

Case No. SCSL-2004-14-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
SAM HINGA NORMAN  
MOININA FOFANA  
ALLIEU KONDEWA

MONDAY, 6 JUNE 2005  
9.50 A.M.  
TRIAL

TRIAL CHAMBER I

|                                   |   |
|-----------------------------------|---|
| Before the Judges:                | Pierre Boutet, Presiding<br>Bankole Thompson<br>Benjamin Mutanga Itoe |
| For Chambers:                     | Ms Sharelle Aitchison<br>Ms Rhoda Kargbo                              |
| For the Registry:                 | Mr Geoff Walker   |
| For the Prosecution:              | Mr Mohamed Bangura<br>Mr Kevin Tavener<br>Mr Mohamed Stevens          |
| For the Principal Defender:       | No appearances  |
| For the accused Sam Hinga Norman: | Dr Bu-Buakei Jabbi<br>Ms Claire da Silva (legal assistant)            |
| For the accused Moinina Fofana:   | Mr Arrow Bockarie<br>Mr Andrew Ianuzzi                                |
| For the accused Allieu Kondewa:   | Mr Yada Williams<br>Mr Ansu Lansana                                   |

1 [Monday, 6 June 2005]

2 [Open session]

3 [The accused Fofana and Kondewa present]

4 [The accused Norman not present]

5 [Upon commencing at 9.50 a.m.]

6 [HN060605A - AD]

7 PRESIDING JUDGE: Good morning, counsel. When we left  
8 Friday afternoon, we were to consider the applications made by  
9 the Prosecution with reference to closed session. The Trial  
09:55:23 10 Chamber would like to deliver this morning its oral ruling on the  
11 application for the hearing of the testimony of Witnesses TF2-218  
12 and TF2-011, application to have this evidence heard in closed  
13 session. Mindful of Article 17(2) of the Statute which provides  
14 that the accused shall be entitled to a fair and public hearing  
09:55:51 15 subject to measures ordered by the Special Court for the  
16 protection of victims and witnesses, mindful of our previous  
17 decision on closed session, more particularly those decisions  
18 regarding insider witnesses, and pursuant to Rules 75 and 79 of  
19 the Rules of Procedural Evidence of the Special Court, the Trial  
09:56:09 20 Chamber rules unanimously that concerning information provided to  
21 the Court in support of the application for TF2-011 that the  
22 entire testimony of this witness will be held in closed session  
23 subject to the following comment: This exceptional measure is  
24 required to Witness TF2-011 because as an insider witness the  
09:56:34 25 nature of his evidence is such that if it is heard publicly it  
26 will reveal his identity and could expose him and his family to  
27 threats and retaliation.

28 Furthermore, according to the information provided to the  
29 Court, he is well known in his community, where on account of the



1 position he has held in the past and the position he is now  
2 holding in the said community, this witness is particularly at  
3 risk because of the peculiar facts known to him and on account of  
4 the same incidents that he has been involved in. The Trial  
09:57:11 5 Chamber therefore believes that if any part of his evidence is  
6 heard publicly it could lead to his identification and compromise  
7 his safety and security and that of his family, and therefore  
8 orders that this evidence be heard in closed session.

9 With respect to Witness TF2-218, this exceptional measure  
09:57:38 10 is required for this witness in accordance with Rule 79(A)(iii)  
11 of the rules. I should add that this is a majority decision,  
12 Honourable Justice Itoe and myself, Justice Boutet, concurring  
13 that it is in the interests of justice for this witness to  
14 testify on his observation while acting in the course of his  
09:58:03 15 duties through the means of closed session and would allow this  
16 witness to testify in a closed session. I should add that we  
17 will provide a much more detail decision in writing soon,  
18 Justice Thompson dissenting, and he will also provide the reasons  
19 for his dissent in written decision. That should dispose of  
09:58:28 20 these issues for the moment and we will come back to the trial  
21 itself and proceed with your next witness. Who is that, Mr  
22 Prosecutor, this morning?

23 MR KAMARA: Your Honours, the Prosecution calls TF2-133,  
24 and she will testify in Mende, Your Honours.

09:58:58 25 PRESIDING JUDGE: Very well.

26 JUDGE ITOE: Would it be correct, Mr Kamara, that she is  
27 your 69th witness?

28 MR KAMARA: Yes, Your Honour.

29 [The witness entered court]



1 WITNESS: TF2-133 [Sworn]  
2 [Witness answered through interpreter].  
3 EXAMINED BY MR KAMARA:  
4 MR KAMARA: Good morning, Madam Witness. Thank you for  
10:01:59 5 coming.  
6 A. Good morning.  
7 MR KAMARA: Sworn on the Bible, Your Honours.  
8 PRESIDING JUDGE: Thank you. You have said that the  
9 witness is giving evidence in Mende.  
10:02:49 10 MR KAMARA: Yes, Your Honour.  
11 PRESIDING JUDGE: You may proceed.  
12 MR KAMARA: Thank you.  
13 Q. Madam Witness, will you tell this Court where you were  
14 born?  
10:03:03 15 A. I am settled in the York Island.  
16 Q. The question is where were you born?  
17 A. I was born far away in Samalie.  
18 MR KAMARA: Your Honours, that is S-A-M-A-L-I-E.  
19 Q. Madam Witness, are you married?  
10:03:37 20 A. I have no husband as yet.  
21 Q. Do you have any children?  
22 A. Yes, I have a baby boy.  
23 Q. Madam Witness, will you tell this Court what you do for a  
24 living?  
10:04:04 25 A. I do sell vegetables, I fetch vegetables and sell them on  
26 the market.  
27 Q. Madam Witness, where is your mother today?  
28 A. My mother is no longer alive; she is deceased.  
29 Q. What happened to your mother?



1 A. My mother -- the time when the Kamajors entered, that was  
2 the time she was killed.

3 Q. Madam Witness, you have just mentioned the fact of Kamajors  
4 entering. Where did they enter; will you tell this Court?

10:05:22 5 A. We were captured in York Island.

6 Q. Are you telling this Court that it was York Island where  
7 these Kamajors came to?

8 A. Yes.

9 Q. And you have also mentioned that you were captured. Was it  
10:05:47 10 you alone or were other people captured together with you?

11 A. When I was captured and taken along -- when I was captured  
12 on York Island I was and taken to Yawbeko. I don't know whether  
13 other people were captured, I only know of myself, I was captured  
14 alone.

10:06:22 15 Q. Thank you. You mentioned to this Court that your mother  
16 was killed. Do you know who killed your mother?

17 A. Very well.

18 Q. Will you tell the Court?

19 A. Moinina Fofana, Moina Jusu.

10:06:47 20 Q. Can you help clarify this -- are you referring to one  
21 person or are you referring to several persons?

22 A. One person, he is called Moina Jusu. His name escaped me,  
23 that is why I was struggling to get it.

24 MR KAMARA: Your Honours, the name is M-O-I-N-A and  
10:07:17 25 J-U-S-U.

26 Q. Are you now saying that the person who killed your mother  
27 is one Moina Jusu?

28 A. Yes.

29 Q. Who is this Moina Jusu?



1 A. The time when they captured me, by this time I was not able  
2 to know him because by then I was very small.

3 Q. Madam Witness, were you present when your mother was  
4 killed?

10:08:08 5 A. Yes.

6 Q. Will you tell the Court where she was killed?

7 A. In Yawbeko in the oil palm plantation in the bush.

8 Q. Madam Witness, you also informed this Court that you were  
9 captured. Will you tell this Court, once you were captured were

10:08:59 10 you taken to any place?

