

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

TUESDAY, 8 MARCH 2005
10.14 a.m.
TRIAL (Redacted)

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 James C Johnson
Mr Joseph Kamara
Mr Raimund Sauter
Ms Adwoa Wiafe

For the Principal Defender:

Mr Ibrahim Yillah

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 Yada Williams
Ms Susan Wright

1 [Tuesday, 8 March 2005]
2 [The accused Norman not present]
3 [The accused Fofana and Kondewa present]
4 [Open session]
09:53:01 5 [The witness entered court]
6 [Upon commencing at 10.14 a.m.]
7 PRESIDING JUDGE: Good morning, learned counsel. We are resuming our
8 session.
9 JUDGE BOUTET: Mr counsel for the Prosecution, are you ready to
10:15:14 10 proceed?
11 MR TAVENER: Thank you, Your Honour. With this particular witness,
12 TF2-057, I had access to the recent decision dealing with his recall. And
13 looking at the order, this witness is to be called for further
14 cross-examination by court-appointed counsel for the third accused. So as
10:15:36 15 far as the Prosecution is concerned, this witness is available for
16 cross-examination. There may be subsequent re-examination. This witness
17 relates to whether there was a relationship or not. It is quite a narrow
18 issue, I understand.
19 JUDGE BOUTET: There are two issues: One is cross-examination by the
10:15:56 20 third accused, and the other issue was the showing of some identity on a
21 piece of paper by the counsel for the second accused.
22 MR TAVENER: That's correct. So there's no --
23 JUDGE BOUTET: So it's cross-examination by counsel for third accused
24 and then second accused. Because my recollection is that when that witness
10:16:16 25 gave evidence --
26 MR TAVENER: The name was written on a piece of paper.
27 JUDGE BOUTET: The name, but it was never tabled as an exhibit, so
28 introduced as an exhibit. So that's -- these are the two issues.
29 MR TAVENER: It doesn't directly concern the Prosecution as far as

1 initiating the proceedings.

2 JUDGE BOUTET: That's true. But the Court has ordered you to recall
3 that witness.

4 MR TAVENER: That's correct, so he's here now.

10:16:36 5 JUDGE BOUTET: Thank you.

6 Mr Margai, do you wish to proceed?

7 MR MARGAI: Yes, My Lord, I am prepared to proceed, but I believe
8 that in acting in accordance with the order of this Court not to disclose
9 the identity of this witness, I believe this is a fitting case for us to
10:17:07 10 move into closed session. And I so apply. Albeit for a very brief period.
11 I do not think the examination will exceed ten minutes on the outside.

12 JUDGE BOUTET: Yeah, because it was, as was pointed out by the
13 Prosecution, the cross-examination of this witness was for a very specific
14 purpose.

10:17:38 15 MR MARGAI: It is for a specific purpose.

16 JUDGE BOUTET: At your request.

17 MR MARGAI: And that is the purpose I wish to address and nothing
18 more.

19 PRESIDING JUDGE: Mr Margai, you think we cannot proceed normally
10:17:51 20 with papers, with writings and so on, in order to avoid the hassle of
21 getting into closed session procedures and formalities?

22 MR MARGAI: I wish we could, but Your Lordship will recall that
23 during the course of proceedings, the piece of paper was shown to the
24 witness by, I think, counsel for the first accused.

10:18:12 25 JUDGE BOUTET: Mr Margai, I just want to -- I don't want to preclude
26 you from arguing; the only concern I have is that the witness is there. I
27 don't know if it is translated or not to him at this particular moment, but
28 these are some of arguments we are prepared to hear but not necessarily in
29 the presence of the witness.

1 MR MARGAI: No, I do not intend to advance any argument, I was merely
2 endeavouring to respond to the question posed by the Presiding Judge.

3 JUDGE BOUTET: I am just cautioning you because the witness is here.
4 So maybe we can turn off the interpretation for the witness for the time
10:18:47 5 being or ask the witness to remove his headphones.

6 MR MARGAI: Very well, My Lord.

7 JUDGE BOUTET: Mr Margai, now that the witness has no headphones.
8 Mr witness, not yet.

9 MR MARGAI: Yes, as I was saying in response to the question posed by
10:20:09 10 the Presiding Judge, Your Lordship will recall that a piece of paper was
11 shown to the witness with a name written on it and it was in consequence of
12 the answer given by the witness to the question as to whether he recognised
13 that name, which answer was in the negative that necessitated an
14 application for his recall.

10:20:35 15 JUDGE BOUTET: As you know, these applications for closed session,
16 according to the procedure we follow, are to be made in closed session. To
17 hear your application in some detail, because I know I understand that you
18 cannot go any further in your comments of the past few moments given that
19 we are in a public session -- to hear the application we are going to go
10:20:59 20 into closed session and we will hear comments from the Prosecution on that
21 to make a determination.

22 MR MARGAI: As My Lords please.

23 PRESIDING JUDGE: Mr Tavener, what is your response to this, please?

24 MR TAVENER: The Prosecution accepts Mr Margai's assessment that his
10:21:22 25 cross-examination will involve identifying the witness to some extent, so
26 we will not oppose a closed session.

27 PRESIDING JUDGE: I think we will hear the application in closed
28 session. For that purpose I do not know whether this necessitates our
29 rising.

1 JUDGE BOUTET: We will take a few minutes.

2 PRESIDING JUDGE: It does not. I think we can be here and move into
3 the closed session -- move technically -- and, of course, inform the
4 gallery that we will be moving into a closed session. I think Mr Margai
10:22:10 5 was saying he needs only about 10 minutes or so.

6 MR MARGAI: Yes, My Lord, not more than 10 minutes.

7 PRESIDING JUDGE: It is just for the gallery so that they know that.
8 Maybe they should come back in the next 20 minutes. Just estimating it at
9 that.

10:22:30 10 MR MARGAI: I apologise for their exit, but it is necessary in terms
11 of justice.

12 THE PRESIDING JUDGE: It is okay.

13 JUDGE BOUTET: This is the procedure that is available for exactly
14 that purpose.

10:24:14 15 MR MARGAI: May it please Your Lordships --

16 JUDGE BOUTET: No, we are still waiting.

17 MR MARGAI: I was just going to ask whether Your Lordships might
18 consider an application for the witness perhaps to be out of hearing.

19 JUDGE BOUTET: I do not know if he understands English or not.

10:24:37 20 MR MARGAI: Where we are not sure, we give the benefit of the doubt.

21 PRESIDING JUDGE: He can be escorted out whilst you are making an
22 application, Mr Margai.

23 JUDGE BOUTET: We need not close the curtains as the public gallery
24 is empty.

10:24:57 25 [At this point in the proceedings, a portion of the transcript, pages
26 6 to 16, was extracted and sealed under separate cover, as the session was
27 heard in camera.]

28

29

1 [Open session]

2 [Ruling]

3 JUDGE BOUTET: Before we proceed to hear your comments, Mr Tavener,
4 let me just deliver the Court's decision in a public session about the
10:53:47 5 closed session. Having heard and given due consideration to the arguments
6 presented by Defence counsel for the third accused and considering that the
7 Prosecution has no objection that it be proceeded in closed session, and
8 having considered that it appears that, based on the information provided
9 to the Court by the counsel for the third accused that the totality of the
10:54:35 10 evidence to be given by witness TF2-057 is likely to reveal his identity,
11 mindful of Article 17(2) of the Statutes, which provides that the accused
12 will be entitled to a fair public hearing, subject to measures ordered by
13 the Special Court for the protection of victims and witnesses, and pursuant
14 to Rules 75 and 79 of the Rules of Procedure in Evidence of the Special
10:55:01 15 Court, the Trial Chamber ruled that the evidence to be given by witness
16 TF2-057 is to be given in closed session. Thank you.

17 MR TAVENER: Thank you, Your Honour. What I wish to speak about is
18 the timetabling between here and the end of the session. The Prosecution
19 is in a position where a number of witnesses are unavailable due to either
10:55:31 20 illness or personal matters. We also have the position where there are a
21 number of witnesses who part of their testimony will involve allegations of
22 sexual assault and obviously we will not be in position to call those
23 witnesses until the next session, depending on the result of the current
24 motions which are in place.

10:55:49 25 That being said, at this stage the Prosecution has four witnesses of
26 the substance available until the end of the session. There are two
27 witnesses listed today and one for tomorrow. Then on Thursday, there is a
28 witness, 014. That witness is quite a substantial witness in terms of
29 time. We would expect his testimony and cross-examination to last three to

1 four days. That will see the Court until some time on Tuesday. Also on
2 Tuesday, it is expected that the second investigator, who was requested to
3 be brought back before the Court, will testify.

4 In the Prosecution's estimation, that means the session, as far as
10:56:32 5 the ability for the Prosecution to call witnesses, will conclude on
6 Tuesday, perhaps Wednesday, but most likely Tuesday. That is a day or two
7 earlier than anticipated. At the same time, it is expected that in the
8 next session -- the May/June session -- the Prosecution case will finish
9 well before the listed six weeks. At that stage, without being bound to
10:56:54 10 the exact time, it is expected that the Prosecution case will require four
11 more weeks in the second session of this year. So, although we lose a day
12 or two in this session, we will certainly finish before time in the next
13 session -- before the listed time in the next session. As I said, it is
14 expected two further witnesses today, one witness tomorrow, who should be
10:57:22 15 completed, and then a long witness commencing on Thursday.

16 JUDGE BOUTET: Tomorrow, as you know, is a half day.

17 MR TAVENER: Yes.

18 JUDGE BOUTET: So, the witness you have scheduled for tomorrow will
19 be, all inclusive, no more than half a day?

10:57:38 20 MR TAVENER: That is correct. That is what we anticipate.

21 JUDGE BOUTET: When you say the witness --

22 MR TAVENER: Witness 014.

23 JUDGE BOUTET: 014 will be three to four days?

24 MR TAVENER: Yes.

10:57:25 25 JUDGE BOUTET: That is inclusive of cross-examination in your
26 estimation?

27 MR TAVENER: As far as I can estimate. I have had brief discussions
28 and I estimate that he will not finish before Monday. More than likely he
29 will go to Tuesday. We then have our brief recall witness. That is the

1 position the Prosecution is in. We may have to lose a day or two of this
2 session, but we will not take all of next session to complete. Thank you.

3 [Trial Chamber confers]

4 PRESIDING JUDGE: Mr Tavener -- I am speaking at the same time to the
11:00:55 5 Defence -- we thought that since the last session this will now be the
6 fifth. You say that you might close your case even before the end of that
7 session.

8 MR TAVENER: Yes, hopefully.

9 PRESIDING JUDGE: If it were possible we have nothing against the
11:01:17 10 timetable as you have put it across, as you have laid it down, but could it
11 not be possible for us to start with the rather lengthy witness and be done
12 with him? Again, this will depend on the reaction of the Defence. We do
13 that lengthy witness, finish up with him and we take the less cumbersome
14 witnesses, so that even if we don't arrive at the end of their testimony
11:01:46 15 some time on Tuesday next week, we could send them across to the last
16 session where we have enough time space. The time frame of the last
17 session, as far as you are concerned, would be enough to accommodate this
18 witness. What is your reaction to this? It is a suggestion from the
19 Bench. If you want to move the way you want to move, fine. But we thought
11:02:19 20 we should get out of the way the more important and lengthy witness in this
21 particular matter so that we move in a more organised manner towards the
22 end of this session. What we cannot get done with this session can be
23 carried forward to the other session. We are not calling on this witness
24 immediately. We will proceed with the witness you have in hand now. You
11:02:51 25 will think about that and let us know. The Defence will also think about
26 this and let us know by the end of the day as to how we can proceed.

27 JUDGE THOMPSON: Just in support of what the learned Presiding Judge
28 is saying, I want it to be clear that this is not a judicial imposition; it
29 is merely an alternative option. Of course, it is not an imposition

1 because we are sensitive to the flexibility you should have in presenting
2 your case the way you consider best.

3 MR TAVENER: Thank, Your Honour. I will certainly have to consider
4 it because it will require some juggling and I can't answer immediately as
11:03:35 5 to whether we can do it.

6 PRESIDING JUDGE: Please do. As I said, we have no objection to the
7 plan as you have put it across to us; absolutely none. It is just a
8 question of ensuring more expedience in the process and getting out of the
9 way the more serious matters before we start getting to the close of the
11:03:54 10 case for the Prosecution. I would imagine that if a witness is going to be
11 in cross-examination for about three days it is the longest you have before
12 you close your case.

13 MR TAVENER: Certainly, yes.

14 PRESIDING JUDGE: Right.

11:04:14 15 MR KOPPE: I have already indicated that we have a high preference to
16 start with that long witness. We have already indicated that to the
17 Prosecution. So, we agree with your proposal.

18 MR YILLAH: We accept that proposal as well -- to start with the
19 high-profile witness.

11:04:35 20 PRESIDING JUDGE: I agree. We have noted your acceptance, but you
21 should know that the Prosecution, like the Defence, has its own strategy on
22 how to proceed. So, Mr Tavener, we have noted that the Defence is open to
23 taking that long witness. But give it some thought and let us see whether
24 you will come on board that proposal. It is not in the least our intention
11:05:01 25 to interfere with the prosecutorial strategy and how it will present its
26 case and its witnesses.

27 MR TAVENER: Thank you. We will certainly try.

28 PRESIDING JUDGE: But it would be a nice idea if we went this way.
29 We will leave that to you.

1 MR TAVENER: I should mention that the next witness will testify in
2 Krio for the benefit of the Court.
3 PRESIDING JUDGE: And this will be your 59th witness. What do we
4 call the other witness -- the recalled witness?
11:05:54 5 MR TAVENER: Perhaps CW2.
6 PRESIDING JUDGE: CW2, good.
7 MR MARGAI: My Lords, he is already a Prosecution witness and I
8 believe that the order was to recall him. So, giving him a different
9 nomenclature might just -- PW34 recalled.
11:06:20 10 JUDGE BOUTET: I think I lean heavily towards that.
11 MR TAVENER: I withdraw CW2.
12 PRESIDING JUDGE: I think so. PW37 recalled.
13 MR MARGAI: 34.
14 PRESIDING JUDGE: Yes, 34; I am sorry, yes. Can this witness be
11:06:52 15 brought in, please?
16 MR TAVENER: If I might be excused, Your Honour.
17 PRESIDING JUDGE: Yes. You are bowing out?
18 MR TAVENER: Yes, I am.
19 [The witness entered Court]
11:11:44 20 PRESIDING JUDGE: Ms Wiafe, this is TF --
21 MS WIAFE: TF2-167.
22 PRESIDING JUDGE: And he will be testifying in Krio.
23 MS WIAFE: In Krio and he will be sworn on the Koran.
24 WITNESS: TF2-167 [sworn]
11:12:43 25 [Witness answers through interpretation]
26 MS WIAFE: May I proceed, Your Honours?
27 PRESIDING JUDGE: Yes, please.
28 EXAMINED BY MS WIAFE:
29 MS WIAFE: Good morning, sir.

1 A. Yes, good morning.
2 Q. I will be asking you some questions. Please take your time and
3 listen to the questions and answer the questions as directly as you can.
4 A. All right.
11:13:10 5 Q. Mr witness, how old are you?
6 A. xxxxxxxxx
7 Q. Where were you born?
8 A. xxxxxxxxx
, Moyamba District.
9 Q. You are married?
11:13:35 10 A. Yes, I am married.
11 Q. Do you have children?
12 A. Yes.
13 Q. How many children do you have?
14 A. xxxxxxxxx
11:13:55 15 Q. Mr witness, did you ever go to school?
xxxxxxx .
17 Q. How far did you go?
18 A xxxxxxxxx
19 Q xxxxxxxxx
21 Q. What languages do you speak, Mr witness?
22 xxxxxxxxx
23 Q22 xxxxxxxxx

1 A. Yes, I can write.
2 Q. Can you read English?
3 A. Yes, I can read.
4 Q. Can you read English very well?
11:15:26 5 A. Yes.
6 Q. Mr witness, what work do you do?
7 A. xxxxxxxxxxxxxxxxx
8 Q. Mr witness, I would like to direct your attention to --
9 PRESIDING JUDGE: xxxxxxxxxxxxxxxxx.
11 MS WIAFE: xxxxxxxxx
13 A. xxxxxxxxx
14 PRESIDING JUDGE: . xxxxxxxxx
11:15:18 15 MS WIAFE:
16 Q. When you say garden work, what do you mean?
17 A. . xxxxxxxxx.
18 Q. Mr witness, I would like to direct your attention to March of 1998.
19 Do you remember that time?
11:15:48 20 A. Yes.
21 Q. Where were you at that time?
22 A xxxxxxxxx..
A xxxxxxxxx..?
24 A. xxxxxxxxx..?.
11:16:31 25 Q. Mr witness, did anything happen in Bradford in March of 1998?
26 A. Yes.
27 Q. Could you tell this Court what happened?
28 A. Yes.
29 Q. Please go ahead?

