

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO.: SCSL-04-14-T
TRIAL CHAMBER I

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

15 JUNE 2004
0931H
CONTINUED TRIAL

Before the Judges:

Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For the Registry:

Mr. Robin Vincent
Mr. Geoff Walker

For the Prosecution:

Mr. Charles Caruso
Mr. Mr. Luc Côte
Mr. James C. Johnson

For the Accused Sam Hinga Norman:

Dr. Bu-Buakie Jabbi
Mr. Ibrahim Yilla

For the Accused Moinina Fofana:

Mr. Arrow Bockarie

For the Accused Allieu Kondewa:

Mr. Yada Williams
Mr. Tom Briody
Mr. Ansu Lansana

Court Reporters:

Ms. Gifty C. Harding
Ms. Susan Humphries
Mr. Momodou Jallow

I N D E X

WITNESS

For the Prosecution:

WITNESS TF2-198

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MR. PRESIDENT:

Please call the case.

MR. WALKER:

This is Case No. SCSL-2004-14-T, the Prosecutor against Sam Hinga Norman, Moinina Fofana and Allieu Kondewa, which is listed for trial.

MR. PRESIDENT:

Appearances, please.

MR. CARUSO:

Charles Caruso, Office of the Prosecutor. With me, Luc Côte, Jim Johnson.

MR. PRESIDENT:

For the first Accused.

THE ACCUSED NORMAN:

First Accused Hinga Norman.

MR. JABBI:

Your Honour, I am Dr. Bu-Buakie Jabbi. With me is my learned friend, Ibrahim Yillah, as stand-by counsel for the first Accused.

MR. VINCENT:

Counsel, may I remind you to switch on the microphone any time you take up the floor.

MR. JABBI:

Dr. Bu-Buakie Jabbi, and with me, my learned friend, Ibrahim Yillah, as stand-by counsel for first Accused.

MR. PRESIDENT:

Second Accused? Representation for the second Accused, please. Counsel for the second Accused.

MR. BRIODY:

My Lords, I do not represent the second Accused. I do not believe anyone is presently in the Chamber for the second Accused.

MR. PRESIDENT:

And for the third Accused?

MR. WILLIAMS:

Yada Williams, Tom Briody and Ansu Lansana.

MR. PRESIDENT:

Mr. Registrar, we note the absence of counsel for the second Accused. Do we have any explanation for this?

MR. VINCENT:

We have none. No explanation, Your Honour.

1 MR. PRESIDENT:

2 Well, we were getting very worried, you know, that there was no representation for the second
3 Accused.

4 MR. BOCKARIE:

5 Yes, Your Honour, I must apologise for coming late. Your Honour, for the second Accused is Arrow
6 John Bockarie.

7 MR. PRESIDENT:

8 Please, we -- I would like to inform all counsel that when we fix time, you know, for our hearings they
9 should be here. And that even if we are delayed, you know, because of sorting out some technical
10 problems or deliberating on some urgent issues, we expect that ordinarily we should meet them in
11 court, you know, waiting for the Court. I suppose that that is the -- those are the traditions, you know,
12 which we are used to. It's abnormal, it is not usual for the Court to wait for the counsel. I hope that
13 they've taken me rightly on record.

14

15 Right. Mr. Norman, we -- or rather, the Registrar, I would like -- we would like to confirm, you know,
16 that you've taken all measures for the -- for stand-by counsel to be duly informed and to be present in
17 court for the proceedings at one stage or the other.

18 MR. VINCENT:

19 Your Honour, I have.

20 MR. PRESIDENT:

21 You have. I suppose that is why Mr. Jabbi is there and that's why Mr. Yillah is there.

22 MR. VINCENT:

23 Your Honour, yes.

24 MR. PRESIDENT:

25 All right, thank you.

26

27 Mr. Norman, please, you remember we were to take your opening statement yesterday, but at your
28 request we deferred this, you know, to today and before -- I will be calling on you, you know, to do that
29 immediately. But before you do that, I would ask my learned brother and colleague to still talk to you
30 on the implications of your making this opening statement, which, of course, is your absolute right if
31 you insist on exercising it.

32 JUDGE BOUTET:

33 Mr. Norman, I would like just to read to you, fast, Rule 84 of the Rules of Procedure and Evidence and
34 I just quote from that particular Rule. It's called, Opening Statement: "At the opening of his case, each
35 party may make an opening statement confined to the evidence he intends to present in support of his
36 case. The Trial Chamber may limit the length of those statements in the interest of justice."

37

1 Normally, as you know now, it is for -- the Defence normally will do an opening statement before
2 opening their case. What you have heard is the opening statement by the Prosecution before they
3 call their case, but we have asked all counsel if they were to make an opening statement now or only
4 at the opening of their case. You have selected to do that now and, therefore, we are prepared to
5 listen to you.

6
7 I would like to remind you that it has to be confined to what you intend to present in your defence and
8 that the burden of proof is not on you or any accused, but the burden of proof lies squarely on the
9 Prosecution to prove that you are guilty of the offence that you are charged with.

10
11 Thank you, Mr. Norman.

12 MR. PRESIDENT:

13 May I add, sir, Mr. Norman, that you -- you will limit yourself like the Prosecution did, to the facts of the
14 charges that have been brought against you, and to the law. You will not go beyond those limits. We
15 are in a court of law and we are interested in the facts and the law as far as they concern your case.

16
17 Thank you, you can go ahead.

18 THE ACCUSED NORMAN:

19 Thank you, My Lords.

20
21 I am Samuel Hinga Norman. The facts about me are that I joined the army at the age of 14 and a half
22 years and at the interview before the General Officer Commanding in Chief, West Africa, I said this,
23 that I was joining the army to defend Her Majesty's Empire, and I was asked, "At this age what can
24 you do?" I said I will grow up and I would do a lot of things. I'm in the process of doing those things.

25
26 I have been under tremendous stress like I was when I was deciding to take up the battle against my
27 colleagues, the soldiers, and against my brothers and sisters, the RUF, for the honour of Sierra
28 Leone. In the process, I am standing here again in that same way, taking up to defend myself in
29 response to what is facing Sierra Leone today.

30
31 I cannot, I should not, and I will not respond to anything the Prosecution may have said here before
32 this Court as constituted, and before Your Lordships sitting as a Trial Chamber of the Special Court
33 for Sierra Leone under the presidency of Your Honour, Justice Itoe and Your Honours Justice Bankole
34 Thompson and Justice Boutet, as members of the Trial Chamber for the following reasons:

35
36 There is or are no charge or charges legally placed before this Chamber against me. If there is or are
37 charges against me before this Chamber, then I submit that by law I have not taken any plea before

1 this Chamber or on any indictment against me before Your Honours. I will state the reasons when I
2 hear the response from Your Lordship.

3
4 Two, this Court, operating as a Trial Chamber of the Special Court for Sierra Leone, does not have
5 the constitutional authority to try me and, indeed, any Sierra Leonean, pursuant to Article 8 of the
6 Statute of the Special Court for Sierra Leone which Statute place the Special Court for Sierra Leone
7 over all the courts of Sierra Leone, which, in effect, has taken away the constitutional powers of the
8 Chief Justice of Sierra Leone, which is entrenched in the Constitution and cannot, I repeat, cannot be
9 taken by any other means except the means provided for in the Constitution of Sierra Leone.

10
11 Three, whatever took place in Sierra Leone as an incident since 1991 to the date under review, has
12 not been defined whether it is war or conflict. If it is war, what type of war; conventional or civil? If it is
13 conflict, what type of conflict; international or national?

14
15 This much I know, as a soldier well trained in the British Army and as a Minister of Internal Affairs in
16 Sierra Leone, having privilege to documents, that Sierra acceded to the Geneva Convention in 1986.
17 And in that Convention under Protocol I, the conflict in Sierra Leone would be well described as
18 international and so if it is international, then the Geneva Convention stipulates that Article 90 of
19 Protocol I should be applied, and that a commission of inquiry should be instituted in Sierra Leone to
20 investigate the happenings in Sierra Leone and submit a conclusion with a recommendation for all
21 those who did what and to what extent and at what grave level. For parties to the conflict, to
22 compensate Sierra Leoneans who may have lost lives, limbs, blood, property, dignity and opportunity,
23 and those parties to the conflict are governments that send their agents, the armies that dealt with the
24 situation in excess of the fire power that was required. Any other way of doing it will only be a cynical
25 manipulation of the process of law in Sierra Leone.

26
27 And for this reason I have chosen to defend myself, that in the area of Defence there is no time
28 limitation whether you should start it or you should apply defence in the middle or in the end; and
29 there is no age, whether you are a baby or an old person or a young one; and there is no qualification
30 whether you are educated or not.

31
32 These are my reasons for not responding to whatever grammatic thesis that the Prosecution have
33 proffered here before Your Lordships and this Court intending to incite your sentiment on issues that
34 they are sure, as I am, that they do not have any reason to hold against Hinga Norman.

35
36 I thank you, Your Lordship.

1 MR. PRESIDENT:

2 Please, this is not -- I'm sorry, let me warn the gallery, please. This is not a political forum, it's not a
3 political arena, and if anybody is caught behaving as if he were in a political arena, he will be called
4 upon to withdraw from this courtroom -- he will be called -- he or she will be called upon to withdraw
5 from this courtroom. Please, you are here to follow the proceedings which are judicial proceedings.
6 We are not here in politics.

7 JUDGE BOUTET:

8 Mr. Norman, you may be seated, please.

9 THE ACCUSED NORMAN:

10 Thank you, Your Lordships.

11 MR. PRESIDENT:

12 The Court will rise and will resume sitting in 30 minutes, in 30 minutes, please. The Court rises.
13 *(Court recessed from 0952 to 1020H)*

14 MR. PRESIDENT:

15 The session is resumed.

16

17 Can the first Accused please stand up.

18 THE ACCUSED NORMAN:

19 Yes, My Lord.

20 MR. PRESIDENT:

21 We have taken note of your observations in the exercise of your rights under the Rules to make an
22 opening statement, and I'm sure the records have reflected what you have said, and it is our decision
23 that having noted what you have said, that we'll proceed with the trial without any further comments
24 on that. So we will be calling on the Prosecution to present before these proceedings, its first witness.
25 But before that is done, we have taken note of the presence in court today of Mr. Sulaiman Tejan-Sie
26 and -- please, you know, please sit down, please sit down. Sorry.

27

28 My learned brother would like to relieve me or to relay me on that. Thank you.

29 JUDGE THOMPSON:

30 Learned Counsel, Mr. Tejan-Sie, you were not in attendance -- you were not in attendance at court
31 yesterday for the further deliberation and final disposition of the issue of the appointment of stand-by
32 counsel in respect of the first Accused, despite your request last week for an adjournment to advise
33 yourself on the matter.

34

35 There was no communication to this Court as to why you were not in attendance even though you had
36 in fact requested the adjournment to yesterday. The Chamber requires an explanation of the
37 situation.

1 MR. TEJAN-SIE:

2 My Lord, I do apologise and I apologise profusely for my absence yesterday. That was due to health
3 matters and certain family matters that were pressing, My Lord. But apart from that, My Lord, my
4 impression at the last adjourned date was that I asked for an adjournment so that whatever we decide
5 would be communicated to Your Lordships through Your Lordships' Registry. That was what I
6 understood that to be. I did not know that I was supposed to be here, My Lord, to make that
7 presentation. I did -- in my application I did say that we would meet and we would communicate
8 whatever decision to Your Lordship -- through Your Lordship's Registry.

9
10 However, that being the case -- that being so, My Lord, I do not apologise profusely, and that was not
11 out of any disrespect for Your Lordships, My Lord. I apologise for my absence yesterday, My Lord.

12 JUDGE THOMPSON:

13 We've listened to your explanation and also your expression of apology. I think that we need to say
14 that we will take the matter on advisement and require your presence in court at some future time, but
15 that will be communicated to you appropriately.

16 MR. TEJAN-SIE:

17 As My Lord pleases.

18
19 My Lord, may I take leave of Your Lordships.

20 MR. PRESIDENT:

21 Yes, you could, you are very free to do that.

22 JUDGE BOUTET:

23 Mr. Prosecutor, please call your first witness.

24 MR. CARUSO:

25 Yes, Your Honour. In accord with the orders of this Court concerning witness protection at this point,
26 we'll refer to the witnesses by the pseudonyms as required by the order. And, thus the Prosecution --

27 MR. PRESIDENT:

28 Mr. Caruso?

29 MR. CARUSO:

30 Sir.

31 MR. PRESIDENT:

32 Please, I would like you to take into consideration the fact that you are being interpreted to the
33 Accused persons and that you should -- you should go a bit slower than you normally would, so that,
34 you know, you can be appropriately interpreted to the Accused persons. Thank you.

35 MR. CARUSO:

36 Indeed, Your Honour, thank you. We will refer to the witnesses by their pseudonyms as they have
37 been directed in the pleadings filed before this Court. And, thus, the first witness -- and I assume the

1 curtains will be pulled -- the first witness will be described as TF2-198.

2 JUDGE BOUTET:

3 Mr. Prosecution, I take it that this is a witness whose identity needs to be protected from the public.

4 MR. CARUSO:

5 It is indeed, Your Honour.

6 JUDGE BOUTET:

7 Thank you.

8 MR. PRESIDENT:

9 What did you say, TF?

10 MR. CARUSO:

11 TF2-198.

12 MR. PRESIDENT:

13 Dash 19?

14 MR. CARUSO:

15 Eight.

16 MR. PRESIDENT:

17 Eight.

18

19 Look, there is an opening there -- there. Mr. Saleem?

20 JUDGE BOUTET:

21 Are we ready to proceed?

22 MR. CARUSO:

23 We are, Your Honour.

24 JUDGE BOUTET:

25 Can you please proceed to swear the witness.

26 MR. WALKER:

27 You will take a hold of the Qu'ran and say after me.

28 *(Declaration made by Witness TF2-198 in English)*

29

WITNESS TF2-198,

30

first having been duly sworn

31

testified as follows:

32

EXAMINATION-IN-CHIEF

33 BY MR. CARUSO:

34 Q. Good morning.

35 A. Good morning.

36 Q. Sir, tell us how old you are, please.

37

1 JUDGE BOUTET:

2 There seems to be a problem.

3 MR. CARUSO:

4 I don't seem to be getting all the words.

5 JUDGE BOUTET:

6 Same with me. Could you try it again and.

7 MR. CARUSO:

8 And I'm getting translation in *Krio*.

9 JUDGE BOUTET:

10 Just for the record, could you indicate in which language the witness is giving evidence?

11 MR. CARUSO:

12 The witness is giving evidence in *Krio*.

13 JUDGE BOUTET:

14 So all of his evidence will be translated from *Krio* to English.

15 MR. CARUSO:

16 That is correct, Your Honour.

17 JUDGE BOUTET:

18 Let's try again. There is a problem with the interpretation.

19 THE INTERPRETER:

20 Yes, well, here you have somebody that will be translating from *Krio* into English.

21 MR. CARUSO:

22 That's precisely what is happening and we are in (*overlapping microphones*).

23 JUDGE BOUTET:

24 (*Overlapping microphones*) operating there; we want to hear the interpreter.

25 MR. CARUSO:

26 I did not get that.

27 JUDGE BOUTET:

28 The counsel does not hear what you are saying. So I heard you very loudly but Mr. Caruso did not.

29 On the Defence side, do you hear the translation or -- Mr. Norman, you are shaking your head. Well,
30 there seems to be a problem. Is it the same as with counsel over there?

31 MR. BRIODY:

32 My Lord, I'm hearing an interpreter with lots of background noise.

33 JUDGE BOUTET:

34 Can we see if the technical problem has been fixed now? And the translation booth, did you again try
35 to translate in English what the witness has said?

36 THE INTERPRETER:

37 Well, let him try to say something. Let him say something.

1 JUDGE BOUTET:

2 Mr. Caruso, let's do it again, otherwise we will have to break for five minutes to try to sort out of this
3 technical problem and we'll resume. So let's try it again, please.

4 MR. CARUSO:

5 Yes, sir.

6 BY MR. CARUSO:

7 Q. Sir, would you tell us how old you are, please?

8 A. I don't get you clearly (*sic*). I am 22 years old.

9 Q. Could you repeat that for us again, please, sir?

10 A. I am xxxx old.

11 Q. Where are you from?

12 A. I'm from xxxx, xxxx Chiefdom.

13 Q. How long have you lived there, sir?

14 A. Since I was born I have been there up to the time that I left these days.

15 JUDGE BOUTET:

16 Mr. Caruso, before you move on I just want to make sure that everybody does hear what is
17 happening. May I ask from the Defence side? No, Mr. Norman, you don't hear what is going --

18 THE ACCUSED NORMAN:

19 I hear you, My Lord, I hear the witness in *Krio*, but I don't hear the rest of the group.

20 JUDGE BOUTET:

21 Yeah, but you don't hear what the witness is saying? Okay, we will pause for five minutes so we try to
22 sort out the problem. So in the mean time, just close the blind so the witness is still protected and
23 we'll adjourn for five minutes. Thank you.

