Did anything happen to you while you were in Makabi Loko
13 village?

14 A. Yes, sir.

15:04:33 15 Q. Please tell the Court.

16 A. So one morning I went to my farm, just about 3 miles in
17 Makabi Loko to my farm. So at about four my brother, whose name
18 Sule, came with some cassava. We have spent the rest of the day
19 without food.

15:05:15 20 Q. Go ahead, please.

21 A. So he said, "Well, we don't have water. Let me go and
22 search water in the nearby stream." The water is a spring coming
23 from and it runs to the swamp. I took one jerry can. I went to
24 the place to fetch water.

15:05:44 25 PRESIDING JUDGE: Stop here, please.

26 MR SAUTER:

27 Q. So, did you fetch water?

28 A. I was unable to fetch the water.

29 Q. Why couldn't you fetch water?

1 A. Well, as I reached these people -- the CDF -- they started
2 saying "[Mende spoken]", in the Mende language. That is, "Catch
3 him! Catch him." They started firing. I was panicked.
4 PRESIDING JUDGE: Stop here, please.
15:06:38 5 THE WITNESS: Yes, sir.
6 PRESIDING JUDGE: They were shouting what?
7 MR SAUTER: I will proceed.
8 THE WITNESS: [Mende spoken].
9 PRESIDING JUDGE: That means what?
15:06:50 10 MR SAUTER: "Catch him! Catch him."
11 A. In Mende, it means, "Catch him! Catch him."
12 MR SAUTER:
13 Q. Did you see the people who were saying so?
14 A. Yes, sir. But they even catch me.
15:07:17 15 Q. So, who was it -- the people who were saying these words
16 and who caught you?
17 A. It was the CDF; those that they called the Vondos. They
18 are the ones that captured me.
19 Q. You said they were firing? Did they hit you by gunfire?
15:08:03 20 A. They were shooting -- they were shooting at me; they were
21 firing heavily.
22 Q. Did they hit you?
23 A. God didn't allow that; no bullet hit me.
24 Q. So you said you were caught by the CDF?
15:08:43 25 A. They captured me as I was thrown in. I went up the hill.
26 I was tired then I fell down. Then one of them said, "[Mende
27 spoken] He has fallen down." By then the bullet has hit me. So
28 the man ran to capture me --
29 THE PRESIDING JUDGE: Slowly please.

1 THE WITNESS: Yes, sir.

2 MR SAUTER:

3 Q. So when they approached, you ran away; is that right?

4 A. Yes, sir. As they were shooting, I run.

15:09:22 5 Q. And they were shooting; okay?

6 A. Yes, sir

7 Q. And after some time you fell down?

8 A. Yes, sir.

9 Q. Then you heard them say what? Would you please repeat?

15:09:40 10 A. Well, when I fell they said [Mende spoken]. By then the

11 bullet has already stopped me.

12 INTERPRETER: Your Worship, can the witness please go over

13 that again?

14 MR SAUTER:

15:10:00 15 Q. Please repeat it; what did they say?

16 INTERPRETER: Go slowly.

17 A. So they said in Mende, "[Mende spoken]. He has fallen

18 down. [Mende spoken]." The cartridge, the bullet has struck me.

19 Q. Okay.

15:10:27 20 A. So they asked the man to capture me. That is one of the

21 CDF.

22 Q. Okay. Do you understand Mende?

23 A. Yes, sir. I can speak Mende little by little. I am a

24 local, I speak Mende.

15:11:03 25 Q. So, Mr Witness, did they come to the place where you were

26 lying after you fell down?

27 A. When I fell, somebody was spoke to me and said, "Don't get

28 up. If you get up they will shoot at you." So I lied there.

29 PRESIDING JUDGE: Stop please.

1 MR SAUTER:

2 Q. What happened next? You were lying on the ground and the
3 Kamajors were with you?

4 A. I fell on the ground, I laid there and then one of the CDF
15:12:10 5 went to me where I was lying. He hit me with the gun on my back,
6 hold my clothes and lifted me and he put his hand in my trousers
7 and took me where their boss was; that is, down the swamp.

8 Q. So you say you were brought before their boss. Did you
9 know the boss?

15:12:52 10 A. I knew him.

11 Q. How well?

12 A. I knew him very well.

13 Q. Who was it?

14 A. Kakpata.

15:13:05 15 Q. We had it before. The spelling is K-A-K-P-A-T-A. So, what
16 did Kakpata do when you were brought before him?

17 A. They told one of the CDF to undress me to be sure if I was
18 hit by the bullet.

19 Q. Continue please.

15:14:07 20 A. So the man undressed me. They look at me. There was no
21 bullet mark. Nothing, absolutely. Then they said so I am one of
22 the CDF Gbethis. So they are taking me to Bradford to kill me.

23 Q. What did they say? He is one of the who?

24 A. I do not get it clear.

15:14:39 25 Q. You said they couldn't find any mark.

26 A. They saw no mark on me and they said --

27 PRESIDING JUDGE: Very slowly, please.

28 THE WITNESS: They said, well, I am one of the CDF Gbethis.
29 So all the time that they are firing at me no bullet struck me.

1 So they are now taking me to Bradford to kill me.

2 Q. Gbethis is -- just a second, please, I have to look for it

3 -- G-B-E-T-I-S. Thank you.

4 PRESIDING JUDGE: So, Mr Witness, you were a Gbethis,
15:15:38 5 bulletproof.

6 THE WITNESS: No, I am a civilian. They were just lying.

7 MR SAUTER:

8 Q. Did they bring you to Bradford?

9 A. They did not take me direct to Bradford. When they
15:16:07 10 captured me and took me to their patrol commander -- who is
11 Kakpata -- I met four of my brothers who were also captive.

12 PRESIDING JUDGE: Stop here.

13 MR SAUTER:

14 Q. Where did you meet four of your brothers?

15:16:41 15 A. When they took me by the swamp, where I met the patrol
16 commander, Kakpata. I met them sitting on a stick. Four of
17 them. Then I was the fifth. Then I was asked to sit down.

18 Q. Did you know the other captives?

19 A. Yes, sir.

15:17:09 20 Q. Were they from Bradford?