1 A. In 1998 at night the Kamajors entered into my house.
2 Q. Do you remember the month?
3 A. March.
4 Q. Do you remember the day?
11:17:20 5 A. It was on the 19th.
6 Q. What time did the Kamajors enter your house?
7 A. It was at night they entered.
8 Q. Where were you when they entered your house?
9 PRESIDING JUDGE: About what time did they enter?
11:17:59 10 MS WIAFE:
11 Q. At about what time? When you say night, can you give us an
12 indication?
13
14 A. No, no. I wasn't having a watch back then.
11:18:14 15 PRESIDING JUDGE: Okay.
16 MS WIAFE:
17 Q. Mr witness, were you in the house when the Kamajors entered?
18 A. Yes.
19 Q. Could you please tell this Court what happened when the Kamajors came
11:18:40 20 to your house that night?
21 A. Yes.
22 Q. Please go ahead?
23 A. They knock at the door. And we asked who. Then they said, "We the
24 Kamajors, we're asking all of you to come out. We woke up. As we open and
11:19:11 25 we saw them, we all ran away, but one of my child went under the bed. When
26 we went into the bush --
27 Q. Mr witness, you said the Kamajors knocked on the door and then you
28 opened the door?
29 A. Yes, yes.

1 Q. And you saw the kamajors?
2 A. Yes.
3 Q. Did the kamajors tell you anything when you opened the door?
4 A. Yes.
11:19:52 5 Q. what did they say?
6 A. They said -- they asked all of us to come out.
7 Q. Did you go you out?
8 A. Yes.
9 Q. what happened when you went out?
11:20:28 10 A. We ran away. I went into the bush with my family.
11 Q. why did you run away into the bush?
12 A. Because they were having guns, machetes, axes and knives.
13 Q. Did the kamajors say anything to you before you ran away?
14 A. Yes.
11:21:19 15 Q. what did they say?
16 A. They said: Now the country belongs to them, so whatever they want
17 they will do.
18 Q. How many kamajors came to your house that night?
19 A. I couldn't tell the number, because there were many. I didn't count
11:22:02 20 them.
21 Q. Mr witness, you said you ran into the bush?
22 A. Yes.
23 Q. what bush are you referring to?
24 A. The bush nearby the town.
11:22:40 25 Q. who did you go with?
26 A. Me and my family.
27 Q. How many were you, I mean you and your family of the people that ran
28 into the bush? Do you remember the number?
29 A. Yes, people went into the bush, we were nine in number. The others

1 went their own way.

2 Q. Which others are you referring to?

3 A. You want to know the ones that I'm referring to?

4 Q. No, you said you and your family, you were nine in number. You went
11:23:36 5 into the bush. The others went another way. I just wanted to know of the
6 others who went the other way, who were they?

7 A. The other wives went and my child was left in the house under the
8 bed.

9 Q. Mr witness, you said Kamajors came to your house at night. How did
11:24:13 10 you know that these people were Kamajors?

11 A. They said it. They told us, they said they were Kamajors.

12 Q. Mr witness, you said you ran into the bush with your family?

13 A. Yes.

14 Q. Did you stay in the bush?

11:24:54 15 A. That night, yes. That night.

16 Q. The next morning did you do anything?

17 A. Yes.

18 Q. What did you do?

19 A. I came and checked in my house.

11:25:31 20 Q. When you got to your house, what did you see?

21 A. I discovered that they have looted my house.

22 Q. Mr witness, when you say that you discovered that your house had been
23 looted, what do you mean?

24 A. They took my property in the house.

11:26:06 25 Q. What kind of property had been taken?

26 A. They took my clothing, groundnut, rice, palm oil. They were all
27 taken away with other things, which I cannot call right now.

28 Q. Mr witness, did you ever come to know how those things were taken
29 away?

1 A. Yes, because my child was under the bed and he told me that they
2 collected all the things, they put them in the vehicle and took them to
3 Moyamba.

4 Q. This child who you said was under the bed, you said he told you that
11:27:23 5 they took the things away. Who did he refer to as they?

6 A. The Kamajors.

7 Q. When did your child tell you that these things were taken away by the
8 Kamajors?

9 A. When they came at night, the same night I left. In the morning
11:27:56 10 I came back to check.

11 Q. Mr witness, when you said when you came back your things had been
12 take been away and your son told you that they had been taken away by the
13 Kamajors. At what time did your son tell you that these things were taken
14 away by the Kamajors?

11:28:24 15 A. It was in the morning when I came. It was on the 20th, the 20th of
16 March when I came.

17 Q. And where did your son tell you that these things were taken away by
18 the Kamajors? Where?

19 A. We all met in the house.

11:44:28 20 Q. On the 20th you all met in the house?

21 A. Yes.

22 Q. Mr witness, apart from your own house, do you know of any other house
23 that was looted?

24 A. Yes, because we all -- we all met and whoever you meet will tell you
11:44:28 25 my house was looted, the entire Bradford. Everybody was crying.

26 Q. Did you come to know about this on this same day, that is, the 20th
27 of March?

28 A. Yes.

29 Q. Mr witness, after you heard that your things or your property had

1 been taken away by the Kamajors what did you do?
2 A. I started passing around, talking and crying, saying that they have
3 brought misery on us, because they have looted all our properties.
4 Q. Did you stay in the house that day?
11:44:29 5 A. Yes, yes, I stayed there.
6 Q. Did you sleep in the house that night?
7 A. No, no.
8 Q. Where did you go?
9 A. I went back to the same place where we were, because we were all
11:44:29 10 afraid. That is where we went.
11 Q. So you went back to the bush?
12 A. Yes.
13 Q. Mr witness, after this incident happened, did anything other incident
14 happen xxxxxxxxxxxxxxxx
11:44:29 15 A. Yes.
16 Q. Could you tell this Court what happened?
17 A. Yes.
18 Q. Please go ahead.
19 A. So after the 19th, the 23rd again they came. That was in March.
11:44:29 20 They entered.
21 Q. When you say they came, who are you referring to?
22 A. The Kamajors came back on the 23rd.
23 Q. Where were you when they came back on the 23rd?
24 A. We were camped in the bush, but the bush is just nearby the town.
11:44:29 25 Q. Did they come into the bush at that time?
26 A. Early in the morning, by then I was not there. They met my children.
27 Q. Where did you go that early morning?
28 A. I went to attend to nature.
29 Q. How did you know the Kamajors came back that morning?

1 A. By the time I heard my children shouting, begging, "please leave us,
2 please leave us. "

3 Q. What did you do when you heard your children shouting and pleading?

4 A. I tried to go. When I went I saw some were having guns, some were
11:44:30 5 having machetes and other were having knives so I went close by and they
6 were not able to see me but I was very close. I was seeing them.

7 Q. Mr witness, when you say "they", who do you refer to?

8 A. I'm talking about the Kamajors.

9 Q. So you're saying the Kamajors did not see you from where you were
11:44:31 10 standing?

11 A. Yes, because if they had seen me, they would have called me, but they
12 didn't see me.

13 Q. What did you see from your hiding place?

14 A. My grandson who was shouting, I saw one Kamajor as he was shouting,
11:44:31 15 he shot at him. He shot at him.

16 Q. What did you do when you saw the Kamajor shooting your grandson?

17 A. I was afraid.

18 Q. How old was this grandson?

19 A. Three and a half years old.

11:44:32 20 Q. Did you ever try to go to the assistance of your children,
21 Mr witness?

22 A. No.

23 Q. Why did you not?

24 A. Well, I was afraid. They were all having knives, machetes, knives
11:44:32 25 and I don't have anything.

26 Q. How many Kamajors did you see at that time?

27 A. By then they were four -- I saw four of them entering.

28 Q. Mr witness, did anything else happen after your grandson was shot at?

29 A. Yes.

1 Q. what happened?
2 A. My son he was also trying to escape and he was also shot at. The
3 kamajors shot at him. By then the boy was in the bush. That's my son.
4 Q. Did the kamajors do anything else?
11:44:33 5 A. Yes.
6 Q. what did they do?
7 A. They said they are going kill all of them. They were there pleading,
8 pleading, then they all left, seven of them. Two elders -- elderly ones.
9 Q. Mr witness, when you say "them,", who are you referring to?
11:44:33 10 A. I'm talking about my children.
11 Q. And how many of your children were there at that time?
12 A. They were nine and they killed my grandson. They shot the other,
13 that is Ibrahim.
14 Q. what happened to the other seven?
11:44:33 15 A. They said -- they said they are going to kill all of them, but they
16 pleaded. They took them to the park, that is the
17 Q. Mr witness, all this while you were standing behind the tree, as you
18 say?
19 A. Yes, I was watching. In fact, they gathered all our properties and
11:44:34 20 they carried all of them.
21 Q. After the kamajors had taken your children to the park, what did you
22 do?
23 A. After they've gone, that was the time I came, I met my grandson,
24 I took him. He had already died. He was shot at on the leg at the back.
11:44:34 25 Q. what did you do when you -- Mr witness, are you all right?
26 A. Yes.
27 Q. Are you ready to go ahead?
28 A. Okay.
29 Q. Mr witness, what did you do when you found -- or when you picked your

1 grandson up?

2 A. I was shuttling, I was shuttling, because I was confused. I wept for
3 the first time, second time, and, the third time I heard the one was crying
4 in the bush.

11:44:34 5 Q. You heard a cry coming from the bush. what did you do when you heard
6 that cry?

7 A. I went there.

8 Q. what did you find when you went there?

9 A. I met my child who was shot at on his head.

11:44:34 10 Q. what did you do with him?

11 A. I took him and I brought him in the camp where we were, I said,
12 "look, they've killed your son. "

13 Q. This other son was alive at the time that you found him?

14 A. Yes.

11:44:35 15 Q. Mr witness, after you found these two children, what did you do?

16 A. I left there and he went to shut for one month. We took xxxxxxxxx,
17 I took my grandchild and we buried him. Nearby the town.

18 Q. Mr witness, you said you went to find another person; is that what
19 you're saying?

11:44:35 20 A. Yes.

21 Q. Where did you go to find this person?

22 A. We were all together in the camp, but when they were scattered
23 I started shouting for him and finally I saw him and then I called him and
24 we came.

11:44:36 25 Q. And you said you buried your grandson?

26 A. Yes.

27 Q. Where did you bury your grandson?

28 A. Bush, but it was very close to the town.

29 Q. So what happened to the other son, the one who was shot in the head?

1 A. After the Kamajors had gone to the park, I took him and -- took him
2 to the town, because the town is long, the other part where they've left,
3 that was where I took him. We sat there.

4 Q. So you took your son into the town, some part of the town?

11:44:45 5 A. Yes.

6 Q. Did anything?

7 PRESIDING JUDGE: which of the sons, the one that was shot on the
8 head.

9 A.

11:44:58 10 MS WIAFE: The one who was shot on the head, yes. The other one was
11 buried,.

12 PRESIDING JUDGE: Buried near the town, yes.

13 MS WIAFE:

14 Q. Did you do anything else to the second son that was shot in the head?

11:45:09 15 A. Yes.

16 Q. What did you do?

17 A. We went around and shout for somebody who could do some first aid and
18 he drew the blood from his head because his head was swelling.

19 Q. Where did you go do find this person to administer the first aid.

11:45:42 20 A. The town is long, and we know where we were hiding, so where they
21 were hiding, that is where I went and I met him.

22 Q. Mr witness, what about the other seven children, what happened to
23 them?

24 A. They pleaded and they were released because the other -- only two
11:46:20 25 were high, the others were smaller.

26 Q. So you're saying the Kamajors released these children?

27 A. Yes.

28 Q. Where did you find them?

29 A. They released them at night and we saw them in the morning, in the

1 bush. That was where I saw them.

2 Q. Mr witness, after this incident, did you stay in Bradford?

3 A. No.

4 Q. Where did you go?

11:47:11 5 A. Then I came to Freetown. We came and saw a doctor and the doctor
6 took us to the Defence, the Defence office was closed and we were taken to
7 the Connaught hospital.

8 Q. Who did you come to Freetown with, Mr witness?

9 A. All with my family.

11:48:02 10 Q. And why did you go to Connaught Hospital?

11 A. So that my son will be treated. He was admitted and they X-rayed
12 him.

13 Q. So he was given treatment?

14 A. Yes.

11:48:24 15 Q. Did you go back to Bradford after that?

16 A. Yes, later, after everything has subsided.

17 Q. When was in?

18 A. It was around the year 2000 and 2001. It was around that.

19 Q. Mr witness, what is the present condition of your son today?

11:49:14 20 A. At times he behaves normal and sometimes he behave abnormal. That is
21 it.

22 MS WIAFE: Thank you very much, Mr witness.

23 THE WITNESS: Yes.

24 MS WIAFE: Your Honours, I have no further questions for this
11:49:57 25 witness.

26 JUDGE BOUTET: Thank you. Cross-examination, second accused? Yes,
27 Mr Koppe.

28 CROSS-EXAMINED BY MR KOPPE:

29 MR. KOPPE: Good morning, Mr witness.

1 THE WITNESS: Good morning.
2 Q. Would you be able to tell us who has been responsible for these
3 incidents that you have told us today about?
4 A. The Kamajors.
11:51:18 5 Q. Have you seen which Kamajor it was who shot your grandson?
6 A. Yes.
7 Q. Do you know his name?
8 A. Yes, later, I knew his name.
9 Q. Would you tell this Court what his name is?
11:51:46 10 A. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.
11 Q. Mr witness, have you known this ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

13 A. No, it was later.
14 Q. When did you find out his name?
11:52:25 15 A. It was in 1998 when they captured my children then later he told me
16 that he was -- later --
17 THE INTERPRETER: Sorry, the interpreter cannot get the witness
18 audibly, could the Court order the witness to repeat his answer.
19 JUDGE BOUTET: Mr witness, can you repeat your last answer, please,
11:53:00 20 and try to speak in the mic.
21 THE WITNESS: Okay. Um-hum. Um-hum, yes.
22 JUDGE BOUTET: Maybe you can repeat your question, Mr Koppe.
23 MR. KOPPE:
24 Q. Mr witness, when did you learn about the name of ~~XXXXXXXXXXXXXXXXXXXX~~.
11:53:36 25 when did you find out that was the man responsible for these events? When
26 did you find out?
27 A. It was my children who told me his name. The one that they captured
28 and they took to the park. They came and tell me that -- told me that his
29 name was ~~XXXXXXXXXXXXXXXXXXXX~~

1 Q. Have you also been able to find out why this Mr xxxxxxxxxxxx killed
2 your grandson and shot at your son?
3 A. No, because during that time they have left, I had no gun, I had no
4 machete, so I was not interested in finding out, otherwise they would have
11:54:50 5 killed me.
6 Q. Were you able to find out later the reasons why this xxxxxxxxxxxxxxxx
7 killed your grandson and shot at your son?
8 A. Where I was, he said he should finish with him at once. That is the
9 only thing that I knew. Where I was hiding, what I heard him say. Then
11:55:40 10 from that time we never had a talk.
11 Q. So am I correct in understanding that you say you don't know any
12 reason why this xxxxxxxxxxxxxxxx shot your grandson and your son?
13 A. Yes, because he said he was a Kamajor. They were in control of the
14 country now so they decided to do any bad they want to do. That is the
11:56:24 15 only reason that I can tell you.
16 Q. Mr witness, have you heard about any other children being shot or
17 killed in xxxxxxxxxxxx?
18 A. Yes, yes.
19 Q. And was this same xxxxxxxxxxxxxxxx involved in the shooting? Do you
11:57:10 20 know?
21 A. No, I don't know.
22 Q. Mr witness, you agree with me that it was the 10th of March 1998 that
23 the government of President Kabbah was reinstalled.
24 A. I cannot remember. I cannot remember again.
11:57:54 25 Q. Mr witness, do you remember when in 1998 the hostilities and the
26 violence ceased, when it stopped?
27 A. Those -- I don't understand.
28 Q. Well, the one point in time peace was restored; am I correct?
29 A. Yes. It was only here, not to us there. Only here, not to us inside

1 Bradford Town.

2 Q. Are you able to tell us when finally peace was restored in xxxxxxxx?

3 A. Yes.

4 Q. Please do.

11:59:06 5 A. The final peace came to xxxxxxxxxxxx that was the time when President
6 Kabbah was reinstated.