11 A. Yes.

12 Q. Where were you taken to?

13 A. When I was captured I was taken to Yawbeko.

14 Q. Madam Witness, for how long were you at Yawbeko, do you  
10:09:40 15 know?

16 A. Yes, I think we were there for a whole month.

17 Q. About a month. Now, while you were at Talia -- or Yawbeko,  
18 were you in a position to know who were the leaders there?

19 A. I was not able to know. It is because when I was taken

10:10:22 20 there they told me it was Kondewa, that he was the leader, but  
21 when I went there I was not able to see him at all. I was  
22 afraid.

23 Q. Madam Witness, let me take your mind a little bit far back.  
24 Do you know a person call Momie?

10:11:07 25 A. Yes, Momie was my friend.

26 JUDGE THOMPSON: Counsel, how do you want to us spell that?

27 MR KAMARA: M-O-M-I-E, Your Honour, sorry.

28 JUDGE THOMPSON: A she or a he?

29 MR KAMARA: A she.



1 Q. You said this Momie was a friend. Where is she today?

2 A. She is dead.

3 Q. Madam Witness, do you know how your friend Momie died?

4 A. The way my friend died, I would not be able to remember it  
10:12:17 5 very well.

6 Q. Do you know where she died?

7 A. Yes.

8 Q. Where?

9 A. The place where we were together, in the same oil farm  
10:12:45 10 plantation.

11 Q. Is that the same plantation you referred to as where your  
12 mother was killed?

13 A. Yes.

14 Q. Madam Witness, while you were at Yawbeko, did you make any  
10:13:20 15 report to any of the leadership there?

16 A. I wouldn't be able to do this because I was very much  
17 afraid. Even when I was with them I was very much afraid. I was  
18 not able to make any report.

19 MR KAMARA: Thank you Madam Witness. That is all for this  
10:14:08 20 witness.

21 PRESIDING JUDGE: Thank you. Counsel for the first  
22 accused, cross-examination?

23 DR JABBI: My Lord, we have no questions for this witness.

24 PRESIDING JUDGE: Thank you Mr Counsel.

10:14:24 25 MR BOCKARIE: No questions, Your Honour.

26 PRESIDING JUDGE: Thank you, Mr Bockarie. Counsel for the  
27 third accused?

28 MR WILLIAMS: We do not have any questions for this  
29 witness.



1           PRESIDING JUDGE: Thank you, Mr Williams. Madam Witness,  
2 we thank you for coming this morning for giving evidence. That  
3 concludes your testimony in this trial. Thank you very much and  
4 the best of luck to you. Are you ready with your next witness?

10:15:00 5           MR KAMARA: Yes, Your Honour.

6           PRESIDING JUDGE: Who will be 13 --

7           MR KAMARA: 080, Your Honour.

8           PRESIDING JUDGE: 080?

9           MR KAMARA: Yes.

10:15:10 10                           [The witness withdrew]

11           PRESIDING JUDGE: Yes, Mr Tavener, thank you.

12           MR TAVENER: This particular witness, you may recall, on  
13 the 14th of April 2005 there was a decision granted which it was  
14 considered that it is necessary in the interests of justice to  
10:17:45 15 ascertain the age of the witness by independent and objective  
16 assessment and necessary to protect a vulnerable witness. This  
17 witness remains a vulnerable witness who will testify by closed  
18 circuit TV. Plus there has been the order complied with by the  
19 Court -- or the order by the Court, which has now been complied  
10:18:04 20 with -- in respect of the examination of the witness's age.

21 Your Honour has before him material that was filed in respect of  
22 that. It provides quite a range of possibilities as to this  
23 particular witness's age. He himself estimates from the evidence  
24 contained in his statement that he is now somewhere around the  
10:18:30 25 age of 15 years. The material that has been filed with the Court  
26 would suggest that he is either likely around the age of 17 or,  
27 alternatively, he is now 22 going on 23. So there is quite a  
28 range. However, the Prosecution submission is that he still  
29 remains a vulnerable witness and therefore --



1           PRESIDING JUDGE: A what?

2           MR TAVENER: A vulnerable witness, so the order still  
3 stands in the Prosecution's submission to testify by way of  
4 closed circuit television. As to his age, that is a matter to be  
10:19:00 5 determined ultimately by Your Honours with material coming both  
6 from the witness and from the examinations that have been  
7 conducted by two separate independent persons.

8           PRESIDING JUDGE: One of the concerns we had about age, you  
9 may recall at that the time, was how we were to proceed. Because  
10:19:23 10 depending if a witness is 15 or less there is procedure to follow  
11 prior to determining if the witness is to be sworn or not. These  
12 were the concerns we had at the time before the witness was  
13 called to give evidence. Separate and apart from determining the  
14 age for the purpose of his evidence per se, so that was one of  
10:19:42 15 our concerns as to how the Prosecution was to suggest we should  
16 be proceeding. In other words, are we to take this evidence on  
17 oath or not and, if not, what is your submission on that? That  
18 is specifically where we were at the time.

19           JUDGE THOMPSON: I remember the context of that. I recall  
10:20:02 20 that we had a very useful and interesting exchange of ideas on  
21 that, that in fact I did say that it would seem as if one of the  
22 best options would be for the Prosecution to guide the Court as  
23 to what their theory of the age of this witness is. It would  
24 seem as if, from your brief presentation this morning, we do not  
10:20:31 25 seem to have any clear prosecutorial theory as to the age.  
26 Sharing what the Presiding Judge has said, it is very necessary,  
27 procedurally speaking, to have some kind of prosecutorial theory,  
28 otherwise we cannot even navigate into the territory of the  
29 substantive evidence of this witness unless we know what the



1 Prosecution is recommending. I stand to be enlightened and  
2 guided as we approach this particular issue.

3 MR TAVENER: The Prosecution would say this witness can  
4 testify under oath. The assessment of his age for those purposes  
10:21:25 5 is it would be a separate exercise.

6 JUDGE THOMPSON: Yes, quite right. Once you give us a  
7 choice -- it is your case and you are guiding the Court. In a  
8 matter of this nature, we expect you to take a definitive  
9 position. So I have handed it back to the learned Presiding  
10:21:45 10 Judge.

11 PRESIDING JUDGE: Our concern at the time had nothing to do  
12 with the fact that the witness is or is not a vulnerable witness.  
13 This is not the issue. That is conceded; we have granted that  
14 application. This is not the problem, the problem that we have  
10:22:00 15 is just as was raised again by learned Justice Thompson; how do  
16 you suggest we are to proceed with this witness given the  
17 prescription of the rules of evidence having to do with a young  
18 witness?

19 MR TAVENER: I only mentioned the vulnerable witness aspect  
10:22:16 20 for the purpose of the mechanics by which the witness will  
21 testify.

22 PRESIDING JUDGE: Yes.

23 MR TAVENER: As to the inquiries Your Honour needs to make,  
24 the Prosecution would submit this witness is capable of  
10:22:28 25 testifying on oath.

26 JUDGE ITOE: Are we in open session?

27 MR WALKER: We are, Your Honour.

28 JUDGE ITOE: The gallery is screened off.

29 PRESIDING JUDGE: If we are proceeding as you are



1 suggesting anyhow, the curtain should be open because the witness  
2 is likely to give evidence on closed circuit TV.

3 MR TAVENER: I don't have any control over the curtains.

4 PRESIDING JUDGE: No, that's okay.

10:23:17 5 JUDGE ITOE: The remark was not addressed to you,  
6 Mr Tavener.

7 MR TAVENER: Thank you, Your Honour.

8 PRESIDING JUDGE: So, Mr Tavener, we need to determine now  
9 how we are going to proceed with this witness, about the swearing  
10:24:29 10 in of the witness or not. Unless you have additional information  
11 to give us in this respect, we will break for a short period of  
12 time and then come back.

