

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

16 JUNE 2004
0942H
CONTINUED TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For the Registry:

Ms. Maureen Edmonds
Mr. Geoff Walker

For the Prosecution:

Mr. Charles Caruso
Mr. James C. Johnson
Ms. Adwoa Wiafe

For the Accused Sam Hinga Norman:

Dr. Bu-Buakie Jabbi
Mr. Ibrahim Yillah

For the Accused Moinina Fofana:

Mr. Arrow Bockarie
Mr. Michael Uiterwaal

For the Accused Allieu Kondewa:

Mr. Charles Margai
Mr. Thomas Briody
Mr. Yada Williams

Court Reporters:

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

I N D E X

WITNESS

For the Prosecution:

WITNESS TF2-157

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MR. PRESIDENT:

We resume the trial, and I suppose appearances are as before -- as they were before?

MR. CARUSO:

Your Honour, for the Prosecution, Charles Caruso. To my right, Ms. Adwoa Wiafe, to my left, Mr. Jim Johnson. Thank you, Your Honour.

MR. PRESIDENT:

Good, thank you. For the Defence the composition is constant?

MR. JABBI:

Indeed, My Lord.

MR. PRESIDENT:

Good. We will call on the Prosecution to call the second witness.

MR. CARUSO:

Yes. This time, Your Honour, the Prosecution would call the witness referred to in court records as TF2-157.

MR. PRESIDENT:

TF2-150 --

MR. CARUSO:

Seven.

(Declaration made by Witness TF2-157 in English)

JUDGE BOUTET:

Mr. Prosecutor, we take it that this witness will testify with the assistance of interpreters.

MR. CARUSO:

That's correct, Your Honour.

JUDGE BOUTET:

From what to what?

MR. CARUSO:

From *Mende* to English, as I understand it, Your Honour.

JUDGE BOUTET:

Thank you.

WITNESS TF2-157,

first having been duly sworn

testified as follows:

EXAMINATION-IN-CHIEF

BY MR. CARUSO:

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

A. I am xx.

- 1 Q. I'm sorry, I didn't hear that.
- 2 A. I'm xx years old.
- 3 Q. I beg your pardon, would you tell us that one more time, please?
- 4 A. I am xx years old.
- 5 Q. Where were you born, sir?
- 6 JUDGE BOUTET:
- 7 Just one minute, Mr. Caruso, I just want to make sure that everybody hears what is going on. Is
- 8 everybody on the Defence side hearing the interpreters? Yes, thank you.
- 9 MR. CARUSO:
- 10 Thank you, Your Honour.
- 11 BY MR. CARUSO:
- 12 Q. Where were you born, sir?
- 13 A. I was born in Xxxxx.
- 14 Q. How long have you lived there, sir?
- 15 A. Yes.
- 16 Q. How long have you lived there, sir?
- 17 A. I do not understand the question.
- 18 Q. How long have you lived in Xxxxx?
- 19 A. Since I was born I have lived – I've been living in Xxxxx.
- 20 Q. Do you live there now?
- 21 A. Yes.
- 22 Q. And (*inaudible*) sir, with whom do you reside, sir?
- 23 A. I'm staying in my house in Xxxxx
- 24 Q. Do you live with your family?
- 25 A. Yes.
- 26 Q. Do you have children, sir?
- 27 A. Yes.
- 28 Q. How many children do you have?
- 29 A. I have seven children.
- 30 Q. Do you have a wife, sir?
- 31 A. Yes.
- 32 Q. How long have you been married?
- 33 A. We've been for 25 years.
- 34 Q. Sir, have you ever attended school?
- 35 A. Yes, I went to school.
- 36 Q. How far did you go with school, sir?
- 37 A. I stopped at class one.