21 A. Yes, sir. We are all coming from Bradford.

22 Q. And what happened next?

23 A. Well, the patrol commander -- who is Mr Kakpata -- said,
24 "Number four captive, this is the second time he has captured
15:17:50 25 him." He said the man told him that he is going to tell him were
26 the Gbethis are. The man refused to do this and hid from him.

27 Q. You say this was with regard to number four captive. Who
28 was number four captive?

29 A. XXXXXXXX XXXXXXXX.

1 Q. Is there a need for the spelling?
2 XXXXXXX XXXXXXX XXXXXXX.
3 And you said the commander was uttering that the XXXXXXX was
4 captured the second time?
15:18:52 5 A. Yes, sir. That was what Mr Kakpata said. He said because
6 of that he is going to kill him there and leave him there.
7 PRESIDING JUDGE: And the first time he had promised to
8 show him where the Gbethis were.
9 MR SAUTER:
15:19:17 10 Q. What did they blame for XXXXXXX XXXXXXX?
11 A. Well, Mr Kakpata, who is the patrol commander for the CDF,
12 said when he first captured XXXXXXX XXXXXXX he promised to show
13 them where the Gbethis are, but XXXXXXX refused to do that and hid
14 from him.
15:19:43 15 Q. Stop here, please. So, he promised to show the Kamajors
16 where the Gbethis are?
17 A. Yes, sir.
18 Q. But XXXXXXX XXXXXXX refused to do so; right?
19 A. He hid from them. In fact, he disappeared from them.
15:20:04 20 Q. And now he was captured a second time?
21 A. Yes, sir.
22 Q. And what did Kakpata say they are going to do with him?
23 A. He said, "Well, as long as you have lied, no [inaudible].
24 He is going to be killed and he is going to be buried there."
15:20:43 25 The Pa was begging them.
26 Q. He said he is going to kill XXXXXXX XXXXXXX; is that right?
27 A. Yes, he said he would kill him.
28 Q. And he would bury him at this place? Is this right? I am
29 not sure.

1 A. Yes. We buried him. He just killed him and leave him
2 there. We buried him.
3 Q. He said he would kill him at this place; right?
4 A. Yes.
15:21:24 5 Q. So what happened next?
6 A. So the Pa was begging them and then one of the CDF said,
7 "Who is about to be killed?" And the patrol commander said,
8 "This is him." The man had a sharp knife.
9 [Microphone not activated]
15:21:48 10 MR SAUTER: It is not meant for the translator; it is meant
11 for the witness. Go on with the translation, please. They are
12 on strike.
13 PRESIDING JUDGE: Ask the witness to repeat.
14 MR SAUTER:
15:22:07 15 Q. Mr Witness --
16 A. Yes, sir.
17 Q. -- after Kakpata had announced that XXXXXXXX XXXXXXXX would
18 be killed, what happened?
19 A. Yes, sir. One of the CDF said, "Who is about to be
15:22:27 20 killed?" Kakpata said, "This is the man."
21 Q. When saying so, did he point to a specific person? Did he
22 say, "This is the man"?
23 A. Yes, sir.
24 Q. To which person did he point?
15:22:56 25 A. He pointed to the fourth captive; that is, XXXXXXXX XXXXXXXX.
26 He said, "He is the man to be killed."
27 Q. So what happened next?
28 A. So one of the CDF said, "Who is the man to be killed?" And
29 he said, "This is him." He had one long sharp knife. The man

1 was lying down begging. The man took the knife and cut him on
2 his head. The blood started oozing. When the Pa was begging the
3 blood was oozing in his mouth.

4 PRESIDING JUDGE: Stop please.

15:24:05 5 MR SAUTER:

6 Q. And after XXXXXXXX was struck with the knife, what happened?

7 A. Well, at that same moment some of the CDF had left and went
8 to one village and they met a lot of civilians. They were unable
9 to come out. They came back and met the patrol commander. They

15:24:38 10 reported to the patrol commander that they went to one village
11 and met a lot of civilians.

12 PRESIDING JUDGE: Stop here, please.

13 MR SAUTER:

14 Q. We were at the point where XXXXXXXX XXXXXXXX was struck with
15:24:58 15 a knife.

16 A. I was there; I was sitting there.

17 Q. What happened next to XXXXXXXX XXXXXXXX?

18 A. Well, the Pa was trying to beg that they should not kill
19 him. But the blood was dripping in his mouth and he was unable
15:25:18 20 to talk. He was just lying down. So after that, some of the CDF
21 went to one village and returned and came and reported to Mr
22 Kakpata.

23 PRESIDING JUDGE: Stop please.

24 MR SAUTER:

15:25:32 25 Q. So you say they left the place but returned after some
26 time; that is right?

27 A. Yes, sir. They came and met us there?

28 Q. What about XXXXXXXX?

29 A. So when they came and met us, Mr Kakpata said -- he told

1 Amadou Lavalie to kill this Pa. Not to kill this Pa, so that
2 they should go where they said there were civilians. They said
3 they should not kill this man; he is big. Let them leave him
4 alone.

15:26:20 5 Q. You mentioned one name -- Amadou Lavalie; that's right?

6 A. 530.

7 Q. What?

8 A. That is his alias. That is what I heard people calling
9 him -- 530. His real name is Amadou Lavalie.

15:26:37 10 Q. Amadou Lavalie is A-M-A-D-O-U L-A-V-A-L-I-E. So you say
11 Amadou Lavalie came to this place; right?

12 A. Yes, sir.

13 Q. Is Amadou Lavalie a Kamajor?

14 A. Yes, sir. He was the second patrol commander, Amadou

15:27:11 15 Lavalie.

16 Q. What did Kakpata say to that Lavalie?

17 A. He said, "Well, let them take the Pa to a corner so they
18 can kill him there. Let him shoot him."

19 Q. So, in other words, Kakpata gave the order to kill XXXXXXXX

15:27:48 20 by gunshot; right?