7 Q. Mr witness, when peace was restored, did you report to anybody these
8 incidents that you have testified of today?

9 A. Yes.

11:59:55 10 Q. Could you tell this Court to whom you reported these incidents?

11 A. It was those who met us to get statement from us that we reported to.

12 Q. Mr witness, are you referring to investigators of the Special Court?

13 A. Before that. We made a report to other people like paramount chief
14 and others so when those ones went there, they only called us to make the
12:00:52 15 reports to them.

16 Q. Mr witness, do you know when you made a report to the paramount
17 chief?

18 A. I don't know. It is a long time.

19 Q. Was it in the same year as these events have occurred?

12:01:22 20 A. No. That time -- no everybody was afraid. Everybody was -- in fact
21 everybody was in Freetown.

22 Q. The paramount chief also?

23 A. Yes, the paramount chief was in town.

24 Q. So you don't know exactly when in time you made that report to the
12:01:56 25 paramount chief?

26 A. Hmm, hmm.

27 Q. Did you tell the paramount chief that it was xxxxxxxxxxxx?

28 A. I did not recall that.

29 Q. Did you report to the paramount chief that it was xxxxxxxxxxxxwho

1 was responsible for the death of your grandson?
2 A. The late paramount chief, he has died. The late paramount chief.
3 Q. Do you know when the late paramount chief died?
4 A. Yes.
12:02:48 5 Q. Please do tell us.
6 A. If at all, I do not mistake, 19 -- 2000 -- 2001.
7 Q. So you told the paramount chief before he died that it was xxxxxxxx
8 xxxx who was responsible?
9 A. Yes.
12:03:29 10 Q. Do you know if the paramount chief undertook any action against
11 xxxxxxxxxxxx ?
12 A. No, I don't know, because xxxxxxxxxxxxxx was up there. Then the
13 paramount chief was in Freetown here.
14 Q. So you don't know whether the paramount chief has investigated these
12:04:06 15 incident that you have told us today?
16 A. I don't know, because from that time he never asked me to see him.
17 We never sat together and discussed. xxxxxxxxxxxxxx was upcountry when we
18 were in Freetown here. It was in town here that -- in Freetown here that
19 I met the paramount chief and informed him.
12:04:37 20 Q. Do you know, Mr witness, where Patrick John was at the time when you
21 spoke to the paramount chief?
22 A. I did not know. I did not know. That time it was during the war. I
23 don't know.
24 Q. Have you ever seen xxxxxxxxxxxxxx again?
12:05:06 25 A. I saw xxxxxxxxxxxxxxxxxxxxxx the time he went to Moyamba. I went
26 Moyamba to give statement. That was the time that I knew that he was the
xxxxxxxxxxxxx
28 Q. Mr witness, is it correct to say that ECOMOG forces came to xxxxxxxxa
29 in May/June 1998?

1 A. I cannot remember the dates. They came there, but the year I cannot
2 remember.

3 PRESIDING JUDGE: When they came to Bradford.

4 MR. KOPPE:

12:06:10 5 Q. Mr witness, did you ever make a report about these incidents to the
6 ECOMOG forces?

7 A. Yes, we -- we talked about it, but no action was taken. We had a
8 talk.

9 Q. Do you remember with whom you spoke?

12:06:41 10 A. No, because I don't know their names.

11 Q. Mr witness, did you speak about these incidents to the police?

12 A. During that time policemen were not --

13 PRESIDING JUDGE: Mr witness -- [Overlapping microphones]

14 THE WITNESS: Not at all. There were no police people.

12:07:33 15 PRESIDING JUDGE: When the police came, did you speak to them? When
16 finally the police came, did you speak to them?

17 THE WITNESS: No.

18 PRESIDING JUDGE: Or did you report to them? Report to them?

19 THE WITNESS: Yes, I told them that they killed my grandson and they
12:08:22 20 wounded my son. I told them about that. I told them.

21 MR. KOPPE:

22 Q. So you did speak to the police eventually?

23 A. I talked -- I talked. That one, yeah, I talked to them that they
24 killed my grandson and wounded my child. The hospital knew that my son was
12:09:18 25 wounded. The hospital knows that they had wounded my son.

26 Q. Mr witness, could you know whether the police have undertaken an
27 investigation about these incidents?

28 A. I don't know anything.

29 Q. Mr witness, have you notified the death and birth registry of your

1 town about the death of your grandson?
2 A. No. During that time there was no way to move. During that time
3 there was nowhere for someone to move to make a complaint anywhere else.
4 Q. I'm not speaking about a complaint but a notification, written or
12:10:49 5 orally that your grandson had died?
6 PRESIDING JUDGE: He said he did not because the people were not
7 there,.
8 MR KOPPE: Yes, but he was speaking about a complaint.
9 PRESIDING JUDGE: At the birth and death registry.
12:11:03 10 MR. KOPPE: Exactly, not a complaint but whether he declared the
11 death of his grandson.
12 THE WITNESS: I did not see anybody. Nobody was there. There was
13 nobody.
14 Q. So you didn't do that either in the later stage?
12:11:27 15 A. Hmm.
16 Q. My last question, Mr Witness, is your grandson buried in Bradford?
17 A. Yes, I buried him.
18 MR. KOPPE: Thank you.
19 THE WITNESS: Okay.
12:12:10 20 PRESIDING JUDGE: we'll rise for a few minutes and come back for
21 continuation of the cross-examination.
22 [Recess taken at 12.10 p.m.]
23 [On resuming at 12.20 p.m.]
24 PRESIDING JUDGE: Learned counsel, we're resuming the session.
12:23:53 25 JUDGE BOUTET: Counsel for the third accused, you're ready to proceed
26 with your cross-examination of this witness?
27 MR LANSANA: By all means, Your Honour.
28 JUDGE BOUTET: Please do so.
29 CROSS-EXAMINED BY MR LANSANA:

1 Q. Mr witness?
2 A. Yes.
3 Q. Were you in Bradford village --
4 A. Yes.
12:24:41 5 Q. Were you in Bradford village in the year 1997?
6 A. No, in 1997 I was in Freetown; part of 1997 I was in Freetown, part I
7 was in Bradford. He asked me for the whole year.
8 Q. Thank you. Can you tell this Court when in 1997 that you left
9 Freetown for Bradford?
12:25:24 10 A. No, I can't tell.
11 Q. Was it mid 1997 or early 1997?
12 A. It was at the latter part.
13 Q. And can we take it then, Mr witness, that you went to Bradford after
14 the May 1997 coup?
12:26:21 15 A. May 1997 coup?
16 Q. Yes.
17 A. No.
18 PRESIDING JUDGE: No, use the word "overthrown," when the government
19 was overthrown.
12:26:34 20 MR LANSANA: As Your Honour pleases.
21 Q. Were you in Freetown when the government of President Alhaji Tejan
22 Kabbah was overthrown?
23 A. No, I was in Bumpah.
24 Q. And it was after that incident that you went to Bradford village; not
12:27:19 25 so? That same year?
26 A. Yes, I went to Freetown and after that I came back to Bradford.
27 Q. Thank you very much. Now -- now, when you went to Bradford village,
28 were there any armed forces around that locality?
29 A. Yes.

1 Q. Who were there?
2 A. Defence -- they were called Kamajors, defence Kamajors. They were
3 there.
4 Q. Do you know whether the AFRC were around Bradford before the Kamajors
12:28:41 5 went there?
6 A. They were in Bradford. Rather they were not in Bradford, they were
7 at Mabang.
8 Q. The AFRC were at Mabang and the Kamajors were at Bradford?
9 A. The Kamajors were in Bumpah. They only used to come and go.
12:29:36 10 Q. Mr Witness, can you clarify to us what you mean when you say
11 "Bumpah". Are you referring to Bumpah Town or Bumpah Chiefdom?
12 A. Bumpah Chiefdom.
13 Q. And Bumpah Town is the headquarter town of Bumpah chiefdom; is that
14 correct?
12:30:16 15 A. Rotifunk is the headquarter town.
16 Q. Now, you say the AFRC were at Mabang. Do you know whether they had
17 any clashes with the Kamajors in that locality?
18 A. I'm not aware.
19 Q. I'm putting it to you that in the year 1997 there were several
12:31:29 20 clashes between the AFRC and the Kamajors.
21 A. When that happened during that time, we were -- we were running all
22 about. We don't know. So -- I know mine personally.
23 Q. And you put it to you further that you are right to say you were
24 running around, you were running around because the fighting.
12:32:28 25 A. If that is the situation, everybody was afraid of the fight. If at
26 all he had no gun, he must be afraid.
27 Q. So I'm right to say that you and other people were running around,
28 because there were several clashes between these two forces, the AFRC and
29 the Kamajors in your locality?

1 A. Except those people have to tell you that.

2 Q. Can you please tell us.

3 A. What I know is what I have explained to you.

4 JUDGE BOUTET: He has told you twice now that he doesn't know. He
12:33:19 5 doesn't know. You have put it to him, but his answer was "I don't know".

6 MR LANSANA: Your Honour, I was following the lead of running around.
7 I want the witness to establish why they were running around.

8 JUDGE BOUTET: He has told you it was because of war. Anybody who
9 didn't have a gun was running around.

12:33:48 10 THE WITNESS: I was afraid for my life, that is why I was running
11 away.

12 MR LANSANA:

13 Q. And your life was threatened by what?

14 A. They had guns; I don't have guns. Do you expect me to stand until
12:34:06 15 they come and kill me. That is why we were running about.

16 Q. So everywhere you saw people with guns, whether they did nothing to
17 you, you just ran away; is that correct?

18 A. If you see your colleagues running, you too must run. That was why,
19 because you are not alone in the town.

12:34:40 20 Q. Now, when people were running around, did they tell you that a
21 particular force was coming to your locality, that you had to leave as a
22 result?

23 A. They did not tell me I saw them myself. I saw them twice.

24 Q. You saw who twice?

12:35:05 25 A. We saw the Kamajors coming. They came. They were coming and going,
26 coming and going, so whatever they say, you must give way, you see.

27 JUDGE THOMPSON: Learned counsel, perhaps your cross-examination of
28 this witness would be less confrontational if you simplified the
29 questioning a little. You are trying to establish, I reckon, a nexus

1 between the running around, as he alleges, and the existence of armed
2 clashes of the forces.

3 MR LANSANA: Yes, Your Honour.

4 JUDGE THOMPSON: Why not try and see if you can, in your own way,
12:36:06 5 simplify this correlation that you're trying to establish for him to
6 understand because, quite frankly, I don't see the disagreement in
7 substance. What I see is probably use of language in a slightly abstruse
8 sense on your part and therefore not getting across to the witness. Why
9 not try again.

12:36:32 10 MR LANSANA: As you please, Your Honour.

11 Q. Mr witness?

12 A. Yes?

13 Q. Apart from the Kamajors, did you see any other group of fighters in
14 your locality?

12:36:47 15 A. Yes.

16 Q. And can you tell this Court who they were?

17 A. The Ogas -- I don't know, it has escaped. They came and we were all
18 happy and we embraced them.

19 Q. Was it by any means ECOMOG?

12:37:17 20 A. ECOMOG.

21 Q. Apart from ECOMOG, did you see any other group?

22 A. That is the only one we saw and we received them. Apart from that we
23 didn't see any other group.

24 Q. In the year 1997 did you personally experience any gunshots?

12:37:57 25 A. Yes, shooting was going rampantly in there.

26 Q. In your locality?

27 A. Yes, yes.

28 Q. Thank you. From these gunshots would I be right to say that there
29 was fighting in your locality?

1 A. Some come just to loot and run away, others come, and when they go
2 they will come back.
3 Q. Now I put it to you that --
4 THE INTERPRETER: Your Honour, the mic.
12:38:55 5 PRESIDING JUDGE: Your microphone.
6 MR LANSANA: Sorry about that.
7 Q. I put it to you that in 1997 there was fighting in your locality.
8 A. If that is the case, all I know is what I have explained to you.
9 Q. Mr witness, you have told this Court that Kamajors went to Bradford
12:39:27 10 on the 19th of March 1999; not so -- 1998, sorry?
11 A. Yes.
12 Q. You made a statement to some people from the Office of the
13 Prosecution -- from the Special Court; not so?
14 A. Yes.
12:40:01 15 Q. And that was in Moyamba; not so?
16 A. Yes.
17 Q. On the 27th of November 2003?
18 A. Yes.
19 Q. Mr witness, Mr what language did you make that statement?
12:40:28 20 A. It was in English.
21 Q. Was it recorded?
22 A. Yes.
23 Q. How was it recorded?
24 A. They were computerising it.
12:41:05 25 Q. At the end of that statement, was the statement read to you?
26 A. Yes.
27 Q. Did you say that that statement was true and correct?
28 A. Yes.
29 Q. Did you sign your statement?

1 A. No.

2 Q. Now, did you tell the investigators that on the 19th of March 1999
3 the Kamajors came to Bradford at night and looted the whole town. Did you
4 tell them it was on the 19th of March 1999?

12:42:10 5 A. Yes, that was what I said earlier, but later I discovered that it was
6 in 1998.

7 Q. You've just told this Court that when the Kamajors entered that
8 night, you ran into the bush; not so?

9 A. Yes, yes.

12:42:48 10 Q. And that you learnt about looting the next day; not so?

11 A. Yes.

12 Q. Now, when you were talking to the investigators did you tell them
13 that you witnessed the looting?

14 A. No, I said in the morning when I went my child was there. I was not
12:43:22 15 there.

16 Q. Thank you very much. I'll read a portion of your statement to you on
17 the 27th of November 2003. It is written: "witness" - that is you - "saw
18 them looting." Did you tell the investigators that you saw the looting,
19 you saw them looting?

12:43:45 20 A. Even that. I said I didn't see them looting, because I and the
21 others have run away, but my child was there.

22 Q. Thank you very much.

23 A. Okay. Maybe it is a typographical error.

24 Q. Mr witness, did you at any time report the looting of your property
12:44:32 25 to any superior Kamajor authority?

26 A. No.

27 Q. Did you at any time report the killing of your grandson to any
28 superior Kamajor authority?

29 A. No. There was no chance to meet them. There was no way to meet

1 them. Any one you meet.

2 Q. Now, did you report the shooting of your son to any superior Kamajor
3 authority?

4 A. Yes, the time I was in my house, I was trying to go and I met them at
12:45:47 5 the barri and I was afraid they that they kill me then I said they have
6 shot at my son and now I'm trying to take him. They said, "let's go now,
7 man". I said, "no, I'm going to Freetown".

8 Q. Do you remember that person you made a report to?

9 A. Yes, the one I knew was xxxxxxxxxxxxxxxx [phon].

12:46:19 10 Q. Is it to your knowledge whether he took any action on that report?

11 A. At the time he said I was going to give me a paper to go to Moyemo
12 [phon]. I said no I'm going to Freetown.

13 Q. Mr witness, can I take it that you told him that your son had been --

14 PRESIDING JUDGE: A paper to take to which place? To Moyemo?

12:46:59 15 MR LANSANA: I heard Moyemo.

16 THE WITNESS: Moyemo hospital.

17 MR LANSANA:

18 Q. Now I take it from your answer, Mr witness, that what you actually
19 did was to inform him of the purpose of your having to leave Bradford?

12:47:36 20 A. I said I'm taking my child to Freetown for treatment.

21 PRESIDING JUDGE: He didn't say -- didn't he say earlier on that he
22 reported that they killed -- he was afraid so he told them that they had
23 shot his child and they were taking him for treatment.

24 MR LANSANA: Your Honour, the circumstance as I understand is more
12:47:56 25 like asking for permission to leave, or explaining the reason for his
26 leaving rather than reporting for action to be taken.

27 I'll put it to him, Your Honour.

28 PRESIDING JUDGE: Okay.

29 MR LANSANA:

1 Q. Mr witness, I'm putting it to you that it wasn't actually a report
2 that you made to --
3 A. I only explain. When they said, "let's go to Moyemo, then I said,
4 "no, I'm going to Freetown. For my son to be treated."
12:48:32 5 Q. Thank you very much.
6 Now you talked about Patrick John; not so?
7 A. Yes.
8 Q. Did you know Patrick John prior to the 19th of March 1998?
9 A. No.
12:49:06 10 PRESIDING JUDGE: I thought he had answered this question,
11 Mr Lansana. I thought had answered this question earlier on during
12 cross-examination.
13 JUDGE BOUTET: No, during examination-in-chief.
14 MR LANSANA: I take the cue.
12:49:24 15 PRESIDING JUDGE: Go ahead, go ahead.
16 MR LANSANA: No, Your Honour, I rest my case. That will be all for
17 this witness.
18 JUDGE BOUTET: To you're not pursuing the issue with Patrick John.
19 MR LANSANA: Not at all.
12:49:44 20 JUDGE BOUTET: Counsel for the first accused.
21 CROSS-EXAMINED BY MR YILLAH:
22 Q. Mr witness, did the Kamajors at any time before the March 1998
23 convene a meeting at Bradford for the residents; do you know?
24 A. I was not there, but I learned that by then I was in Bumpe Chiefdom.
12:51:00 25 Q. Mr witness?
26 A. Yes.
27 Q. Did you also learn that at that meeting it was decided that the
28 kamajors would work in partnership with the community for the defence of
29 Bradford?