13 MR TAVENER: That is why I mentioned the quite considerable  
14 range of ages of the child as to his own knowledge and to persons  
10:25:22 15 who examined him as a consequence of Your Honours' orders. So, I  
16 obviously cannot give evidence. All I can say is that the range  
17 of his current age is somewhere around 15 through to an estimate  
18 of 22 going on 23. However, speaking to the witness, he is  
19 capable of giving credible and coherent evidence, and we would  
10:25:22 20 suggest that he can do so under oath.

21 PRESIDING JUDGE: Thank you. The Court is adjourned for 15  
22 minutes.

23 [Break taken at 10.25 a.m.]

24 [HN060605B-SGH]

10:36:31 25 [On resuming at 10.42 a.m.]

PRESIDING JUDGE: Mr Prosecutor, we have examined the  
27 documentation that has been produced pursuant to our order on  
28 disclosure and characterisation of the age of witness TF2-080,  
29 order of 14 April 2005, and the filing in compliance with such an



1 order of 2 May 2005. And we would like to ask you at this stage,  
2 before we proceed further, to file as an exhibit the report of  
3 Dr Ivan Wyse, consultant dental and oral surgeon of 29 April 2005  
4 which was attached as Annexe B. I would like to ask you to file  
10:45:01 5 that as an exhibit. It has been filed now just as a document  
6 with the Court not as an exhibit to these proceedings. So we  
7 will ask to you file that as an exhibit, but before you do so ask  
8 the Defence if they have any comment in this respect. Dr Jabbi.

9 MR JABBI: My Lord, in so far as Annexe B of --

10:45:29 10 PRESIDING JUDGE: I would just like to mention to you,  
11 Dr Jabbi, to be careful about using the names in there.

12 MR JABBI: Certainly not, Your Honour. In so far as Annexe  
13 B to the Prosecution's confidential filing in compliance with the  
14 order of the Court is concerned, we believe it is particularly  
10:45:52 15 relevant to assessment of the age of TF2-080.

16 PRESIDING JUDGE: So you have no objection.

17 JUDGE ITOE: You have no objection.

18 MR JABBI: We have no objection at all as --

19 PRESIDING JUDGE: Thank you.

10:46:00 20 MR JABBI: -- being filed as an exhibit.

21 JUDGE ITOE: We anticipated that submission.

22 MR JABBI: Thank you, My Lord.

23 MR BOCKARIE: We have no objection as well, My Lord.

24 PRESIDING JUDGE: Thank you, Mr Bockarie. Counsel for the  
10:46:13 25 third accused?

26 MR WILLIAMS: We are in the same position, My Lords.

27 MR TAVENER: For the sake of completeness, Your Honour, we  
28 would also seek to tender or to file Exhibit A as well.

29 JUDGE ITOE: So, in fact, you are seeking to tender the



1 entire document?

2 MR TAVENER: That's correct.

3 JUDGE ITOE: Of course, separating it from A and B,  
4 Annexures A and B. That is, A will constitute its documentation  
10:46:48 5 separately from B?

6 MR TAVENER: That's correct. Thank you.

7 PROSECUTION: May I ask one question? Why is it necessary  
8 to file A to use it as an exhibit?

9 MR TAVENER: So the Court has all the information  
10:46:58 10 available.

11 JUDGE THOMPSON: Well, the information -- B purports to  
12 come from an expert; not so?

13 MR TAVENER: It comes from a dentist looking at teeth.

14 JUDGE THOMPSON: In other words, an expert in the field, a  
10:47:19 15 dental surgeon --

16 MR TAVENER: Yes.

17 JUDGE THOMPSON: -- whose role in fact, one of his  
18 professional roles, is to examine dental structures and he is  
19 qualified in that field, several years of experience, examined  
10:47:38 20 the mandible and determine as a result of that examination and  
21 years of experience he comes to some scientific determination.  
22 In the case of Annexe A, where is the expertise there and who  
23 recognises that particular area as a specialised area of  
24 knowledge for the determination of age?

10:47:59 25 MR TAVENER: Simply that that witness has extensive  
26 experience in dealing with young children.

27 JUDGE THOMPSON: I am talking about expertise here as  
28 against -- I am talking about expertise as against just  
29 experience, you know. In other words, Dr Wise is a surgeon, a



1 dental surgeon, qualified, had his education in dental surgery.  
2 One of his particular roles is to be able to determine age on the  
3 basis of scientific examination. To what extent is the purported  
4 expert in respect of Annexe A so credentialised? Remember this  
10:48:51 5 Court has to be guided very carefully in areas where it cannot  
6 form its own judgment by persons whose field is recognised to be  
7 one of a specialised area of knowledge.

8 MR TAVENER: The Prosecution went to both persons to give a  
9 broad range of assessment. A dentist is not normally called upon  
10:49:12 10 to date someone by looking at their age. He acquires that  
11 knowledge simply by having looked at a lot of teeth of children  
12 over a period of time.

13 JUDGE THOMPSON: That is an expertise --

14 MR TAVENER: It may well be.

10:49:21 15 JUDGE THOMPSON: -- that he has built over the years and it  
16 is also recognised in the profession. I mean, if you read about  
17 expert witnesses, I mean, this particular area, you will know  
18 that the question of examining the mandible, dental formation and  
19 organisation to determine age has become generally accepted in  
10:49:42 20 the field.

21 MR TAVENER: We don't dispute the dentist is capable of  
22 giving this evidence, that is why we went to see him and obtained  
23 the report.

24 JUDGE THOMPSON: Yes.

10:49:50 25 MR TAVENER: At the same time the other witness was  
26 involved in the disarmament, the mobilisation and reintegration  
27 in respect of children. So as part of that process, they were  
28 required to make some type of assessment to the age of the child.

29 JUDGE THOMPSON: Okay, fine. Suppose you have a conflict.



1 Let us just hypothesise. Suppose you have a conflict between an  
2 expert who is recognised by education and qualification and  
3 experience in the particular specialised area, and someone whose  
4 field is different, but who, because he or she has worked with  
10:50:28 5 children over the period of years, can make just those  
6 determinations.

7 MR TAVENER: In the Prosecution's submission it may be  
8 premature to reject the person under category A or the A annexure  
9 simply because then Your Honours would be making a decision as to  
10:50:45 10 which one you prefer. We say that you need to listen also to the  
11 witness and take that into account when assessing the age of the  
12 child. The Prosecution's submission, as I said from the start,  
13 we don't know exactly how old the child is, he will testify as to  
14 what he knows, the limited amount he knows. Then Your Honours  
10:51:02 15 will have the opportunity of looking at the evidence of the  
16 dentist and at a later stage, when you need to see such material,  
17 you have all available and credible material. Your Honour may  
18 have a particular view towards the dentist, but in the  
19 Prosecution's submission, you still should receive the evidence  
10:51:15 20 of someone whose role it was to make positive assessments of  
21 children about whom their actual age was not known.

22 JUDGE THOMPSON: But this Court has the duty to be assisted  
23 by the Prosecution as to what their theory is. My difficulty is  
24 the Prosecution presents conflicting theories on an issue, then  
10:51:38 25 of course the Court is not necessarily assisted. I will rest my  
26 position on that.

27 MR TAVENER: May I just say the Court would not be  
28 assisted --

29 JUDGE THOMPSON: You do not even need to reply. I was just



1 thinking aloud.