21 A. Yes, sir.

22 Q. Did he give this order specifically to Amadou Lavalie?

23 A. Yes, sir.

24 Q. And did Lavalie follow this order?

15:28:25 25 A. He denied. He said since this man has been captured, let
26 them release him so he can go about his way. He did not carry
27 the order.

28 PRESIDING JUDGE: Stop please.

29 MR SAUTER:

1 Q. So, Mr Witness, what happened after Lavalie refused to
2 carry out this order?

3 A. The patrol commander, Kakpata, collected the gun from Mr
4 Lavalie and took a cartridge from his pocket and placed it in the
15:29:29 5 gun. He cocked it, yet the Pa was begging him. He shot him on
6 his face at once. The Pa did not fall. Then he put his arm a
7 second time in his pocket.

8 Q. And then?

9 A. Ah.

15:29:51 10 Q. Proceed.

11 A. So the second time, he put his hand in his pocket and
12 placed the cartridge in the gun and shot him. Then the Pa fell
13 over. And then he said after he has been killed. Let me
14 continue. So they take me to Makabi, where there were a lot of
15:30:23 15 civilians.

16 Q. We come to this point. Did all of this happen in front of
17 you?

18 A. Yes, I was there. I had wanted to beat him, but there was
19 no chance. But I was afraid. All of them had gun. They would
15:30:57 20 have shot at me. It had been between me and him, I would have
21 fell on him. But there are many. I stood when he shot him.

22 Q. Okay. So, Mr Witness, initially you were five captives.
23 One of the five was shot, so there were four remaining.

24 A. Yes, sir.

15:31:30 25 Q. What happened to these four captives?

26 A. Well, myself, the fifth one, they said they were going to
27 kill me in Bradford. They said the other three people, they had
28 some load at Losint Loko -- looted property. So, the three
29 people, they are going to guide the load, which they got at

1 Losint Loko.

2 Q. Okay. So, you say that three of the other captives were
3 brought to Losint Loko. L-O-S-I-N-T Loko village. What about
4 you?

15:32:27 5 A. They took me to Makabi Loko.

6 PRESIDING JUDGE: What?

7 MR SAUTER: Makabi Loko.

8 PRESIDING JUDGE: The other three were taken there to
9 convey?

15:32:47 10 MR SAUTER: The other three were taken to Losint Loko
11 village to guard looted property which was stored there.

12 PRESIDING JUDGE: To guard or to take?

13 MR SAUTER: To guard. This is what I understand.

14 A. Well, the three other men, they said -- Mr Kakpata said,
15:33:11 15 they should go to Losint Loko to look over the property that they
16 looted from people.

17 Q. So you said you were brought to Makabi Loko village?

18 A. Yes, sir.

19 Q. What happened then?

15:33:31 20 A. Well, as we went we met a lot of other civilians. They had
21 five jerry cans of oil. They were also captured and joined us in
22 the group, and we went to Makabi Loko.

23 INTERPRETER: Go slow; go slow.

24 THE WITNESS: Some of the people wanted to run. Some had
15:33:55 25 already ran. And Mr Kakpata got out all the civilians. He
26 placed me in the middle. He asked the head man if they know me
27 in that area. And the head man answered and said, "Yes, this man
28 is a civilian. He had a farm. In the morning he goes to work in
29 his farm."

1 Q. This you say is what happened at Makabi Loko village?

2 A. Yes, sir.

3 Q. So let us cut the rest a little bit short. After you were
4 identified as a civilian, what happened to you? Were you
15:34:56 5 released?

6 A. Well, the patrol commander, Mr Kakpata, released me. He
7 left me alone.

8 Q. And where did you go to? Where did you go to?

9 A. Well, they brought me back, asked the head man to thin out
15:35:28 10 some civilians so that they can help them carry the load from
11 Bradford. So the head man was there. He thinned out some
12 civilians, and plus myself, and went back, towards the evening,
13 around about 7.00 prayers.

14 Q. The question was, Mr Witness, where did you personally go
15:36:06 15 after you were released by Kakpata that in Makabi Loko village?
16 Where did you go?

17 A. Yes, well, I was with them again where XXXXXXXX was
18 killed. From there we went Losint Loko where they had their
19 property. That was during the night, the moon was shining. It
15:36:40 20 was the time we reached Losint Loko. Indeed, we saw the
21 property, which was placed outside. A very big pot, which can
22 cook up to eight dozens with one bushel and a half bag husk rice
23 which was tied with rubbers, which can contain three jerry cans.
24 And there were other bundles which I did not know what was in
15:37:14 25 them.

26 Q. Finally, you went home; right?

27 A. No, I went with them to Bradford.

28 Q. But nothing else happened to you; is that right?

29 A. Well, they said we should return. We went back in the

1 morning. The head man produced three people plus myself, who
2 knew XXXXXXX was killed, and they buried XXXXXXX in the
3 bush. At that time I became tormented. When I returned back
4 home, the other day, I took my luggage and went to a place known
15:38:21 5 as known as Rokoya [phonetic] until we had peace. When I
6 returned to Bradford -- that was 1999 when I returned to
7 Bradford.

8 MR SAUTER: Mr Witness, this is all for today. No more
9 questions for the witness.

15:39:38 10 JUDGE BOUTET: Counsel for the second accused, are you
11 ready to proceed with your cross-examination?

12 MR KOPPE: Yes, I am, Your Honour.

13 JUDGE BOUTET: Please do so.

14 CROSS-EXAMINED BY MR KOPPE:

15:39:56 15 Q. Afternoon, Mr Witness.

16 A. Afternoon, sir.

17 Q. Am I correct in saying that the events you have talked
18 about today in this Court have occurred in March 1998?

19 A. Exactly so. From March to June 1998.

15:40:37 20 Q. Mr Witness, you have told this Court today about events of
21 which you have been a witness. At one point in time during your
22 testimony you have said that Mr Amadou Lavalie denied the order
23 which was given to him. Am I correct?

24 A. Yes. He said he was not going to kill him, "He is an old
15:41:16 25 man, let them release him."

26 Q. Mr Witness, did Mr Lavalie say anything else than he is an
27 old man, release him?

28 A. He said since the Pa has been injured, let them release him
29 so that he can go back to cure himself. That is what Mr Lavalie

1 said, alias 530.