1 A. I said that I was not there. I heard that a meeting was convened.
2 I did not know. I had no knowledge, but I heard that they went there.
3 Q. Mr witness?
4 A. Yes.
12:51:51 5 Q. Did you observe that the Kamajors who entered Bradford had come from
6 different parts from Ribbi Chiefdom and Moyamba as a whole?
7 A. Yes, yes.
8 Q. Mr witness?
9 A. Yes.
12:52:33 10 Q. Did you also observe that these Kamajors were in different groups?
11 A. Yes, because they didn't come from the same chiefdom, they were in
12 different groups. They were not coming from the same chiefdom.
13 JUDGE BOUTET: Mr Court officer, can you try and find out what's this
14 noise and if you can control it.
12:53:13 15 MR WALKER: Your Honour, I believe it is feedback on the microphones,
16 I don't know maybe you have your earphones close to the microphone,
17 Your Honour.
18 MR YILLAH:
19 Q. Mr witness?
12:53:28 20 A. Yes.
21 Q. Did you also observe that there was no control among these different
22 groups of Kamajors? Did you?
23 A. Well, if at all they had a leader, I believe there should be some
24 control except if they don't have a leader, but if they have a leader there
12:53:57 25 should be control.
26 Q. Thank you, Mr witness, but the question was: Did you observe there
27 was no control among these different groups of Kamajors, did you observe
28 that?
29 A. During the meeting at Bradford and the time I didn't see any control,

1 although they have a leader.

2 MR YILLAH: Thank you. My Lords, that will be all for this witness.

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

4 MS WIAFE: None, Your Honours.

12:54:35 5 JUDGE BOUTET: Thank you.

6 PRESIDING JUDGE: Mr Witness, we have finished with you.

7 THE WITNESS: Okay sir.

8 PRESIDING JUDGE: We thank you for coming to assist the Chamber with

9 your evidence.

12:55:21 10 THE WITNESS: Yes, sir.

11 PRESIDING JUDGE: [Previous interpretation continues] yourself at

12 your own level, you can imagine of what importance your evidence is to this

13 court. We appreciate it very much. We thank you very much for coming and

14 if we have to ask you to come here again for one reason or the other,

12:55:55 15 please do not hesitate to come and see us. Once more we thank you and we

16 wish you a safe journey back to your town. Thank you.

17 THE WITNESS: Okay. Thank you sir.

18 PRESIDING JUDGE: We shall rise and resume the session at 2.30 with

19 the next witness. I suppose we have just one this afternoon.

12:56:26 20 MR KAMARA: Yes, Your Honour.

21 PRESIDING JUDGE: We don't need a standby, do we?

22 MR KAMARA: No.

23 PRESIDING JUDGE: Learned counsel, we --

24 THE INTERPRETER: Your Honour, can we know the language the next

12:56:43 25 witness is in testifying in?

26 MR KAMARA: I think it is Krio.

27 PRESIDING JUDGE: We'll rise and resume at 2.30, please.

28 [The witness withdrew]

29 [Luncheon recess taken at 12.55 p.m.]

1 [The witness entered court]
2 [Upon resuming at 2.43 p.m.]
3 PRESIDING JUDGE: Good afternoon, learned counsel. We are calling
4 this session to order.
14:46:50 5 JUDGE BOUTET: Mr Prosecutor, you're ready to proceed with your next
6 witness.
7 MR SAUTER: Thank you. Prosecution calls witness TF2-166. It is
8 witness number 60. The witness will testify in Krio.
9 JUDGE BOUTET: Thank you. Yes, you may swear the witness, please.
14:47:19 10 WITNESS: TF2-166 [sworn]
11 [Witness answered through interpretation]
12 JUDGE BOUTET: Yes, Mr Sauter, please proceed.
13 EXAMINED BY MR SAUTER:
14 MR SAUTER: Thank you.
14:48:53 15 Q. Madam witness.
16 A. Yes, sir.
17 Q. I am about to ask you some questions. Please speak very slowly when
18 answering. Take your time and try to focus on my questions. Did you
19 understand me?
14:49:14 20 A. Yes, sir.
21 Q. I start with some questions concerning your personal data.
22 Madam witness, how old are you?
23 A. I'm 30 years.
24 Q. Where were you born, Madam witness?
14:49:43 25 A. I was born in xxxxxxxx.
26 Q. xxxxxxxxxx. Which is in which district?
27 A. Moyamba District.
28 Q. Thank you.
29 A. Yes, sir.

1 Q. Where are you residing?
2 A. In xxxxxxxx.
3 Q. Madam witness, are you married?
4 A. Yes, sir.
14:50:24 5 Q. Do you have children?
6 A. Yes, sir.
7 Q. How many children do you have, Madam witness?
8 A. Four children.
9 Q. Did you attend school?
14:50:58 10 A. Yes, sir.
11 Q. And finally, Madam witness, what is your profession?
12 A. I am doing farming and business.
13 Q. Thank you very much.
14 A. Yes, sir.
14:51:18 15 Q. Let me now take your mind back to the end of the year 1997. Where
16 did you live at this time, end of 1997?
17 A. I was in one village called Rokonta.
18 Q. The spelling is R-O-K-O-N-T-A. Could you please tell the Court where
19 Rokonta is located?
14:52:16 20 A. Yes, sir.
21 Q. Please do so.
22 A. Rokonta village is around the Mabang area.
23 Q. It means it is in Moyamba District; right?
24 PRESIDING JUDGE: Naturally.
14:52:44 25 THE WITNESS: Yes, sir.
26 MR SAUTER:
27 Q. How far away is Rokonta from Mabang, do you know?
28 A. About one mile.
29 Q. Who was in control of this area - Rokonta, Mabang - at this time, can

1 you remember?
2 A. It was the CDF.
3 Q. And Madam witness, could you please tell the Court how was the
4 relationship between the CDF and the civil population?
14:53:41 5 A. Yes, sir.
6 Q. Please?
7 A. CDF and the people -- and the people, they had no close relationship
8 by the time I was in Rokonta village. So the CDF, under the leadership of
9 Obai, came and attacked Mabang -- came and attacked Rokonta village, the
14:54:38 10 time I was there.
11 PRESIDING JUDGE: First question was on the relationship.
12 MR SAUTER: I will repeat my question.
13 Q. May I ask my question again. The question was how was the
14 relationship between the CDF and the population? Was it a good
14:54:58 15 relationship or not?
16 JUDGE BOUTET: She had answered no close relationship.
17 JUDGE THOMPSON: She answered. She said no close relationship.
18 MR SAUTER: But close relationships may be good or worse
19 relationships.
14:55:10 20 JUDGE THOMPSON: We don't want to engage you in an argument --
21 [Overlapping speakers]
22 PRESIDING JUDGE: Maybe she can answer.
23 THE WITNESS: The relationship between them, it was not a good
24 relationship, because the CDF, they had weapons all the time. So the
14:55:26 25 relationship there was to disturb the civilians.
26 MR SAUTER:
27 Q. Did you yourself or your family suffer under the CDF in any way at
28 this time?
29 A. Yes, we suffered during that time. I suffered together with my

1 family.

2 Q. Could you please tell the Court what they did that made you suffer?

3 A. Yes, sir.

4 Q. Please?

14:56:21 5 A. In 1997, December 23, the CDF in the Bumpe Chiefdom, they came to the
6 village Rokonta. They attacked my father's house and that time they did
7 not meet my father there. My father was in another village.

8 Q. So you said they attacked your father's house?

9 A. Yes, sir.

14:56:52 10 Q. But they did not meet your father because he wasn't there?

11 A. Yes, sir.

12 Q. So when they did not meet your father --

13 JUDGE THOMPSON: Counsel, let's have that down first. Moderate your
14 pace.

14:57:11 15 MR SAUTER: Okay, thank you.

16 Q. So you said they did not meet your father. Did they do anything to
17 your family, the rest of your family?

18 A. Yes, sir.

19 Q. Please tell the Court.

14:57:40 20 A. When they could not meet my father they ask all the family to sit
21 down on the floor, so all my family sat on the floor. So they remove all
22 my father's property. From there they took the property along. After
23 that --

24 PRESIDING JUDGE: wait, wait.

14:57:55 25 JUDGE BOUTET: Ask the witness to go slowly, please. We're trying to
26 follow the evidence.

27 MR SAUTER:

28 Q. Once again, please go slowly, make short sequences.

29 A. okay, sir.

1 JUDGE BOUTET: So they asked all the family to sit down on the floor.
2 MR SAUTER:
3 Q. We were at the point where you were asked with the rest of your
4 family to sit down on the floor.
14:58:15 5 A. Yes, sir.
6 Q. What happened next?
7 A. From there we went and met our father and told him that the CDF have
8 attacked our house.
9 Q. Madam witness, the question was what did the CDF do after they made
14:58:39 10 you sit down on the floor?
11 A. They went into my father's house and remove all the property there
12 and went away with them.
13 Q. Stop here, please. What did you do after the CDF had left your
14 house?
14:59:15 15 A. We went to our father and explained to him that the CDF has attacked
16 our house and removed all the property.
17 Q. Stop here, please. Did you do anything else?
18 A. Yes, sir.
19 Q. Please tell the court.
15:00:13 20 A. After that my father and myself went and met Mr Alex Koroma, who is
21 the honourable minister in that chiefdom.
22 Q. For what purpose you and your father went to Honourable Alex Koroma?
23 A. Because of the CDF, because we used to see Alex Koroma who was the
24 honourable. He used to call meetings and each time they made meetings
15:01:11 25 Alex Koroma was there with them. And Alex Koroma was friends of my father,
26 so my father went there to him to put the matter before him.
27 PRESIDING JUDGE: She talked of Koroma attending what meetings or so?
28 which meetings?
29 MR SAUTER: He used to call meetings she said.

1 THE WITNESS: Alex Koroma called meetings in Waterloo Town for a CDF
2 meeting. So he invited my father to be present at the meeting. My father
3 refused to go to that meeting, so he send some of his children.

4 MR SAUTER:

15:02:24 5 Q. Did I get you right that Mr Koroma, in response to your complaint or
6 whatever it was, called a meeting in Waterloo? Is this right?
7 A. Yes, it was because of the attack -- the CDF attacked us. So my
8 father took the complaint to Alex Koroma, so he called a meeting and
9 invited my father to go to that meeting, but my father didn't turn up.

15:03:23 10 Q. Did you, Madam witness, attend this meeting?
11 A. Yes, sir.
12 Q. Who else, apart from you, was present at this meeting?
13 A. Myself and some of my family members, we went there.
14 Q. Who was chairing this meeting?
15:04:12 15 A. Alex Koroma and the paramount chief, Charles Caulker.
16 Q. Madam witness, who was speaking at this meeting?
17 A. Alex Koroma.
18 Q. And what did he say?
19 A. Alex Koroma said at the meeting that he had come to talk to the CDF
15:05:12 20 members, that he had an information that you the people have attacked his
21 house at Mabang and removed all his property.
22 Q. Was there any response from any one of the CDF?
23 A. Yes, sir.
24 Q. Who was responding?
15:06:02 25 A. One CDF who is Obai from the Bumpe Chiefdom. He responded after
26 Charles [sic] Koroma has said so.
27 Q. Can you recall what Obai was saying in response?
28 A. Yes, sir.
29 Q. Please tell the court.

1 A. He said, "You, you came to this meeting." Say, "You go and tell your
2 father that we suspect that he's a junta or he's a collaborator, and we
3 must make sure that we kill him." It was Obai that said that.

4 PRESIDING JUDGE: Obai was talking to her? Or to whom? You came to
15:07:12 5 this meeting, go and tell your father. Was talking to who?

6 THE WITNESS: He said, "If one of the Pa's children is around here,
7 let her go and tell the Pa." And I was there at the meeting.

8 PRESIDING JUDGE: You go and tell the Pa that he's a junta.

9 MR SAUTER: Junta and what else? That he is a junta and --

15:07:57 10 JUDGE BOUTET: Junta or a collaborator?

11 MR SAUTER: That he's a junta/collaborator. So both.

12 JUDGE BOUTET: well, it's not the same.

13 MR SAUTER:

14 Q. Madam witness, would you please repeat what Obai was saying?

15:08:09 15 A. Obai who was a CDF, he said that -- he said, "If any of the Pa's
16 children were here let her go and tell the father that by the grace of God,
17 In'sh Allah, if we suspect and if it is true that your father is a junta or
18 a collaborator we will see him again." Obai said that.

19 Q. Was anything else said at this meeting by anyone?

15:08:50 20 A. Yes, sir.

21 Q. Please tell the court.

22 A. PC Caulker, who is the paramount chief of Bumpe Chiefdom - now, now,
23 he is a paramount chief - he raise his hand and hit the table and knock the
24 table and say that --

15:09:18 25 Q. Go slowly.

26 A. Okay, okay. PC Caulker, who is a paramount chief, he raises up his
27 hands and say that he will make sure that the Defence revisit my father,
28 that he'll make sure that they'll kill my father. PC Caulker of Bumpe
29 Chiefdom, he said that.

1 PRESIDING JUDGE: Said what? They'll visit the father and kill --
2 that's PC Caulker, the paramount chief?
3 THE WITNESS: PC Caulker. PC Caulker.
4 PRESIDING JUDGE: [Microphone not activated]
15:10:02 5 THE WITNESS: Yes, he raise his hands, he hit the table and said
6 that, "The Pa, if it is true that he is a junta or a collaborator, we'll
7 make sure that these people see him again," and they'll make sure that they
8 kill him. It was PC Caulker of Bumpe Chiefdom, the paramount chief there.
9 He said so.
15:10:56 10 MR SAUTER:
11 Q. So Madam witness, did the CDF come again to look after your father?
12 A. Yes, they came back.
13 Q. Do you recall when they came back?
14 A. Yes, sir.
15:11:23 15 Q. Please tell the Court.
16 A. After that they came back in 1998. It was May the 11th. That was on
17 the Sunday they came back to the Pa.
18 Q. Stop there, please. Do you remember the time of the day when they
19 came - the morning, the evening, in between?
15:12:10 20 A. Yes, sir, I can remember.
21 Q. Please tell us.
22 A. It was 8.00 p.m. in the evening.
23 Q. Did they meet your father this time?
24 A. Yes, sir.
15:12:41 25 Q. Please tell the Court what happened?
26 A. Well, when they entered - it was on Sunday 8.00 - we saw a boy, one
27 boy who was a CDF. He came.
28 Q. You said when they entered. When who entered?
29 A. It was the CDF, they entered the town.

1 Q. So when the CDF entered the town, a boy came; right?

2 A. When they entered one boy came out and that was the first person we
3 saw.

4 Q. What did this boy do?

15:13:38 5 A. When the boy came then I ask him, "What have you come to do here?"
6 said they've come to one boy, and that was all he said.

7 Q. I did not understand. Would you please repeat? What did the boy do?

8 A. When the boy came at first - it's a small boy - he was the first
9 person that came out. He came and greeted and we asked him what he had
15:14:10 10 come to do that night, and the boy said he had only come to one boy and
11 that was all what he said.

12 Q. Where did you meet this boy?

13 A. The boy came in front of my father's house.

14 Q. And who was at your father's house at this time?

15:14:48 15 A. All the family was there, together with my father.

16 Q. So this included you, you were at home as well; right?

17 A. Yes, I was there. I was seated by my father at that time.

18 Q. What happened after the boy came?

19 A. When the boy came he only came to spy, to survey. After that the boy
15:15:42 20 disappeared. When the boy went away, luckily we heard shouts, alarm in the
21 town, "Kamajor, Kamajor", we heard firing.

22 Q. Did the Kamajors come to your father's house?

23 A. Yes, sir.

24 Q. Did they enter your father's house?

15:16:28 25 A. Yes, sir.