2 MR TAVENER: Then I would still seek to file Annexure A.

3 PRESIDING JUDGE: Given the extensive admissibility rule  
4 that we have followed and given the 89(C), we will accept both as  
10:52:12 5 exhibits. I ask only about the dental report as such, the other  
6 report, Dr Jabbi, and again, having said that, we accept these  
7 reports like any other evidence and it is a question of what  
8 assessment and what probative value this Court will give to that  
9 particular document. And obviously the comments of my brother  
10:52:37 10 colleague, Justice Thompson, will come into being when we make  
11 that assessment and what value we accord to that particular  
12 document. Dr Jabbi.

13 MR JABBI: Your Honour, we have no objection to having A as  
14 well as an exhibit. We were addressing it when we --

10:52:53 15 PRESIDING JUDGE: Indeed. Indeed.

16 JUDGE ITOE: Indeed. Indeed. Yes.

17 PRESIDING JUDGE: Yes. Mr Bockarie.

18 MR BOCKARIE: We have got no objection, Your Honour. It is  
19 just we would like to know to what extent is it being admitted,  
10:53:09 20 whether to the content of whether it is going to take oath or as  
21 to age.

22 PRESIDING JUDGE: No, no, it is an exhibit. You will be  
23 able to argue what value, if any, this Court is to accord that  
24 particular document.

10:53:24 25 MR BOCKARIE: Your Honour, we have got no objection.

26 PRESIDING JUDGE: It is not admitted as the truth of its  
27 content and it cannot be challenged.

28 MR BOCKARIE: We have no admission, Your Honour.

29 PRESIDING JUDGE: No objection.



1 MR BOCKARIE: Yes, no objection, sorry.

2 PRESIDING JUDGE: Yes, thank you. Mr Williams.

3 MR WILLIAMS: No objections, My Lord.

4 PRESIDING JUDGE: Thank you very much. Mr Walker, we are  
10:53:48 5 at Exhibit No. 95.

6 MR WALKER: That's correct, Your Honour.

7 PRESIDING JUDGE: Thank you. These two documents are filed  
8 confidentially as they would otherwise reveal the identity of  
9 this witness. So the document that has been filed with the Court  
10:54:06 10 as Annexe A, a statement by Abu J Conteh of 29 April 2005, is  
11 Exhibit 95A. And the other document, which was the dental  
12 report, the dental report that is by Dr Ivan Wyse, as Annexe B.

13 [Exhibit No. 95A was admitted]

14 [Exhibit No. 95B was admitted]

10:55:05 15 PRESIDING JUDGE: 95A and 95B. So given these reports -  
16 these two reports - we are satisfied for the purpose of swearing  
17 this particular witness, that this witness at this given time is  
18 above the legal age of the 18, and therefore can be sworn without  
19 any further ascertaining of the age and is capable of being sworn  
10:55:24 20 in accordance with Rule 90, being sworn as an adult, not as a  
21 child.

22 MR WALKER: The witness is now in position and ready to be  
23 sworn.

24 PRESIDING JUDGE: Can we access the screen? Mr Williams,  
10:58:00 25 is the screen behind you operational?

26 MR WILLIAMS: It is off, My Lord.

27 PRESIDING JUDGE: It is off?

28 MR WILLIAMS: Yes.

29 PRESIDING JUDGE: Can we see the witness, please? Wait, Mr



1 Walker. Yes, you may proceed to take the oath. Is he being  
2 sworn on the Koran or the Bible?

3 MR WALKER: On the Koran, Your Honour.

4 PRESIDING JUDGE: On the Koran. Thank you.

5 WITNESS: TF2-080 [sworn]

6 [The witness testified via videolink]

7 [The witness answered through interpreter]

8 PRESIDING JUDGE: What language is the witness testifying  
9 in?

10 MR TAVENER: Krio, Your Honour.

11 PRESIDING JUDGE: Krio.

12 EXAMINED BY MR TAVENER:

13 Q. Mr Witness, can you hear me?

14 A. Yes, sir.

10:59:34 15 Q. Can you see me?

16 A. Yes, sir.

17 Q. I am now going to ask some questions and I would ask that  
18 you speak slowly and in short sentences if possible.

19 A. Okay, sir.

10:59:53 20 Q. Firstly, I want to ask about your age. Do you know how old  
21 you are today?

22 A. No, sir.

23 Q. In May 2002, do you recall speaking to some people about  
24 your age?

11:00:19 25 A. I can't remember.

26 Q. Did you go to school?

27 A. Yes, sir.

28 Q. Do you know what class you finished school?

29 A. Yes, sir.



1 Q. What class were you in when you finished school?  
2 A. Class five.  
3 Q. Do you know how old you were when you finished the class  
4 five?  
11:01:28 5 A. No, sir.  
6 Q. Were the people in your class, the children in your class,  
7 were they the same age as you more or less?  
8 A. No, sir.  
9 Q. Were the children in your class older than you or younger  
11:02:01 10 than you or the same?  
11 A. We were the same age with some. And with others we had --  
12 others had different ages.  
13 Q. Do you know where you were born?  
14 A. Yes, sir.  
11:02:40 15 Q. Where were you born?  
16 A. That was not very clear.  
17 Q. Where were you born?  
18 A. In Taiama.  
19 THE INTERPRETER: My Lords, can the witness be audible a  
11:03:02 20 little.  
21 MR TAVENER: Can you speak up when you speak to the  
22 microphone?  
23 PRESIDING JUDGE: Maybe they can adjust the microphone to  
24 be a little bit closer to the witness as well. Put the  
11:03:13 25 microphone down a bit.  
26 JUDGE ITOE: The microphone is not facing his mouth  
27 properly, you know.  
28 PRESIDING JUDGE: That's it. Let us try it then.  
29 MR TAVENER:



1 Q. You said you were born in Taiama, T-A-I-A-M-A?

2 A. Yes, sir.

3 Q. Did you go to school there?

4 A. Yes, sir.

11:03:39 5 Q. When you were at school, were you living with your family?

6 A. Yes, sir.

7 Q. When you were at school how many brothers and sisters did  
8 you have?

9 A. I had a sister, an elder sister, and a young brother. That  
11:04:10 10 makes us three.

11 Q. Did anything happen to your brothers or sisters when you  
12 were at school?

13 A. Yes.

14 JUDGE ITOE: There is no evidence that those sisters were  
11:04:35 15 in school as well.

16 MR TAVENER: No, when he was at school.

17 JUDGE ITOE: You mean when he?

18 MR TAVENER: Yes.

19 Q. What happened?

11:04:52 20 A. The rebels captured my sister.

21 Q. What happened to your sister?

22 A. She was captured and taken away to the other villages. She  
23 was raped and beaten with a stick and we were in a camp. And we  
24 received the information that she has been killed. So we went --  
11:05:27 25 we went there together with some Kamajors and we buried her.

26 JUDGE BOUTET: He is too quick.

27 MR TAVENER: I will just go over that again.

28 MR JABBI: My Lords, I don't know if the last answer has  
29 been captured in the records because the sexual reference in it,



1 which if it has been captured on the records --

2 PRESIDING JUDGE: The sexual reference was if she had been  
3 raped was by the RUF. So it is not Kamajor related as far as I  
4 understood the answer to be.

11:06:05 5 MR JABBI: Well, it wasn't clear by whom.

6 PRESIDING JUDGE: Well, anyhow --

7 MR TAVENER: There is no suggestion it was Kamajors, it was  
8 the rebels. But I will go back over that again. So I will just  
9 go over the answer.

11:06:25 10 Q. Mr Witness, your sister was --

11 A. Yes, sir.

12 Q. -- captured by the rebels; is that right?

13 A. Yes, sir.

14 Q. And later you found she had been killed by the rebels?

11:06:48 15 A. Yes, sir.