2 Q. So am I correct when I say that Mr Lavalie really tried to
3 convince Kakpata not to kill Mr Kabbah?

4 A. Yes, sir.

15:42:26 5 Q. Did Mr Kakpata say anything in response to this plea of Mr
6 Lavalie?

7 A. Well, Mr Kakpata said this Pa was first captured and he
8 made a promise to them that he was going to show them were the
9 Gbethis were, but hid from them. So this is the second time he
15:43:09 10 has been captured, he should be killed and left there. So they
11 did and left him there and we buried him.

12 Q. When Mr Kabbah was finally, killed did Mr Lavalie do
13 anything afterwards? Did he say anything or do anything?

14 A. Well, after they had killed Mr Kabbah they took me to
15:43:52 15 Makabi Loko. He did not say anything after he had killed him.
16 He did not say any word. Except at Makabi he told the head man
17 that he had killed someone in the bush; he should be buried
18 there. In the morning we went there and buried him.

19 Q. But was Mr Lavalie angry with Mr Kakpata, for instance?
15:44:19 20 Did you see that if he was angry?

21 A. Well, I did not look at their faces. I did not look at
22 their faces because after they had killed that Pa I became
23 tormented. I was unable to watch their faces.

24 Q. Mr Witness, you have also given testimony today that three
15:44:51 25 other prisoners saw all this happening; correct?

26 A. Which three? Which thing?

27 Q. My question was there were other prisoners who were witness
28 of these events; correct?

29 A. The three people had already been dispatched to go to

1 Losint to look over the property that they looted there. I and
2 Pa Kabbah were left behind. He was killed and they brought me to
3 Makabi.

4 Q. Maybe I am wrong, Mr Witness, but I understood that besides
15:45:51 5 you there were three other witnesses who witnessed the events --
6 the killing of Mr Kabbah; correct?

7 A. Well, Mr XXXXXXX XXXXXXX. Well, those people, the three
8 people, had already left. Those that were ordered to go, I did
9 not see them there again.

15:46:24 10 PRESIDING JUDGE: Mr Witness, they were bringing you down.
11 You were shot up there. They brought you down to the swamp where
12 Kakpata was. There you met four people, so you were five.

13 THE WITNESS: Yes, sir.

14 PRESIDING JUDGE: When they were killing Kabbah.

15:46:51 15 THE WITNESS: Well, before they killed him -- before they
16 were not there, they had already left.

17 MR KOPPE:

18 Q. So am I correct then that you were the only one to witness
19 the killing of Mr Kabbah?

15:47:19 20 A. Yes, sir.

21 Q. Mr Witness, do you know the names of the other people who
22 were there?

23 A. Yes, sir.

24 Q. Would you tell the names of these people?

15:47:58 25 A. The captives?

26 Q. Yes.

27 A. Yes, sir, I can name them.

28 Q. Please do.

29 A. First, the number one captive XXXXXXX -- Pa Jibo;

1 two, Pa Serry Bangura; three, Pa Santigie Salami.
2 PRESIDING JUDGE: Pa Santigie?
3 THE WITNESS: Salami.
4 MR KOPPE: And the fourth would be Mr Kabbah, I presume?
15:49:19 5 A. Yes, sir.
6 Q. Were they all from Bradford?
7 A. Yes, sir.
8 Q. Are they still alive or have they died?
9 A. All them have died, plus the one they have killed, summed
15:49:49 10 it to four. I am the only person living now.
11 Q. Mr Witness, have you reported to anybody the events that
12 you have given testimony of today?
13 A. Well, TRC went and met us there. They asked us if we had
14 complained. Then I explained to them, I explained as I have
15:50:42 15 done. After that another team went there. Then I gave my
16 statement.
17 Q. Mr Witness, I mean, have you made any report in 1998 about
18 these events?
19 A. In 1988, you cannot see uniforms or you see a policeman
15:51:17 20 around. Everybody was in disarray; everybody was in disarray.
21 They were in the bush. When the CDF were -- everybody was in
22 disarray. I was unable to make a report.
23 Q. Mr Witness, do you know when the government of President
24 Kabbah was back in power?
15:51:51 25 PRESIDING JUDGE: Why don't you suggest it to him? Suggest
26 it to him. That is not contentious.
27 MR KOPPE:
28 Q. Mr Witness, isn't it correct that President Kabbah was back
29 in power in 1998?

1 A. Yes, because it was 1996 we held the election in Makabi.

2 That was where I voted for him.

3 Q. Mr Witness, is it also correct that soon afterwards forces
4 of ECOMOG came to Moyamba?

15:52:50 5 A. They went there.

6 Q. And that the war or the hostilities ceased in the course of
7 1998?

8 A. Well, the men did not stop. The CDF used to go and raid
9 us. They did not stop until when it was announced that we had
15:53:28 10 peace and we had to return to different homes. We had to return.

11 We were restless at Bradford. The CDF normally come and stole
12 our property.

13 Q. Mr Witness, when peace was finally restored, from that
14 point onwards, in time, did you make a report of the events to
15:53:58 15 anybody?

16 A. Well, TRC went and met us there and asked us, and I
17 explained what happened.

18 PRESIDING JUDGE: Mr Witness, besides the TRC, besides the
19 people who came and you made a statement -- those two are out --
15:54:30 20 did you report this matter to any other person? Maybe you should
21 be specific, Mr Koppe. Put direct questions to him. Did he
22 report to x, to y, to z? Let us move along.

23 JUDGE BOUTET: To the police, to the chieftdom authority.

24 MR KOPPE: I was going to start with the general question.
15:54:51 25 But if you want me to be more specific --

26 JUDGE BOUTET: Well, he keeps saying he has not reported
27 other than to the TRC. If you have information or you would like
28 more precise information, go directly to that.