26 Q. Did they meet your father in the house?

27 A. Yes, sir.

28 Q. Did they do anything with your father?

29 A. Yes, sir.

1 Q. Please tell the court?
2 A. So when the Kamajors entered, they opened fire and my father ran away
3 together with the family. We escaped and ran away. We went to one village
4 called Mabang. We ran from Rokonta and went to Mabang.
15:17:40 5 Q. Stop there.
6 PRESIDING JUDGE: Ran away with the family to where?
7 MR SAUTER: Mabang.
8 THE WITNESS: Mabang.
9 MR SAUTER:
15:18:07 10 Q. So Madam witness, you say all of your family managed to escape to
11 Mabang?
12 A. Most of us, we ran together with the father and went to Mabang. Some
13 were captured and went away with them and took our property and went with
14 them. We ran -- some of us ran away together with the father and went to
15:18:35 15 Mabang.
16 Q. What about yourself, Madam witness, did you run to Mabang together
17 with your father?
18 A. Yes, sir.
19 Q. So what happened in Mabang?
15:20:41 20 A. So when we reached Mabang, together my father, there one boy, one
21 small boy. He came where I stood with my father and told my father that
22 his house -- the CDF have occupied his house, well armed, and I have a lot
23 of family, I have nowhere to go. As my father was about to go, they halted
24 him. So after that --
15:20:51 25 PRESIDING JUDGE: Let her wait.
26 MR SAUTER:
27 Q. So you were informed by a small boy that the CDF occupied your house
28 and this happened in Mabang; right?
29 A. Yes.

1 Q. Occupied the father's house where?
2 A. It was in Mabang. By then we have left xxxxxxxx village and came to
3 xxxxxxxx, where his other house was.
4 Q. Madam witness, to make it clear, your father had two houses one in
15:20:51 5 Rokonta and one in xxxxxx?
6 A. Yes, sir. Yes, sir.
7 Q. The CDF came to the house in Rokonta first?
8 A. Yes, sir. The attack was in Rokonta village. It was this -- the war
9 that took us to Rokonta village [inaudible]. So we came back. After we
15:21:01 10 are attacked at Rokonta we came back to Mabang, where his bigger house was.
11 Q. And I understood when you reached Mabang you were informed by a young
12 boy that also your house in Mabang has been occupied by the CDF. Did I
13 understand you rightly?
14 A. Yes. I mean, after we run away from Rokonta and we're trying to go
15:22:29 15 to Mabang to the next house, so a small boy came and informed us that in
16 fact the Pa don't go to that house. He said, "The CDF are there, they are
17 there well armed in your house."
18 Q. The house in Mabang; right?
19 A. Yes.
15:22:29 20 Q. So what did you do --
21 PRESIDING JUDGE: Please wait.
22 MR SAUTER:
23 Q. So Madam witness, what did you do instead of going to that house in
24 Mabang?
15:22:59 25 PRESIDING JUDGE: The small boy said they should not go there?
26 MR SAUTER: Should not go to the house in Mabang because it was
27 occupied by the -- or the CDF were there, heavily armed.
28 Q. Madam witness, what did you do instead of going to that house in
29 Mabang?

1 A. At that time my father -- we were trying to tell him to escape. My
2 father was trying to escape, so the CDF -- two CDF saw him and asked him to
3 halt, halt.

4 Q. Did he follow this order to halt?

15:23:58 5 A. My father did not take the order. He continued running towards the
6 water well.

7 Q. Am I right that you were still in Mabang when your father was chased?

8 A. Yes, even me, myself, I was there. I was running after him, I was
9 with him.

15:24:47 10 Q. Did your father and you manage to run away?
11 A. My father was not able to run away. Where he went, it was there they
12 went, they hit him -- they captured him and hit him. They opened fire in
13 the town.

14 Q. So you say your father was captured by the CDF?

15:25:38 15 A. Yes, sir.

16 Q. And you said they opened fire. Did they shoot at him?

17 A. Where they caught him, he was not shot there. They were shooting in
18 the air.

19 Q. And what about you? Have you been captured as well?

15:26:16 20 A. I, too, was captured. But when my father was captured, while they
21 were going with him, with my father and his wives, they were taking him to
22 Masanki village. So I, too, was captured by one CDF and they gave me my
23 father's load -- to take some of the load to take them along.

24 Q. Stop there.

15:26:58 25 JUDGE BOUTET: Her father and his wife were taken to which village?
26 I didn't get the name.

27 MR SAUTER: I come to this point.

28 THE WITNESS: Masanki.

29 MR SAUTER: M-A-S-A-N-K-E or I, I do not know for sure.

1 Q. So you say, Madam witness, not only you and your father were
2 captured, but your mother as well; right?
3 A. Yes, sir.
4 Q. And they were taken to Masanki village; right?
15:27:43 5 A. Yes, sir.
6 Q. And you went to Masanki village as well, carrying looted items;
7 right?
8 A. Yes, sir.
9 MR SAUTER: This is what the witness has said before.
15:27:59 10 JUDGE BOUTET: well, that's not what she said. She said she was
11 carrying the load. She didn't say which load it was.
12 PRESIDING JUDGE: It was looted.
13 MR SAUTER: Okay.
14 Q. Madam witness.
15:28:11 15 A. Yes, sir.
16 Q. What kind of load did you carry?
17 A. My father's property that was looted. Each person, all those who
18 were captured, they were given this load to take to Masanki. It was the
19 looted property that they gave me to carry.
15:28:39 20 Q. Madam witness, after arrival at Masanki what happened?
21 A. So when I reached there, because my father was taken away in the
22 vehicle together with some members of the family. So when I turned my back
23 I saw most of my family on the ground. Those who took the property, I saw
24 them on the ground. So luckily, as I was returning I saw my father
15:29:17 25 standing.
26 Q. Stop. Was your father still a captive when you met him in Masanki
27 village?
28 A. Yes. Yes, that time I met him standing in the tight security, they
29 were all around him.

1 Q. When you say they were around him, who do you mean?
2 A. It was the CDFs.
3 Q. At Masanki did they do anything to your father?
4 A. Yes, sir.
15:30:48 5 Q. Please tell the Court what happened next.
6 A. So when I arrived I found my family all sitting on the ground. After
7 that one CDF called Gibrille Kamara of Rokonta, he came and tied my
8 father's hands. So he asked my father to gather his hands at the back and
9 tied him. My father --
15:31:26 10 Q. Go slowly. So your father was tied?
11 A. Yes.
12 Q. Who did so? Would you please repeat the name?
13 A. One CDF. One CDF called Gibrille Kamara. He tied my father's hands
14 at the back.
15:31:49 15 MR SAUTER: Stop, please. I'm sorry, I'm not able to spell the first
16 name.
17 MR KAMARA: G-I-B-R-I-L-L-E.
18 MR SAUTER:
19 Q. Do you know who was commanding the Kamajors -- or the CDF sorry, the
15:32:25 20 Kamajors at this point in time at this place?
21 A. Yes.
22 Q. Please tell the Court.
23 A. [Inaudible] he was the commander for the CDF.
24 Q. Would you please repeat the name?
15:32:56 25 A. Amadou Mahoi was the commander. Amadou Mahoi.
26 MR SAUTER: Mahoi is M-A - I'm not sure whether W or H - O-I --
27 H-O-I.
28 PRESIDING JUDGE: Or Y as the case may be. Is it I or Y, Mr Kamara?
29 MR KAMARA: I.

1 MR SAUTER:

2 Q. So after your father was tied what happened to him?

3 A. After he had been tied, so I shouted, "Say do, leave my father
4 alone." He said, "Please, my children, don't kill me. I have 500,000
15:34:00 5 leones in my pocket. Don't kill me, please, because I have so many
6 children."

7 PRESIDING JUDGE: Please, wait, wait. You shouted, she shouted?

8 MR SAUTER:

9 Q. Who shouted, Madam Witness, your father or you?

10 A. After he had been tied -- my father had been tied, so my father
11 shouted. Said, "Do my children, don't kill me. I have 500,000 leones --
12 500,000 in my pocket. Take it instead of killing me so I cannot leave my
13 children." So I shouted also that, "Please don't kill my father."

14 Q. Did the CDF respond to your --

15 PRESIDING JUDGE: She also shouted. what did she say?

16 MR SAUTER: "Please don't kill my father."

17 Q. What did you say?

18 A. I said, "Oh, I beg you don't kill".

19 Q. Did the CDF respond to your father's offer to hand over 500,000
15:35:54 20 leones?

21 A. The other CDF who is Lamina Pupuil, he said, "we'll take the 500,000
22 and then kill you again."

23 Q. Would you please repeat the name of that CDF who responded?

24 A. Lamina Pupuil.

15:36:28 25 Q. Pupuil is P-U-P-U-I-L. So what happened to the money?

26 A. They took the money from him. They took the money from his pocket.

27 Q. And after that, Madam Witness?

28 PRESIDING JUDGE: who took the money?

29 THE WITNESS: It was the CDF people that took the money from my

1 father, sir.

2 MR SAUTER:

3 Q. And after they had taken the money what did they do?

4 A. After they had taken the money, therein one CDF, he said, "You see
15:38:06 5 this child, she's very sharp. who is this child? Let us tie her. After
6 we've tied her -- after we've finished the father, we'll kill this child.
7 Before killing her we are going to rape her before killing her." So they
8 tied --

9 THE INTERPRETER: Please, the witness is going too fast for me.

15:38:28 10 MR SAUTER:

11 Q. Please, Madam witness, slow down. It is very hard to translate what
12 you are saying. Okay. Try to speak very slowly.

13 A. Yes, sir.

14 Q. So please repeat what you were saying. what did the Kamajors -- the
15:38:52 15 CDF, sorry. what did these CDF do after the money was taken from your
16 father? very slowly, please.

17 A. Yes, yes.

18 Q. Go ahead.

19 A. After they had taken the money from my father, one CDF man, he was
15:39:20 20 Mohamed Lingon, he tied my left foot to the tree -- to a stick, that I was
21 very sharp. what they are doing with my father --

22 Q. Stop there. So you are saying you were tied as well. How far away
23 were you from your father at this moment?

24 A. Where they tied me together, it was not a long distance. There is
15:40:06 25 the place where I was tied and there was where my father was tied.

26 Q. Could you give the distance in feet or metres or whatsoever? Or
27 could you describe it from where you are sitting?

28 A. Yes, sir, I can show it.

29 Q. Please.

1 A. Just like where I am seated here, where I was tied, like where this
2 man is sitting on my right is the place they tied my father. That was the
3 distance.

4 Q. You are speaking about the counsel to your right-hand side?

15:40:54 5 A. Yes, sir.

6 PRESIDING JUDGE: That's about two yards, isn't it? Two yards, I
7 think. Two yards would be a fair estimate of the distance separating them.

8 MR SAUTER: I can't tell, but I would say it is two metres fifty.

9 JUDGE BOUTET: Not much difference between that and two yards.

15:41:40 10 MR SAUTER:

11 Q. So, Madam Witness, after you were tied -- let's go back a step.
12 Please describe in what way you were tied?

13 A. There was a stick nearby, there were so many banana trees around
14 there. So that was the place I was tied on my left foot. My father was --

15:42:07 15 I saw my father where he was tied and where I was. They tied my left foot
16 to his stick.

17 Q. What happened next after you were tied?

18 A. After where I was tied, therein one CDF - he's Mohamed Koroma from
19 Mayenoh - he took something that is like a knife, like a dagger, he stabbed

15:42:54 20 my father in the eye.

21 PRESIDING JUDGE: One who? You called his name, Mohamed Koroma?

22 MR SAUTER: Mohamed Koroma.

23 THE WITNESS: Mohamed Koroma of Mayenoh village.

24 PRESIDING JUDGE: Of?

15:43:16 25 THE WITNESS: Mayenoh village.

26 MR KAMARA: M-A-Y-E-N-O-H.

27 MR SAUTER:

28 Q. Please go ahead.

29 PRESIDING JUDGE: Pierced the father's eye or so?

1 MR SAUTER: Yes.

2 THE WITNESS: After he has stabbed my father's eye, my father
3 shouted, say, "Oh, my children, they are killing me, you have burst my eye
4 open." Where I was tied I was by my father. Then one Defence came
15:44:04 5 again --

6 PRESIDING JUDGE: Wait, wait.

7 MR SAUTER:

8 Q. So Madam witness, you were saying one Defence came. Please continue.

9 A. While my father was shouting --

15:44:41 10 PRESIDING JUDGE: Just a minute. This witness is under some stress.
11 She is sobbing, she is shedding tears. Is the Witness Protection Unit
12 here, please? Please take care of her. Madam witness.

13 THE WITNESS: Yes, sir.

14 PRESIDING JUDGE: Are you all right?

15:46:25 15 THE WITNESS: Yes, sir.

16 PRESIDING JUDGE: So we can continue?

17 THE WITNESS: Yes, sir.

18 MR SAUTER:

19 Q. Madam witness, let us know if you want to have a break, okay.

15:46:46 20 PRESIDING JUDGE: Madam witness.

21 THE WITNESS: Yes, sir.

22 PRESIDING JUDGE: If you want to rest a bit and go and regain your --
23 come back to yourself, we can rise for a few minutes. But if you are ready
24 to go on, fine.

15:47:07 25 THE WITNESS: I'll try. I'm ready sir. Yes, sir.

26 MR SAUTER:

27 Q. So, Madam witness, you were about to tell the Court that after your
28 father was shouting somebody - this is what I understood - was intervening;
29 is that right?

1 A. Yes, sir. I said where they were punishing my father, so when I
2 shouted, a kamajor came called Serry. He told them that, "This Pa you are
3 about to kill, I am not going to join you." So this Serry, they held him
4 up and beat him. After that --

15:48:00 5 Q. Please stop.

6 PRESIDING JUDGE: Called what?

7 THE WITNESS: Serry.

8 MR KAMARA: S-E-R-R-Y.

9 PRESIDING JUDGE: And said that?

15:48:17 10 MR SAUTER:

11 Q. would you please repeat what this Kamajor was saying?

12 A. This kamajor called Serry, he did not include. He told them that,
13 "This Pa you are about to kill, I will not join you." So some Defence came
14 and beat him up.

15:48:37 15 Q. Stop. Please continue to tell the Court what happened to this man.

16 A. After this Defence said that he will not join them, they cut him and
17 beat him up. So after they've released him, so they continued to punish my
18 father. I was there looking at them.

19 Q. Please stop there. Please, Madam Witness, tell the Court what
15:49:47 20 further happened to your father?

21 A. From there, after -- from where I was tied, I sat down there, the
22 Defence said, "Now they are busy killing your father, so I am finding a way
23 for you to escape." So one of the commander came, Amadou Mahoi. He held
24 my father's mouth and slayed my father. There he cut my father -- cut my
15:50:13 25 father's mouth and he fell on the ground and shouted.

26 Q. Please stop.

27 PRESIDING JUDGE: what's the name again?

28 THE WITNESS: The commander Amadou Mahoi.

29 MR SAUTER:

1 Q. Once again, Madam Witness, I'm sorry, but we must do so, what did
2 Amadou Mahoi do?
3 A. Amadou Mahoi was -- Amadou Mahoi cut my father's mouth saying, "This
4 is the mouth that used to eat sweet things."
15:51:07 5 Q. Stop, please. What else happened to your father?
6 A. From there, the father fell on the ground, they drew him and took him
7 at the back of the house. But still I was able to see the father.
8 PRESIDING JUDGE: [Microphone not activated]
9 MR SAUTER: I'm sorry, Your Honour, your mic is not on.
15:52:07 10 PRESIDING JUDGE: Sorry, I was appealing to the witness to go slowly.
11 I understand her emotional disposition, but we have to get you accurately
12 on the records, Madam. So go slowly.
13 THE WITNESS: Yes, sir.
14 PRESIDING JUDGE: We ended up with the mouth which used to eat sweet
15:52:34 15 things. You say from there what happened?
16 THE WITNESS: When Amadou Mahoi came and cut my father's mouth, my
17 father fell on the ground.
18 MR SAUTER:
19 Q. Fell on the ground. Now he was laying on the ground, what happened?
15:53:18 20 A. That time my father was just giving voice [sounds made], that voice.
21 That then was dragged on the ground, they dragged him. They dragged him on
22 the ground and took him at the back. Therein one CDF --
23 Q. Madam Witness, took him at the back of what?
24 A. They were trying to take him at the back of the house but by then
15:53:47 25 they had not gone far. But by then I was still there watching them.
26 Q. What did you see?
27 A. From there one CDF -- the CDF Kamajor Serry who did not join -- they
28 were now about to kill my father, their attention was not on me. So he
29 came and released me and I went at the back of the banana -- in the banana

1 leaves. But I could still see where my father was. The commander, Amadou
2 Mahoi, called for water.

3 Q. So what did you see from the place you were now?

4 A. Therein one Defence, who is a peace commander, he called, "Bring that
15:55:13 5 hot water," so that they can throw it on his body. They brought hot water
6 and threw it on his body. My father was only giving voice, the voice
7 [sounds made].