24 MR. PRESIDENT:

25 The Court will rise in five minutes or when the technical problem will have been sorted out.

26 (*Court recessed from 1035 to 1056H*)

27 MR. PRESIDENT:

28 The session resumes and -- yes, Mr. Caruso.

29 MR. CARUSO:

30 Yes, thank you.

31 MR. PRESIDENT:

32 I suppose our technical installations are now right.

33 MR. CARUSO:

34 I hope so.

35 MR. PRESIDENT:

36 Right, okay.

37

1 MR. CARUSO:

2 Thank you.

3 BY MR. CARUSO:

4 Q. Sir, once again what is your age?

5 A. I am xxxx old.

6 Q. And where are you from, sir?

7 A. I am from xxxx, xxxx Chiefdom.

8 Q. How long have you lived in xxxx, sir?

9 A. I was born in xxxx and since that time I have been there all the time.

10 JUDGE BOUTET:

11 Mr. Caruso, just a moment. Mr. Norman, do you hear what's going on?

12 THE ACCUSED NORMAN:

13 Yes, My Lord.

14 JUDGE BOUTET:

15 Okay, thank you.

16 BY MR. CARUSO:

17 Q. Sir, with whom do you live in xxxx?

18 A. I live in my father's house in xxxx.

19 Q. Now, you say your father's house; is that his house or is it a house that your father has left you?

20 A. It's my father's house, therein I live.

21 Q. Who lives there with you, sir?

22 A. It's my father -- my father, my own father that left me there.

23 Q. Yes, your father left you the house; is that what you are telling us?

24 A. Yes.

25 Q. Now, at this time -- at this time, who lives in that house with you?

26 A. Right now the house is not there, it has been burnt.

27 Q. That's the house that your father left you has been burnt?

28 A. Yes, it is.

29 Q. Where do you live now?

30 JUDGE BOUTET:

31 Mr. Caruso, just remind the witness that when he answers the questions he needs to push on the

32 button so the translators can hear what he is saying.

33 BY MR. CARUSO:

34 Q. Where do you live now, sir, what house do you live in presently?

35 A. In one man's house at xxxx Road.

36 Q. And who lives there with you, sir?

37 A. I and the house owner and my family.

- 1 Q. And how many people are there in your family?
- 2 A. I have five children, with my sister's children and my mum.
- 3 Q. Are you married, yes?
- 4 A. I was married but my wife has died recently.
- 5 Q. How long were you -- had you been married prior to your wife's -- prior to your wife's death?
- 6 A. About 32 years.
- 7 Q. And you were married only once?
- 8 A. Yes.
- 9 Q. Sir, have you ever attended school?
- 10 A. No, I have never been to school.
- 11 Q. What languages do you speak, sir?
- 12 A. I speak *Krio, Mende, Fula* and *Temni*.
- 13 Q. Can you read and write, sir?
- 14 A. No, I cannot read and write.
- 15 Q. Can you read any language at all?
- 16 A. Yes, I can read the Qu'ran and I can write Qu'ran.
- 17 Q. Sir, now at this point, what do you do for a living? What is your occupation?
- 18 A. Initially -- now I **xxxx** -- I do **xxxx xxxx** in order to get my living.
- 19 Q. And have you ever done anything other than **xxxx xxxx**?
- 20 A. Except the -- my farming business.
- 21 Q. Where do you farm, sir?
- 22 A. At the back of my house which my father left and therein I do my cultivation. I plant groundnut and
- 23 corn.
- 24 Q. Have you ever done anything other than farm and **xxxx xxxx**?
- 25 A. Except the business that I was doing. In fact, when I was farming I did not do anything like **xxxx xxxx**.
- 26 Now that I don't have the means to do farming, that's why I'm doing **xxxx xxxx**.
- 27 Q. And this -- this is all in **xxxx**; is that correct?
- 28 A. *(No interpretation)*
- 29 Q. You do the farming and you do the **xxxx xxxx** all in **xxxx**?
- 30 A. Yes.
- 31 Q. Now, sir, if you would please, I want you to describe what the town of **xxxx** looks like for us? Describe
- 32 to the Bench what the town of **xxxx** looks like.
- 33 A. **xxxx** is between four roads with four districts. The East is -- faces **xxxx**; the West faces **xxxx**; the
- 34 North faces **xxxx** Road; the South faces **xxxx** Road -- **xxxx**. At the middle of the town you find the
- 35 junction.
- 36 Q. So **xxxx** is a town in which the centre of it is a four-road junction leading to those places you've
- 37 described to us; is that correct?

- 1 A. Yes, it is.
- 2 Q. At this time, about how many people live in **xxxx**, an estimate?
- 3 A. Around 4,000.
- 4 Q. Describe to us, if you would please, what it's like living in **xxxx**. Is it a closed town; do the people get
5 along well, or do they not get along? Tell us.
- 6 A. At this time it's very difficult. Living in **xxxx** is difficult. It's really very difficult although we are together
7 with the people.
- 8 Q. Do the people of the town get along well with one another or otherwise?
- 9 A. In fact, all of us are working hand-in-hand.
- 10 Q. Sir, were you in **xxxx** in 1991? Did you live there then?
- 11 A. Yes, I was there at that time.
- 12 Q. During that period of time in 1991, did **xxxx** change? Did something happen in **xxxx** that made it
13 change?
- 14 A. Yes, there were changes in the town.
- 15 Q. Describe to us, please, what those changes were.
- 16 A. In fact, we used to see different, different people that we were not used to seeing, and that is one of
17 the changes.
- 18 Q. Why was that, do you know?
- 19 A. Yes, in fact, that was the time that we started experiencing war, you know, coming from Liberia.
- 20 Q. Describe to us, please, what you mean by war coming from Liberia, who was involved in what
21 occurred?
- 22 A. We were sitting and when we saw people coming, you know, coming and calling them RUF, and
23 people coming, staying with some other people, you know, people running and coming to us and
24 people staying with us in **xxxx** and some passing. These are the experiences that we had, you know,
25 when I refer -- which I refer to as war.
- 26 Q. Now, did another group of people come to live in **xxxx** in 1991?
- 27 A. Yes, these are the people that I've been talking about. We used to call them refugees and they used
28 to come to **xxxx**. Some used to stay there and some used to pass.
- 29 Q. And why, once again, was it that they were coming to **xxxx**?
- 30 A. These people were running away from the rebels and they said that the rebels were running after
31 them. They said -- and as the rebels attacked they were coming, they run coming ahead (*sic*).
- 32 Q. Now, did any other group of people come to **xxxx** at that time as a result of that situation?
- 33 A. Yes, the soldiers. And we were there and we saw government soldiers. They themselves came.
- 34 Q. So in 1991 after the war started government soldiers came to **xxxx**; is that correct?
- 35 A. Yes, it is true they came and settled there.
- 36 Q. Why did they come, do you know?
- 37 A. When they said that the rebels have come to **xxxx** they were of the opinion -- they heard the news that

- 1 the rebels had settled in xxxx, that's why they themselves came to xxxx.
- 2 Q. And for what purpose did they come to xxxx; what did they come to do there?
- 3 A. They came to protect us from the rebels who were running after us. To -- they came to save us from
- 4 the rebels
- 5 Q. These were soldiers of the Sierra Leonean army; is that correct?
- 6 A. Yes, that's correct.
- 7 Q. Now, when they came where did they stay?
- 8 A. They stayed in town and they started sleeping outside in the verandas.
- 9 Q. When you say outside on the verandas do you mean houses?
- 10 A. Yes, the veranda of the houses.
- 11 Q. Did they have a headquarters in town?
- 12 A. Later they asked for a house and they gave it to them and they stayed there as their headquarters.
- 13 Q. When you say "they gave it to them", who gave it to them?
- 14 A. It's the townspeople, the elders who gave them that house.
- 15 Q. So they had a house that they used as headquarters and the rest of the soldiers lived in the houses
- 16 with the citizens of xxxx?
- 17 A. Yes, the headquarters were different and the others had been and they were living with us in town.
- 18 Q. Do you recall how many soldiers there were; do you have any idea?
- 19 A. No, at that time I cannot tell you the exact number of soldiers that were in town. I cannot count them.
- 20 Q. How did the townspeople, the people of xxxx feel about the soldiers living in town with them? Were
- 21 they happy about it, were they unhappy?
- 22 MR. WILLIAMS:
- 23 I'll take an objection to that, My Lord, that would be asking for the opinion of this witness, My Lord. He
- 24 can only speak for himself.
- 25 MR. CARUSO:
- 26 May I respond to that, Your Honour?
- 27 JUDGE BOUTET:
- 28 Yes, you may.
- 29 MR. CARUSO:
- 30 Well, he's certainly a member of the community in xxxx and certainly that is not so esoteric quest of
- 31 information that he can't answer to the best of his ability. It's not a question of expertise.
- 32 JUDGE BOUTET:
- 33 Thank you, overruled. Carry on.
- 34 BY MR. CARUSO:
- 35 Q. Witness, again, how did the people of xxxx feel about the soldiers living in town; were they happy
- 36 about it, unhappy about it? Describe it to us, please.
- 37 A. We were happy, you know, for having them because they came to protect us because the rebels were

1 killing people and we were so happy when they came.

2 Q. And did you -- in addition to your houses did you share anything else with them?

3 A. Yes, we used to eat together and we used to do a lot of things together. We used to eat together.
4 We used to stay in the same house with them. We used to do everything in common.

5 Q. Did they help the people of the town in any other way?

6 A. Yes, they used to help us because if our children fell ill and we told them they would cure them, and
7 when we had problems we talked to them and they would help us in solving the problems.

8 Q. May I ask you, how did the soldiers dress? How were they dressed when they were living in xxxx?

9 A. They entered the town with government combat uniform and throughout the time that they left that
10 was the uniform that they had.

11 *(Pages 1 to 14 Gifty C. Harding)*

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2 BY MR. CARUSO:

3 Q. Did, sir, did there ever come a time when soldiers actually married with the people -- inter-married
4 with people in xxxx?

5 A. Yes, in fact, they married a lot of them.

6 Q. They began to live there and raise families?

7 A. Yes, they lived there with their families together with us.

8 Q. Now you mentioned the rebels, did the rebels ever come to xxxx?

9 A. No, they would come, they would hit and the soldiers would fight with them and they would return.

10 Q. So was there a specific name for the rebels, did they have a particular name that you know of?

11 A. Yes, they used to call them RUF.

12 Q. And the RUF then attacked xxxx on occasion and they were repelled by the soldiers; is that correct?

13 A. Yes, they used to attack and they attacked four times and the soldiers did not allow them at all so they
14 had to go back.

15 Q. Do you recall about when it was that the rebels attacked, what year?

16 A. Yes, I would remember. If I don't forget, around 1994 to '95.

17 Q. Were you living in the town when the rebels attacked?

18 A. Yes, I was there. I did not go anywhere.

19 Q. Did you yourself have soldiers living with you in your house?

20 A. Yes, I used to have three soldiers that were with me in the house.

21 Q. Now, during the times that the rebels attacked in 1994, did you ever see any part of those attacks
22 yourself?

23 A. Yes, I used to see what used to go on; we were at the junction.

24 Q. Tell us, if you would, please, describe what occurred that you saw during any one of those battles?

25 A. In the house, because the soldiers used to tell us when they are here and shootings from the bush,
26 "Just get inside the house and lie down," and we used to do that. But I was by the junction before the
27 headquarter, I would enter with people and ask them to get in and I would watch through the window
28 and I would see these soldier through the junction and around the bush. I would see the rebels, and
29 they would fire at the headquarter and I would see again the soldiers firing from the headquarter. And
30 I would look and see what used to go on. They also used to have combats and it's a little bit difficult
31 not to distinguish between them and the soldiers.

32 Q. Now, did there ever come a time when another group of fighters came to live in xxxx?

33 A. Yes, and they used to call them *Kamajors*. That is another group that came to xxxx.

34 Q. Do you recall approximately when that group came to xxxx?

35 A. I can remember a little because I have not been to school, I can remember 1996 when they came to
36 xxxx.

37 Q. Now, tell us, sir, who do you -- who were the *Kamajors*, sir?

- 1 A. The *Kamajors* were people that were brought to fight -- to help the soldiers to fight against the rebels.
2 They called them *Kamajors* and their way of dress is a little bit different from that of the soldiers.
- 3 Q. Tell us, how was it different? Describe how the *Kamajors* dressed.
- 4 A. The *Kamajors* way of dressing -- do you have one type of dress that is called *Ronko* which is country
5 clothes. And they have -- they have *cowries* that were attached to their dress and they used to have
6 some carvings on their bodies. And that's the difference between them and the soldiers.
- 7 Q. How did the *Kamajors* come to be in **xxxx**? Do you know why and how they got there?
- 8 A. Yes, we were sitting at one time and our Chief -- we'll get a message from our Chief, who is our **xxxx**
9 Chief, Chief Sam Hinga Norman, and they told us he wanted to bring this faction to help the soldiers
10 to fight against the rebels.
- 11 Q. Did you know Chief Sam Hinga Norman?
- 12 A. Yes, I know him, he used to be our **xxxx** Chief. I cannot forget him, I know him very well.
- 13 Q. Tell us, what is a **xxxx** Chief?
- 14 A. **xxxx** Chief -- when -- this is the person that was asked, you know, to take care of the chieftom after
15 the death of the **xxxx** chief, and he is the individual that is referred to as the **xxxx** Chief.
- 16 Q. So Sam Hinga Norman was your **xxxx xxxx** during that period of time?
- 17 A. Yes, he was our **xxxx** Chief at that time.
- 18 Q. Now, what is the duty of the **xxxx xxxx**, do you know?
- 19 A. I will not be able to tell you all, but all I know is that he is someone that has to carry on the duties of
20 the Paramount Chief -- the former Paramount Chief.
- 21 Q. Would those duties include -- include taking care of the well-being of the people of the town?
- 22 A. Certainly, yes, that's his job. No, he has to do --
- 23 MR. PRESIDENT:
- 24 I would like to remind the Prosecution not to take too much time on things which are obvious. I mean,
25 let us pass to more important issues.
- 26 MR. CARUSO:
- 27 Yes, Your Honour.
- 28 BY MR. CARUSO:
- 29 Q. Now, you say then that Sam Hinga Norman brought the *Kamajors* to **Xxxx**. Is that correct?
- 30 A. Yes, that's correct.
- 31 Q. How long -- I'm sorry, how long did the *Kamajors* stay in **Xxxx**?
- 32 A. I'll not be able to tell you the exact time that these people took in **Xxxx**.
- 33 Q. Did they live in **Xxxx** with the soldiers?
- 34 A. Yes, they were together with the soldiers and they would go out, fight rebels, come together. They
35 were together. They would play ball together.
- 36 Q. Now, do you know whether Sam Hinga Norman had any other job with the Government of Sierra
37 Leone at that time?

- 1 A. Yes, after some time we were in the village when they told us that Sam Hinga Norman has been given
2 another post which is Deputy Minister of Defence.
- 3 Q. Do you know who the CDF was, or the Civil Defence Forces?
- 4 A. Yes, they are the *Kamajors*.
- 5 Q. And Sam Hinga Norman was their leader?
- 6 A. Yes, certainly he was leader of the *Kamajors*.
- 7 JUDGE BOUTET:
8 Yes. Put on your mike, yes.
- 9 MR. JABBI:
10 I wish at this stage to object to that leading question from the Prosecutor and to lodge against
11 *(inaudible)*.
- 12 JUDGE BOUTET:
13 Objection sustained. Thank you.
- 14 BY MR. CARUSO:
15 Q. Now, sir, did there ever come a time when the *Kamajors* left *Xxxx*?
16 A. Certainly, yes.
17 Q. When was that?
18 A. I can only guess because I have not been to school. It was around 1997.
19 Q. Why did they leave, do you know?
20 A. From what we heard, they said it was because the soldiers had overturned President Kabbah, that's
21 why they left and went to their villages.
22 Q. Did the soldiers stay in *Xxxx* during that period of time?
23 A. Yes, it's only a day they were left with us.
24 Q. Sir, did there ever come a time when the *Kamajors* attacked *Xxxx*?
25 A. Certainly, yes. December 1997, the *Kamajors* started attacking *Xxxx* up to 1998.
26 Q. Had you lived in *Xxxx* during that period of time?
27 A. Certainly, yes, I went nowhere, I was there in *Xxxx*.
28 Q. And you were in *Xxxx* during the attacks?
29 A. Yes, I was there throughout the attacks.
30 Q. Were the *Kamajors* ever successful in taking over *Xxxx* during the attacks?
31 A. No, they were not able to take over the town during that time.
32 Q. Why was that?
33 A. Because the soldiers were much more powerful than they were.
34 Q. And they repelled the attacks?
35 A. Yes. Certainly they were not able to enter the town at all.
36 Q. Do you recall the last attack that the *Kamajors* made on *Xxxx*?
37 A. Certainly, yes, I can remember that.