16 Q. And you went with some Kamajors to bury your sister when  
17 you found the body?

18 A. Yes, sir.

19 Q. How old was your sister when she was killed by the rebels?

11:07:07 20 A. I did not know her age. I did not know my own age because  
21 my mother did not go to school.

22 Q. Was your sister younger than you or older than you?

23 PRESIDING JUDGE: He said she was elder.

24 JUDGE ITOE: Older. Older. And had a younger brother.

11:07:31 25 MR TAVENER: [Microphone not activated] if I could.

26 Q. Was she older than you or younger than you?

27 A. I am older than -- I am older than she is.

28 Q. You mentioned a village; where were you staying when your  
29 sister was captured by Kamajors -- sorry, by rebels.



1 MR TAVENER: Your Honour, I am sorry, please.

2 [Indiscernible] earlier evidence, was "I had an elder sister and  
3 a younger brother".

4 JUDGE ITOE: Yes, and a younger brother. That was the  
11:08:14 5 evidence. That was the evidence.

6 JUDGE THOMPSON: Quite right. So we have a discrepancy  
7 here.

8 MR TAVENER:

9 Q. Mr Witness --

11:08:25 10 A. Yes, sir.

11 Q. -- at the time your sister was captured by the rebels, can  
12 you tell the Court how many brothers and sisters you had, not how  
13 many were living with you, but how many brothers and sisters did  
14 you have?

11:08:47 15 A. I said we were three in number. I was -- I am the older  
16 one. My sister is older than the younger brother that we had.

17 Q. Does that include the sister who was captured by the  
18 rebels?

19 A. Yes, sir.

11:09:13 20 Q. What village were you staying at when your sister was  
21 captured by the rebels?

22 A. If I tell the name of the village where I am near Taiama --  
23 I am a very popular person.

24 Q. I will just ask you, you were staying in a village near  
11:09:39 25 Taiama?

26 A. Yes, sir.

27 Q. Do you know whether your sister was captured by the rebels  
28 before or after the coup in this country? That is when the  
29 Kabbah government was overthrown.



1 A. It was after the overthrow.

2 Q. You mentioned the Kamajors helped you bury your sister; is  
3 that right?

4 A. Yes, sir. Because one of the men was a Kamajor, the others  
11:10:49 5 were civilians.

6 Q. Did you have anything further to do with the Kamajors after  
7 you buried your sister?

8 A. I just said thanks to them because their mother was unable  
9 to go anywhere and the other friends that I had couldn't. But  
11:11:33 10 because I was brave enough to go and bury my sister, because she  
11 was lying down there for three days and she had started going  
12 bad. So we just picked her up using some sticks that were close  
13 to her and we buried her.

14 Q. Would you just stop there, please?

11:11:54 15 A. Okay.

16 Q. Were there Kamajors in the village that you were staying  
17 in?

18 A. Yes, sir.

19 Q. Did you have any further dealings with the Kamajors in that  
11:12:15 20 village?

21 A. No, sir. Because some of them used to send us to do brutal  
22 things. If they had chores to be done, they would threaten us to  
23 do those chores for them.

24 Q. So the Kamajors would have you do chores?

11:12:59 25 A. No, sir.

26 Q. What would they have you do?

27 A. If they brought loads they would threaten us to carry those  
28 loads while they wanted us to carry them. They would send us to  
29 do different jobs for them. To do garden jobs and farm jobs for



1 them because we were boys. So they would take advantage of us.

2 Q. Around that time did you ever go to Bumpeh, B-U-M-P-E-H,  
3 Bumpeh?

4 A. No, sir.

11:13:53 5 Q. Have you been to Bumpeh?

6 A. No, sir.

7 Q. Do you know Allieu Kondewa?

8 A. Yes, sir.

9 Q. How did you -- I will start again. Did you know him at the  
11:14:20 10 time you were living in that village?

11 A. I just heard his name. He was a famous man. Since then I  
12 have never met him in person until the time I joined the CDF.  
13 That's when I knew him.

14 Q. So when did you join the CDF?

11:15:02 15 A. I joined the CDF between '97 and '98. I do not know the  
16 right month that I joined the CDF. At that time I was a small  
17 boy.

18 Q. How did you join the CDF. How did you join?

19 A. Where in the camp? We were in the camp. Because at that  
11:15:40 20 time we had left Taiama and we settled in the camp. Some of the  
21 Kamajors, you know, they visited us at Taiama because they were  
22 at the checking points. So they went in the night. You wouldn't  
23 fetch wood in the night, you wouldn't do this. So they took  
24 advantage of us. So they were suppressing us.

11:16:02 25 Q. Just stop there, please?

26 A. Yes, sir.

27 PRESIDING JUDGE: I must say I am bit I confused about that  
28 last part.

29 MR TAVENER:



1 Q. If you could just answer the questions as short as  
2 possible?

3 A. Okay.

4 Q. You say you joined the CDF. You mentioned Kamajors between  
11:16:26 5 '97 and '98; is that right?

6 A. Yes, sir.

7 Q. How long were you a member of the CDF or the Kamajors?

8 A. To the time I joined, up to this time? I do not understand  
9 the question.

11:16:56 10 Q. I will come back to that later. In order to join the  
11 Kamajors, did you have to go somewhere?

12 A. Yes, sir.

13 Q. Where did you have to go?

14 A. I followed the Kamajors as vigilante because the advantage  
11:17:18 15 was too much.

16 Q. So you say initially you were a vigilante; is that right?

17 A. Yes, sir.

18 Q. Are you saying there were advantages to being a vigilante  
19 and following the Kamajors?

11:18:06 20 A. Yes, because there were some small boys. They are  
21 vigilantes, they were Kamajors. They were suppressing us.

22 Q. Did you become --

23 JUDGE THOMPSON: Now, can we clarify the translation of  
24 advantage? That is problematic.

11:18:26 25 MR TAVENER: I will ask that question.

26 Q. Mr Witness --

27 A. Yes.

28 Q. -- what do you mean had advantage, have advantages?

29 A. Okay.



1 JUDGE THOMPSON: I would rather you not say advantages.  
2 Say advantage, because that's where the translation is becoming  
3 problematic.

4 MR TAVENER: Thank you, Your Honour.

11:18:51 5 Q. What advantage was there in becoming a vigilante?

6 A. Because after they had come from their patrol and have left  
7 some of their loads behind, they will just summon us using force  
8 to go and carry their loads for them. Those were the suppression  
9 that was levied on us. We had no freedom we, the small boys.

11:19:24 10 JUDGE THOMPSON: No, the translation is using -- given a  
11 transliteration of the word advantage as used in Krio, you know,  
12 as equivalent to the English. So that is where the confusion  
13 seems to be my emerging from. I don't think the witness is  
14 talking about advantage in the English sense.

11:19:42 15 MR TAVENER: Thank you, Your Honour.

16 PRESIDING JUDGE: His description would run contrary to  
17 that that you follow what he is explaining after that.

18 JUDGE THOMPSON: These days what we call Anglicised Krio.

19 MR TAVENER: Thank you.

11:20:13 20 Q. Did you decide to join the Kamajors?

21 A. Yes, sir.

22 Q. Why did you decide to join the Kamajors?

23 A. Because I don't have a partner with whom I was walking  
24 around with. All of them had joined the CDF. Some of my

11:20:34 25 friends -- people were paying for them for them to become members  
26 of the CDF. So I was there as a vigilante until I got some money  
27 and I went and joined the troop.