8 Q. Stop here, please. And after they have poured hot water on your
9 father's body, what did they do?

10 A. From there, after they've poured this water on his body, I did not
11 hear him say anything. He was now struggling. Defence came and met me
12 there and said, "what. I want you to escape," but --

13 PRESIDING JUDGE: Please, wait, wait, wait. Madam, just wait.

14 THE WITNESS: Okay, sir, okay.

15 PRESIDING JUDGE: You say your father said nothing again, he was only
16 struggling?

17 THE WITNESS: He was only groaning, groaning [sounds made].

18 MR SAUTER:

19 Q. And Madam witness, you were saying then the CDF who refused to take
15:56:56 20 part in the killing of your father - you call it Defence - came to you?

21 A. When he came to me, he came to me and said -- and I told him that I
22 was going to escape and he said he was going to escape with me. The boy
23 put me on his back and took me to a junction.

24 Q. Stop. When you say the boy took you, do you mean the one who refused
15:57:48 25 to take part in the killing? Or the Defence.

26 A. Yes, the Defence who did not join, who did not take part in the
27 killing. His name is Serry.

28 Q. So now you were at the junction, what did you do?

29 A. From there I started moving. On my way I met xxxxxxxxx and explained

1 to him. Then I asked him to escort me to Songo where the ECOMOG could be
2 found.
3 Q. Stop.
4 PRESIDING JUDGE: what is it again, the name of the village?
15:59:09 5 MR SAUTER: Songo, S-O-N-G-O.
6 THE WITNESS: xxxxxxxx.
7 PRESIDING JUDGE: Yes, it's xxxxxxxx.
8 MR SAUTER:
9 Q. So did you go to Songo to ECOMOG?
15:59:20 10 A. Yes, Mr Kargbo and myself went there. He did not reach the place.
11 Q. Who did not reach the place?
12 A. Mr Kargbo. As we got to Songo he said he was going back. So I alone
13 went to the place.
14 Q. You mean to ECOMOG?
16:00:05 15 A. Yes, sir.
16 Q. And what did you do at the ECOMOG base?
17 A. So when I reached Songo I asked for my father's friend, Mr Alak. I
18 met him and explained that -- I asked him to escort me to the ECOMOG
19 people, that they have killed my father.
16:00:43 20 Q. So Madam witness, did you report to ECOMOG that the CDF has killed
21 your father?
22 A. Yes.
23 Q. And did you do so in the presence of Mr Alak, the friend of your
24 father?
16:01:10 25 A. Yes. So while I was going I asked my father's friend to accompany me
26 to ECOMOG to make my report.
27 Q. So what was the reaction of ECOMOG when you reported the death of
28 your father?
29 A. So the ECOMOG commander - he was a captain - he took some of his men.

1 They came with a vehicle, together with me, and came to the village at
2 Masanki where my father was killed.
3 Q. Did they meet any of the CDF people who killed your father in
4 Masanki?
16:02:41 5 A. Yes, sir.
6 PRESIDING JUDGE: what?
7 MR SAUTER: The question was: "Did they meet any of the CDF people
8 who killed your father in Masanki?" The answer was yes.
9 PRESIDING JUDGE: what was this place called?
16:03:03 10 MR SAUTER: Masanki.
11 THE WITNESS: Masanki, M-A-N-S-A-N-K-I, yes.
12 MR SAUTER:
13 Q. So what happened in Masanki when ECOMOG arrived there?
14 A. So when the ECOMOG reached Masanki luckily we found the commander
16:03:41 15 Amadou Mahoi standing there. So the captain commander of the ECOMOG asked,
16 "Say where is the man, the Pa that you held yesterday?"
17 Q. Stop.
18 PRESIDING JUDGE: who was this CDF man they saw again? The Kamajor
19 or CDF man.
16:04:16 20 MR SAUTER: Mahoi.
21 THE WITNESS: Amadou Mahoi, the ground commander of the CDF.
22 MR SAUTER:
23 Q. So what was the answer when they were asking -- ECOMOG were asking
24 for the whereabouts of your father?
16:04:46 25 A. Amadou Mahoi was trying to give the answer, but giving the answer --
26 but putting his hands at his back. Therein he was really -- he had my
27 father's watch in his hand -- on his hand. But said my father -- said that
28 -- one of my father's sons had taken him out last night.
29 Q. what else happened? Did the ECOMOG see that Mahoi was having your

1 father's wristwatch?
2 MR MARGAI: My Lords, I believe that is subjective.
3 THE WITNESS: I told ECOMOG that. Yes, I told the ECOMOG.
4 PRESIDING JUDGE: That what? What was the question?
16:06:10 5 THE WITNESS: I told ECOMOG that, say, "You are just asking. There
6 is my father's watch on his wrist." I said, "They've killed my father."
7 JUDGE BOUTET: I'm sorry, Mr Margai, I was in the same position as
8 the Presiding Judge. I failed to follow really and could not understand
9 the objection at that time or your comment.
16:06:34 10 MR MARGAI: The question was: Did ECOMOG see that Mahoi was wearing
11 your father's watch? She cannot answer that. It is only for the ECOMOG
12 man who saw.
13 PRESIDING JUDGE: Anyway, she has identified the watch.
14 JUDGE BOUTET: Thank you, Mr Margai.
16:06:50 15 PRESIDING JUDGE: She said that -- [Overlapping speakers].
16 THE WITNESS: Yes.
17 PRESIDING JUDGE: -- [Overlapping speakers] is wearing my father's
18 watch.
19 THE WITNESS: I saw the watch and I told ECOMOG, "That is my father's
16:07:06 20 watch on that man and he is trying to hide his hand at his back." So
21 therein the ECOMOG people arrested him.
22 MR SAUTER:
23 Q. Did they arrest only Mahoi or other [overlapping microphones] CDF as
24 well?
16:07:41 25 A. Yes, sir, they arrested Amadou Mahoi and so many CDF people.
26 Q. Do you know what happened to those being arrested by ECOMOG?
27 A. Yes, sir.
28 Q. Please tell the court.
29 A. So after ECOMOG had arrested them, therein they said that they don't

1 have my father. Then I told ECOMOG people that, said, "Don't waste your
2 time, they have killed my father. Look at the example. This man has my
3 father's watch on him." So after that one small boy came, about 12 years
4 of age. He came and whispered to somebody that my father was in the water
16:08:57 5 well.

6 Q. So please continue.

7 A. So the woman to whom they whispered told the captain of the ECOMOG
8 man that they have killed that Pa and he is in that water well. So by then
9 they had all arrested -- they had arrested all of them. ECOMOG, together
16:09:43 10 with all my family, we all went in. We went and looked at the water well
11 and we found a body there.

12 Q. Stop, please. Madam Witness, have you been present when the body of
13 your father was found in the water well?

14 A. Yes, sir, I was with the ECOMOG officers.

16:10:49 15 Q. What happened to your father's body?

16 A. From there the ECOMOG loaded some of us, the children of the old man,
17 in their vehicle and brought us to the CID. By then the water was -- the
18 body was still in the water well. The CDF who were arrested were brought
19 to the Benguema Barracks.

16:11:39 20 Q. Stop there. Go on, please, Madam Witness.

21 A. After that, when we are brought to the CID, we were asked to make
22 statements. At that time I made a statement. After the statement, the CID
23 men took us back to go and remove the body from the water well. After they
24 have removed the body from the water well --

16:12:33 25 PRESIDING JUDGE: Wait.

26 MR SAUTER:

27 Q. So go on, please.

28 PRESIDING JUDGE: You went to the well to remove the remains of your
29 father?

1 THE WITNESS: Yes, sir. The CID, they came to remove my father's
2 dead body.

3 MR SAUTER:

4 Q. Madam witness, my final question. Do you know whether or not ever a
16:13:39 5 trial was opened against those ones who killed your father or allegedly
6 killed your father?

7 THE INTERPRETER: Could you please go over the question again?

8 MR SAUTER:

9 Q. Madam witness, do you know whether or not ever a trial was opened
16:14:04 10 against those ones who allegedly killed your father?

11 A. No, sir.

12 Q. What happened to those people having been arrested by ECOMOG?

13 A. The people arrested by ECOMOG were brought to Benguema Barracks. By
14 then, my father's body was in the mortuary for postmortem.

16:14:45 15 Q. What happened to the people having been arrested?

16 A. So the people were in the Benguema Barracks where the CID have made
17 the statement. They were trying to go for the people, but they did not
18 accept. But they went for them and for them to come to the CID, but they
19 did not come. They did not allow them to take them to the CID.

16:15:13 20 Q. Do you know whether they were set free at any time?

21 A. Yes, sir.

22 Q. Did you see them again?

23 A. Yes, sir. They were freed. After they've been freed they came back
24 to our house, they came dancing, singing.

16:16:00 25 Q. Did they say anything when they came to your house?

26 A. Yes, they were singing and there they bow to us and we looked at them
27 while they were passing.

28 MR SAUTER: That is all for this witness. Thank you very much,
29 Madam witness.

1 JUDGE BOUTET: Thank you, Mr Sauter.
2 THE WITNESS: Yes, sir.
3 PRESIDING JUDGE: We will break for a while to let the witness rest a
4 bit before she is subjected to any cross-examination. And will the witness
16:26:09 5 Protection Unit please take particular care of her? The Chamber will rise,
6 please.
7 [Break taken at 4.15 p.m.]
8 [Upon resuming at 4.40 p.m.]
9 PRESIDING JUDGE: I resume the session. Madam Witness.
16:42:49 10 THE WITNESS: Yes.
11 PRESIDING JUDGE: How are you?
12 A. Yes, sir.
13 JUDGE BOUTET: Cross-examination the second accused.
14 MR KOPPE: Good afternoon, Madam Witness.
16:43:14 15 A. Yes, sir.
16 Q. I just have a few questions for you.
17 A. Okay, sir.
18 Q. Madam witness, you have given testimony earlier this afternoon about
19 the killing of your father?
16:43:36 20 A. Yes.
21 Q. And, more particular, the men who were present when this happened;
22 correct?
23 A. Yes, sir.
24 Q. Now, I have written down a few of the names that you have mentioned
16:43:57 25 and I would like to repeat them to you. I have written down --
26 PRESIDING JUDGE: That is those who were present during the alleged
27 killing of the father.
28 MR KOPPE: Yes, Your Honour, that is correct.
29 Q. Okay, Madam Witness, maybe I will mispronounce but I have written

1 down first of all the name of Lamina Pupuil.
2 A. Yes, sir.
3 Q. I have also written down the name: Amadou Mahoi.
4 A. Yes, sir.
16:44:51 5 Q. I further took down the name of Mohamed Lingon.
6 A. Yes, sir.
7 Q. Gibrille Kamara?
8 A. Yes, sir.
9 Q. And a man named Mohammed Koroma.
16:45:11 10 A. Yes, sir.
11 Q. Now do you recall the names of other men who were present?
12 A. Yes, sir.
13 Q. Could you please name those names?
14 A. Yes, sir.
16:45:32 15 Q. Please do.
16 A. Bob Marley.
17 PRESIDING JUDGE: Bob Marley?
18 THE WITNESS: Yes, Bob Marley of Bumpe Chiefdom.
19 MR KOPPE: Yes, and who else?
16:46:05 20 A. Hassana Atilo.
21 Q. Yes, who else?
22 A. Mohammed Lingon.
23 Q. I have mentioned that name. who else?
24 A. Brima Kargbo.
16:46:24 25 Q. who else, Madam witness?
26 A. Salfu.
27 Q. Any more, Madam witness?
28 A. Abu Tupeni.
29 PRESIDING JUDGE: Mr Koppe, I am sure you are more than served with

1 names at least.
2 MR KOPPE: The not quite yet, Your Honour.
3 PRESIDING JUDGE: Okay. Madam you can continue.
4 MR KOPPE: Were there more men present, Madam witness?
16:47:07 5 PRESIDING JUDGE: Madam, continue with the list. You stopped with
6 Abu Twopenny. Any other ones? Continue.
7 THE WITNESS: Abu Sesay of Masanki.
8 Q. Anybody else, Madam witness?
9 A. Yes, sir. Ibrahim Lebanese of Roki.
16:47:44 10 Q. Anybody else, Madam witness?
11 A. Moray.
12 Q. Anybody else?
13 A. Raymond Sesay. Raymond Sesay.
14 Q. Yes, anybody else, Madam witness?
16:48:36 15 A. Moray of Small Masanki.
16 Q. Anybody else, Madam witness?
17 A. Mr Clay.
18 PRESIDING JUDGE: Mr Koppe, we will not continue indefinitely with
19 the recital of names please. So please be prepared to allow us to stop
16:49:20 20 this recitation, because it is getting too long. Mr Clay.
21 MR KOPPE: Why would that be too long?
22 PRESIDING JUDGE: I have said it is getting too long and we have a
23 right to control the proceedings.
24 MR KOPPE: How many more men were present, Madam witness?
16:49:55 25 A. So, this one, these are the names I can remember.
26 Q. Madam witness?
27 A. Yes, sir.
28 Q. Do you remember that you have spoken to investigators of the Special
29 Court -- people from the Special Court?

1 A. Repeat that again.

2 Q. Do you remember that you have spoken to people from the Special Court
3 about the events that you have told us today?

4 A. Yes, sir, except the people that went to Munda and obtained the
16:51:08 5 statement.

6 Q. Is it possible that this conversation took place on the 27th of
7 November in 2003?

8 A. Yes, sir.

9 Q. And this interview took place in Moyamba Town; correct?

16:51:39 10 A. It was at Moyamba District -- Masanki District.

11 PRESIDING JUDGE: Moyamba District -- Masanki District. Madam, what
12 does that mean?

13 THE WITNESS: I said it was not in Moyamba.

14 PRESIDING JUDGE: It was where?

16:52:09 15 THE WITNESS: It was in Masanki.

16 MR KOPPE:

17 Q. Do you remember, Madam Witness, speaking in Krio or English?

18 A. Krio.

19 Q. Madam witness, did the people who interviewed you write down what you
16:52:49 20 have said to them; did they record it?

21 A. Who are those people?

22 Q. The people who spoke to you on the 27th of November 2003. Did they
23 write down what you have told them?

24 A. Yes. Yes, sir.

16:53:30 25 Q. And when they finished writing it down, did they read it back to
26 you -- what you have said to them?

27 A. Yes, sir.

28 Q. And what they have read back to you, that is what you have said to
29 them earlier?

1 A. Yes, sir.

2 Q. Now, Madam Witness, the names that you have just mentioned answering
3 my question, did you mention all these names as well to the interviewers,
4 the people from the Special Court?

16:54:27 5 PRESIDING JUDGE: Did she confirm the correctness of the statement
6 and did she sign it or complete it thereafter? You have to complete that
7 before you go to that stage, please.

8 MR KOPPE: Madam Witness, did you sign the statement?

9 A. Yes, sir.

16:55:00 10 Q. Madam Witness, do you remember telling these people who interviewed
11 you about the names that you have just given to us?

12 A. Yes, sir. I called some names.

13 Q. Now, Madam Witness, I have mentioned to you earlier five names of
14 people of whom you spoke earlier today. And you yourself gave other names
16:55:45 15 of men who were present.

16 A. Yes, sir.

17 Q. You have said to the people who interviewed you that all these men --
18 that all these men -- owed money to your father.

19 A. Yes, sir.

16:56:24 20 Q. Can you please explain to me what you meant with that?

21 A. Yes, sir.

22 Q. Please do.

23 PRESIDING JUDGE: Mr Koppe, which are the men; it is five or what?

24 MR KOPPE: No, all the men. The five.

16:56:48 25 PRESIDING JUDGE: In the statement?

26 MR KOPPE: Yes, they were all mentioned in the statement.

27 A. Most of the boys had to pay my father because my father did used to
28 do business. He loaned people money, rice and palm oil. So, they had to
29 pay my father. Some of them had to pay my father money, palm oil and rice.