- 1 Q. Can you read and write, sir?
- 2 A. No.
- 3 Q. What language do you speak?
- 4 A. I only speak *Mende*.
- 5 Q. What do you do for a living, sir?
- 6 A. I am a farmer.
- 7 Q. Do you farm in **Xxxxx**?
- 8 A. Yes.
- 9 Q. Whose land do you farm, sir?
- 10 A. I am the owner of the land on which I farm.
- 11 Q. Do you have any other occupation?
- 12 A. No.
- 13 Q. Do you have any other special skills, anything else you've ever done?
- 14 A. I did not understand the question.
- 15 Q. Do you have any special skills, anything else you have ever done for work?
- 16 A. No.
- 17 Q. Now, sir, were you a resident of **Xxxxx** in 1991?
- 18 A. Yes.
- 19 Q. Was there a change that came in **Xxxxx** in 1991?
- 20 A. Yes.
- 21 Q. Explain to us, sir, if you would, what that change was.
- 22 A. Yes
- 23 Q. If you would, please, explain to us what the change in **Xxxxx** was in 1991.
- 24 A. In 1991 when we were at **Xxxxx**, we heard that rebels have come, that they were coming. When we
- 25 heard that they were coming, we were panic stricken in **Xxxxx**, we were scared. They came for up to
- 26 ten miles, ten miles to **Xxxxx**. They came with – through that other street that has a distance of six
- 27 miles to **Xxxxx**. But they didn't reach there, we only heard about them. At that time some people fled
- 28 to the bushes and everybody was feeling very scared.
- 29 Q. Did any other group come to **Xxxxx** in 1991 as a result of this change by the rebels?
- 30 A. What type of group are you talking about?
- 31 Q. Was there any kind of group of soldiers or military that came to **Xxxxx**?
- 32 A. The ones that we heard about were the soldiers who came to **Xxxxx**.
- 33 Q. Were you in **Xxxxx** when the soldiers came?
- 34 A. Yes.
- 35 Q. What occurred when the soldiers came?
- 36 A. One morning we saw a truck of soldiers which came and stopped by the junction. At that time they
- 37 came down and they summoned everybody at the junction. Wherever you turn you see soldiers and

1 they were summoning people to the junction. They were all over the place inviting people to be at the
2 junction. So they said they had suspected us for being rebels. We were there, we were screened
3 and no rebel was found amongst us, and they told us -- they told us that, "The government has sent
4 us so that we can stay here to send the rebels away." So they asked and nobody was amongst us
5 who was a rebel.

6 MR. YILLAH:

7 Sorry to interrupt the proceeding. I am not (*inaudible*) the interpreter's translation.

8 THE ENGLISH INTERPRETER:

9 Let him check his volume.

10

11 Can you hear me now?

12 JUDGE BOUTET:

13 Are you on the right channel, on the English channel?

14 MR. YILLAH:

15 I am on the English channel, I am not getting the interpretation -- translation. Sorry to interrupt the
16 proceedings.