1 Q. During the other attacks that the *Kamajors* made on *Xxxx*, did you ever see any of the fighting?

2 A. Yes, I used to see because I have told you earlier that my house was just by the junction. I used to
3 see what used to be the fire -- the soldiers at *Xxxx* Road fighting and I also saw the *Kamajors* firing at
4 the headquarter. In fact, I knew that it was the *Kamajors* and the soldiers that were fighting.

5 Q. How did you know it was the *Kamajors*? Tell us what the soldiers and *Kamajors* looked like at that
6 time.

7 A. The *Kamajors* and the soldiers are different. The *Kamajors*' uniform is different and the uniform that is
8 worn by the soldiers is different.

9 Q. Tell us how.

10 A. *Kamajors* wear *Roco*, with *cowries* and it's short sleeved. And the soldiers wear Khaki which is
11 government khaki which is called combats. We all know that. That's the difference.

12 Q. Did the *Kamajors* ever have any markings on their bodies?

13 MR. MARGAI:

14 Objection, My Lord.

15 JUDGE BOUTET:

16 Objection sustained.

17 MR. MARGAI:

18 As My Lord pleases.

19 MR. PRESIDENT:

20 In fact, this witness had made in his earlier testimony -- had said, you know, that they came with
21 *cowries* and they had marks on their skin so --

22 MR. CARUSO:

23 Thank you, Your Honour.

24 BY MR. CARUSO:

25 Q. Now, the last attack on *Xxxx*, you were there for that, were you not?

26 A. Yes, I was at *Xxxx* at that time. It was on February 13th on Friday, around half past one.

27 Q. How did you know that -- how did the attack begin?

28 A. On Friday I was sitting at my house prepared to go to wash. In fact, I had already washed and I was
29 prepared to go to the mosque and I was sitting at (*inaudible*) house and I saw a large crowd coming
30 from *Xxxx* Road -- coming -- we ran towards them and they fired two boys and they fired one in the
31 leg, and when we asked them what happened and they said it was *Kamajors* that fired them. And
32 they said that the *Kamajors* went and (*inaudible*) cassava and they met them, they halted them, they
33 did not stop and they said that they were a lot of them that were coming.

34 Q. When you say fired, what do you mean, shot them?

35 A. (*inaudible*). We saw the blood, you know, oozing from a soldier, and the other one from the leg, and
36 the one was limping, crying.

37 Q. Did you know either of these men?

- 1 A. I know the one who is Sidi Kabbah; the other one I don't know his name.
- 2 Q. What happened? After you saw these boys, what happened?
- 3 A. We left the soldiers coming asking them to know what happened. And the fellows started explaining
4 to them that it was the *Kamajors* that were coming and there are so many. And before they – they
5 made up -- you know, to counter-attack, there was a serious attack from the CDF.
- 6 Q. Did you see any of this?
- 7 A. Yes, I saw when these soldiers had gone, I saw -- the same place where I was hiding, I saw the
8 *Kamajors*, they were coming from that particular road, which is *Xxxx* Road, and when I turned I saw
9 soldiers.
- 10 Q. How long did the attack last?
- 11 A. I can say it lasted for 45 minutes or more. It did not take long.
- 12 Q. How did you know the attack was over?
- 13 A. Any attack that occurred it was the soldiers that would ask us, "Come out now, everything is over.
14 Now we've pushed them out."
- 15 Q. So on this last attack the soldiers repelled the *Kamajors*?
- 16 A. Yes, and they told them, they are not able to enter the town.
- 17 Q. When you came out of your house after the attack, what did you see?
- 18 A. They came to the headquarter and then they (*inaudible*) *Kamajors* lying down, dead ones.
- 19 Q. Were there any soldiers killed?
- 20 A. No, they did not kill any soldier.
- 21 Q. Any civilians killed?
- 22 A. No, they did not kill any civilian.
- 23 Q. What did you do after the attack?
- 24 A. I returned to my house having seen the dead -- the dead bodies, you know, and they made food for
25 us.
- 26 Q. After that, what occurred?
- 27 A. After leaving at four o'clock, the soldiers in my house, I said I'd seen some strange movement. My
28 mind started judging me, I said, "What's happened?" And I called somebody and said, "What's
29 happened?" And I said, "Yes, (*inaudible*) asked them (*inaudible*) each of them attacks a little bit
30 different. You see, initially if you attacked, you know, you would say, "Okay, get out and (*inaudible*),"
31 and the soldier told me that, "It's only you that I'm telling, our boss -- our boss – yes, our boss Johnny
32 Paul Koroma has been overthrown," they say by ECOMOG, "and ECOMOG has taken over
33 Freetown." And that all the soldiers that are in here should run away and we should meet at Mile 91
34 and go to Makeni. All of us are leaving today." It was heart rending and I decided, you know, to go to
35 the Chief and ask them, you know, asking them -- the Chief Imam. I met the Chief Imam, all of them
36 quiet and I asked them, "Pa, do you know what had happened?" And he said – he said, "Yes, we've
37 heard and all of us -- the commanders said their boss has called them and had asked them to all go to

- 1 Makeni. And now they said, well, they have called them and whosoever wishes should go with them
2 and that if the *Kamajors* meet us there they will kill us and you -- it's you that have to decide now." So
3 I returned to my house and found people packing their belongings.
- 4 Q. Did the soldiers in your house advise you to do anything, the soldiers that were living in your house?
- 5 A. Yes. No, they told us to join them and so they could convey us to Bo because there it would be
6 difficult for people to kill us.
- 7 Q. So what did you do in response to that advice?
- 8 A. Well, I told my children and my wife and my family and say, "Let's go together with these people."
- 9 Q. Did you go -- where -- did you go -- where were you going? Where did you intend to go?
- 10 A. Yes, I went to Bo.
- 11 Q. And where did you intend to stay when you got to Bo?
- 12 A. I decided to go to **Xxxx Xxxx** to my brother's house and stay there.
- 13 Q. How far is Bo from **Xxxx**?
- 14 A. **Xxxx -- Xxxx** miles from Bo to **Xxxx**.
- 15 Q. How did you get to Bo?
- 16 A. I walked from **Xxxx** to Bo with my children.
- 17 Q. Did the rest of your family accompany you?
- 18 A. Yes, yes, I did, I went with all of them, I left none behind.
- 19 Q. How long did it take you to get to **Xxxx** -- I'm sorry, to Bo, pardon me.
- 20 A. We left at **Xxxx** -- we left -- we left and arrived in Bo at **Xxxx** o'clock in the morning because I had
21 children.
- 22 Q. Now when you got to Bo, where did you go?
- 23 A. I went to my brother's house and I met him, he was also prepared, you know, to leave to go to
24 Makeni. And he told me that, "You've come, do you have any money for us to go to Makeni?" And he
25 said, "Okay, you stay at home."
- 26 Q. So your brother told you to stay at his house in Bo?
- 27 A. Yes, yes.
- 28 Q. And this brother, is he older or younger than you are?
- 29 A. Yes, he is the elder.
- 30 Q. What was going on in Bo when you arrived there that morning?
- 31 A. When I arrived there were so many *Kamajors*. After -- in fact, they had been searching every house,
32 they were asking whether there was anybody from **Xxxx**.
- 33 Q. These were *Kamajors*?
- 34 A. Yes, yes, they were *Kamajors*.
- 35 Q. How did you know that?
- 36 A. I know these people (*inaudible*) from my home, I used to see them, we used to be together. So
37 wherever they go I know them.

1 Q. Did any of the *Kamajors* come to your brother's house?

2 MR. WILLIAMS:

3 I object, Your Honour, leading this way. Your Honour, may the Prosecutor be admonished to stop – to
4 desist from asking him leading questions. He's been doing it since he started.

5 MR. CARUSO:

6 Your Honour, may I be heard?

7 MR. PRESIDENT:

8 Yes, please.

9 MR. CARUSO:

10 Your Honour, the fact of the matter is if a leading question is to suggest an answer, these questions
11 are so general that they couldn't possibly suggest any answer, and the fact of the matter is that this
12 witness has already testified that he is relatively unsophisticated. It seems to me that a little leeway
13 along these lines is not out of line. No one is suggesting any answers to him.

14 JUDGE BOUTET:

15 Carry on. Overruled.

16 MR. CARUSO:

17 Thank you, Your Honour.

18 BY MR. CARUSO:

19 Q. Did *Kamajors* ever come to the house where you were staying in Bo?

20 A. Certainly, yes. They went to the house and they met me. And they struck the house over and over
21 because we locked the house because we are afraid. Again, they banged the door and when I
22 opened there was one *Kamajors* called Harowan (*phonetic*), and when he saw me he said I was one
23 of the **Xxxx** people.

24 THE ENGLISH INTERPRETER:

25 He said, "I was – I was held." And, he said, "I was thrown to the ground, I was beaten and my
26 younger brother, same mother, same father, he came out when he heard me shouting, and when they
27 saw him they said, 'Junta,' and they held him and they attacked both of us and they took us to one
28 junction which is called **Xxxx** along **Xxxx**." (*phonetic*)

29 BY MR. CARUSO:

30 Q. Now, you mentioned a younger brother, this is not the brother who owned the house?

31 A. Not the same, because the owner of the house had gone. There was another one, the younger one.

32 Q. He likewise would stay with you in the house?

33 A. Yes, he was also staying with me in the house.

34 Q. All right. Now, tell us how long had you been in the house when the *Kamajors* came?

35 A. It was just two days, the third day they came.

36 Q. How many times had they come before?

37 A. The first -- the first time they did not know that he couldn't identify me. The second ones that went, he

1 says one was able to identify me and said that I was one of the people that came from Xxxx.

2 Q. Did you know that person?

3 A. Yes, if I see him right now I would be able to identify him.

4 Q. Did you know him as a *Kamajor*?

5 A. Yes, I know him very well, he's a *Kamajor*. Yes, yes, he was a *Kamajor* at that time.

6 Q. And tell us what occurred at that point when he identified you?

7 A. At that time when he identified me as somebody from Xxxx, they held me, they threw me to the
8 ground, they beat me and when I was shouting, my younger brother woke up and he came and he
9 peeped, they saw him and they said, "Oh, look at one Junta peeping." And they held him. They
10 brought him out and they threw him to the ground, and they tied him, and they said we should be
11 killed by Sikissi.

12 Q. How did they tie you?

13 A. They have one rope that's called FM, in fact, they tied me on the hand and in fact I still have the
14 marks, and they would take your hands right at the back, he say, and if they tie you and turn the stick
15 four, five minutes time, and even if you have not done anything they say, "You killed this individual,
16 you will answer."

17 MR. PRESIDENT:

18 Excuse me, excuse me.

19 MR. CARUSO:

20 Yes, sir.

21 MR. PRESIDENT:

22 He has referred to a mark that a rope, you know, was tied and there was a mark.

23

24 Mr. Walker. Mr. Walker.

25 MR. WALKER:

26 Your Honour.

27 MR. PRESIDENT:

28 Can you please verify? See if there is a mark where he says. Does the witness say there was a mark
29 left on his hand?

30 BY MR. CARUSO:

31 Q. Sir, did you say that you have marks left on your arm?

32 A. *(microphone not activated)*

33 Q. Just the mark on your arm from the rope.

34 MR. PRESIDENT:

35 Can you verify it – verify? Have you seen any marks there?

36 MR. WALKER:

37 Your Honour, there are what appears to be some very faint marks there, yes.

1 MR. PRESIDENT:

2 Faint marks?

3 MR. WALKER:

4 Faint marks.

5 MR. PRESIDENT:

6 Go head, Mr. Caruso.

7 MR. CARUSO:

8 Thank you, Your Honour.

9 BY MR. CARUSO:

10 Q. Now, sir, where did they take you after you were tied?

11 A. They took me along **Xxxx** which is to a place that is called **Xxxx** -Junction. They took me and my
12 brother.

13 Q. When you arrived at **Xxxx** Junction, what occurred?

14 A. That was the time when they tied me, took off my clothes, put it on my face, and they put fire in one
15 original plastic and they started dropping it on my eye.

16 Q. Explain how they did that to us once again, just explain to the Court precisely how that happened.

17 A. After tying me, I will take my clothes so that people see where the plastic – the fire plastic had been
18 dropping on my body. (*Witness shows body*). This is the place where the plastic that was ablaze was
19 put on my body.

20 JUDGE BOUTET:

21 For the record, the witness has removed his clothing, has shown his shoulders, at the back of his
22 shoulders.

23 BY MR. CARUSO:

24 Q. How long did this last, sir?

25 A. I was there for nearly 30 minutes, then they said, okay now they have done this to me. They say I'm
26 going to tell them now what is happening at Y Junction. My younger brother -- my younger brother
27 was put on the ground and he was lying and when I was crying --

28 MR. CARUSO:

29 May I approach him?

30 JUDGE BOUTET:

31 Go ahead.

32 MS. MONASEBIAN:

33 Your Honour --

34 JUDGE BOUTET:

35 Mr. Prosecutor.

36 MR. CARUSO:

37 Yes, sir.

1 JUDGE BOUTET:

2 We will break for a few minutes to allow your witness to regain his composure.

3 MR. CARUSO:

4 Yes, Your Honour.

5 JUDGE BOUTET:

6 Thank you.

7 MR. PRESIDENT:

8 The Court will rise for five to ten minutes.

9 *(Court recessed from 1148 to 1205H)*

10 MR. PRESIDENT:

11 The session resumes. Mr. Caruso, can you continue?

12 MR. CARUSO:

13 Yes, sir.

14 MR. PRESIDENT:

15 Please.

16 MR. JABBI:

17 My Lords, I wish to bring the attention of the Court to a trend that has started that we hope will be
18 avoided, that is to say, the Prosecution attempting to get in touch with the witness after the witness
19 has been sworn and is giving evidence. It happened --

20 MR. PRESIDENT:

21 After the witness?

22 MR. JABBI:

23 -- after the witness had been sworn and had started giving evidence. It happened just before the
24 break, the Prosecutor came over to the witness, and I am informed that during the break it also took
25 place again. I just want to bring your attention to it so that it is not repeated, My Lords.

26 MR. CARUSO:

27 Begging your pardon, Your Honour, may I be heard?

28 MR. PRESIDENT:

29 Yes, please.

30 MR. CARUSO:

31 As a matter of fact, it seems to me that when I approached the witness for the first time I --

32 JUDGE BOUTET:

33 Slowly, please.

34 MR. CARUSO:

35 I am sorry, I am forgetting myself for a minute, but I want this to be understood clearly. It seems to me
36 the first time that I approached the witness it was with this Court's permission. I did not utter a sound,
37 I simply handed him a handkerchief.

1 The second time, as I understand we are talking about, I am frankly not really aware of it, but I assure
2 you, this Court and these Defence counsel, that nothing improper occurred, that no words were
3 exchanged between the Prosecution and the witness, and that none will be subsequent to the time
4 that this witness has been sworn. You have my assurances on that, Your Honour.

5 JUDGE BOUTET:

6 Thank you, Mr. Prosecutor. Carry on.

7 MR. CARUSO:

8 Thank you.

9 BY MR. CARUSO:

10 Q. Now, sir, when we left -- when your testimony stopped, you told us that you had been taken to a place
11 in Bo, that you had been tied, and that you had been burnt, and your brother had been thrown on the
12 ground. Is that correct?

13 A. Yes, exactly that happened.

14 Q. Tell us, sir, what happened after that?

15 A. After the time -- after I was tied up I was taken to **Xxxx**, that was the time I was burnt at my back, and
16 my brother was their sauce on that day. My brother was to be cooked on that day. He was there, tied
17 up.

18 MR. JABBI:

19 Objection, My Lord. My Lord, I do not take notice of this sort of evidence that's been given to the
20 Prosecution, and it does not seem to be a passing phase, as it is being further probed by the
21 Prosecution. We have no notice of it at all, and we do not know how we would otherwise have
22 checked it.

23 JUDGE BOUTET:

24 I am not sure I understand the nature of your objection at this particular moment. May I ask you to
25 reiterate your objection?