- 1 Q. So each individual man owed money to your father?
- 2 A. Yes. I know some of them who had to pay my father money, rice and
3 palm oil.
- 4 Q. Do you maybe know what each man owes to your father?
- 16:58:17 5 A. Yes, because when my father died they saw the book, sir.
- 6 Q. What book is that, Madam witness?
- 7 A. My father's debtor book wherein he wrote all the names of the debtors
8 in Arabic.
- 9 Q. Madam witness, are you or other members from your family still in
16:59:03 10 possession of that book?
- 11 A. Well, the book was with my elder brother.
- 12 Q. Madam witness, am I correct in understanding you when I say that all
13 these men that we just spoke about were instrumental somehow in the death
14 of your father?
- 16:59:43 15 A. All the people that are named, they were involved in killing my
16 father. I saw them with my naked eyes.
- 17 Q. Madam witness, thank very much for answering my questions.
- 18 JUDGE BOUTET: Thank you.
- 19 THE WITNESS: Yes, sir.
- 17:00:13 20 JUDGE BOUTET: Mr Williams for the third accused, are you ready to
21 proceed?
- 22 CROSS-EXAMINED BY MR WILLIAMS:
- 23 MR WILLIAMS:
- 24 Q. Madam witness, you mentioned somebody you have called "Obai". Does
17:00:51 25 he reside at Masanki?
- 26 A. He is in Bume Chiefdom.
- 27 Q. That is in the Moyamba District; is that correct?
- 28 A. Yes, sir.
- 29 Q. Had you known him before the incident you mentioned -- the date of

1 the incident you mentioned?

2 A. That boy I never knew him before, except during this incident that I
3 knew him.

4 Q. The group you said to attacked your father's house in December 1997,
17:01:59 5 was it a very small group?

6 A. They were many.

7 Q. Many?

8 A. Nearly 20 of them.

9 Q. The paramount chief caulker, you referred to in your evidence, is he
17:02:28 10 now a member of Parliament?

11 A. No, I know him as --
12 [No microphone]

13 The PC Charles Caulker you referred to, is he now a member of
14 Parliament?

17:02:56 15 A. I know him to be a paramount chief of this Bumpe Chiefdom in Moyamba
16 District. He is the paramount chief player.

17 Q. He can be a paramount chief and a member of Parliament at the same
18 time. Is he a member of Parliament? Do you know whether he is a member of
19 Parliament?

17:03:25 20 A. I do not know. I know that he is the paramount chief now.

21 Q. The incident of December 1997 -- you said a meeting was convened by
22 Mr Alex Koroma. Did that meeting take place in December 1997 or January
23 1998?

24 A. That meeting, I can not remember the date, but it was in 1997 that
17:04:22 25 Alex Koroma called someone to meet him.

26 Q. That Alex Koroma --

27 PRESIDING JUDGE: Madam, was that in the beginning of 1997 or the
28 end?

29 MR WILLIAMS: In December 1997, My Lord.

1 PRESIDING JUDGE: Is that what she said?

2 MR WILLIAMS: Yes. I asked her whether it was December 1997 or
3 January 1998 and she said December 1997. The incident took place in
4 December 1997.

17:04:55 5 PRESIDING JUDGE: I got her when she said she can't remember the
6 date. Was it in December, Madam

7 THE WITNESS: I can only recall the date that they attacked. It was
8 December; it was December the 23rd that they attacked the first attack.

9 Q. And this meeting that was summoned by Alex Koroma took place a couple
17:05:34 10 of days after the 23rd of December 1997?

11 A. Yes, after some days. That was the time Alex summoned the meeting at
12 Waterloo.

13 Q. This Mr Alex you referred to, is it the same Alex Koroma who is
14 married to the younger sister of the former Vice President Mr Joe Demby?

17:06:26 15 A. I don't know.

16 Q. And did Alex Koroma -- did he hold any position in 1997?

17 A. All that I never knew. What I knew was he was a honourable in
18 Moyamba District.

19 Q. I'm putting it to you, Madam witness, that Mr Alex Koroma was not in
17:07:06 20 Sierra Leonean in December 1997.

21 A. He was here. I saw him with my naked eyes.

22 Q. December 1997 -- in December 1997 the AFRC was still in control of
23 the government; is that correct?

24 A. During that time I cannot remember again. I only believe that that
17:08:08 25 area there were a lot of defence kamajors that were in control of the area.

26 Q. The rebels did they ever occupy your chiefdom during the time of the
27 AFRC?

28 A. Yes.

29 Q. And you said after your father was killed you went to Songo to report

1 the matter at an ECOMOG base; is that correct?
2 A. Yes, sir.
3 Q. Why did you have to go to ECOMOG?
4 A. I went to the ECOMOG because that the defence had killed my father.
17:10:16 5 I went to ECOMOG so that they can investigate the matter. That was why
6 I went to them, because they killed my father. That was why I went to the
7 ECOMOG.
8 Q. Did you go to ECOMOG because you felt you could get come redress from
9 them?
17:11:04 10 A. Yes, I went to the ECOMOG so that they fight for me. During that
11 time they took advantage of the situation. That is why I went to them so
12 that they could take care of the situation, because there was no way. So
13 I only had to bear.
14 Q. There was no ECOMOG presence at Masanki?
17:11:36 15 A. Yes, sir, they were not there. It was at Songo that the ECOMOG were.
16 Q. Is it right to say that the ECOMOG troops that were based at Songo
17 were responsible for security at Masanki?
18 A. No, they were not the people responsible for security at Masanki. It
19 was the CDF that was in control of that area, Masanki area. They weren't
17:12:19 20 there.
21 Q. When ECOMOG went to investigate your father's debt -- I'm sorry, your
22 father's death they spoke with -- they interviewed a number of CDF people;
23 is that correct?
24 A. Repeat.
17:13:06 25 Q. You accompanied ECOMOG to Masanki; is that correct?
26 A. Yes, sir.
27 Q. And when ECOMOG went, they interviewed -- they spoke with a number of
28 CDF people; is that correct?
29 A. Yes, when the ECOMOG went there, they asked them: "where is the Pa?"

1 Have you killed him?"

2 Q. And ECOMOG were able to arrest three of those people that were
3 alleged to have killed your father; is that correct?

4 A. No, ECOMOG arrested more than three. It is more -- they arrested
17:14:24 5 most of them.

6 Q. How many people did they arrest?

7 A. Well, I cannot show the number, but I knew some that they arrested.

8 Q. And apart from talking with you and the CDF people, ECOMOG also
9 talked with civilians about the death of your father?

17:15:07 10 A. What?

11 Q. Apart from talking or speaking with the CDF, the Kamajors, these
12 ECOMOG troops they also spoke with civilians about the death of your
13 father, the circumstances?

14 A. What I know, when the ECOMOG went there, after they arrested the CDF
17:15:42 15 there --

16 PRESIDING JUDGE: Madam, wait. ECOMOG arrested the people.

17 THE WITNESS: Yes, sir.

18 PRESIDING JUDGE: Did ECOMOG speak to civilians also about the death
19 of your father?

17:16:01 20 THE WITNESS: ECOMOG arrested -- except when they called -- they
21 called us and concluded that it is true that they killed the Pa.

22 JUDGE THOMPSON: Learned counsel, could you establish whether she was
23 part of the investigation. I mean, because from the evidence it would seem
24 that she made a report to them.

17:16:41 25 MR WILLIAMS: And accompanied them to Masanki, My Lord.

26 JUDGE THOMPSON: Yes. And unless it would be unfair to find out if
27 she in fact helped them with your investigation before you spring that
28 question. I think in fairness to her.

29 MR WILLIAMS:

1 Q. You were present when ECOMOG was doing the investigation; is that
2 correct?
3 A. Yes, sir.
4 Q. And you know what and what they did during the process?
17:17:15 5 A. Yes, sir.
6 Q. So apart from speaking to you, to the 12-year old boy, to the CDF,
7 did they speak with ordinary civilians about the circumstances of the death
8 of your father?
9 A. Repeat that. I don't understand.
17:18:05 10 Q. There were civilians residing at Masanki during and after the death
11 of your father; is that correct?
12 A. The time my father was killed, no civilian was around except the CDF
13 Kamajor and myself that they captured. No civilian was around.
14 Q. When they went to do their investigations, civilians were present?
17:18:43 15 A. Okay, yes, sir.
16 Q. And my question, did the ECOMOG troops talk to them about the
17 circumstances leading to your father's death?
18 A. Yes, the civilians were there, so the ECOMOG -- one ECOMOG commander
19 asked -- this Amadou man what was the main problem. So one woman told
17:19:21 20 ECOMOG commander that they killed this Pa because of his money.
21 Q. Did ECOMOG tell or inform you and other civilians to report future
22 atrocities to them -- I mean, future atrocities committed by the CDF to
23 them?
24 A. Yes. ECOMOG -- ECOMOG told some of the civilians that any CDF that
17:20:28 25 causes problem, let them carry the matter to them at Songo. From that time
26 still they persisted.
27 Q. The head of the ECOMOG team that went was a Captain Abu [phon]; is
28 that correct?
29 A. Yes, sir, he was a captain.

1 Q. Did he reassure the civilians that ECOMOG was now responsible for the
2 discipline of the Kamajors and that future atrocities would be dealt with
3 by them?
4 A. No, during that time I was not myself. I was crying bitterly during
17:21:56 5 that period. The moment I saw my father's corpse in the well, I was not
6 myself.
7 Q. All right. Apart from that occasion, did Captain Abu subsequently
8 tell you that -- I mean, did he tell you that?
9 A. To say what?
17:22:23 10 Q. That the ECOMOG troops were now responsible for the discipline of the
11 CDF and that they were going to punish --
12 A. Yes, sir, after they had killed my father and they've taken the
13 corpse away, they deployed --
14 Q. Could you answer?
17:22:47 15 A. At Makang -- Mabang.
16 Q. Did Captain Abu tell you as you were heading for Songo that ECOMOG
17 was now responsible for the discipline of the Kamajors and the CDF in
18 general?
19 A. All that day I cannot tell. I was in a state of confusion. I am
17:23:22 20 unable to tell.
21 Q. Did you see Captain Abu subsequent to that day?
22 A. Yes, later I saw the man after that time.
23 Q. And he told you that your father's death was still under
24 investigation?
17:23:53 25 A. Yes, he only advised us that we should be patient, as they are
26 continuing their investigation about the father's death, but they decided
27 at Benguema barracks while the corpses was the mortuary.
28 Q. And did he assure you that those responsible for your father's death
29 would be punished by them?

1 A. During that time, sir, the man only encouraged us because we were at
2 the CID making statement, because inside the CID making statement they
3 invited the men to come to the CID, but no way they could be brought there,
4 sir.

17:25:19 5 Q. In 1998 it was ECOMOG troops that were occupying Benguema Barracks;
6 is that right?

7 A. Yes, sir, 1998 it was the ECOMOG troop that was in the Benguema
8 barracks.

9 Q. Did you ever make a report at the CID? I mean, personally did you go
17:26:12 10 to the CID and make a report about your father's death?

11 A. Yes, I made a report for my father's death at the CID. That was the
12 time when my father's corpse was in the mortuary, sir.

13 PRESIDING JUDGE: What was it, that this witness, Mr Williams, who
14 went with the CID and retrieved the remains from the well?

17:26:47 15 MR WILLIAMS: Yes, My Lord. The ECOMOG, My Lord.

16 THE WITNESS: Yes, sir. Yes, it was the CID men that came with us.
17 They snagged my father in the well until they retrieved him from the well.
18 They gave us the pictures. From there they took the corpse to the
19 mortuary.

17:27:18 20 MR WILLIAMS:

21 Q. You said these people owed your father -- I mean, that your father
22 gave money to as loan. They were civilians; right?

23 A. Well, these boys were civilians. When the war came, all of them took
24 arms. They said they were CDF.

17:28:08 25 Q. Were they organised by the paramount chiefs in the area, the local
26 leaders in the area organised by them?

27 A. Well, I was unable to know whether they organised them. The only
28 thing I know that at any time the CDF summoned a meeting, the paramount
29 chief was always inclusive. That is Charles Caulker.

1 PRESIDING JUDGE: How is Caulker spelled?
2 THE WITNESS: C-A-U-L-K-E-R.
3 PRESIDING JUDGE: Charles?
4 THE WITNESS: Caulker.
17:29:24 5 PRESIDING JUDGE: CO.
6 MR WILLIAMS: C-A-U-L-K-E-R.
7 PRESIDING JUDGE: Caulker, I see.
8 MR WILLIAMS: Yes.
9 Q. Madam, did you say --
17:29:47 10 PRESIDING JUDGE: I've been writing Cooker. I'll change my records.
11 MR WILLIAMS:
12 Q. Did you say it was Charles Caulker who gave -- did you say Charles
13 Caulker gave the go ahead for the CDF or the Kamajors to go in search of
14 your father?
17:30:23 15 A. When the Honourable Alex Koroma advised the men, it was Charles
16 Caulker who struck the table and said the CDF should go in search of my
17 father, yes.
18 Q. Did you ever see General Maxwell Khobe at Masanki? Did you ever see
19 him there?
17:31:16 20 A. No, I don't know him personally, except that I heard about him.
21 Q. When did you first hear the name Maxwell Khobe? Early part of 1998?
22 A. This Maxwell Khobe the first time I heard his name that was the time
23 when the AFRC were -- were removed from the city. That was the time
24 I heard the name Maxwell Khobe.
17:32:15 25 Q. That was in February 1998?
26 A. Well, I cannot remember the date.
27 Q. Do you know that he was later made head of the Sierra Leone Armed
28 Forces?
29 A. Yes, sir.

1 PRESIDING JUDGE: Was made what?

2 MR WILLIAMS: That General Maxwell Khobe was subsequently made
3 commander -- or chief of the Armed Forces of Sierra Leone, My Lord.

4 PRESIDING JUDGE: She says she knows?

17:33:19 5 MR WILLIAMS: Yes, My Lord.

6 Q. And do you know that the CDF was put under the direct control of
7 General Maxwell Khobe?

8 A. No.

9 Q. May I ask you this question, Madam witness, could you tell the
17:34:31 10 Court -- My Lord, she's indicating?

11 PRESIDING JUDGE: Hmm, Madam.

12 THE WITNESS: I want to drink.

13 PRESIDING JUDGE: Please give her some water. Madam, we only have
14 water here. We're sorry we can't offer you more. Is water all right for
17:35:11 15 you?

16 THE WITNESS: Yes, sir.

17 PRESIDING JUDGE: You can serve yourself, madam, Madam witness, if
18 you need some more water, you can serve yourself. We'll wait. We'll wait
19 for you. If you want to drink more water you can serve yourself. We'll
17:35:36 20 wait for you. Are you all right?

21 THE WITNESS: Yes, sir.

22 MR WILLIAMS:

23 Q. Madam witness, are you in a position to tell this Court why your
24 father -- why the CDF was so desperate to get your father? Why?

17:36:05 25 A. Um-hum. The CDF I know they killed my -- they killed my dad because
26 he was a man that had money. He was a farmer. He was a businessman. He
27 gave money to people.

28 PRESIDING JUDGE: Wait, wait, please. Because your father was a rich
29 man? He had money?

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: Yes, continue, madam.

3 THE WITNESS: He loaned people rice. He loaned them palm oil. So
4 even some of them the debt was -- if the time reached to pay them, if they
17:37:28 5 are unable to pay, they defer the payment.

6 MR WILLIAMS:

7 Q. Finally, Madam witness, are those not benevolent gestures that should
8 have made people love your father?

9 A. My father, anyway people pretended that they loved him, but because
17:38:15 10 of his money, because he loaned people money, they never loved him for that
11 because he's man who worked hard.

12 Q. Madam witness, kindly accept my sympathy for the loss of your father?

13 MR WILLIAMS: There will be no further questions, My Lord.

14 JUDGE BOUTET: Thank you. Counsel for the first accused Mr Jabbi.

17:39:21 15 CROSS-EXAMINED BY MR JABBI:

16 Q. Now, madam witness, allow me to join counsel who just cross-examined
17 you to express sympathy for loss of your father.

18 A. Yes, sir.

19 Q. I will just ask you a few questions. Now talking about the 1997
17:40:14 20 incident. According to you, the CDF attacked your father's house on the
21 23rd of December 1997?

22 A. Yes, sir.

23 Q. A few days after that, the honourable member for the area and the
24 paramount chief of Bumpah Chiefdom called a meeting to deal with precisely
17:41:01 25 that question; is that correct?

26 A. Not the honourable. It was not just Caulker, it was Alex Koroma, the
27 former honourable that summoned the meeting.

28 Q. Yes, my question is that the meeting was organised precisely to deal
29 with the report against the CDF; is that correct?