28 Q. Why did you have to pay money?

29 A. If you didn't pay money you wouldn't join the CDF.



- 1 Q. Who did you pay the money to?
- 2 A. To Kondewa's secretary.
- 3 Q. Do you know his name?
- 4 A. Yes, sir.
- 11:21:57 5 Q. What is his name?
- 6 A. Henry.
- 7 Q. How much did you pay Henry?
- 8 A. I paid 30,000 to Henry.
- 9 Q. What was the 30,000 Leones for?
- 11:22:38 10 A. That was the registration fee.
- 11 Q. Did you pay any other money to Henry?
- 12 A. No, sir.
- 13 Q. After you paid the money to Henry, what happened?
- 14 A. There was someone and he asked us to go to the town to find
- 11:23:16 15 charcoal so that we would enter the society bush.
- 16 Q. Without going over all the detail, were you initiated as a
- 17 Kamajor?
- 18 A. Yes, sir.
- 19 Q. How long did the initiation take?
- 11:23:36 20 A. I do not understand.
- 21 Q. How long did the initiation process take?
- 22 A. It lasted for a day.
- 23 Q. Were there other people being initiated with you?
- 24 A. Yes, sir.
- 11:24:23 25 Q. How many other people were being initiated with you?
- 26 A. I do not know the number, but we were many.
- 27 Q. Were the people being initiated with you older than you or
- 28 younger than you or the same age?
- 29 A. There were some -- I was older than some of them. I



1 wouldn't talk of the older ones. There was some aged people and  
2 there was some whom we left on the way because they were unable  
3 to walk.

4 Q. After you were initiated, what did you do?

11:25:21 5 A. We were all seated in one place.

6 Q. After some time did you go somewhere?

7 A. Yes, sir.

8 Q. Where did you go?

9 A. During those days we had to go on food finding because we  
11:26:05 10 didn't have enough food. They said wherever we found a garden,  
11 we should go and uproot cassava. Whatever we found that could be  
12 eaten we would have to take. So we will go to these places to  
13 find food to pick them up and bring them.

14 Q. Did you have a weapon?

11:26:34 15 A. No, sir. At that time I didn't carry a weapon.

16 Q. Did there come a time when you did have a weapon?

17 A. Yes, sir.

18 Q. What weapon did you have?

19 A. SMG.

11:27:11 20 Q. What does that mean?

21 A. It's a Beretta. It's a support weapon.

22 Q. Before you had the Beretta SMG, did you have any other type  
23 of weapon?

24 A. I was using different types of weapons.

11:27:53 25 Q. What was the first weapon you had?

26 A. It was the SMG that I first had.

27 Q. Is the SMG Beretta a type of gun?

28 A. Yes, sir.

29 Q. Before you carried the Beretta SMG, did you carry anything



1 else as a weapon?

2 A. Yes, sir, because at that time I had started going to fight  
3 so I was using different weapons.

4 Q. What type of weapons were you using before you got the SMG  
11:28:49 5 Beretta? What type of weapons were you using?

6 A. They didn't give it. They didn't give the -- they didn't  
7 give me the weapon. Nobody gave me that weapon that I should use  
8 it to fight.

9 Q. Does that mean you found your own weapons?

11:29:18 10 A. Yes, sir.

11 Q. What weapons did you find?

12 A. The first weapon that I found was an SMG. That's what I  
13 have talked about.

14 Q. You said you used different types of weapons. What other  
11:29:36 15 weapons did you use?

16 A. Yes, sir. I was using because I had been accustomed to the  
17 Beretta because it is a light gun, it is a short gun. I had  
18 become accustomed to it, but I used G3 which was also a support  
19 weapon. It was heavy. It is German made, but I couldn't work  
11:30:01 20 with it properly. Whenever I wanted to shoot I would have to  
21 jump and move. So I abandoned it and took another gun.

22 Q. Did you ever use any of these weapons in fighting?

23 A. Yes, sir.

24 Q. Who were you fighting?

11:30:45 25 A. The juntas.

26 [HN060605C - SV]

27 Q. And what did you do when you were fighting the junta?

28 A. I was shooting because when we encountered an attack and we  
29 encountered them we would fight them, because I was going on



1 missions. Wherever a troop was going, I would follow them.

2 Q. Were you based in one place?

3 A. No, sir. I was not in one place. I wouldn't talk for  
4 somebody else, I was not in one place.

11:31:49 5 Q. You said when you saw a group go somewhere, you would  
6 follow them; is that right?

7 A. Yes, sir.

8 Q. Did those groups have names?

9 A. It was only one of the groups that had a name.

11:32:18 10 Q. Which group had a name?

11 A. It was the Ranger group.

12 Q. And who was in charge of the Ranger group?

13 A. It was, I would say Colonel Haji -- it was Colonel Haji  
14 that was in charge.

11:32:46 15 Q. You mentioned firstly a colonel -- what was his name again?

16 A. Colonel Haji.

17 MR TAVENER: I have that as H-A-J-I.

18 Q. Was there a person above Colonel Haji?

19 A. No, sir. I didn't come across that because I was not there  
11:33:19 20 when the arrangements was made. I only went there to fight. I  
21 only joined that group to go on fighting.

22 Q. Where did you go with the Ranger group to fight?

23 A. The Ranger group headed direct for 91. They were coming to  
24 attack the West Side Boys but we did not reach the site. We  
11:33:53 25 stopped at 91.

26 Q. Is that Mile 91?

27 A. Yes, sir.

28 Q. What were the ages of the people in that group, the Ranger  
29 group. Were they younger than you or older than you or the same?



1 MR BOCKARIE: My Lord, I'm objecting to this question. We  
2 have evidence in this Court that the witness is not in a position  
3 to ascertain his own age. It follows therefore that he would not  
4 be in a position to ascertain the ages of others, whether they  
11:34:38 5 were older or younger. He cannot in respect of his own age.

6 PRESIDING JUDGE: Mr Tavener.

7 MR TAVENER: I'm not asking for a numeric figure. I'm  
8 simply asking were they younger or older. People know that.

9 PRESIDING JUDGE: Objection denied. Carry on.

11:34:57 10 MR TAVENER:

11 Q. Mr Witness, I'll ask you again. In the Ranger group were  
12 the people in the Ranger group older than you or younger than you  
13 or the same age as you?

14 A. We had the same age.

11:35:16 15 Q. At Mile 91 was there any fighting?

16 A. Yes, sir.

17 Q. Who did you fight?

18 A. We fought against the rebels when we found them there.  
19 Then there was an exchange of fire.

11:35:46 20 Q. You mentioned Kondewa. You said he was a well known man;  
21 is that correct?

22 A. They knew him about what?

23 Q. Was he well known? Was he a famous man?

24 A. Yes, sir.

11:36:14 25 Q. In the time that you were with the Kamajors fighting did  
26 you ever see him?

27 A. Yes, sir. Even in the society bush I saw him there.

28 Q. Is the society bush where you were initiated?

29 A. Yes, sir. That was the place I first knew him.



1 Q. Who was the person in charge of your initiation?

2 A. It was AJ Makossi.

3 Q. Besides seeing Kondewa at the society bush did you see him  
4 at other times when you were fighting for the Kamajors?

11:37:18 5 A. He never went to the battlefield. I have never seen him on  
6 the battlefield.

7 Q. Did you ever see him away from the battlefield?

8 A. No, sir.

9 Q. How long did you fight with the Kamajors against the  
11:37:59 10 rebels? When did you stop fighting with the Kamajors against the  
11 rebels?

12 A. The way I fought, I had no commander. I had nobody who  
13 controlled me. Wherever I wished to go that was where I wished  
14 to. I had no commander.