26 MR. JABBI:

27 The objection, My Lord, is that the present spate of evidence being given in respect of --

28 JUDGE BOUTET:

29 Sorry, please carry on.

30 MR. JABBI:

31 That the present spate of evidence being given by the Prosecution has not been disclosed to us in the
32 interview statements that the witness has made before, and we have had no notice of this particular
33 piece of evidence being given, My Lord. We ought to have received that as disclosure.

34 JUDGE BOUTET:

35 Mr. Prosecutor, do you wish to comment?

36 THE ACCUSED NORMAN:

37 My Lord, I would wish to add that the witness is not giving evidence according to his statement.

1 JUDGE BOUTET:

2 Mr. Prosecutor.

3 MR. CARUSO:

4 Yes, sir, as to Mr. Norman's difficulties, that, of course, will be up to him to develop during the course
5 of cross-examination. As to my colleague's difficulties, we have turned over all the statements we
6 have of these witnesses to him, no one suggests for a moment that those statements, verbatim, recite
7 everything that a witness will testify to. That is impossible, of course. We have turned over the
8 statements we have; there are no others. That is what we were required to do, that is what we have
9 done.

10 MR. BOCKARIE:

11 Your Honour, what exactly we are trying to say is this: the interviews disclosed and the evidence
12 being adduced now seems to be at complete variance. That is our point. That is a bone of
13 contention, Your Honour.

14 MR. CARUSO:

15 Your Honour --

16 JUDGE THOMPSON:

17 Mr. Prosecutor, would you sit down. Learned counsel for the first Accused, stand-by, would you like
18 to formulate your objection in a much precise and concise way, because I am not clear whether the
19 objection is to the entire testimony or whether it is to parts of the testimony, and if it is to parts of the
20 testimony, which of these offending parts and what rule of evidence have they allegedly infringed? I
21 would like to hear a properly formulated objection and before I think the Prosecution should be given a
22 chance to reply. Thank you.

23 MR. JABBI:

24 Thank you, My Lord. My Lord, the objection is mainly to the piece of evidence relating to what
25 allegedly happened --

26 JUDGE THOMPSON:

27 Allegedly happened, yes?

28 MR. JABBI:

29 -- to the witness at **Xxxx**. That is -- that whole evidence about plastic -- burning plastic having been
30 used et cetera, et cetera, it's just that bit of evidence that we are objecting to.

31 JUDGE THOMPSON:

32 On the grounds that --

33 MR. JABBI:

34 Yes, My Lord. My Lord, on the ground that any statements that have been disclosed so far under
35 Rule 66 of the Rules of Procedure and Evidence --

36 JUDGE THOMPSON:

37 Yes.

1 MR. JABBI:

2 -- there is no reference whatsoever --

3 JUDGE THOMPSON:

4 Yes.

5 MR. JABBI:

6 -- to any such evidence being proposed to be lead.

7 JUDGE THOMPSON:

8 Being proffered by the Prosecution.

9 MR. JABBI:

10 As Your Lordship pleases.

11 JUDGE THOMPSON:

12 Yes.

13 MR. JABBI:

14 And this piece of evidence is being proffered as crucial, even judging by the amount of time the
15 Prosecution has spent on it so far.

16 JUDGE THOMPSON:

17 Yes.

18 MR. JABBI:

19 And, as I say, the statement of his evidence made earlier does not make any reference to it at all, not
20 even merely to the name or title of that episode, that particular episode.

21 JUDGE THOMPSON:

22 The witness's out of court statement?

23 MR. JABBI:

24 Yes, My Lord. And, My Lord, that is obviously contrary to Rule 66. Thank you, My Lord.

25 JUDGE THOMPSON:

26 In short, you are saying that this -- there is -- this particular piece of evidence --

27 MR. JABBI:

28 Yes, My Lord.

29 JUDGE THOMPSON:

30 -- is at variance with the statement made by the witness out of court --

31 MR. JABBI:

32 Yes, My Lord.

33 JUDGE THOMPSON:

34 -- which was disclosed in pursuance of Rule 66?

35 MR. JABBI:

36 Yes, My Lord.

37

1 JUDGE THOMPSON:

2 In fact, you are virtually saying that it is not at all in the witness statement?

3 MR. JABBI:

4 It is not there, and no notice of it has otherwise been given.

5 JUDGE THOMPSON:

6 And from the line of examination-in-chief it seems vital to the Prosecution's case.

7 MR. JABBI:

8 As they seem to be presenting it, My Lord.

9 JUDGE THOMPSON:

10 So your contention, if I get you rightly, is that there has been a violation on the part of the Prosecution
11 of their obligation under Rule 66?

12 MR. JABBI:

13 Yes, My Lord.

14 JUDGE THOMPSON:

15 Thank you.

16 MR. WILLIAMS:

17 My Lord, we wish to associate with the objections raised by my learned friend, and to also say that we
18 are also coming under Order 18 -- Rule 89(B), My Lord.

19 JUDGE THOMPSON:

20 Repeat that, please.

21 MR. WILLIAMS:

22 That we are associating with the objections raised by my learned friend, Dr. Jabbi.

23 JUDGE THOMPSON:

24 Yes.

25 MR. WILLIAMS:

26 And that we are also coming under order -- Rule 89(B) of the Rules of Procedure and Evidence of the
27 Court.

28 JUDGE THOMPSON:

29 Please read.

30 MR. WILLIAMS:

31 "In cases not otherwise provided for in this section, the Chamber shall apply rules of evidence which
32 will best favour a fair determination of the matter before it and are consonant with the spirit of the
33 Statute and the general principles of law."

34

35 We would wish to refer Your Lordships particularly to the provision in the Statute and provides that the
36 Accused persons be granted sufficient time to present their defence, My Lord.

37

1 This is coming as a surprise to us, we did not have time to investigate it, we did not have time to direct
2 our minds to it, and we would most respectfully request that all such evidence be struck off the
3 records, My Lord.

4 JUDGE THOMPSON:

5 Thank you. Mr. Prosecutor, please respond.

6 MR. CARUSO:

7 Absolutely, Your Honour. First of all, as far as I understand Rule 66, it requires that we turn over the
8 statements that we have. We have done precisely that. It does not require what the content of those
9 statements is, although I must say this one does suggest what is happening, what this witness is
10 testifying to. But assuming even for a moment -- I'm sorry, I'm sorry, Your Honour. Assuming for a
11 moment that these materials are not explicitly referred to, as many facts will not be, the witness's
12 testimony is not taken beforehand, his statement is. But assuming it were, it would be a proper matter
13 for cross-examination, it would not be a proper matter for exclusion. But I might point out that the
14 statements which you have copies of do discuss this incident, albeit that they might not be in the
15 detail that the defendant would like, they are still there. We have complied with the responsibilities
16 that we have pursuant to Rule 66. And I fail to see the validity of either of these arguments. We, of
17 course, could not agree more with the mandates of Rule 89. Beyond that, Your Honour, I fail to see
18 the validity of this objection.

19 JUDGE THOMPSON:

20 Thank you, Learned Counsel. A short response from the Defence. Mr. Norman.

21 THE ACCUSED NORMAN:

22 My Lord, if the Prosecution, of course, has evidence at its disposal to prove before Your Lordship
23 beyond reasonable doubt that the spots on the witness's body were caused by the days he said, and
24 by the people he mentioned, well, of course, he can. But he will have to produce evidence to prove
25 that (*words said in Krio – not interpreted*) as recorded in *Krio*, or it was not made by any other person
26 that he has not only come here now to show it because he has to seek sympathy. That is – for that to
27 buttress the objection – the reasons for the objections stated by the counsel for (*inaudible*).

28 JUDGE THOMPSON:

29 Thank you, Mr. Norman. Learned counsel who associated, would you like to give us a brief response
30 to the Prosecution's position?

31 MR. MARGAI:

32 As My Lords please. My Lords have stressed undoubtedly the necessity for a fair and expeditious
33 trial, fair to the Accused and fair to the Prosecution. Now, Your Lordships have a very wide latitude
34 under 89(C) to admit any evidence Your Lordships consider relevant. But then, in fairness to the
35 Accused whom we represent, would believe the Defence should be given adequate information and
36 notice in sufficient time for us to investigate and to determine the veracity of the allegations so as to
37 be in a better position to cross-examine when we get to that stage. I do not share the view that the

1 issue now raised should be addressed in cross-examination, it will be too late in the day. That is all I
2 wish to add.

3 JUDGE THOMPSON:

4 Thank you, in short your position is that some prejudice is likely.

5 MR. MARGAI:

6 As My Lord pleases.

7 JUDGE THOMPSON:

8 And the prejudice is that you have not had time to investigate the veracity or otherwise of these
9 allegations.

10 MR. MARGAI:

11 As My Lord pleases, and we do not wish to ask for time to adjourn this matter simply to go and
12 investigate.

13 JUDGE THOMPSON:

14 Thank you.

15 MR. MARGAI:

16 As My Lords please.

17 MR. PRESIDENT:

18 The Chamber will continue with the examination of this witness and we will revisit that issue in due
19 course.

20

21 But, Mr. Caruso, before you -- before you continue, let me ask a question -- put a question to learned
22 counsel for the Defence. Are you saying that, this being a criminal proceeding, everything that is said
23 by a witness in his oral testimony must conform to what is said in a statement during investigations?

24 MR. MARGAI:

25 No, My Lord, certainly not. We accept that statements are merely guidelines. But when it comes to
26 the materiality of the evidence, juxtaposing it alongside the charges, then, of course, the Defence
27 should be on full alert, red alert, to ensure that things which ought not to be put into evidence are put
28 there out of an abundance of caution.

29 MR. PRESIDENT:

30 Okay, I have taken note -- we have taken note of that.

31

32 Yes, Mr. Caruso, you can continue with the examination of the witness.

33 MR. CARUSO:

34 Yes, sir.

35 BY MR. CARUSO:

36 Q. Sir, again, you said that you had been taken to a certain place, that you had been tied, that your little
37 brother had been taken there and thrown on the ground. Tell us what occurred after that.

1 A. After I was taken to the junction at **Xxxx**, they tied me, after I was laid on the ground I was burnt, they
2 dropped the burning plastic on my back, they said they are going to slay my brother and they are
3 going to eat him today. They had taken him at the back of the hut, but I thought it was not going to
4 happen. After they went to the back of the hut, he's ordered to come with me at the back. I found two
5 corpses at the back and I cried realising it was not false and I realised my brother is going to die that
6 way and I saw my brother die. They laid him. They cut off his head. I've forgotten about the pains in
7 my back. I started crying. They knocked me on my head, I watched -- they cut my brother's throat,
8 yes, and they took off the head and they put it somewhere. And they told me to go, "Go and tell the
9 people this is what we've done to your brother. Now today he is going -- we are going to use him as
10 our sauce, we're going to cook him." By then I was just having my pants. In fact, all my body, you
11 know, was peeled, so I went to my house and I met my people and when they saw me they started
12 shouting and they asked, "Where is your brother?" And I said, "My brother's been killed." It was
13 terrible, everybody started shouting. In fact, I had almost forgotten about my pains and I just started
14 thinking about the way they killed my brother. I was worried about the way they killed my brother.
15 That is why, in fact, when I was talking and talking I started crying.

16 THE ENGLISH INTERPRETER:

17 He said, "When I started thinking about the way they killed my brother, you know, I always feel some
18 pain. And this is exactly what happened from my house to **Xxxx** at -- and when I came back."

19 BY MR. CARUSO:

20 Q. While your brother's throat was being cut who was there with you?

21 A. It was only two of us and all the rest were *Kamajors*. There was no extra person, with the exception
22 of two dead bodies which were not *Kamajors*, in fact, they had civilian dresses.

23 Q. Did you watch your brother's throat being cut?

24 A. Yes, yes, I tried to turn my face so that I could not see how they were slashing my brother's throat, but
25 they had to slap me, they forced me, you know. They used to bang me with the butt of the gun to
26 make me look at what was happening. So I had to look at how my brother was being killed and I
27 started shouting until he finished slashing my brother's throat.

28 Q. Now, after you arrived back to your home with your family, what did you do?

29 A. When I went home they asked me, "Where is your brother?" Of course, they saw me all in wounds
30 and I started crying, and I told them that in fact that my brother died and that they killed him, they
31 slashed his throat. So everybody started crying. And all the neighbours came, you see, and started
32 talking to us, encouraging us, and there was nothing to do. So we had to bear.

33 THE ENGLISH INTERPRETER:

34 He said, "And they started curing me," he said, "and when I came back to myself --"

35 BY MR. CARUSO:

36 Q. How long did you stay in Bo?

37 A. I was in Bo for one month and some days.

- 1 Q. What did you do then?
- 2 A. I was trying to cure myself. And anybody that was in **Xxxx** he would not make a mistake to go back to
- 3 **Xxxx** because there are so many *Kamajors* and if he went back to **Xxxx** they would kill you.
- 4 Q. So where -- what did you do? Did you stay in Bo?
- 5 A. All of us that came from **Xxxx** had to stay in Bo.
- 6 Q. How long did you stay in Bo?
- 7 A. We were in Bo for one month and some weeks.
- 8 Q. And following that one month and some weeks, where did you go?
- 9 A. After that we had an organisation what is called Jabonda (*phonetic*). He decided that they went to
- 10 **Xxxx** and met the commander, and they talked to them. They called the *Amarujas* (*phonetic*). The
- 11 *Amarujas* was one of the people who went to this meeting so as to allow those people from **Xxxx** to go
- 12 back, so as to stay back in **Xxxx**. They made that arrangement and they agreed, Jabonda chartered
- 13 the motor car and they started going to **Xxxx**. And when we went there we stayed.
- 14 Q. Sir, did anybody, while your brother was being killed or afterwards -- did the *Kamajors* ever tell you
- 15 why they didn't kill you?
- 16 A. Yes, they said well they did not kill me because they say I was like a messenger to go and explain to
- 17 me -- people -- to my people, you know, this is what happened because if they had killed me nobody
- 18 would have explained, you know, what had happened. That's why they released me so as to go and
- 19 tell the people at **Xxxx** what had become of my brother.
- 20 Q. Did you return to **Xxxx**?
- 21 A. Yes, I went to back **Xxxx** after Jabonda had given us a vehicle to go back.
- 22 Q. Did your family accompany you back to **Xxxx**?
- 23 A. Yes -- no, all of us went except the one that was killed.
- 24 Q. And when you returned to **Xxxx**, what did you see?
- 25 A. When I returned to **Xxxx** some people who went to Bo were not able to stay there because they had
- 26 problems of food, so they had to come back. When they had returned I found out that in fact almost
- 27 all the houses are burnt. In fact, all the people that came, they started asking, "Who -- who burnt this
- 28 place?" And they said it was the *Kamajors* that burnt and they said they had killed a lot of people
- 29 here, and they started working with us and they started showing us graves, and they said, "You are
- 30 here, you have *Limba* men that were buried." And they said in fact, "We are the ones who buried
- 31 them." So we started working with them and they showed us where they buried different people and
- 32 they returned to search with them.
- 33 Q. Were you told who burnt the houses?
- 34 A. Yes, they told us that it was the *Kamajors* and it was only they that were there. You know, in fact,
- 35 almost everybody had left the place; it was only they that were there. In fact, there are some civilians
- 36 who are trying to put out the houses which were burnt and in fact they gave testimony that it was the
- 37 *Kamajors* who had burnt these houses.

1 Q. And the people that had been killed, who were they, did you get any names?

2 A. Yes, I know the names of some of them. One is *Xxxx Xxxx*, *Limba* man; *Xxxx Xxxx*, who is another
3 *Limba* man. There is another one that is called Chief *Xxxx*, *Xxxx* (*phonetic*). There is another one
4 that is just a child who is the son of a *Limba* man, who is called *Xxxx*. Okay, these are the ones that I
5 know.

6 Q. Do you know how they were killed?

7 A. They told us that they chopped them and they put them into a hole and they asked us to go and bury
8 them, and those that were there saw them and told us.

9 MR. PRESIDENT:

10 Mr. Caruso, this witness did not witness the scene.

11 MR. CARUSO:

12 That is correct.

13 MR. PRESIDENT:

14 He did not witness the scene --

15 MR. CARUSO:

16 He did not --

17 MR. PRESIDENT:

18 -- of the killings and the chop-chopping and what have you.