1 A. Well, according to this honourable who summoned the meeting, who
2 summoned the CDF, in my presence he advised the CDF.
3 Q. Now, you are very sure that the meeting took place in December 1997;
4 not so, the meeting?
17:42:09 5 A. Yes, sir.
6 Q. But you were not sure of the exact date?
7 A. No, I only know that after -- after they had made the first attack,
8 which was December the 23rd, a few days later the Honourable Alex Koroma
9 summoned a meeting.
17:42:37 10 Q. Was it perhaps after Christmas that the meeting was held?
11 A. Yes, Christmas has already passed.
12 Q. But definitely before the end of December; not so?
13 A. Well, it could be so.
14 Q. Now, your father was invited to that meeting; was he?
17:43:16 15 A. Yes, the honourable invited my father to the meeting, but my father
16 refused to go to the meeting. He asked his children to be present.
17 Q. Was your father told what the purpose of the meeting would be?
18 A. Yes, the honourable explained to the Pa. That's Alex Koroma.
19 Q. What explanation did the honourable make to your father as the
17:44:18 20 purpose of the meeting?
21 A. Well, when my papa made the report about the attack and the looting
22 they did in his house in December 23rd, the honourable told my father that
23 he is going to summon a meeting in Waterloo to advise the CDF so that they
24 could stop what they are doing. So that is why he wanted my father to be
17:44:32 25 present at the meeting.
26 Q. Your father did not, however, attend the meeting?
27 A. No, my father didn't go. He said because they are planning to kill
28 him, maybe they will have means to.
29 Q. Did the honourable member at that meeting, Honourable Alex Koroma,

1 did he in fact carry out what he said he was going to do?
2 A. Well, he spoke -- he said exactly what he wanted to say when he
3 advised them to forget about the Pa.
4 Q. Now, the next incident you narrate, according to you, took place on
17:47:08 5 the 11th of May 1998; is that correct?
6 A. The incident that took place?
7 Q. Yes, the next -- after that meeting the next incident you have
8 narrated to the Court, according to you, took place on Sunday, 11th May
9 1998?
17:47:37 10 A. Yes, sir.
11 Q. That is at least four months after that meeting; is that correct?
12 A. Yes, sir. Yes, sir.
13 Q. Do you know --
14 PRESIDING JUDGE: [Microphone not activated]
17:48:06 15 MR JABBI: Pardon, My Lord?
16 PRESIDING JUDGE: [Microphone not activated]
17 MR JABBI: After the Koroma meeting. Four months after the Koroma
18 meeting, the next incident she narrated took place in May 1998.
19 THE WITNESS: Yes, sir.
17:48:29 20 MR JABBI:
21 Q. Do you know who was in control of the government of the country by
22 that time?
23 A. Yes, during that time Tejan Kabbah had returned.
24 Q. Do you know when Tejan Kabbah returned to power around that time?
17:49:05 25 A. I am unable to tell the date or the time, but I knew he had returned
26 1998.
27 PRESIDING JUDGE: Mr Jabbi, want to put the dates to her?
28 MR JABBI: Yes, indeed, My Lord.
29 PRESIDING JUDGE: Please.

1 MR JABBI:

2 Q. If suggested to you that he had returned to power in early March
3 would your memory be jogged? Early March 1998.

4 A. I can't remember exactly.

17:50:03 5 Q. Were you in a position by May 1998 to say whether Tejan Kabbah had
6 returned to power for a few months at least? By May 1998.

7 A. If what?

8 Q. By May 1998, when that incident took place, were you in a position to
9 say that Tejan Kabbah had returned to power at least a few months earlier?

17:50:41 10 A. I know that during that 1998 I just know that Tejan Kabbah had been
11 returned to power. He told people to stop killing.

12 Q. In the actual incident that you narrated when your father, according
13 to you, ran away from the CDF attack, according to you at Mabang, in your
14 evidence you said that as your father was running away he was being told to

17:51:44 15 stop but he did not stop.

16 A. Yes.

17 Q. He continued running.

18 A. Yes, sir.

19 Q. Was that in daylight or at night?

17:51:59 20 A. At night. By then the moon was shining.

21 Q. You also said that he continued running towards a water well.

22 A. Yes, sir.

23 Q. Is that correct?

24 A. Yes, sir.

17:52:44 25 Q. Is that the same well in which his body was ultimately found?

26 A. No, sir.

27 Q. This was a different well?

28 A. Yes, sir.

29 Q. I put it to you that it was the very same well?

1 A. It was not the same well.

2 Q. According to you, the CDF were not united in wanting to kill your
3 father. Not all of them wanted to kill your father, according to you; is
4 that correct?

17:54:22 5 A. That was not what I said. I said only one person that was not
6 included.

7 JUDGE THOMPSON: Learned counsel, that is the state of the evidence.
8 There was no talk about disunity. That's precisely the state of the
9 evidence to the best of my recollection. But, of course, I stand
17:54:49 10 corrected.

11 JUDGE BOUTET: That was my recollection too. The one by the name of
12 Serry. That is the only evidence in this respect.

13 MR JABBI: My Lord, I agree entirely with that, but I believe I was
14 entitled to probe the possibility of disagreement among them.

17:55:05 15 JUDGE THOMPSON: You're perfectly entitled, counsel.

16 MR JABBI: Thank you, My Lord.

17 Q. So, because of the behaviour Serry, as you have said, would you agree
18 that the CDF were not all of the same mind in wanting to kill your father?

19 A. They all had the same mind to kill my father, except for this Serry,
17:55:41 20 who was not a party.

21 Q. And Serry was CDF himself, was he?

22 A. Yes, sir. Yes, sir.

23 Q. Serry took quite some risk to indicate that he did not agree with his
24 companions; not so?

17:56:12 25 A. Yes, sir.

26 Q. To the extent that he was happily beaten up, according to you?

27 A. Yes, sir.

28 Q. And it was this same Serry, notwithstanding he had been beaten up for
29 not showing agreement with his companions, that also found opportunity to

1 release you on that occasion, according to your evidence; is that correct?
2 A. Yes, sir.
3 PRESIDING JUDGE: Carried her to a road junction.
4 MR JABBI: Indeed, My Lord.
17:57:08 5 PRESIDING JUDGE: Yes.
6 MR JABBI:
7 Q. Serry also took you away from the scene to a road junction to give
8 you your freedom?
9 A. Yes, sir.
17:57:16 10 Q. No doubt you were grateful to Serry, weren't you?
11 A. Yes, sir.
12 Q. You were able to report to ECOMOG all that had happened?
13 A. Yes, sir.
14 Q. You have also in your evidence shown great detail in knowing who did
17:58:20 15 what on each occasion; not so?
16 A. What?
17 Q. You have given a lot of detail about persons who did various things
18 during the alleged killing of your father, haven't you?
19 A. Well, I only spoke of the people who killed my father.
17:58:57 20 Q. Yes, what I mean is that you knew specifically who did what
21 particular action in the process of the alleged killing of your father.
22 knowing them by name, knowing them individually, doing this and that?
23 A. Yes, sir. Yes, sir, I know them, I saw them.
24 Q. And according to you, you made a statement to the CID of the events
17:59:51 25 of the previous day; is that correct?
26 A. Yes, I made a statement to the CID officers. The following day the
27 CID officers came along with me to rescue the body from the water well --
28 to remove the body from the water well, rather.
29 Q. Just before that can you tell the Court if you repeated -- was the

1 statement written down by the way?
2 A. Yes, sir, it was written, and in fact I was not alone in that
3 statement. I made statement and my brothers also made statement.
4 Q. How many of your brothers made statement?
18:00:51 5 A. I made statement, two of my brothers also made statement, and also
6 one of my mothers. Four of us in all made statement at the CID.
7 Q. And all those statements were written down, were they?
8 A. Well, yes, because when I was making my statement I saw them writing.
9 Q. Was your own statement read over to you?
18:01:40 10 A. From since we made the statement?
11 PRESIDING JUDGE: Are you referring to the CID statement?
12 MR JABBI: The statement she made at CID, My Lord.
13 PRESIDING JUDGE: At the CID?
14 MR JABBI: Yes, My Lord.
18:01:58 15 PRESIDING JUDGE: Do you want to tender it?
16 MR JABBI: I have not formulated that intention yet.
17 PRESIDING JUDGE: Anyway, you may proceed.
18 MR JABBI:
19 Q. My last question was whether your statement to the CID, which
18:02:12 20 according to you was being written down, was read over to you after you
21 finished. was it?
22 A. Since the time we made that statement, the following day they ask us
23 to go and remove the body --
24 Q. No.
18:02:34 25 PRESIDING JUDGE: Madam Witness, when the CID wrote the statement,
26 did they read it back to you after they had written it?
27 THE WITNESS: Yes, after the CIDs have obtained the statement from
28 all of us, they read it. After which they tried to go along with -- they
29 tried to bring the CDF who did the act.

1 MR JABBI:

2 Q. Just hold it there, please. The CDF read your statement to you?

3 PRESIDING JUDGE: CID.

4 MR JABBI: Sorry, My Lord.

18:03:22 5 JUDGE BOUTET: Mr Jabbi, do you have those statements and now where
6 are we going with this? If you don't have the statements what is the
7 purpose of this? I am just trying to understand where you are going with
8 this. Do you have these statements? Are you intending to put this to the
9 witness in contradiction of some evidence?

18:03:36 10 MR JABBI: No, My Lord, that is not my intention.

11 JUDGE BOUTET: Then why are we going on this expedition?

12 MR JABBI: I have one more question on this which will bring out why
13 I am probing it, My Lord.

14 JUDGE BOUTET: Very well.

18:04:03 15 MR JABBI: Or two.

16 PRESIDING JUDGE: Take three.

17 MR JABBI: No, two.

18 PRESIDING JUDGE: Please, or four. We are here for that, Mr Jabbi.

19 MR JABBI:

18:04:17 20 Q. Madam witness, when the CID read your statement over to you, did it
21 reflect what you had told them? Did it accurately reflect what you had
22 told them?

23 A. When they obtained my statement -- what I saw when they killed my
24 father is what I told them, because by then I was in a state of confusion.

18:04:44 25 I was worried because my father's body was still in the well and it has not
26 been removed, you see. So I just explain exactly what I saw.

27 Q. Yes, I understand your feeling. That's why I started by sympathising
28 with you. But the question I asked was whether what they read over to you
29 accurately reflected what you had told them?

1 A. What they read back to me is exactly what I told them.

2 Q. Thank you. Last question on that. Did you recite in that statement
3 the detail of who had done what in the killing of your father with regard
4 to various people as you have done in this Court?

18:05:45 5 A. All what I have said is what I said then.

6 Q. Thank you. Now you also said that your father's body was taken to
7 the mortuary; is that correct?

8 A. Yes, sir. Yes, sir.

9 Q. So far as you know, was there any post-mortem examination held on his
18:07:00 10 body?

11 A. Yes, sir.

12 Q. Do you by any chance know by whom?

13 A. I can't tell exactly the doctor, but it was done by one doctor at the
14 Connaught Hospital.

18:07:28 15 Q. To what extent did your family pursue the investigation by the CID
16 into your father's death after those events?

17 A. After what?

18 Q. After you had gone and retrieved the body from the well, the body was
19 taken to the mortuary, the report was fully made to the CID and ECOMOG.

18:08:40 20 Did your family pursue the matter after that?

21 A. Yes, sir. Even went to the CID together with my elder brothers. We
22 tried and saw one of the men in parliament. In fact, that time he was the
23 chief speaker. We tried to see him. But there was no chance for them to
24 help us.

18:09:24 25 Q. What did the CID tell you at that stage?

26 A. The CID said this case, what they saw in this matter, they can't
27 say -- they are only allowed -- they don't have the chance -- unless they
28 are commanded to bring these people, but they've tried several times to
29 bring them, but, well, they encourage us to sum [sic] up courage. We went

1 there several times at the CID.

2 PRESIDING JUDGE: Unless they were commanded to bring the people they
3 had no chance to bring them? Is that the state of the evidence?

4 MR JABBI: That is what she said.

18:10:28 5 PRESIDING JUDGE: I will refer to those people as the culprits.

6 MR JABBI:

7 Q. And that is the state of the investigation up to this moment; is that
8 correct?

9 A. That is how it's ended, up to this time when they obtained statements
18:11:13 10 from us. They made no moves.

11 MR JABBI: That is all for the witness, My Lord.

12 JUDGE BOUTET: Thank you, Mr Jabbi. Mr Sauter, do you have any
13 questions in re-examination.

14 MR SAUTER: No re-examination, thank you.

18:11:42 15 JUDGE BOUTET: Thank you, Mr Sauter.

16 PRESIDING JUDGE: Madam Witness.

17 THE WITNESS: Yes, sir.

18 PRESIDING JUDGE: We have finished with you for now. We want to
19 thank you very much for coming to testify before this Chamber on your
18:12:28 20 experiences during that period. Of course this will assist us to see where
21 the truth lies in relation to the incidents you have testified to.
22 Although we are finished with you, like you yourself have said, the
23 investigations have up to this date produced no effects as yet. There is a
24 possibility that we may call you back here. We never know. We never know
18:13:15 25 whether we would, but if we do we expect that you will do us the favour of
26 coming again. So once more we thank you and we wish you a safe journey to
27 your place of abode, to your residence.

28 Just one housekeeping matter. I do not know if Mr Tavener is in a
29 position to update us, after a few hours of reflection, on how we may

1 proceed from tomorrow.

2 MR TAVENER: Thank you, Your Honour. Because tomorrow is a half day
3 and in light of a particular witness we intended to call - that is a fairly
4 young, vulnerable witness - we anticipate - I did take into account what
18:14:11 5 Your Honour had said today - that it is probably best to remain with the
6 order of TF2-080. He is a young witness, he will be completed tomorrow.
7 TF2-014 is quite a long witness so we wouldn't finish his evidence-in-chief
8 tomorrow. In respect of TF2-080, he is a young person. We are not quite
9 sure of his age, somewhere between the age of 15 and 16. He is the subject
18:14:36 10 of an order which entitles him to have his evidence taken by way of closed
11 circuit television.

12 PRESIDING JUDGE: So you are suggesting that we will take the
13 evidence of that witness tomorrow?

14 MR TAVENER: That would be most --

18:14:53 15 PRESIDING JUDGE: And we have chances that we may be done with his
16 testimony before the end of the day.

17 MR TAVENER: That's correct, before lunch time.

18 PRESIDING JUDGE: Has the Defence any comments on this? You have the
19 number of the witness -- of the young witness?

18:15:17 20 MR JABBI: 080 I think he said.

21 MR TAVENER: That's correct.

22 PRESIDING JUDGE: Yes. No objections that we take him tomorrow.
23 Right.

24 THE INTERPRETER: Your Honour, can learned counsel tell us the
18:15:32 25 language in which the witness will testify in?

26 MR JOHNSON: We'll get that to you immediately. We'll call you right
27 after court and confirm that.

28 Your Honour, if I can bring one more matter to your attention. I
29 just want to inform the Court that today is Mr Sauter's last appearance

1 before the Court. He has been seconded to us by the German government for
2 the last year and he will be departing Sierra Leone between sessions. I
3 just wanted to inform the Court of that, thank you.

4 PRESIDING JUDGE: That's not a very pleasant surprise for us. We
18:16:07 5 would have loved to have Mr Sauter here until the end of our proceedings.
6 I think on behalf of the Chamber we would like to express our regrets that
7 he is leaving us so prematurely I would say. I would have loved to have
8 Mr Sauter here for a longer period. How we wished we could get the German
9 government to renew his mandate here. I suppose this is not now possible
18:16:41 10 and even if it were, we are not properly placed to make such a request,
11 because we are neither of the Prosecution nor are we of the Defence.

12 So, Mr Sauter, we want to thank you as a chamber for your very
13 positive contributions in handling the witnesses you have had to handle
14 during this trial. It has been a very trying moment, indeed, but we are
18:17:10 15 happy to note that you have lived up to it and we thank you very much for
16 what you have been able to do. We look forward to seeing you here again if
17 the German government so decides. Thank you very much.

18 MR SAUTER: I thank you very much. I feel much honoured by your
19 friendly words. Not to keep the witness any longer here, I appreciated the
18:17:32 20 time I had here. I will be replaced by the German government and I am very
21 sure my replacement will do a much better job than I did. Thank you very
22 much.

23 PRESIDING JUDGE: Please transmit our extreme gratitude to the German
24 government for placing you at our disposal and for all that they do for the
18:17:54 25 survival of the special Court.

26 MR SAUTER: I will do, thank you.

27 PRESIDING JUDGE: The Court will rise please.

28 [whereupon the hearing adjourned at 6.17 p.m., to be reconvened on
29 wednesday, the 9th day of March 2005, at 9.30 a.m.]

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-057	8
CROSS-EXAMINED BY MR MARGAI	10
RE-EXAMINED BY MR TAVENER	14
WITNESS: TF2-167	21
EXAMINED BY MS WIAFE	21
CROSS-EXAMINED BY MR KOPPE	33
CROSS-EXAMINED BY MR LANSANA	39
CROSS-EXAMINED BY MR YILLAH	47
WITNESS: TF2-166	50
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