11:38:26 15 Q. So is it correct to say you would join up with groups as  
16 they went --

17 MR WILLIAMS: My Lord, I take an objection, My Lord. It's  
18 not for counsel to interpret the evidence of the witness or to  
19 put words into his mouth.

11:38:43 20 MR TAVENER: I'll withdraw that question and ask another  
21 one.

22 Q. When you weren't with groups fighting, what were you doing?

23 A. We fought physically, face to face with other RUFs. We  
24 fought against them face to face and exchanged firing. From  
11:39:10 25 there, after the battle, we loot and take things away and bring  
26 them.

27 Q. What would you loot?

28 A. Property.

29 Q. Whose property?



1 A. The civilians.

2 Q. Where would you take that property?

3 A. Everybody went with them to his own place. As we went --  
4 at Moyamba Junction some people alighted and wherever we went to  
11:39:56 5 and somebody wished to alight we would come down whatever he had.

6 Q. Besides fighting and looting what else would you do?

7 A. We burnt. We burnt houses.

8 Q. Whose houses would you burn?

9 A. We burnt civilian houses because wherever we found soldiers  
11:40:32 10 sitting down, when we got there, when there was a battle and we  
11 get their uniforms and then we exchange fire. And in the very  
12 houses where they were were the very houses that we set on fire.

13 Q. Were the houses set on fire during the fighting, before the  
14 fighting or after the fighting?

11:41:04 15 A. Before the fighting because there were civilians among  
16 them. Because the civilians who were captured were used to pound  
17 rice for them and those who -- everything was confused.

18 Q. I won't be too much longer. When you weren't fighting,  
19 weren't looting, weren't burning houses, what would you do?

11:41:55 20 A. We did many things.

21 Q. What did you do?

22 A. Even when we used to be at the checkpoints, vehicles come,  
23 we make the people come down. They would all come down the  
24 checkpoints and check them one after the other. We arrest some  
11:42:22 25 of them and put them in the detention and we beat big men. We  
26 treated people in different ways because we had no order, because  
27 nobody gave orders. Nobody gave orders not to do this or to do  
28 that. We were not trained. We were not given weapons. Whatever  
29 we wished to do is what we did.



1 Q. You spoke about your Beretta SMG?

2 A. Yes, sir.

3 Q. How did you acquire -- how did you get that gun?

4 MR WILLIAMS: This question has been asked and answered,  
11:43:18 5 My Lord. I believe he said nobody gave me a weapon, My Lord.  
6 That is earlier on in his evidence, My Lord. I think it is a  
7 question that has been asked and answered.

8 JUDGE ITOE: But this one is how did he get the gun. Who  
9 gave you the gun. Is it not different from how did you get the  
11:43:43 10 gun?

11 MR WILLIAMS: As My Lord pleases.

12 MR JABBI: My Lord, in extension of that objection with  
13 respect to that particular question the witness had also said he  
14 found a gun. He said it was not given to him. He has already  
11:43:57 15 given that answer in evidence, My Lord.

16 PRESIDING JUDGE: Yes, but he had said that he'd used  
17 different weapons. No one gave me a weapon. I found them. Not  
18 necessarily the SMG. He was talking of more weapons that just  
19 that.

11:44:15 20 MR JABBI: My Lord, he said so specifically about the SMG  
21 Beretta.

22 PRESIDING JUDGE: In any event, we allow the question.

23 MR TAVENER: Thank you.

24 Q. How did you obtain the SMG Beretta?

11:44:47 25 A. It was the lawyer who made a mistake. After I had left.

26 THE INTERPRETER: My Lord, let the witness go back. My  
27 Lord.

28 MR TAVENER: Witness, stop.

29 THE INTERPRETER: Let him go very slowly.



1 MR TAVENER:

2 Q. You said that you had a Beretta SMG; is that right?

3 A. Yes, sir.

4 Q. How did you come into possession of that gun?

11:45:27 5 A. First I was at the checkpoint and I had a knife. I used to  
6 study my men, how they moved, how they operated the guns, how  
7 they were working at the checkpoint. From there I joined one  
8 troop and we went -- before we went to 91, I had joined another  
9 group, before I acquired the Beretta.

11:45:54 10 Q. So you had a knife at a checkpoint. Later on you obtained  
11 the Beretta?

12 A. Yes

13 Q. How did you obtain the Beretta?

14 A. Before I got it, the troop -- there was a troop that came  
11:46:17 15 from Bo and they were going on jah-jah and the jah-jah is meant  
16 to loot so I joined them. There were two boys among them who  
17 were of my rank so I joined them. So I joined them to go.

18 Q. Okay, but how did you obtain the Beretta?

19 A. When we reached the battlefield, when we got to Moyamba  
11:46:49 20 Junction, we branched the -- we branched and went as far as  
21 Bongababay.

22 THE INTERPRETER: Please, the witness is still going too  
23 fast. Please control this witness.

24 MR TAVENER:

11:47:03 25 Q. Stop for one minute.

26 JUDGE THOMPSON: Counsel, guide the witness, please.

27 MR TAVENER: We'll start again.

28 Q. You joined a group. There were two boys who were in that  
29 group of your rank; is that right?



1 A. I did not get you.

2 Q. Let's just start again.

3 A. Okay, sir.

4 Q. In short form how did you obtain the Beretta? Did you find  
11:47:31 5 it, did someone give it to you? How did you come to have the  
6 gun?

7 A. A man with whom we went -- the ones in the Hilux and I  
8 joined them in the Hilux and they were going to Moyamba so we  
9 met -- so there was an exchange of fire between us. So we had  
11:47:56 10 advantage over them and that was where I got the gun.

11 Q. If I might ask this question: Did the gun -- did you find  
12 the gun?

13 A. Yes, sir. I would say that I found it because when the man  
14 was shot and he was staggering about to die and that is when I  
11:48:19 15 went and stabbed him and I removed the gun from him.

16 Q. Okay. So you stabbed the man who had the gun and took it  
17 from him?

18 A. Yes, sir.

19 Q. How could you fire a Beretta SMG or how did you fire a  
11:48:52 20 Beretta SMG?

21 A. Beretta SMG, when I affixed the magazine there is a knob  
22 under. I press it before -- before the fire pin opens and from  
23 up I cock it.

24 Q. And after you've cocked the gun what do you do?

11:49:20 25 A. I tested it. When I had it at first I didn't know how to  
26 operate it.

27 Q. Did you learn to operate it?

28 A. Yes, sir.

29 Q. And did you fire that gun when you were fighting?



1 A. Yes, sir.

2 MR TAVENER: Yes, thank you. There may be some other  
3 questions. I have nothing further at this stage.

4 PRESIDING JUDGE: Thank you, Mr Tavener.

11:49:57 5 THE WITNESS: Okay, sir.

6 PRESIDING JUDGE: Counsel for first accused,  
7 cross-examination.

8 CROSS-EXAMINED BY MR JABBI:

9 Q. Now, Mr Witness, did you voluntarily join the Kamajors?

11:50:52 10 A. Yes, sir.

11 Q. And, according to you, you belonged to no particular group  
12 under a command; is that correct?

13 A. Yes, sir.

14 PRESIDING JUDGE: Mr Jabbi, please.

11:52:02 15 MR JABBI: Yes, My Lord.

16 Q. In practice you looked for any group going on a spree and  
17 you hopped on board; is that correct?

18 A. No, sir.

19 Q. Now, you spoke about joining the or being initiated into  
11:52:49 20 the CDF?

21 A. Yes, sir.

22 Q. Knowing there was a violent war going on, not so?

23 A. Yes, sir.

24 Q. Can you tell the Court what particularly attracted you to  
11:53:17 25 the Kamajors notwithstanding the risk in war?