29 MR KOPPE:

1 Q. Mr Witness, did you report the events to the police?
2 JUDGE BOUTET: He said no in 1998.
3 PRESIDING JUDGE: When peace was restored. He said in 1998
4 there was no uniformed personnel. When peace was restored in
15:55:26 5 1998, did you report to police? When the police were now in
6 place did you report?
7 THE WITNESS: During that time we did not have police. I
8 did not make in any report.
9 PRESIDING JUDGE: When the police came finally, did you
15:55:44 10 make the report?
11 THE WITNESS: I did not make any report until when we were
12 able to explain to TRC.
13 MR KOPPE: Thank you, Your Honour, that will be all.
14 JUDGE BOUTET: Thank you, Mr Koppe. Mr Margai, for the
15:56:07 15 third accused, are you ready to proceed? Or was it your
16 colleague who was supposed to?
17 MR MARGAI: My Lord, I shall let my learned friend --
18 JUDGE BOUTET: Mr Lansana is supposed to do the
19 cross-examination. Mr Lansana.
15:56:48 20 MR LANSANA: Your Honour, thank you for your kind
21 indulgence.
22 PRESIDING JUDGE: You were not too late, Mr Lansana.
23 JUDGE BOUTET: So are you ready to proceed now, Mr Lansana?
24 MR LANSANA: By all means, Your Honour.
15:57:09 25 CROSS-EXAMINED BY MR LANSANA:
26
27 Q. Mr Witness, were you in Bradford in May 1997?
28 A. I was in Bradford from March to after we are driven. I
29 went to one village -- Makabi Loko. It was there I left and went

1 away.

2 PRESIDING JUDGE: Mr Lansana, put the question to him
3 again, please.

4 MR LANSANA: As Your Honour pleases.

15:57:53 5 Q. Mr Witness, my specific question is whether you were in
6 Bradford village in 1997.

7 PRESIDING JUDGE: I thought you had that, Mr Lansana.
8 March to May, was that not what you --

9 MR LANSANA: May 1997. He is talking about March. I want
15:58:16 10 the whole year.

11 Q. Were you in Bradford village at the beginning of 1997, when
12 1997 started?

13 A. I was at Makabi.

14 Q. So I take it you were not in Bradford at all, at any time
15:58:48 15 in 1997?

16 A. Well, I used to live from Makabi to Bradford. It wasn't a
17 far distance. I can walk in my farm and in the evening time make
18 a stroll at Bradford and go back to my village, Makabi.

19 Q. At that time in 1997 you say you were in contact with
15:59:29 20 Makabi and Bradford. Were Kamajors in that area at the time?

21 A. They were there.

22 Q. Now can you tell this Court what the relationship was
23 between the Kamajors --

24 PRESIDING JUDGE: The Kamajors were in Makabi and Bradford.

16:00:06 25 MR LANSANA: Yes, in the localities, because he said he was
26 in both places.

27 PRESIDING JUDGE: The Kamajors were in two localities. It
28 is not very specific.

29 MR LANSANA: That is what he said.

1 Q. And when I ask you about the relationship, I am not talking
2 about any relationship that borders on friendliness. It could be
3 any relationship. What I asked you was - and I am asking you
4 again - when they went there for the first time in 1995, how do
16:03:45 5 you describe the way they and the local population got along?
6 How do you describe that?
7 A. The people, they had -- they were not friendly. When they
8 entered -- in fact, they entered Bradford at night.
9 Q. In 1995?
16:04:13 10 A. Yes. It was during the night that they entered.
11 PRESIDING JUDGE: Is he talking of 1998 or 1995?
12 MR LANSANA: Your Honour, that's why I am asking.
13 THE WITNESS: '98, that was the time they killed my
14 brother. My cousin, and they held me. '98 June --
16:04:40 15 PRESIDING JUDGE: They first came to Bradford in 1995?
16 THE WITNESS: Yes, sir.
17 PRESIDING JUDGE: What was the relationship between the
18 civilians and the Kamajors in 1995? How was their relationship?
19 How did you see it?
16:05:00 20 THE WITNESS: They were not in the same place, because the
21 first batch that arrived.
22 PRESIDING JUDGE: [Overlapping speakers] Bradford where you
23 were. You were there with Kamajors. They first came there in
24 1995. How was the --
16:05:18 25 JUDGE THOMPSON: I'm in a quandary on this one.
26 THE WITNESS: 1995 --
27 JUDGE THOMPSON: Just a minute. If you're trying to
28 extract some answer in the context of relationship; isn't it a
29 more constructive approach to give him an example. Because I

1 thought when you said you were not talking about friendly, I
2 wasn't quite clear what you were talking about either. I would
3 not be able to answer the question. You said relationship, so
4 what specifically are you trying to get at? Perhaps if you give
16:05:58 5 him an example of what you're looking for in terms of the
6 relationship he may be able to help you. Because I can't answer
7 your question.

8 MR LANSANA: As it please Your Honour. My question was
9 based on his answer when he said the people were not doing good,
16:06:16 10 how can they be in a relationship. It depends on what --

11 JUDGE THOMPSON: This is what I think you should have
12 developed with some example and then we'll make some progress.

13 MR LANSANA: As it please Your Honour.
14 Q. Mr Witness, you said the CDF went to Bradford for the first
16:06:36 15 time in 1995; not so?

16 A. Yes.

17 Q. And my question is: What was it like between them and the
18 people of Bradford when they were there? Were they on cordial
19 terms, were they cooperating with them?

16:06:59 20 A. They were not on good terms. When they entered they were
21 trying to snatch their property from them. They were not on good
22 terms at all.

23 Q. Whilst the CDF were at Bradford was Bradford ever attacked
24 by any group of people?

16:07:45 25 A. Before or after?

26 Q. When they were there?

27 A. Well, it was the same Kamajor that we saw there that used
28 to harass us in that place until they kill my brother and they
29 captured me and I am able to identify them. We did not see any

1 other group there except they.

2 Q. Were the CDF in Bradford up to May 1997?

3 A. May? From March? May to June.

4

16:09:02 5 when they kill my brother so finally I had to leave that area and
6 went to Robunka. They were there. Even Makabi, I used to hear
7 the gunfire, gunshots, heavy gunshots.