19 MR. CARUSO:

20 That's correct, Your Honour.

21 MR. PRESIDENT:

22 It's purely hearsay evidence.

23 MR. CARUSO:

24 Yes, sir, it is.

25 MR. PRESIDENT:

26 Can you please redress yourself?

27 MR. CARUSO:

28 My understanding, Your Honour -- may I be heard?

29 MR. PRESIDENT:

30 Yes, please.

31 MR. CARUSO:

32 My understanding is under Rule 89(C) all relevant evidence --

33 MR. PRESIDENT:

34 No, no, no. We want -- this is a very serious matter. It is a very, very serious matter. You know, we
35 would not, you know, in admitting all relevant evidence, you know, violate certain fundamental
36 principles.

37 MR. CARUSO:

1 Yes, sir, but it's my understanding that hearsay evidence is admissible, admissible to the weight.

2 Now, if this Court, of course, wishes to --

3 MR. PRESIDENT:

4 We would like you to alter your line of examination in this regard and avoid getting him into a situation
5 where he may not, you know, have -- where he did not witness, you know, these scenes. They are
6 very, very serious allegations.

7 MR. CARUSO:

8 Quite so, sir, and that is precisely why I'm offering the evidence.

9 JUDGE THOMPSON:

10 In support of what the learned Presiding Judge is saying that I am sure that my own understanding of
11 all relevant evidence does not really mean all relevant evidence, admissible or inadmissible. At least
12 we operate a system which, of course, is probably a crystallisation of the common law and the civil
13 law systems, and I think we need to avoid in any way, leading evidence of an incriminating nature,
14 even though that is legitimate. That may well violate fundamental principles of fairness. And we do
15 not want you to say that because you have the latitude to lead all relevant evidence, therefore, basic
16 principles of fundamental fairness should not -- I think it is fair to say that we have some doubts as to
17 whether this witness should continue to give evidence of such dimension and of incriminating nature
18 when he did not witness any of these particular alleged incidents.

19 MR. CARUSO:

20 May I be heard further, Your Honour?

21 JUDGE THOMPSON:

22 Yes, thank you.

23 MR. CARUSO:

24 My understanding of the evidence before tribunals of this nature, based upon the nature of these
25 crimes, based upon the nature of the witness, based upon the nature of the testimony as it is given,
26 does allow for the admission of hearsay evidence in view of the widespread occurrences and the way
27 these matters occur typically under these circumstances. In many events, these individuals are not
28 seeing, but indeed there is relevance to what they have to say based upon what they have heard.
29 Now, that is not to say that this Court cannot consider and should not consider the weight of that
30 evidence versus its admissibility. It may well be that this Court can take into consideration -- and
31 there is certainly jurisprudence on this issue -- can take into consideration this evidence for what it is.
32 That is, a man relating, and quite openly so, that he didn't see it, he was told. This Court may take
33 that into consideration and certainly deliberate on it on that basis.

34

35 On the other hand, there are times when people are eye witnesses to these things, for instance,
36 where this testimony may be corroborative of what an eye witness says at a later time, and therefore,
37 this evidence is useful and that all I suggest to you is that under those circumstances if at a later date

1 it is found to be without use, then, of course, that is within your prerogative. If, on the other hand, it
2 has some probative value, then you will, I think, have been well served to have received it.

3 JUDGE THOMPSON:

4 But, of course, the question has always been to that -- I mean, the fundamental exception to the
5 hearsay Rule clearly is that you can still admit hearsay evidence in a sense that as long as it's not
6 been proffered in respect of the truth of the matters stated therein. But the question for us here is
7 whether, because as an international tribunal we enjoy this wide latitude, therefore, we are going to
8 say that our approach should not in any way respect certain rules that have developed over the years
9 in national systems to ensure the preservation of the doctrine of fundamental fairness. That is all I
10 need to say.

11 THE ACCUSED NORMAN:

12 My Lord --

13 MR. PRESIDENT:

14 Yes.

15 MR. JABBI:

16 I want to draw your attention to the fact that already the witness has testified for another witness and
17 this evidence in the statement before you is set. The reference to **Xxxx** -- **Xxxx Xxxx**, and so on is in
18 the testimony of another witness, and that witness is **Xxxx**, just to show proof that this witness has
19 been tuitioned to testify on issues that he has now stated in his own statement.

20 MR. PRESIDENT:

21 Mr. Caruso, you can continue with this testimony. We have drawn your attention, you know, to that
22 very salient point and we want you to take note of it. At this end you can continue with the
23 examination of this witness.

24 MR. CARUSO:

25 I have at this point, Your Honour, finished with that line of questioning and have taken note of what
26 you have said. I wish, however, in the future, to the extent that it is necessary that we can be heard at
27 greater length on this topic. I would only point out one further thing, if I might, in response to what
28 Mr. Norman had to say, he is quite right and that exactly demonstrates the point, this evidence is
29 corroborative of what another witness is going to testify to in person and therefore it may be of use to
30 you and to him. Thank you.

31 BY MR. CARUSO:

32 Q. Now, sir, you say you saw houses burnt?

33 A. Yes, I see them.

34 Q. How many?

35 A. One hundred and six houses that -- the ones that I checked. Those that he will dwell in, 106 houses.

36 Q. Now during the time the soldiers had lived in **Xxxx**, had they ever burnt houses?

37 A. No, they did not burn a single house until the time they left.

1 Q. Did the time during the soldiers -- during which the soldiers lived in **Xxxx**, had they ever killed anyone?

2 MR. WILLIAMS:

3 I take an objection, My Lord. I mean, this is completely irrelevant, My Lord. I mean, soldiers are not
4 on trial. It is irrelevant evidence, My Lord.

5 JUDGE BOUTET:

6 Yes, go ahead, Mr. Caruso.

7 MR. CARUSO:

8 You can't have it both ways, Your Honour. If in fact he can give evidence which leads to an obvious --

9 MR. PRESIDENT:

10 Go ahead, Mr. Caruso, the objection is overruled.

11 MR. CARUSO:

12 Thank you.

13 BY MR. CARUSO:

14 Q. Now, sir, after you returned to **Xxxx**, did you ever see Hinga Norman in **Xxxx**?

15 A. Yes, after we returned. Yes. He went there and went to Pujehun.

16 Q. Now, where did you see Mr. Norman in **Xxxx**?

17 A. When he was going to Pujehun -- I did not see him with my own eyes, but he left a message that he
18 was going to Pujehun.

19 Q. And did he ever come to **Xxxx**?

20 A. Yes, when he was going to Pujehun he said that everybody should be assembled in the *barray*
21 because he would have a meeting, he said, with the people. And that when he came from Pujehun
22 he would have a meeting with the people in **Xxxx**.

23 Q. Did this meeting take place?

24 A. Yes, it did.

25 Q. About how long after you had returned from **Xxxx** did this take place -- that you had returned from Bo,
26 I'm sorry. How long after you had returned from Bo did this meeting take place?

27 A. We returned on -- at the end of March and I say March, I think, because I cannot remember, because I
28 am not literate, but I would -- it was around the end of March that that meeting was held.

29 Q. In what year?

30 A. In 1998.

31 Q. Now, did you attend that meeting?

32 A. Yes, yes, I did.

33 Q. Was Mr. Norman there?

34 A. Yes, he was there because he summoned the meeting.

35 Q. And who else was at the meeting? Were there *Kamajors* there?

36 A. Yes, there were a lot of *Kamajors* and a lot of civilians.

37 MR. JABBI:

1 Objection, the Prosecutor has started leading the witness again in the questions he is asking. Was
2 the *Kamajor* there? Was this and that person there?

3 JUDGE BOUTET:

4 Your objection is noted and overruled. Carry on.

5 BY MR. CARUSO:

6 Q. Please answer the question.

7 A. *(No interpretation)*

8 Q. Sir, at the meeting at the *barray*, who was there?

9 A. We, the civilians, and Chief Sam Hinga Norman, with a lot of civilians. In fact, the *barray* was filled
10 with people.

11 Q. Were there any *Kamajors* there?

12 A. Yes, in fact, there were a lot of *Kamajors*.

13 Q. Now, I want you to think back on that meeting, who spoke at that meeting?

14 A. It was Chief Sam Hinga Norman that spoke during the meeting.

15 Q. And you were present at this meeting personally?

16 A. Yes, I was on the *barray*, in fact I was sitting on a khaki.

17 Q. I want you to think back and I want you to tell use now as precisely as you remember it, as best you
18 can remember it, what did Sam Hinga Norman say at that meeting?

19 A. When we arrived, Sam Hinga Norman addressed the *Kamajors*. He said, "Hey, *Kamajors*, I thank you
20 very much, but you people have not done my work which I told you to do. You have not done my
21 work at all. Fellows, what did I tell you to do? That inside *Xxxx* I only want three houses, only three
22 houses in *Xxxx* here. Oh, look at all these houses. I told you that I wanted the mosque, the *barray*
23 and one house where I would have to reside, but look at all this crowd that I am seeing here." He
24 said, "You people are afraid of killing. Why? The soldiers killed, nothing happened; *Kapras* killed,
25 nothing happened; rebels killed, nothing happened. Why are you afraid of killing? Why? Really,
26 you've not done my work, you've disappointed me." And when he said these words to a lot of people,
27 it was not only I that was there. In fact, he had over 200 *Kamajors* when he said his words. When he
28 said so, in fact, my hair stood on end. So they started firing. I came down and I went straight into my
29 house. I told my mum, I said, "Now trouble has come again," and she said, "What happened?" That
30 the speech that Hinga Norman made, made me to be afraid and I am sure that after the meeting
31 these people will start to kill us. And my mother said, "No matter." She said, "Believe in God, let's sit
32 down. No, we ran from here to Bo and we've come back and they killed your brother. And if God said
33 you are going to be killed here with your children, okay, so be it. Let's not go into the bush, it's too
34 late now." So I begged that night, in fact, most of us did not sleep in town; most of them went to the
35 bush. Now if he said anything besides that, I wouldn't understand because when he said that I went
36 straight away to the house, and these are the things that I heard when we were in the meeting. In
37 fact, a lot of people were there, it was not only I.

1 Q. Why were you afraid?

2 A. I was afraid because we are amongst *Kamajors* and there were so many they out-numbered us. So I
3 was supposed to be afraid. I thought that in fact after leaving the place they will start firing on us, that
4 is why I was afraid, that is why I left the *barray*.

5 Q. Did you ever see Mr. Norman again in *Xxxx* after that?

6 A. Yes, after that in around April he called another meeting. He said, "Oh, *Xxxx* people, bless God." He
7 said, "The *Kamajors* did not do what I told them to do." He said, "We should stop slaying people's
8 children. All this destruction that the *Kamajors* did," he says, "you have to – and they swore at me
9 because I asked them to do it. You know, stop blaming them. Stop blaming them, anything that the
10 *Kamajors* did here I commanded them to do it. In fact, this was the prayers of a lot of civilians." In
11 fact, that is the other meeting that he called. And when he said so, you know, I became afraid and he
12 came and even confessed that he was the one that sent these people to do so.

13 THE ENGLISH INTERPRETER:

14 He said, "So I ran and went to another place. So, in fact, I did not wait until the end of the meeting, I
15 left the place. So I went back to my house. And that was the time that I stopped seeing Sam Hinga
16 Norman."

17 BY MR. CARUSO:

18 Q. Sir, I would like you now -- how long have you known Sam Hinga Norman? How long have you
19 known Sam Hinga Norman?

20 A. I have known him for a long time. Since the time he was a *Xxxx* Chief in our chiefdom, he used to go
21 to *Xxxx*, we have been with him, I know him. I know him very well. But I cannot -- I cannot show the
22 time because -- over which I have known him. You know, all I know is that he was our *Xxxx* Chief and
23 he used to go there, be with us in the town. I know him very well.

24 Q. Would you recognise the man you know as Sam Hinga Norman if you saw him?

25 A. Definitely, yes, I would know him.

26 Q. If you would look around this room and tell me if you see Sam Hinga Norman in this room.

27 MR. JABBI:

28 Objection, My Lord. Your Honour, it would seem that the Prosecutor is leading to the identification of
29 the first Accused from the dock -- from the witness box in the courtroom. My Lord, this would not
30 seem to be proper.

31 MR. PRESIDENT:

32 Are you saying it would not seem to be proper or it is improper?

33 MR. JABBI:

34 It is improper.

35 MR. PRESIDENT:

36 For what reasons, please?

37 MR. JABBI:

1 Well, My Lord, the witness is not supposed to identify the Accused person at this stage whilst giving
2 evidence, My Lord.

3 JUDGE BOUTET:

4 Why is that?

5 MR. JABBI:

6 My Lord, this would be identification from the witness box by the witness of an Accused person.

7 JUDGE BOUTET:

8 I would think it goes to weight rather than admissibility.

9 MR. JABBI:

10 Well, My Lord, I would have thought it goes to admissibility.

11 JUDGE BOUTET:

12 Your objection is overruled. Thank you.

13 MR. JABBI:

14 As your Lordship pleases.

15 BY MR. CARUSO:

16 Q. Sir, would you look around this room now, carefully around this whole room, and tell me whether or
17 not -- tell this Court whether or not you see the man you know as Sam Hinga Norman?

18 A. Yes, I know him, he is our Chief, I will never ever forget him. There he is in a white cap. I'll not forget
19 him.

20 Q. What colour is whatever he is wearing?

21 A. He has a white hat and a white *rapel*.

22 Q. Thank you.

23 MR. CARUSO:

24 May the record reflect the fact that the witness has identified the first defendant -- the first Accused.

25 MR. PRESIDENT:

26 Yes, the record should reflect that fact. Go ahead.

27 MR. CARUSO:

28 I am sorry, with the exception --

29 MR. PRESIDENT:

30 We say the record should reflect that fact.

31 MR. CARUSO:

32 Thank you.

33 MR. PRESIDENT:

34 Yes.

35 MR. CARUSO:

36 With the exception of -- may I have one moment, please? May I have one second, please?

37 MR. PRESIDENT:

1 Yes, please.

2 MR. CARUSO:

3 Thank you. Sir, with the exception of one house keeping chore I am now finished with this witness.

4 JUDGE BOUTET:

5 What is the housekeeping?

6 MR. CARUSO:

7 Your Honour, we had one point. The witness removed his clothing or removed the upper part of his
8 clothing and demonstrated a situation on his shoulder. This Court made record of the fact that he
9 removed his clothing, but did not suggest what was seen on his shoulder. I am wondering if we could
10 have that reflected in the record.

11 JUDGE BOUTET:

12 Mr. Prosecutor --

13 MR. CARUSO:

14 Sir --

15 JUDGE BOUTET:

16 I did say at the time that the witness had removed his shirt and has shown his back, I did not say
17 anything in addition to that, but the Court observed, in other words saw, the white markings on the left
18 shoulder -- top of the left shoulder all across the back.

19 MR. CARUSO:

20 Yes.

21 JUDGE BOUTET:

22 Yes, Mr. Margai.

23 MR. MARGAI:

24 Thank you, My Lord. Your Lordship will recall that my learned friend, Mr. Jabbi, took an exception
25 with which we associated regarding the pouring of the burning liquid over his body and the Presiding
26 Judge assured us that that issue would be dealt with at a later stage. I just wanted to bring this back
27 to the attention of the Bench because what my learned friend is now talking about is co-related.

28 JUDGE BOUTET:

29 Yes, Mr. Margai, we have not yet disposed of this issue, we have taken it under advisement and I will
30 in due course deal with that issue.

31 MR. MARGAI:

32 I am obliged.

33 MR. PRESIDENT:

34 This is about break time. I would -- the session will be adjourned until 3:00 p.m., 1500 hours, for the
35 purposes of cross-examination of this witness -- for a continuation of the proceedings. So --

36 JUDGE BOUTET:

37 As the Learned Presiding Judge has just alluded to the cross-examination, I know in the pre-trial and

1 status conferences we had dealt with this issue asking the Defence counsel how you were intending
2 to proceed if there was any specific comments in this respect, and we had indicated at the time that
3 we would follow the normal sequence, starting with the first Accused and so on. Well, given the fact
4 that the Accused is self-represented at this stage and to give him a little bit more time, we would
5 prefer to ask you, Mr. Margai, to start cross-examination and have Mr. Norman, the first Accused, as
6 the last to do cross-examination of this particular witness.

7 MR. MARGAI:

8 Your Lordship has rightly, premonitiously, pre-empted me. That was the question I was going to ask
9 as to the order of cross-examination whether it was going to be sequential or, having regard to the
10 prevailing circumstances, whether the converse. I am grateful. Thank you.

11 JUDGE BOUTET:

12 Thank you.

13 MR. PRESIDENT:

14 Right, the Court will rise and we will resume at three o'clock. The Court rises.

15 *(Court recessed at 1307H)*

16 *(Pages 15 to 41 by Susan G. Humphries)*

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1 (Court resumed at 1500H)

2 MR. PRESIDENT:

3 This session resumes. And I don't know whether the Defence counsel have agreed on the order of
4 cross-examination. You were to start Mr. Margai.