26 A. Yes, sir.

27 Q. Yes, what was it?

28 A. Because of one point, when my sister was killed I would say  
29 and when we ran away from the town and stayed in the bush the



1 Kamajors went, some other Kamajors put pressure on us and took us  
2 to do various chores, to work on gardens, to go and loot. They  
3 would take us to go to the checkpoint and work for them and do  
4 all kinds of work for them and I saw what they were doing.

11:54:17 5 Q. Did you get any assurance as to your safety? Did you get  
6 any assurance from joining or being initiated into the Kamajor  
7 movement as to your safety during the war?

8 A. Nobody promised me that.

9 Q. Maybe you did not get the question quite clearly. As I  
11:55:04 10 said earlier on, there was a war going on and it was quite risky?

11 A. Yes, sir.

12 Q. You could be wounded, you could be shot dead and that sort  
13 of thing. Now, when you --

14 A. Maybe if I had not joined I would have been dead by then  
11:55:30 15 for that.

16 Q. Wait for the question, please. When you were seeking to be  
17 initiated into the Kamajor movement did you see anything in it  
18 with regards to your safety before the gun or a knife in the war?

19 A. I saw object. Their performance which I saw them and when  
11:56:10 20 I followed them at a vigilante and I saw the movement, I saw some  
21 improvement then.

22 Q. Okay, I will change the question slightly. Did you get any  
23 reassuring protection in being initiated into the Kamajor  
24 movement?

11:56:41 25 A. Yes, sir. The only protection was when they said, when  
26 Kondewa passed an order that he would give me something that  
27 would protect me, that would protect me during the war. That was  
28 something when they give it to you, if you believed in it then it  
29 would work.



1 Q. Were you given that something?

2 A. Yes, sir.

3 Q. And did you believe in it?

4 A. Yes, sir. I would believe it because I had joined the  
11:57:32 5 society.

6 Q. And did it work for you during the war?

7 A. Yes, sir.

8 Q. Now, obviously the exploits you have explained this morning  
9 were your only exploits in the war; is that correct?

11:58:20 10 A. Yes, sir.

11 MR JABBI: My Lord, there is no further question for him.

12 PRESIDING JUDGE: Thank you. Mr Bockarie for second  
13 accused.

14 CROSS-EXAMINED BY MR BOCKARIE:

11:58:39 15 Q. Mr Witness?

16 A. Yes, sir.

17 Q. You recall talking to investigators some time in 2003,  
18 don't you?

19 A. Yes, sir.

11:59:02 20 THE INTERPRETER: Dr Jabbi, can you please put off your  
21 microphone.

22 MR BOCKARIE:

23 Q. In which language did you speak?

24 A. I spoke Krio, sir.

11:59:15 25 Q. And it was recorded in English; am I correct?

26 A. They translated it.

27 Q. It was recorded and later translated; am I correct?

28 A. No, sir.

29 Q. It was never translated to you, Mr Witness?



1 A. They just translated what I said.

2 PRESIDING JUDGE: But you used the word it was recorded and  
3 then translated. He says no to that.

4 MR BOCKARIE: Sorry, yes.

11:59:51 5 Q. Mr Witness, I'd like to refer you to the statement you made  
6 on the 8th of May 2003. You had this to say: "Witness states  
7 that before he went to be initiated he saw many things --

8 THE INTERPRETER: Learned counsel take it slowly, please.

9 MR BOCKARIE: Sorry.

12:07:24 10 Q. "Witness states that before he went to be initiated he saw  
11 many things during 1999." Mr Witness, did you tell this to the  
12 investigators?

13 A. No, sir. No, I didn't.

14 Q. Mr Witness, in your examination-in-chief you mentioned that  
12:07:25 15 you fought alongside a group called Ranger group; correct?

16 A. Yes, sir.

17 JUDGE ITOE: Mr Bockarie, let me have the date of that  
18 statement you referred to. 8th of May?

19 MR BOCKARIE: Yes, My Lord, 2003.

12:07:25 20 JUDGE ITOE: Thank you.

21 MR BOCKARIE:

22 Q. Mr Witness, and you said the commander of that group was a  
23 Colonel Haji?

24 A. Yes, sir.

12:07:25 25 Q. Mr Witness, this Colonel Haji was an ECOMOG commander; am I  
26 correct?

27 A. I didn't come across that one.

28 Q. This colonel --

29 A. I don't really know him.



1 Q. This colonel, was he an ECOMOG --

2 A. That was the name of the group, I don't know. But they  
3 were wearing uniforms so I didn't know whether they were ECOMOG  
4 or not.

12:07:26 5 MR BOCKARIE: That will be all for him, My Lord. Thank  
6 you.

7 PRESIDING JUDGE: Thank you.

8 MR BANGURA: Your Honours, if I may be heard. I think I  
9 got the interpretation wrongly. It seems I heard the witness say  
12:07:26 10 they were not uniformed and the interpretation was that uniformed  
11 men went with us. Can we just have that clarified?

12 THE INTERPRETER: No, it was interpreter's mistake. There  
13 was no uniformed men among them.

14 MR BANGURA: Thank you very much, that is sufficient.

12:07:27 15 PRESIDING JUDGE: I had exactly the opposite. The answer  
16 of the witness was there was no uniformed men amongst us. Was it  
17 what you had, Mr Interpreter?

18 THE INTERPRETER: Yes, My Lord.

19 PRESIDING JUDGE: Mr Williams, any cross-examination for  
12:07:27 20 the third accused?

21 MR WILLIAMS: There should be none for this witness, My  
22 Lord.

23 PRESIDING JUDGE: Thank you very much. Any re-examination?

24 MR TAVENER: No, thank you, Your Honour.

12:07:28 25 PRESIDING JUDGE: Mr Witness, we thank you for having come  
26 to give this evidence to the Court and that concludes your  
27 evidence. Thank you very much.

28 THE WITNESS: Yes, sir.

29 PRESIDING JUDGE: Mr Prosecutor, you had indicated on



1 Friday that you had two witnesses for today or you had more than  
2 that? I recall you had said two.

3 MR TAVENER: Two's correct, Your Honour.

4 PRESIDING JUDGE: So you're still at two.

12:07:28 5 MR TAVENER: I'm still at two.

6 PRESIDING JUDGE: So tomorrow morning --

7 JUDGE ITOE: He's strategising.

8 MR TAVENER: We have the one witness tomorrow and then we  
9 move on to TF2-011 on Wednesday.

12:07:28 10 PRESIDING JUDGE: Which is the closed session.

11 MR TAVENER: That's correct, the closed session.

12 PRESIDING JUDGE: I thought you had indicated first that  
13 the intention was to go with that witness tomorrow, no?

14 MR TAVENER: That's correct, the international witness  
12:07:29 15 tomorrow.

16 PRESIDING JUDGE: The international witness tomorrow.

17 MR TAVENER: That's correct and then the insider witness on  
18 Wednesday and then however long he takes, and then we have the  
19 witnesses the following week.

12:07:29 20 PRESIDING JUDGE: That is fine. Thank you very much. So  
21 in those circumstances the Court is adjourned until 9.30 a.m.  
22 tomorrow morning.

23 [Whereupon the hearing adjourned at 12.03 p.m.

24 to be reconvened on Tuesday, the 7th day of

12:07:29 June 2005, at 9.30 a.m.]



EXHIBITS:

|                 |    |
|-----------------|----|
| Exhibit No. 95A | 17 |
| Exhibit No. 95B | 17 |

WITNESSES FOR THE PROSECUTION:

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| WITNESS: TF2-133              | 4  |
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