8 PRESIDING JUDGE: [Overlapping speakers]

9 THE WITNESS: From March.

16:09:21 10 PRESIDING JUDGE: March to what [Overlapping speakers]

11 THE WITNESS: May to June 1998 -- '95, '98. '95, '96, '97,
12 '98.

13 MR LANSANA:

14 Q. What happened? You're stating times to the Court '95, '96,
16:09:47 15 '97, '98 you were not at Bradford; is that what you're saying?

16 A. I was at Makabi from when -- they put us in this area, in
17 March that night. They killed one woman -- [translation
18 interrupted]

19 PRESIDING JUDGE: Mr Witness, when you're talking of March,
16:10:18 20 May, June, give us the year. You cannot say March, May, June
21 from 1995 to 1997; no, you can't. Fix us on the year. State
22 specific years and talk about the specific years.

23 THE WITNESS: March to -- March 1995, June 1998 when they
24 killed my brother I left Bradford. At Makabi Loko.

16:10:51 25 MR LANSANA: Your Honours, I will abandon questions dealing
26 with time.

27 Q. Now, Mr Witness, when you were at Makabi Loko you said your
28 brother brought some food for you; not so? He brought home some
29 food?

1 A. Not at Makabi Loko. We are in the farm working in our
2 farm. We had one small hut there. He brought food there. I
3 used to sleep at Makabi Loko. In the evening I sleep at Makabi
4 Loko. He brought some cassava.

16:11:39 5 Q. Did that farm belong to a bush of Makabi Loko? Was that
6 not Makabi Loko bush where the farm was?

7 A. No.

8 Q. It was another village?

9 A. It was the Bradford people that had that bush. I had to
16:11:56 10 make a plea to them, then they allow me to brush it. It is the
11 people at Bradford that own that bush.

12 Q. Now, whilst you were in that farm you said your brother
13 brought some food; not so?

14 A. He brought some cassava, yes.

16:12:20 15 Q. And that was why you went to the stream to fetch water?

16 A. Yes, I went to fetch water, but I was unable to get water.

17 Q. [Overlapping speakers]

18 A. Okay, sir.

19 Q. Now, you said when you went there that was when you saw
16:12:51 20 some CDF, not so, at the stream?

21 A. Yes.

22 Q. You ran away and you were captured?

23 A. Yes.

24 Q. And you talk about one Pa XXXXXXX who you met there
16:13:44 25 as one of the captives; correct?

26 A. Yes, sir.

27 Q. And whilst you were asking him questions precisely they
28 were accusing him of being a liar. Kakpata was accusing him of
29 being a liar; not so?

1 A. Yes, sir, lie man.

2 Q. At the point where he said he was going to kill him, some
3 Kamajors who had gone on patrol came back; correct?

4 A. Yes, but before they came one Kamajor --

16:14:52 5 Q. Yes, yes.

6 A. Okay.

7 Q. Among them was, according to you, Amadou Lavalie, not so --
8 those who came?

9 A. Amadou Lavalie did not go with them. He did not go with
16:15:18 10 them. He was with the patrol commander. Amadou Lavalie was the
11 second patrol commander. He was with Kakpata with other CDF
12 members where we were. He was not with them. He did not go with
13 them.

14 Q. Now, you said when you ran away you were being shot at; not
16:16:19 15 so?

16 A. They were firing at me. They shot, but none of the
17 cartridges hit me. So I stumbled and fell.

18 Q. Mr Witness, you were asked whether you were a Gbethi by
19 Kakpata; not so?

16:16:48 20 A. He did not ask he. He only pointed at me, see the bullet
21 did not hit me. He concluded that I'm a Gbethi. Since they had
22 shot at me no bullet had hit me. He said I was a Gbethi
23 without --

24 Q. Mr Witness, are you a Kamajor?

16:17:21 25 A. I am a civilian.

26 Q. Did you learn about the mystic powers of the Kamajors? Was
27 it to your knowledge that they had that mystic power of not
28 having bullets pierce their bodies?

29 A. No.

1 Q. You never heard about that?

2 A. To save Kamajors, no, I have never heard. I don't know
3 nothing about these people. It was God that saved me. It was
4 only God that saved me because I am a civilian. I was not part
16:18:09 5 of them. I don't know anything about that society.

6 Q. Mr Witness, was it the case that the bullets did not get at
7 you at all or that they hit you but did not pierce you?

8 A. It did not hit me at all. God saved me from that danger.
9 No bullets hit me and when they stripped me of my clothes they
16:18:45 10 saw that no bullet hit me. That was the time the patrol
11 commander concluded that I'm a Gbethi and they took me to
12 Bradford to kill me.

13 MR LANSANA: Your Honours, that is all for this witness.

14 JUDGE BOUTET: Thank you. Mr Jabbi, you're ready to
16:19:05 15 proceed with your cross-examination?

16 MR JABBI: Yes, My Lord.

17 JUDGE BOUTET: Please proceed.

18 CROSS-EXAMINED BY MR JABBI:

19 MR JABBI:

16:19:15 20 Q. Now, Mr Witness, let me take you back to the first incident
21 you narrated. According to you, CDF entered Bradford one night.
22 They had searchlights. You came out, you were afraid, you hid in
23 the bush, went and slept in one village and attempted to come
24 back there the next morning but you didn't; is that correct?

16:20:02 25 A. In one village called Makeha there I hid myself and in the
26 morning I decided to come to Bradford. And on my way back to
27 Bradford I heard two gunshots on the left-hand side. I did not
28 reach Bradford, I returned back to Makeha.

29 Q. My question on that, first, is what time was that

1 particular incident? Give us the month and the year, please.

2 A. Month was in the month of March.

3 Q. And the year?

4 A. '95.

16:20:54 5 Q. Now, I put it to you that in your evidence-in-chief you
6 said that that incident took place in March 1998?

7 MR KAMARA: Your Honours, if I may come into that. I'm
8 sorry with due respect to my learned friend. The question that
9 was posed to the witness was the first time the Kamajors came to
16:21:21 10 Bradford and that is what he is referring to. And now my learned
11 friend is using that answer to contradict the witness with the
12 incident of 1998. And as evidence has been led before this
13 Court, the witness has indicated two separate events, that there
14 was one in 1995 and another in 1998. To interpose them and
16:21:41 15 intertwine them would only obfuscate the witness.