5 MR. WILLIAMS:

6 Yada Williams, doing the cross-examination.

7 MR. PRESIDENT:

8 Right, okay. No, never mind the little gossip up here, you can go on. Please, go ahead.

9 MR. WILLIAMS:

10 Yes.

11 MR. PRESIDENT:

12 We are with you.

13 WITNESS TF2-198

14 CROSS-EXAMINATION

15 BY MR. WILLIAMS:

16 Q. Mr. Witness, when you said the *Kamajors* picked you up from your brother's house, you were tied up
17 immediately; is that correct?

18 A. Yes, it is correct. From there they tied me and took me to the junction.

19 Q. And then, could you tell the Court the distance between your brother's house and **Xxxxx** junction?
20 Oh! Let me ask you this. Where is your brother's house located?

21 A. You've asked me two questions now.

22 Q. Where is your brother's house located?

23 A. It's at the back of **Xxxxx**, near the **Xxxxx**.

24 Q. Does he have an address?

25 MR. CARUSO:

26 Your Honour, under the witness protection and your order that has been previously issued in this
27 case, I'm wondering if whether or not the address is a little specific in terms of identifying this witness
28 and members of his family.

29 MR. WILLIAMS:

30 My Lord, I will withdraw the question.

31 JUDGE BOUTET:

32 Thank you.

33 MR. WILLIAMS:

34 What is the distance between your brother's house and the **Xxxxx** junction?

35 A. It's a little bit far, I cannot tell precisely.

36 Q. From your brother's house to **Xxxxx** junction, how long did it take you on foot?

37 A. Hey, It was a fast journey because I was not myself when I was walking, so it's difficult for me to

1 calculate. It was a fast journey because it was difficult for me to estimate what it was. In fact, during
2 that time, I have been doubling my steps.

3 Q. Do answer my question, please. I know it was fast but I just want an indication.

4 A. I cannot tell you that -- I cannot tell you the distance because I didn't have a watch on me. I would not
5 tell you what the hour's is or the minutes are.

6 Q. Alright. On reaching ~~Xxxx~~ Junction you proceeded -- you spent some time at ~~Xxxx~~ junction before
7 you proceeded to ~~Xxxx~~ compound?

8 A. We did not go to ~~Xxxx~~ compound.

9 JUDGE BOUTET:

10 Allow the interpretation to be done; otherwise, we are going to be totally confused.

11 MR. WILLIAMS:

12 As Your Lordship pleases. May I proceed?

13 JUDGE BOUTET:

14 Yes, please.

15 BY MR. WILLIAMS:

16 Q. So your final destination was ~~Xxxx~~ junction, is that correct?

17 A. Yes, that is true.

18 Q. And then you were only tied up once?

19 A. Yes, I was tied once.

20 Q. Did you say -- when the Prosecutor was asking you questions, did you say you were tied up twice; did
21 you ever say that?

22 MR. CARUSO:

23 Objection, Your Honour. The testimony is what it is. This Court will remember what the record
24 reflects. Asking the witness what he said over again, I think is relatively improper.

25 JUDGE BOUTET:

26 Mr. Counsel?

27 MR. WILLIAMS:

28 Yes, My Lord. It is possibly clear to my learned friend but not to me, My Lord. I need some clarity, My
29 Lord.

30 JUDGE BOUTET:

31 Proceed.

32 THE WITNESS:

33 I did not tell him that they tied me twice.

34 BY MR. WILLIAMS:

35 Q. Could you tell the Court when was the first time you heard about the *Kamajors*? I mean, you
36 said you were ~~Xxxx~~ years old. Could you tell the Court when was the first time you heard about the
37 *Kamajors*?

- 1 A. I would not be able to tell the Court the exact time because I'm not literate, because I did not record it,
2 or to say that this is the time when the *Kamajors* came, when I would be able to remember the exact
3 time. All I know is that it's in 1996. The *Kamajors* came in **Xxxxx** in 1996.
- 4 Q. I'm just asking you for an exact date. I want you to be helpful to the Court, even an estimate would be
5 fine by me. Just give us a rough estimate as to when was the first time you heard about the *Kamajor*
6 movement?
- 7 A. That was in 1996 -- 1996.
- 8 Q. The first time?
- 9 A. Yes, that was it.
- 10 Q. Apart from the *Kamajors* that were fighting the rebels, you also know that there were the *Kapras*, the
11 *Tamaboros*, the *Gbethis* and so many other groups. Is that correct?
- 12 A. I only know about the *Tamaboros* because they went to us once. I don't know about the other
13 factions.
- 14 Q. Mr. Witness, I'm not asking you about what you saw, or am not limiting you to what you saw. You
15 know you are a Sierra Leonean, right? You know that there were other groups fighting the rebels.
16 Today is the first time you -- you -- have you ever heard the word *Kapras*?
- 17 A. Of course, yes, I have heard about them.
- 18 Q. What were they doing during the war time?
- 19 A. No, I cannot tell you.
- 20 Q. You stated in your testimony that there -- oh, I would gather from your testimony that there was a very
21 cordial relationship between the soldiers and the residents of **Xxxxx**; is that correct?
- 22 A. Yes.
- 23 Q. And that continued even after the government was overthrown in 1997? I mean, that cordial
24 relationship, did it continue after the government had been overthrown in 1997?
- 25 A. Yes.
- 26 Q. You mentioned your brother who you said was killed. He was a soldier?
- 27 A. No, he wasn't. He was a civilian just like me.
- 28 Q. And he too had lived in **Xxxxx** all throughout, since birth?
- 29 A. Yes, but he left there for some time and went to Freetown for some time.
- 30 Q. And then you mentioned that when you went back to **Xxxxx** after leaving Bo people explained certain
31 things to you. Is that correct?
- 32 A. Yes.
- 33 Q. Could you tell the Court the names of the people you spoke with when you returned?
- 34 A. One was **Xxxxx Xxxxx**, whom I met in town; two, **Xxxxx**. I also met him in town.
- 35 Q. So you only spoke with two people when you returned to **Xxxxx**; is that correct?
- 36 A. Yes, at that time.
- 37 Q. What is the sure name of Vandy? I want the complete name of **Xxxxx**.

- 1 A. No, I know **Xxxxx**. That is the only name that I know.
- 2 Q. Does he live in **Xxxxx**?
- 3 A. Yes, **Xxxxx Xxxxx** would be there and **Xxxxx** would also be there.
- 4 Q. You mentioned two meetings at the court *barray* at **Xxxxx**; the first took place in late March, and the
5 second in April, and you said you were present at both meetings. Is that correct?
- 6 A. Yes, that is correct.
- 7 Q. Could you -- would you say that you saw and heard all what transpired at that meeting?
- 8 A. I did not say that I heard all that was said in that meeting.
- 9 Q. The court *barray* still stands there; is that true?
- 10 A. Yes.
- 11 Q. You mentioned where you stood during the meetings. During the first meeting, where did you stand?
12 Where were you standing or seated?
- 13 A. Yes.
- 14 Q. Where were you standing during the first meeting?
- 15 A. I was sitting on a railing by the *barray*. That is to say, the cement that is put right round.
- 16 Q. So you were inside the *barray* and it is a very small *barray*?
- 17 A. Yes.
- 18 Q. I will go back to my original question. Would you say that you heard and saw all that transpired during
19 those two meetings?
- 20 A. All that Hinga Norman said in the meeting, I have told you everything.
- 21 Q. I'm not concerned about what Mr. Norman said. I'm asking you a specific question: You were at the
22 meeting from start to finish, correct?
- 23 A. I was not there up to the end.
- 24 Q. What about the second meeting?
- 25 A. Even during the second meeting, I said that I was not up to the end of the meeting during the second
26 meeting.
- 27 Q. During the limited time that you were present in those two meetings, you saw all and heard all what
28 transpired, during the limited time?
- 29 A. I had explained to you people that I was not up to the end. They said some words and it came to a
30 certain time when I felt I couldn't bear it any more, so I left.
- 31 Q. I mean, I'm restricting myself to what happened whilst you were there; what you saw and what you
32 heard whilst you were present. Nobody was obstructing your view during the meeting, is that correct?
33 I mean, there were a lot of people and you were inside the *barray* and it's a small *barray*. So you had
34 a clear view of what transpired?
- 35 A. Yes.
- 36 Q. You mentioned that there were three soldiers staying with you right up to the time the *Kamajors* took
37 over **Xxxxx**?

- 1 A. Yes.
- 2 Q. Could you tell the names of those soldiers?
- 3 A. Yes.
- 4 Q. Go ahead.
- 5 A. The one who is Kondo father, that's the name that we know him of. The one is Sergeant Alhagi, the
6 one is Fofana.
- 7 Q. And the relationship between the soldiers and the *Kamajors* was quite cordial whilst the *Kamajors*
8 were at **Xxxxx**; is that correct?
- 9 A. Yes, they lived happily. They were together, doing things together.
- 10 Q. And the relationship between the *Kamajors* and the residents of **Xxxx** was also very cordial right up to
11 the time they left?
- 12 A. Yes, they lived well together.
- 13 Q. Could you -- are you -- could you give an explanation for the sudden -- let me just -- let me rephrase it,
14 you would want the Court to believe that that relationship started after they left **Xxxxx**?
- 15 A. Yes, before they left **Xxxxx**, the relationship had already soured.
- 16 Q. And what about the relation between you, the residents, and the *Kamajors*, did that also deteriorate?
- 17 A. Well, definitely, yes, it deteriorated.
- 18 Q. Would you give an explanation for that?
- 19 A. Well, I knew that what led to the destruction of this relationship, when they went, they said that we
20 were the ones who allowed the soldiers to be in town up to that time.
- 21 Q. And then you mentioned that during the stay of the soldiers they never burnt down any house, nor did
22 they kill civilian; is that correct?
- 23 A. Yes, I did not see that with my eyes.
- 24 Q. During the occupation -- were houses destroyed during their occupation of **Xxxxx**, I mean, the
25 occupation of the soldiers?
- 26 A. No, there was a destruction when there was -- a fight erupted between the soldiers and the rebels.
- 27 Q. Could you tell the Court -- I mean, you said you were picked up from your brother's house. I mean,
28 and when you came to Bo, you knew that residents or former residents of **Xxxxx** were being hunted,
29 did you take any precautions?
- 30 A. During that time we were in the house and we didn't venture out.
- 31 Q. And then did you see other residents of **Xxxxx** at that time? Did you see or meet or talk with other
32 former residents of **Xxxxx** during your initial stay there?
- 33 A. In fact, there were a lot of them who were in the town.
- 34 Q. Where were they, the other people you are talking about?
- 35 A. They were at Shellmingo, by the highway.
- 36 Q. How did you know that?
- 37 A. I knew because a lot of them who came would ask each other and say, "Where were you, where have

1 you been," and they would explain to us where they were.

2 Q. You mentioned in your evidence that the CDF was the same as the *Kamajors*, do you know that other
3 groups constituted the CDF?

4 A. No, all I knew was that when they said the CDF, I knew that it was the *Kamajors*.

5 Q. So you don't -- you are telling this Court that you don't know that the *Kapras* were an element of the
6 CDF, is that what you are saying?

7 A. I wouldn't be able to tell because these people are not in our own part. I did not know their work.

8 Q. Apart from the *Mende* people at ~~XXXX~~, there are a lot of other tribes staying at ~~XXXX~~. Is that
9 correct?

10 A. Yes.

11 Q. And the *Temne* population, was it large at ~~XXXX~~?

12 A. No, they are not in the majority.

13 Q. What about the *Fula* population?

14 A. Yes, well the *Fula* were more in number than the *Temnes*.

15 Q. And these other tribes, they never formed any resistant movement to the rebels; is that what you are
16 saying?

17 A. No.

18 Q. They never formed any resistant movement?

19 A. No, not at all.

20 MR. WILLIAMS:

21 My Lord, I'd just ask for a minute to consult with my other colleagues.

22 MR. PRESIDENT:

23 Briefly.

24 BY MR. WILLIAMS:

25 Q. Mr. Witness, you said you -- on the first occasion --

26 JUDGE BOUTET:

27 Please, open your mike.

28 BY MR. WILLIAMS:

29 Q. You said during the first meeting something was said that frightened you; is that correct? Well, let me
30 ask you this, are you a very brave man -- are you a brave man?

31 A. What do you mean?

32 Q. Are you a brave man?

33 A. I do not understand that language.

34 MR. WILLIAMS:

35 I don't know whether I should express myself in *krio*. I don't know what is being said by the
36 interpreters.

37

1 MR. PRESIDENT:

2 Yes, sorry, you -- what do you want?

3 MR. WILLIAMS:

4 My Lord, he is seeking a definition of what brave means.

5 MR. PRESIDENT:

6 What, bereaved --

7 MR. WILLIAMS:

8 Brave.

9 MR. PRESIDENT:

10 Well, let the interpreters do their work. The interpreters are there to do their work.

11

12 Interpreters, would you please do your job? Brave, courageous, brave. Find the word, you know, in

13 *krio* and --

14 THE WITNESS:

15 Yes, I'm courageous, I'm brave.

16 MR. WILLIAMS:

17 My Lord, that would be all for this witness.

18 MR. PRESIDENT:

19 Thank you.

20 Yes, cross-examination by counsel for the second Accused.

21 WITNESS TF2-198

22 CROSS-EXAMINATION

23 BY MR. BOCKARIE

24 Q. Yes, sir. You told this Court that as far back as 1991 soldiers have been living in **Xxxxx**, isn't it?

25 A. Yes.

26 Q. Will you agree with me that as far back as 1991, **Xxxxx** was a headquarter of the **Xxxxx Xxxxx** of the

27 Sierra Leone Army.

28 A. Yes.

29 Q. So, soldiers didn't just live in **Xxxxx**, but it was a **Xxxxx** headquarter town?

30 A. Yes.

31 Q. Up to -- sorry -- you will agree with me that the position didn't change up to February 1998?

32 A. Yes.

33 Q. There are barracks in **Xxxxx** town?

34 A. No.

35 Q. So the soldiers were scattered in respective houses, isn't it?

36 A. Yes.

37 Q. Yes, sir. You will also agree with me that between 1991 and 1996 there were sporadic clashes

- 1 between soldiers in **Xxxx** and RUF in Xxx town, isn't it?
- 2 A. With rebels, yes.
- 3 Q. And casualties were being inflicted on both sides?
- 4 A. Yes.
- 5 Q. And a lot of houses were destroyed?
- 6 A. The destruction was not limited to the dislocation of houses that you wouldn't see any.
- 7 Q. What I mean, in the process of these clashes houses were destroyed, isn't it, yes or no?
- 8 A. Yes, they destroyed some houses.
- 9 Q. Thank you. Now we come back to 1998. Now, you said **Xxxx** was attacked on the 13th of
- 10 February 1998.
- 11 A. February.
- 12 Q. Yes, 1998?
- 13 A. Yes.
- 14 Q During the course of the attack the road towards -- from **Xxxx** to **Xxxx** direction, who were in
- 15 control? Was it controlled by the *Kamajor*? The road from **Xxxx** towards **Xxxx** direction, which we
- 16 referred to as the eastward direction; was it controlled by the *Kamajor*?
- 17 A. At that time halfway through was controlled by soldiers and the other part was controlled by *Kamajors*.
- 18 Q. Which part was controlled by the *Kamajors*? I mean, the one going towards **Xxxx** direction?
- 19 A. **Xxxx** road, by the soldiers
- 20 Q. **Xxxx** road was controlled by who?
- 21 A. The town was controlled by soldiers.
- 22 Q. Thank you. You said on this day there was mass exodus of people from **Xxxx** going towards **Xxxx**
- 23 direction. I'm I correct?
- 24 A. Yes.
- 25 Q. Fine. And the bulk of the people went towards Bendu direction to Bo? That is the northward
- 26 direction, according to your testimony. **Xxxx**, **Xxxx Xxxx**, then to **Xxxx**
- 27 A. Yes.
- 28 Q. You took that route, didn't you?
- 29 A. Yes.
- 30 Q. You would agree with me that that particular route was left wide open?
- 31 A. At all.
- 32 Q. What do you say?
- 33 A. Nobody was scared when we were travelling on that road because there were soldiers behind them.
- 34 Q. So there was no clash along the road going to **Xxxx**, **Xxxx Xxxx**, right on to **Xxxx**, there was no
- 35 clash?
- 36 A. At all, on that particular Friday.
- 37 Q. Now, did people go to **Xxxx** direction, in the eastward direction?

- 1 A. I can't tell.
- 2 Q. Can you also tell whether people went towards the westward direction, **Xxxx** direction?
- 3 A. I only know about the route that I took with the crowd. That is what I know about.
- 4 Q. But you would agree with me that the bulk of the residents of **Xxxx** went towards that direction?
- 5 A. Yes, by Bo road.
- 6 Q. Thank you. Now you gave your occupation as a watch repairer, and as a watch repairer you usually
7 sit at a very strategic place in any town to profess your trade; am I not correct?
- 8 A. Yes.
- 9 Q. And also -- so will you agree with me that you sit right in the junction of **Xxxx**?
- 10 A. Yes.
- 11 Q. Now, you said the *Kamajors* came and attacked **Xxxx**. The *Kamajors* were heavily armed with RPGs;
12 am I correct?
- 13 A. Yes.
- 14 Q. And also they also had in their possession, you know, the gun they call GPMG, General Purpose
15 Machine Gun with a heavy sound? I know you were quite familiar with gun sounds, aren't we?
- 16 A. All the type of weapons carried by soldiers, they also had.
- 17 Q. *Kamajors* were armed with GPMG, General Purpose Machine Gun?
- 18 A. Yes.
- 19 Q. And they also had in their possession 60 millimetre mortars?
- 20 A. I don't know what they call 60 millimetre mortars, I only know what the soldiers had.
- 21 Q. Have you heard of mortar which is like a bomb?
- 22 A. Yes.
- 23 Q. Whereas you were professing your trade, I mean, you must be very familiar with these weapons at
24 that junction in **Xxxx**. I know **Xxxx** very well. Sorry sir, my apologies, sir. Now, also you will agree
25 with me that they had mortar, a bomb?
- 26 A. Yes, they had them.
- 27 Q. Now, during this attack they used all these weapons in **Xxxx**, didn't they, the *Kamajors*?
- 28 A. Yes.
- 29 Q. And at that time the soldiers too responded from their respective locations?
- 30 A. Yes, but --
- 31 Q. What is the "but"?
- 32 A. The soldiers were using theirs differently.
- 33 Q. How different? They were fighting for their dear lives and they responded appropriately, didn't they?
- 34 MR. CARUSO:
- 35 Your Honour, I am sorry, but perhaps we could ask a question rather than argue with the witness.
- 36 MR. BOCKARIE:
- 37 My apology, sir.

1 BY MR. BOCKARIE:

2 Q. Mr. Witness, according to your testimony, the *Kamajors* were well armed?

3 A. Yes.

4 Q. And when attacked -- when they attacked the soldiers, the soldiers responded appropriately?

5 A. Yes.

6 Q. Thank you. Now, you said you walked from ~~XXXX~~ and came to ~~XXXX~~. Did you use the main
7 highway from ~~XXXX~~, ~~XXXX~~ -- ~~XXXX XXXX~~, ~~XXXX~~ (*phonetic*) on to ~~XXXX~~, or did you take any
8 bush path?

9 A. I travelled through the highway.

10 Q. You said you eventually got to Bo at 6 o'clock in the morning.

11 A. Yes.

12 Q. And you said when you got to Bo you saw so many *Kamajors* in Bo, isn't it? Upon your arrival in Bo,
13 you saw so many *Kamajors* in Bo, isn't it?

14 A. Yes.

15 Q. So to be precise, that was on the 14th, the morning of the 14th of February?

16 A. Yes, that's it.

17 Q. Now, do you know Bo quite well? Are you quite familiar with Bo?

18 A. No, I don't understand Bo much. The only thing is that I know where my people stay. I don't
19 understand the entire -- I only know where my people stay

20 Q. You spent all your life in ~~XXXX~~ and you are a trader?

21 A. Yes.

22 Q. And you buy your things from Bo to ~~XXXX~~?

23 A. Yes.

24 Q. Thank you. You said you stayed at ~~XXXX XXXX~~ at the back of ~~XXXX~~?

25 A. Yes.

26 Q. Whose compound is this?

27 A. It's own by one woman.

28 JUDGE BOUTET:

29 Could you shut off your mike, please.

30 MR. BOCKARIE:

31 I'm sorry.

32 MR. CARUSO:

33 I'm sorry, Your Honour, but I thought we were going to avoid the actual locations that would give away
34 the addresses of witnesses or parts of their family as being unnecessary.

35 JUDGE BOUTET:

36 I understood your objection to have been at a time when he was asking -- was being asked house
37 address. The question of behind the church was already out and you never objected to it. It is the

1 subsequent question you objected to.

2 MR. CARUSO:

3 Well, I'm objecting, Your Honour, to any pinpointing of anything that might, in fact, give away the
4 identity of this witness or his family.

5 JUDGE BOUTET:

6 Mr. Defence.

7 MR. BOCKARIE:

8 Yes, My Lord. Inasmuch as I'm prepared to concede, but, My Lord, as earlier on stated by my
9 colleague, probably this is going to be a lead for further investigation as to what he has already
10 adduced in evidence in chief.

11 JUDGE BOUTET:

12 But you would appreciate that this is a sensitive area, identities of witnesses. We just urge you to be
13 cautious with that.

14 MR. BOCKARIE:

15 Thank you. I do, Your Honour.

16 BY MR. BOCKARIE:

17 Q. Now, did you travel with your brother from **Xxxxx** to Bo, or you met him in Bo?

18 A. We moved together from **Xxxxx** but he met me in Bo. We moved from the house together, but he
19 met me in Bo

20 Q. At what time did he meet you in Bo?

21 A. After one day, the second day he met me at the house and he told me he was at Shellmingo but
22 because of their threat, that's why he moved.

23 Q. So he was at Shellmingo and later on met you in Bo -- met you what you say, **Xxxxx Xxxxx**?

24 A. Yes, **Xxxxx Xxxxx**, yes.

25 Q. You said you were caught and taken to **Xxxxx** junction. At the time you were caught did they tell you
26 where you were being taken? You said you were caught from your residence and taken to **Xxxxx**
27 junction, at the time of your -- at the time when they took you, did they tell you where you were being
28 taken?

29 A. No, they didn't tell me where they were taking me.

30 Q. And your brother was around, was he?

31 A. He was with us all the time; they were taking the two of us.

32 Q. I beg your pardon?

33 A. They were taking me and my brother together.

34 Q. Now, so many residents from **Xxxxx** fled and came to Bo on the 13th, am I correct?

35 A. Yes.

36 Q. And you were the only one singled out when in Bo, isn't it?

37 A. Come again?

- 1 Q. Of the residents of **Xxxxx** who fled and came to Bo, you and your brother were the only ones singled
2 out whilst in Bo and allegedly tortured and killed, according to you?
- 3 A. They beat so many people up. According to the people whom we saw, their explanations, according
4 to them they said, "Yours was easy, but what they did to us, yours is better."
- 5 Q. Did other people live in Bo during this time, beside people from **Xxxxx**?
- 6 A. Come again?
- 7 Q. Did you realise the fact that other people lived in Bo during this time other than people who fled from
8 **Xxxxx**?
- 9 A. Yes, many of them.
- 10 Q. So just know that people know exactly what happened in Bo, so say the truth.
- 11 MR. CARUSO:
12 Objection, Your Honour. May we have you instruct the witnesses rather than counsel.
- 13 THE WITNESS:
14 Yes, I'm saying the truth.
- 15 JUDGE BOUTET:
16 Objection sustained.
- 17 MR. CARUSO:
18 Thank you, Your Honour.
- 19 BY.MR. BOCKARIE:
20 Q. Now, you say you came to **Xxxxx** -junction, were civilians around when you were taken to **Xxxxx** -
21 junction?
- 22 THE INTERPRETER:
23 He is asking for a repetition.
- 24 BY MR. BOCKARIE:
25 Q. You said you were taken to **Xxxxx** -junction, were civilians around when you were taken to **Xxxxx** -
26 junction?
- 27 A. At that time you will not find any civilian outside. Around that area you would see nobody except
28 *Kamajors*.
- 29 Q. But you will agree with me that **Xxxxx** -junction is a densely populated area in Bo?
- 30 A. Yes, but at that time everybody was in hiding.
- 31 Q. I was in hiding too, probably.
- 32 MR. BOCKARIE:
33 Anyway -- sorry, sir.
- 34 JUDGE BOUTET:
35 Please refrain from comments of that nature.
- 36 MR. PRESIDENT:
37 Please refrain from making comments.

1 MR. BOCKARIE:

2 I will. I will, My Lord.

3

4 MR. PRESIDENT:

5 Oh, yes, if you're opting to give evidence you better remove your robe and take the right position.

6 MR. BOCKARIE:

7 Yes, yes, yes. I must apologise.

8 BY MR. BOCKARIE:

9 Q. You mentioned the name of one **Xxxxx**. Do you know **Xxxxx**?

10 A. Yes, **Xxxxx**, I know him. If I see him now I can identify him. Yes, and he would tell me this is
11 somebody from **Xxxxx**.

12 Q. You said you saw him in Bo?

13 A. Yes.

14 Q. I am putting it to you that **Xxxxx** was not in Bo at all?

15 MR. CARUSO:

16 Your Honour, I am sorry, but if he is going to testify perhaps he should be put under oath and let him
17 do it, but this is going far –

18 MR. PRESIDENT:

19 No, he is putting it to him -- he is putting it to him. Let him answer the question, please.

20 BY MR. BOCKARIE:

21 Q. I am putting it to you that during this time **Xxxxx** was not in Bo?

22 A. Yes, at this time **Xxxxx** was not in Bo, at that particular time. At that time he was a *Kamajor*.

23 Q. What I mean, at the time of the incident, **Xxxxx** was not in Bo, yes or no?

24 A. I would tell you that there are some other people who would testify that **Xxxxx** was in Bo at that time.

25 Q. Now, you said you stayed in Bo for over one month?

26 A. Yes.

27 Q. Can you tell us whether you stayed in Bo for six weeks, seven weeks, eight weeks?

28 A. Probably it would be like about six weeks.

29 Q. Now, this meeting in **Xxxxx**, was it early March, mid-March or thereafter?

30 A. I only know that it took place in March but I can't tell you whether it was early march. I don't have any
31 calendar and I don't have any way of registering it. All I know is that it happened in March.

32 MR. BOCKARIE:

33 My Lord, just a minute.

34 MR. PRESIDENT:

35 Take your time.

36 BY MR. BOCKARIE:

37 Q. And, also, can you tell whether the meeting held in March was on a Monday, Tuesday, Wednesday,

1 Thursday, Friday or Saturday? You cannot even tell the day?

2 A. No, I can't tell the day. I only know that it took place around 8 o' clock, but for the date I can't tell you
3 the date exactly.

4 Q. Can you recall whether it was a Monday, a Tuesday, a Wednesday, a Thursday?

5 A. No, I can't remember the day, I didn't record that.

6 MR. BOCKARIE:

7 That would be all for him, My Lord.

8 JUDGE BOUTET:

9 Mr. Norman.

10 THE ACCUSED NORMAN:

11 My Lord, I want some assistance from the Bench whether or not I should go question, or singly
12 question the witness. Can I do it together with my stand-by?

13 JUDGE BOUTET:

14 Absolutely.

15 MR. PRESIDENT:

16 Absolutely, you can. Go ahead.

17 THE ACCUSED NORMAN:

18 Thank you, My Lord.

19 MR. PRESIDENT:

20 When you know you have to stop, you stop and they will carry on from there.

21 THE ACCUSED NORMAN:

22 Thank you, My Lord.

23 MR. PRESIDENT:

24 Go ahead.

25 WITNESS TF2-198

26 CROSS-EXAMINATION

27 BY THE ACCUSED NORMAN:

28 Q. I'm sorry **Xxxxx Xxxxx**. By calling you **Xxxxx Xxxxx**, I'm not disclosing your identity. That is the
29 common name we used to call ourselves in **Xxxxx**, you and myself, not so?

30 A. No, if you say so, I have no objection.

31 Q. That is not what I am saying, I am saying that you and myself know each other very well.

32 A. Yes.

33 Q. Do you really like me or do you dislike me?

34 A. I like you.

35 Q. Thank you. Can you tell this Court whether I did bad to you or to the people of **Xxxxx** during the
36 course of the war?

37 JUDGE BOUTET:

1 Mr. Norman, there appears to be a problem with his own mike. That is not the first time.

2 MR. PRESIDENT:

3 Wait, wait, wait, Mr. Norman, just hold on.

4 MR. CARUSO:

5 I'm sorry, I don't mean to interrupt but the difficulty is, I -- we are not getting the translation from *krio*.

6 If Mr. Norman is going to question in English, that's fine. We can't understand when he questioned in
7 *krio*.

8 MR. PRESIDENT:

9 Mr. Norman, please, could you make an effort to question in English because we have translation --
10 can you make an effort, you know, to question the witness in English instead of *krio* so that you can
11 be translated, you know, to other --

12 THE ACCUSED NORMAN:

13 Thank you, My Lord.

14 MR. PRESIDENT:

15 -- other parties, please.

16 THE ACCUSED NORMAN:

17 I will.

18 BY THE ACCUSED NORMAN:

19 Q. I really want to sympathise with you when I saw you crying over there. I know you were expressing
20 some feeling for the brother that you lost.

21 MR. CARUSO:

22 Your Honour, I'm sorry but may we have questions as opposed to statements.

23 MR. PRESIDENT:

24 Of course, Mr. Norman is entitled, you know, to put in questions. He is cross-examining, you know.

25 Mr. Norman, please, go on.

26 THE ACCUSED NORMAN:

27 Thanks, Your Lordship.

28 BY THE ACCUSED NORMAN:

29 Q. I said -- I was saying I sympathise with you for the brother that you lost. But you realise that what
30 was happening in this country was war. So there was nothing personal but --

31 MR. PRESIDENT:

32 Mr. Norman, you are not addressing. Please ask questions and wait for replies to those questions,
33 please.

34 THE ACCUSED NORMAN:

35 Q. So there was nothing personal in what ever was happening but it was happening because of war.

36 MR. CARUSO:

37 Your Honour, I'm sorry. The same objection: These are not questions, they are speeches.

1 JUDGE BOUTET:

2 Objection is sustained on that.

3 Mr. Norman, you have to ask if at all possible, short questions so the witness can answer to you. I
4 know it is difficult but try to ask short questions. Allow the witness to answer and then you can follow
5 up with other questions. Thank you, Mr. Norman.

6 THE ACCUSED NORMAN:

7 Thank you, Your Honour. I will learn.

8 MR. PRESIDENT:

9 That is why we gave you stand-by counsel. Mr. Norman -- Mr. Norman.

10 THE ACCUSED NORMAN:

11 I'm sorry Your Lordship, I --

12 MR. PRESIDENT:

13 Okay, alright.

14 BY THE ACCUSED NORMAN:

15 Q. You were in **Xxxxx** and what is being investigated now was because of war. What is your answer to
16 that?

17 A. Yes, I was in **Xxxxx**.

18 Q. Before the war, during the war, and after the war, how many times did I go **Xxxxx**?

19 A. I can't answer double questions; just ask me one at a time.

20 Q. Before the war, how many times did I go to **Xxxxx**?

21 A. Many times, I didn't count them. You were chief and you did come often but I didn't count them.

22 Q. During the war how many times did I go to **Xxxxx**?

23 A. I can't remember. You were visiting there, your soldiers were there and you were always visiting
24 there.

25 Q. After the war, how many times did I go to **Xxxxx**?

26 A. I only saw you in **Xxxxx** during those two meetings.

27 Q. So if anybody says that I went to **Xxxxx** more than that time, then that person would be telling true or
28 lie?

29 MR. CARUSO:

30 Your Honours, the fact of the matter is this witness is not in a position to tell whether someone is lying
31 or telling the truth.

32 THE WITNESS:

33 I wouldn't say it's a lie or truth. All that I saw is what I spoke about.

34 BY THE ACCUSED NORMAN:

35 Q. You said 106 houses were burnt in **Xxxxx**?

36 A. Yes, those that I counted myself.

37 Q. Is that your answer?

1 A. Yes, that's my answer.

2 Q. The time you know me when I was chief in **Xxxxx**, was there a commander?

3 A. No.

4 Q. Thank you. Well, who was in **Xxxxx** as commander?

5 A. What type of command?

6 Q. Commander of the *Kamajors* that you saw there?

7 A. When the *Kamajors* came there, the person who I knew as commander was Joe Tamidey. Joe
8 Tamedey was the commander whom I knew at that time.