16 MR JABBI: Respond, My Lord. I am trying to go through the
17 evidence the witness gave when he was being led, and I'm only
18 talking about that particular incident when he said Kamajors came
19 at night, he came out, they had searchlights and he had to hide.
16:22:10 20 What I've put to him just now is that in evidence-in-chief he
21 located that particular incident in March 1998.

22 JUDGE BOUTET: You are right, Mr Jabbi.

23 MR JABBI: Thank you, My Lord.

24 JUDGE BOUTET: That was his evidence indeed. His testimony
16:22:27 25 was: His attention was directed to 1998, he was asked to give
26 details of that.

27 MR KAMARA: Your Honour, I'm sorry. The incident that my
28 learned friend narrated, like the searchlights and things like
29 that, that's the evidence --

1 JUDGE BOUTET: That's the evidence of the witness as to the
2 incident in March 1998.

3 MR KAMARA: Yes. And then the question was, like, when the
4 Kamajors first came, and then my learned friend went on to
16:22:55 5 mention the incident that was peculiar to 1998, but that was not
6 the first time the Kamajors came. I am trying to relate here
7 that when my learned friend prefaced the question by the first
8 time the Kamajors came, which was in 1995, and then use
9 particulars of 1998 --

16:23:11 10 JUDGE BOUTET: I disagree with you. There is no confusion
11 in that question.

12 MR KAMARA: As My Lord pleases.

13 MR JABBI: My Lord, it is quite clear the Prosecution
14 started by putting March 1998 to the witness.

16:23:22 15 JUDGE BOUTET: Mr Jabbi, we have denied the objection.
16 Please carry on.

17 MR JABBI: Thank you, My Lord.

18 Q. Now, insofar as your evidence-in-chief was concerned, all
19 the narration you gave, according to you, took place between
16:23:39 20 March and June 1998; do you agree?

21 A. No. The first attack that CDF attack was in March 1995.

22 That was the time I left and went to Makabi. From Makabi I

23 normally came to work on my farm. I did not get to Bradford.

24 One day in June around 4 o'clock my brother gave me cassava to
16:24:23 25 cook?

26 Q. Okay. Now, when did the cassava incident take place, what
27 year?

28 A. 1998. Yes, sir.

29 Q. If I may ask you, what was your own first personal

1 encounter with the Kamajors ever since?

2 A. It was in 1995 when we were driven out of Bradford at
3 night. So I left the village and went and hid at Makeha. In the
4 morning when I was about to return, I did not reach Makabi. I
16:25:26 5 heard gunshots on the left-hand side, so I went and based at
6 Makeha. So I normally came from there to work on my farm, until
7 1998, when my brother gave me some cassava and so I went to the
8 stream to fetch water. That was in June '98.

9 Q. Now, in June 1998 do you know who was the leader of this
16:25:51 10 country? The leader of the government of this country in June
11 1998?

12 A. Well, the President. Where we were we were remote, but men
13 know the President Pa Alhaji Ahmed Tejan Kabbah. But we have no
14 radio. Whether they overthrew here we don't know. We hadn't
16:26:31 15 radios. So we are all scattered, looking out for what we could
16 eat. So it's not really --

17 PRESIDING JUDGE: It's okay, it's okay. Don't take us to a
18 discussion.

19 THE WITNESS: Yes, sir.

16:26:45 20 MR JABBI:

21 Q. Now, is it correct to say that the incident of June 1998,
22 where you say your brother or relative was killed -- is it
23 correct to say that that was your first violent encounter with
24 the Kamajors? Your own personal first violent encounter with the
16:27:16 25 Kamajors?

26 A. Well, according to what I said and I will go over it, the
27 first in 1995 --

28 Q. Don't go over it. The question is straightforward.

29 JUDGE BOUTET: No, it is not straightforward. You asked

1 him was it the first encounter. He's trying to explain to you
2 what it was.

3 MR JABBI: My Lord, he can tell me it wasn't and then I may
4 ask him to explain.

16:27:47 5 JUDGE BOUTET: Well, your question allowed that kind of an
6 answer.

7 MR JABBI: My question, My Lord, was: Was that your first
8 personal encounter?

9 JUDGE BOUTET: Violent encounter.

16:28:00 10 MR JABBI: With the Kamajors, yes or no? And then if he
11 was given a chance to explain. I wanted only to know if that was
12 his first violent personal encounter with the Kamajors.

13 Q. Yes or no?

14 MR KAMARA: I will object to that line of
16:28:16 15 cross-examination, Your Honour. That question is argumentative,
16 especially with the words "violent encounter". To my
17 understanding the witness is explaining and my learned friend is
18 not allowing that answer to go in. The question is
19 argumentative, Your Honour.

16:28:32 20 JUDGE THOMPSON: I don't think it is, certainly not. What
21 is argumentative about it? He either had a violent encounter or
22 he did not have a violent encounter.

23 MR KAMARA: [Inaudible] context of violent encounter.

24 JUDGE THOMPSON: But he has spoken about violent
16:28:46 25 encounters. All along his evidence here is about attacks by
26 Kamajors and all that kind. The evidence is that, it is a
27 context of violence. And so counsel wants to know what was his
28 own first, if ever, violent encounter with the Kamajors?

29 MR KAMARA: That is what the witness was trying to answer

1 and --

2 JUDGE THOMPSON: Yes, but it is not argumentative, counsel.
3 I am pretty sure that on reflection you want to -- there is
4 nothing controversial about that.

16:29:16 5 MR KAMARA: I will take it.

6 JUDGE THOMPSON: If he had asked him do you characterise
7 this as violent or nonviolent, perhaps we might be entering the
8 realm of argument, but clearly it is a precise question.

9 MR KAMARA: Very well, My Lord, that is the line of
16:29:31 10 objection. That this will witness will likely characterise what
11 is a violent encounter contrary to what my learned friend is --

12 JUDGE THOMPSON: But remember this is cross-examination.
13 We don't have to circumscribe cross-examination by artificial
14 rules. I know what the impermissible areas are. There is a much
16:29:53 15 broader latitude here. As long as the question is not unfair, is
16 not argumentative, and does not intend to embarrass or humiliate
17 the witness. I think it is a fair question.