9 Q. Now you said you lived in **Xxxxx** all your life?

10 A. Yes, except that I used to go out once or twice or three times and come back.

11 Q. And you are **Xxxxx** years old?

12 A. I am **Xxxxx** years old.

13 Q. The *Kamajors* you saw in **Xxxxx**, were they strangers or were they people of **Xxxxx**?

14 A. It was a mix. Most of them were from **Xxxxx** and others were strangers.

15 Q. And the *Kamajors* were also people of **Xxxxx**?

16 A. Some of them from **Xxxxx**, some of them from inside the chiefdom and some of them from outside.

17 Q. Thank you. So if they burnt houses, they burnt their own houses in **Xxxxx**?

18 A. Some of them burnt their own houses.

19 THE ACCUSED NORMAN:

20 I would stop here, My Lord, and I will ask the stand-by -- my stand-by lawyers to take over from this
21 stage.

22 MR. PRESIDENT:

23 Thank you.

24 JUDGE BOUTET:

25 Thank you.

26 MR. YILLAH:

27 May it please Your Honours, I appear as stand-by counsel for Mr. Norman. I thank the witness very
28 much for taking the pain to come to testify to this Court.

29 WITNESS TF2-198

30 CROSS-EXAMINATION

31 BY MR. YILLAH

32 Q. You said in your evidence in chief -- you spoke about the periods 1991 to 1996 and the 199 --

33 JUDGE BOUTET:

34 Mr. Counsel, just before -- we would just like to clarify the situation because -- yes, you are entitled
35 because the -- Mr. Norman is entitled to cross-examination, but I'm not sure that the intent here is to
36 have him, Mr. Norman and some other counsel to cross-examine because whenever, you see, at the
37 end of the day, Mr. Norman can ask for advise; he can ask you to do the cross-examination instead.

1 But to have a combination of (*inaudible*), that is not what we had in mind.

2

3 So if you do -- we will let you go just for now, but we are just warning you that it would be limited in
4 scope because that is not the intent. The intent is, as you know, Mr. Norman has asked for self-
5 representation. He is entitled to it under certain conditions. You are there to assist him but as you've
6 seen today, he has already exercised his right of cross-examination. So, thank you.

7 MR. YILLAH:

8 I shall take the cue from the Bench, My Lord.

9 MR. PRESIDENT:

10 Yes, since you've been asked to go ahead, we are letting you, you know. Just -- just go ahead.

11 MR. YILLAH:

12 I shall take the cue from the Bench, My Lord. My Lord, I have very few questions for the witness.

13 JUDGE BOUTET:

14 Very well, go ahead.

15 BY MR. YILLAH:

16 Q. Now, in your evidence in chief, you spoke about the periods 1991 to 1996 and then 1997 to 1998.

17 Was there a state of war in Sierra Leone during those periods, yes or no?

18 MR. CARUSO:

19 Objection, Your Honour. I think that's a question which calls for a legal conclusion.

20 JUDGE BOUTET:

21 It's -- because you've asked question like "state of war." I mean, it's a --

22 MR. YILLAH:

23 I shall rephrase the question, My Lord.

24 BY MR. YILLAH:

25 Q. Was there war raging in Sierra Leone --

26 JUDGE BOUTE:

27 That's fine.

28 BY MR. YILLAH:

29 -- during those periods?

30 JUDGE THOMPSON:

31 Learned counsel, I think I would like to intervene at this stage. The doctrine that this Court is operating
32 on is the doctrine of equality of arms. The interests of the Prosecution are also important here. It
33 would seem to me that the proper way to proceed is that if the first Accused has already covered
34 certain grounds, in your own cross-examination, you shouldn't go over grounds already covered. I
35 don't think the records would be tidy and I don't think it would be consistent with the doctrine of
36 equality of arms. You should now cover grounds that have not already been covered by the first
37 Accused.

1 MR. YILLAH:

2 I shall take the cue from the Bench, My Lord. My Lord, that issue was not covered. That's why I put
3 the question to the witness, My Lord.

4 BY MR. YILLAH:

5 Q. So during those periods was there war raging in Sierra Leone?

6 MR. CARUSO:

7 Objection, Your Honour, the issue was covered. Mr. Norman asked questions several times.

8 JUDGE BOUTET:

9 Objection sustained.

10 MR. YILLAH:

11 If the records reflect so, I should take the cue, My Lord.

12 BY MR. YILLAH:

13 Q. Now, you said you have resided in **Xxxx** since birth?

14 A. Yes.

15 Q. Now, has there always been a military garrison in **Xxxx**?

16 A. No.

17 Q. I put it to you that in your evidence in chief you said that there was a military base at **Xxxx**?

18 A. No – no, a military base only came to **Xxxx** during the war.

19 Q. Now, had there been attacks on **Xxxx** before February 13th, 1998?

20 A. Which faction are you talking about?

21 Q. My question is concise and clear. Had there been military attacks before February 13th 1998?

22 A. Yes, they attack there.

23 Q. So you are confirming to this Court that there were military attacks before the attack of 13th February
24 1998?

25 A. I don't understand that language; military attack, what do you mean?

26 MR. YILLAH:

27 For the sake of precision and for being helpful to the Court, I will go over the question again, My Lord.

28 Q. Are you confirming to this Court that there were military attacks -- that there were attacks on the
29 township of **Xxxx** before the attack of the 13th February 1998?

30 A. Yes, they came and attacked there.

31 Q. Thank you, very much. Now, you said you -- in your evidence in chief, that you attended two
32 meetings that were summoned by the first Accused?

33 A. Yes.

34 Q. You also said in your evidence in chief that you were afraid, you were scared or afraid -- if those are
35 the right words -- as a result of what was said in the first meeting?

36 A. Yes, the first statement that he made scared me, so I left.

37 Q. So you came back to attend the second meeting?

1 A. Yes, I came back to hear what was going to transpire at the meeting.

2 Q. Now, how many people in your -- how many people, roughly, attended the meeting, the first meeting
3 at **Xxxxx**?

4 A. More than 200 civilians, more than 400 *Kamajors*.

5 Q. Could you confirm to this Court whether amongst those civilians there were section chiefs and other
6 town elders that attended the said meeting?

7 THE MENDE INTERPRETER:

8 He is asking for a repetition.

9 BY MR. YILLAH:

10 Q. Could you confirm to this Court whether the said meeting was attended by section chiefs and other
11 towns' elders?

12 A. Yes, elders of the town were there. So many elderly people were also present.

13 Q. So chiefs and elders from the township were present at the said meeting?

14 A. Yes.

15 Q. Thank you, very much. Now, from the period 1991 to 1996 -- this is a precise question -- how many
16 times did the *Kamajors* attack **Xxxxx**?

17 A. I know about four times. They attacked **Xxxxx** four times.

18 Q. Now, in your evidence in chief, you stated that you heard many things about the first Accused.

19 A. Yes.

20 Q. Now, did you ever hear that the first Accused saved the people of **Xxxxx** Chiefdom?

21 MR. CARUSO:

22 Objection, Your Honour. What -- how can that possibly be relevant in terms of guilt or innocence in
23 this case.

24 MR. YILLAH:

25 My Lord, may I respond, My Lord?

26 JUDGE BOUTET:

27 Yes, please.

28 MR. YILLAH:

29 My Lord, counsel has a wide latitude under cross-examination and I know the rules that counsel is not
30 required to ask double barrel questions, but this question goes to the credit of the witness and is very
31 crucial to the first Accused's case. It goes to bias.

32 JUDGE BOUTET:

33 Please, proceed.

34 MR. YILLAH:

35 Thank you very much, My Lord.

36 BY MR. YILLAH:

37 Q. Now, did you ever hear people say that the first Accused, Chief Norman, saved the people of

1 **Xxxxx** Chiefdom?

2 A. How did he save them?

3 Q. By repelling the SLA and RUF rebels.

4 JUDGE BOUTET:

5 Please, please, please, it's not for you to testify. Ask questions, please.

6 MR. YILLAH:

7 I apologise, My Lord.

8 BY MR. YILLAH:

9 Q. Now, did you hear or did you see the *Kamajors* repel RUF and SLA attacks on the township of -- on

10 **Xxxxx** Chiefdom in general?

11 THE INTERPRETER:

12 He is asking for a repetition, he doesn't understand the question.

13 MR. PRESIDENT:

14 Take it slowly

15 MR. YILLAH:

16 I will, My Lord.

17 MR. PRESIDENT:

18 Slowly.

19 MR. YILLAH:

20 I will take the cue from the Bench, My Lord.

21 BY MR. YILLAH:

22 Q. Now, did you hear that the first Accused, Chief Norman, through the *Kamajors* saved the people, that
23 he saved the people of **Xxxxx** Chiefdom; did you hear?

24 MR. CARUSO:

25 Objection, Your Honour, we have asked this and it is being answered.

26 JUDGE BOUTET:

27 Objection sustained. That was not the question you were asking. You were asked to repeat the last
28 question and that was not the last question.

29 MR. YILLAH:

30 I shall take the cue from the Bench, My Lord.

31 BY MR. YILLAH:

32 Q. Now, did you hear that Chief Norman, through the *Kamajors*, helped to protect the people of **Xxxxx**
33 Chiefdom, yes or no?

34 A. Yes, it used to happen initially.

35 Q. Now, further to that question, why did you not tell the investigators for the Prosecution that the first
36 Accused, you heard that he saved the people of **Xxxxx** Chiefdom?

37 MR. CARUSO:

1 Objection, your Honour. How is that possibly relevant?

2

3 MR. YILLAH:

4 May I respond, My Lord?

5 JUDGE THOMPSON:

6 Can I -- let me address both -- counsel on both sides. We don't want to repeat the elementary
7 principles governing examination-in-chief or cross-examination, but I think the Prosecution ought to
8 know that there is a wider berth in cross-examination. Of course, we are not necessarily going to
9 allow argumentative questions or highly contentious questions, but cross-examinations have a much
10 broader latitude than examination-in-chief. And even if a question appears as if it is going to the
11 fundamental question of guilt or innocence, counsel who is cross-examining has a right to put
12 questions to the witness, provided those questions are meant to test credit or credibility. And,
13 therefore, it would seem to me that some of the objections coming from the Prosecution are a bit too
14 pre-emptive.

15 MR. YILLAH:

16 As Your Lordship pleases. Now, I shall repeat my question again, My Lord?

17 BY MR. YILLAH:

18 Q. Why did you not tell the investigators for the Prosecution that you heard that the first
19 Accused, Chief Norman, protected the people of ~~XXXX~~ Chiefdom?

20 A. I didn't get that question so I didn't know how to answer that.

21 MR. YILLAH:

22 I shall take that for an answer, My Lord.

23 BY MR YILLAH:

24 Q. Now, I put it to you –

25 MR. YILLAH:

26 My Lord, may I seek your direction on this point, My Lord. It seems as if the witness did not understand the
27 previous question.

28 JUDGE BOUTET:

29 No, the answer to your question was "I was not asked the question and therefore did not give an
30 answer."

31 JUDGE THOMPSON:

32 And I also think that if you put forward to a witness, even though within the limits of permissibility,
33 argumentative and highly contentious questions, you are likely to get this kind of response, particularly
34 from witnesses who themselves are not as sophisticated as you and I.

35

36 So the question here is for learned counsel to tread extremely carefully so that we can get at the truth,
37 rather than inviting speculative or philosophical answers from person persons who are not likely to

1 give us those answers.

2

3 MR. YILLAH:

4 So I will take the cue, My Lord.

5 BY MR. YILLAH:

6 Q. Now, did you tell the Prosecution that you heard that Chief Norman protected the people of
7 ~~xxxx~~ Chiefdom? Did you tell them, yes or no?

8 A. Yes, at the beginning of the war he saved me -- at the beginning of the war, he saved us.

9 Q. Did you tell that to the Prosecution?

10 A. Yes, I have answered you.

11 MR. PRESIDENT:

12 The witness has answered this question. I took note of him. So, please, move to --

13 BY MR. YILLAH:

14 Q. Now, you spoke about the first meeting during your evidence in chief. Now, how far away were you
15 seated from where the first Accused was, roughly?

16 A. No, I didn't get you. Can you repeat that?

17 Q. The distance between yourself -- where you were seated at the court *barray* and where the first
18 Accused, Chief Norman, was seated during the first meeting?

19 JUDGE BOUTET:

20 Sorry, there seemed to be some confusion in the interpreters' booth because they don't open their
21 mike.

22 MR. PRESIDENT:

23 The witness is not getting any translation any more.

24 JUDGE BOUTET:

25 That's fine, now they have opened their mikes, it should work. Sorry, Mr. Defence counsel, would you
26 try it again. Mr. Yillah?

27 MR. YILLAH:

28 Yes, My Lord.

29 JUDGE BOUTET:

30 Would you repeat your question? Now there seems to be -- the technical problem seemed to be
31 solved now.

32 BY MR. YILLAH:

33 Q. Now, could you tell the Court what the distance was between where you were seated at the court
34 *barray* during the first meeting and where the first Accused, Chief Norman, was seated, the distance?

35 A. The distance is like from where I am seated to this glass -- this screen.

36 Q. And there were so many people at that meeting?

37 A. Yes, there were many people.

1 Q. In their thousands, hundreds; could you be of some help?

2 A. I can't give the estimate. Only that I know that there were civilians and I know that there were many
3 civilians. About 200 hundred *Kamajors*. I mean, the *Kamajors* were many. They were more than we
4 are.

5 Q. Mr. Witness, what was the population of **Xxxxx**?

6 A. At that time?

7 Q. At that time.

8 A. I can't tell because the population of the *Kamajors* outnumbered us, the civilians.

9 Q. I believe you heard my question. What was the population of **Xxxxx**, any idea?

10 A. At that time we were about -- I'm just guessing because -- about 1,000 or 800 because we were not
11 many. It was the *Kamajors* who were in the majority.

12 Q. Now, finally, could you tell this Court why there is no record of your telling the Prosecution that the first
13 Accused, Chief Norman, protected lives and properties of people at **Xxxxx** Chiefdom?

14 MR. CARUSO:

15 Objection Your Honour. We have been over this.

16 MR. PRESIDENT:

17 It is sustained. Objection is sustained.

18 MR. YILLAH:

19 On that note, My Lord, that would be all for this witness.

20 MR. PRESIDENT:

21 Yes, I suppose we are through with the cross-examination process for the three Accused persons.

22 Do I receive that assurance from counsel representing them? You are through with this witness as far
23 as your cross-examination of him is concerned? Right. The Prosecution, you reserve the right to
24 re-examined.

25 MR. CARUSO:

26 We have no questions at this time, Your Honour.

27 MR. PRESIDENT:

28 You have no questions at this time?

29 MR. CARUSO:

30 That's correct.

31 MR. PRESIDENT:

32 I have one question for that witness. He said his brother was killed, what is the name of that brother?

33 MR. CARUSO:

34 Your Honour, may I just make one comment? That name will, of course, identify this witness.

35 MR. PRESIDENT:

36 Is that so?

37 MR. CARUSO:

1 I believe so.

2

3 MR. PRESIDENT:

4 Alright.

5 MR. WILLIAMS:

6 My Lord, we hold a contrary view, My Lord. My Lord, that could assist us in our investigations. We
7 can just investigate and come up with that witness or with that person, My Lord.

8 MR. PRESIDENT:

9 No, I will not insist because of the protective measures in place. Now that I have got the reply, I would
10 allow the matter to rest there.

11 MR. YILLAH:

12 If I may, My Lord. If I could be of assistance to the Court, My Lord. My Lord, I'm reliably informed that
13 at the ICTR they would write the name of such a brother down, under seal, My Lord.

14 MR. PRESIDENT:

15 Thank you for the tip. The Court will adjourn to tomorrow at 9:30 to continue with the examination of
16 the next witness or witnesses. We would like to have about -- we would like to have at least two
17 witnesses, depending of course on the length of their evidence. It is for you to know whether we can
18 take some within very short time limits. You know the length of the examination. So it's for you to
19 know how many witnesses you will bring, or how many witnesses will be in attendance in court
20 tomorrow.

21 MR. CARUSO:

22 Yes, Your Honour, I'm wondering. I thought tomorrow was half a day. Is that still the case or is it not?

23 MR. PRESIDENT:

24 And please note that we don't have an afternoon session, you know, tomorrow.

25 MR. CARUSO:

26 You have answered the question. Thank you.

27 MR. PRESIDENT:

28 We don't have an afternoon session tomorrow.

29 MR. CARUSO:

30 Understood.

31 MR. PRESIDENT:

32 Yes. Right, the Court will rise and will resume its session at 9:30.

33 *(Court adjourned at 1632)*

34 *(Pages 42 to 66 by Momodou Jallow)*

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CERTIFICATE

We, Gifty C. Harding, Susan G. Humphries and Momodou Jallow, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*machine writer*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

_____ Gifty C. Harding

_____ Susan G. Humphries

_____ Momodou Jallow