18 MR KAMARA: I take it, Your Honour.

19 MR JABBI: Thank you, My Lord.

16:30:15 20 Q. So if I may just pose that question again. Was the
21 incident of June 1999 your own first personal violent encounter
22 with the CDF?

23 A. It was in June '98.

24 Q. Now, dealing with that area, according to you, of the five
16:31:02 25 captives - that is including yourself - during that incident --
26 of the five captives only you are alive today; is that correct?

27 A. Yes, sir.

28 Q. According to you only one was killed during the incident
29 itself, XXXXXXX XXXXXXX; is that correct?

1 A. Yes, sir.

2 Q. And also according to you, the Kamajors took you to a
3 village to verify whether you were a civilian; is that correct?

4 A. Yes, sir.

16:31:58 5 Q. Then they allowed you to go if you wished to go; is that
6 correct?

7 A. I was forced. If it was on my own free will I wouldn't
8 have gone, but they asked me to go. I was in their midst, some
9 were in front and some at the back, and they took me to Makabi

16:32:36 10 Loko to verify whether I was a civilian.

11 Q. Okay, you probably did not understand the question. After
12 they had verified that you were a civilian they allowed you to
13 leave if you wished to; is that correct?

14 A. I was released, I was freed. I was released.

16:32:59 15 Q. They released you?

16 A. Yes.

17 Q. Nonetheless, you went along with them to one or two other
18 villages; not so?

19 A. Yes, sir.

16:33:19 20 Q. I take it that you went with them after your release on
21 your own free will; is that correct?

22 A. It is correct.

23 Q. And throughout your going around with them no violence was
24 visited on your person; is that correct?

16:33:53 25 A. There was no violence and anybody did not commit any
26 violence on them until we went into the village for where we were
27 going. We went there and took them and took the property to
28 Bradford. By the time we got to Bradford it was already 1.00 in
29 the morning.

1 Q. Well, Mr Witness, I put it to you that the incident you
2 have narrated about the killing of XXXXXXX XXXXXXX is not true,
3 it did not take place at all.

4 A. It is true and we buried him. If there is any chance, if
16:34:57 5 the Court can give us the power, I can show you the spot where he
6 was buried. It's quite true. I was there when he was killed.

7 MR JABBI: My Lord, that is all for the witness.

8 JUDGE BOUTET: Thank you.

9 MR SAUTER: No re-examination.

16:35:31 10 JUDGE BOUTET: Thank you, Mr Sauter. Mr Kamara, you have
11 indicated tomorrow the first witness you would like to be called
12 would be TF2-057.

13 MR KAMARA: Yes.

14 JUDGE BOUTET: And after that you do have witnesses --

16:38:45 15 MR KAMARA: We have two witnesses.

16 JUDGE BOUTET: You have at least two for the day?

17 MR KAMARA: Yes, Your Honour.

18 JUDGE BOUTET: Will you have another stand-by? If we go at
19 the progression we are moving now we may be able to get not only
16:38:59 20 057 but a few more.

21 MR KAMARA: Yes, if it gets to the crunch we will do a
22 third.

23 JUDGE BOUTET: Just to see that we have sufficient reserve
24 in case.

16:39:10 25 MR KAMARA: Yes, Your Honour.

26 JUDGE BOUTET: Thank you. Who is the next one after 057
27 you are going to be calling, if I may ask?

28 MR KAMARA: 167, TF2-167.

29 JUDGE BOUTET: Thank you.

1 MR JABBI: My Lord, maybe it will serve us well as well if
2 Prosecution can indicate who the stand-by will be just in case.

3 MR KAMARA: I gave out a sheet of paper with the list of
4 witnesses with the entire Defence team.

16:39:40 5 PRESIDING JUDGE: But can you indicate to him, just give
6 him the stand-by.

7 MR KAMARA: Yes, it's 167 and 166 thereafter, and 080 if we
8 have to get to that point.

9 JUDGE BOUTET: Thank you.

16:40:00 10 PRESIDING JUDGE: Good. Mr Witness, thank you, we have
11 finished with you.

12 THE WITNESS: Yes, sir.

13 PRESIDING JUDGE: We thank you for coming to give your
14 evidence to this tribunal.

16:40:20 15 THE WITNESS: Yes, sir.

16 PRESIDING JUDGE: To assist us in arriving at the truth of
17 this matter.

18 THE WITNESS: Yes, sir.

19 PRESIDING JUDGE: So although we have finished with you,
16:40:35 20 you never know, we may ask you to come back here.

21 THE WITNESS: Okay, sir.

22 PRESIDING JUDGE: If we ever do -- I'm not saying we are
23 going to, but if we ever do I hope you will come back to us.

24 THE WITNESS: Yes, sir.

16:40:54 25 PRESIDING JUDGE: We thank you very much and wish you a
26 safe journey back to your village or to your town.

27 THE WITNESS: Yes, sir.

28 PRESIDING JUDGE: I should not undermine the size of
29 Bradford because the name itself is very big. We wish you a safe

1 journey back to your town.

2 THE WITNESS: Yes, sir. I wish you the same, sir.

3 PRESIDING JUDGE: Learned counsel, we'll adjourn and resume
4 sitting tomorrow at 10.00. At 10.00, please. At 10.00. So the
16:41:29 5 Court will rise, please.

6 [Whereupon the hearing adjourned at 4.40 p.m., to be reconvened
7 on Tuesday, the 8th day of March 2005, at 10.00 a.m.]

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EXHIBITS:

Exhibit No. 82	20
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-165	2
EXAMINED BY MR SAUTER	2
CROSS-EXAMINED BY MR KOPPE	19
CROSS-EXAMINED BY MR LANSANA	26
CROSS-EXAMINED BY MR JABBI	39
WITNESS: TF2-170	49
EXAMINED BY MR SAUTER	49
CROSS-EXAMINED BY MR KOPPE	68
CROSS-EXAMINED BY MR LANSANA	73
CROSS-EXAMINED BY MR JABBI	81