17 MR. PRESIDENT:

18 Did you check the volume?

19 JUDGE BOUTET:

20 Mr. Yillah, have you (*inaudible*).

21 MR. YILLAH:

22 I just lost the (*inaudible*).

23 JUDGE BOUTET:

24 And the translation, you repeat the last --

25 THE ENGLISH INTERPRETER:

26 Can you hear me now?

27 MR. YILLAH:

28 Yes.

29 JUDGE BOUTET:

30 Please proceed. Mr. Yillah, shut your mike. Close your mike.

31 BY MR. CARUSO:

32 Q. Did the soldiers stay in **Xxxxx**?

33 A. Yes.

34 Q. Where did they stay in **Xxxxx**? Where did they live?

35 A. When they came they stayed where the police were.

36 Q. Where did the soldiers live?

37 A. At the junction.

- 1 Q. Did any soldiers live with the residents of **Xxxxx**?
- 2 A. Yes.
- 3 Q. Were there many people in **Xxxxx** who invited the soldiers to live with them?
- 4 A. Yes. The soldiers were asking for some place to stay and indeed they were giving it to them.
- 5 Q. Why did the people of **Xxxxx** give them a place to stay?
- 6 A. These were strangers who had come to protect us. So that if they came in with respect and asking for
7 a place to stay, you obviously have to give it to them.
- 8 Q. Did you give the soldiers yourself, personally, any place to stay? Did you have a soldier staying with
9 you?
- 10 A. No, I harboured no soldier because we were -- the space was not enough for all of us in our
11 household.
- 12 Q. What was the relationship like between the soldiers and the people of **Xxxxx**?
- 13 A. The relationship was cordial; there was no ill feeling amongst us.
- 14 Q. What activities, if any, did the soldiers and the people of **Xxxxx** participate in together?
- 15 A. I didn't see any of the kind. I didn't see anything they did as one between themselves, the soldiers
16 and the people of **Xxxxx**. Only that if anybody does anything wrong to you, you will tell them, and if
17 they find him guilty they will deal with him.
- 18 Q. How would you describe the relationship between the people of **Xxxxx** and the soldiers, was it good
19 was it bad?
- 20 A. Yes, it was fine. It was cordial.
- 21 Q. Now you mentioned to us that the rebels were coming. Where were they coming from?
- 22 A. They were coming from the direction of the border towards Pujehun.
- 23 Q. Do you know the name of the group that the rebels used? Did you know what name they went by?
- 24 A. At that time the name we heard was that they were *Bukinabes*. They were referring to the rebels.
- 25 Q. Did you ever know them by any other name?
- 26 A. Yes.
- 27 Q. What was that?
- 28 A. They were also called RUF.
- 29 Q. Now, did the RUF ever attack **Xxxxx** itself?
- 30 A. Yes.
- 31 Q. Can you recall approximately what year that was?
- 32 A. I can't remember the year, but they attacked **Xxxxx**.
- 33 Q. Can you recall how many times they attacked **Xxxxx**?
- 34 A. When I was there they attacked there four times.
- 35 Q. Were the rebels ever successful in taking over **Xxxxx**?
- 36 A. No.
- 37 Q. Why was that?

1 A. Each time they came when they had an encounter with the soldiers they would always be pushed
2 away by the soldiers.

3 Q. Were you ever in town when any of these attacks ever took place?

4 A. Yes.

5 Q. Did you ever actually see, yourself, the fighting that went on between the soldiers and the rebels?

6 A. Yes.

7 Q. Tell us how did the rebels dress? What was their dress?

8 A. The rebels who came and who fought and who were killed had on a mixed clothing. The shirts would
9 be different, the trousers would be different and their shoes would be different. Some of them would
10 be wearing overalls and that's how they dressed.

11 Q. Now, did there ever come a time when another group of fighters came to **Xxxxx** to stay?

12 A. What type of group are you talking about?

13 Q. Was there any other group of fighters that ever came to **Xxxxx** and stayed in the town?

14 A. Yes.

15 Q. Who was that, please?

16 A. The *Kamajors*.

17 Q. Who were the *Kamajors* as you understand them?

18 A. These were people who joined the rebels to fight. They dressed in traditional dresses.

19 MR. JABBI:

20 I have a slight difficulty with the translation just now. What the witness said was not what was
21 translated. The translation was different, My Lord.

22 MR. CARUSO:

23 Your Honour, I am sorry, to the extent it helps, I think that also is the case.

24 MR. PRESIDENT:

25 What did you make of the translation? What is the disparity in the translation?

26 MR. JABBI:

27 What he said in his language was the line of association between the *Kamajors* and the soldiers. But
28 the translation came across as association between the *Kamajors* and the rebels.

29 JUDGE BOUTET:

30 Thank you.

31 MR. CARUSO:

32 Your Honour, I wonder, would it help if I were to ask the question again?

33 JUDGE BOUTET:

34 Yes, for sure.

35 BY MR. CARUSO:

36 Q. Sir, you have told us that there was a time when another group of fighters known as the *Kamajors*
37 came to **Xxxxx**. Is that correct?

- 1 A. Yes.
- 2 Q. Did they join the soldiers to fight the rebels?
- 3 A. Yes.
- 4 Q. And did the *Kamajors* also live -- or did the *Kamajors* also live in *Xxxxx* for a period of time?
- 5 A. Yes.
- 6 Q. Do you recall when that was?
- 7 A. The time when they stayed in *Xxxxx*?
- 8 Q. Yes.
- 9 A. Yes.
- 10 Q. Approximately when was that?
- 11 A. They stayed in *Xxxxx* from 95 to 96.
- 12 Q. Did they fight with the soldiers against the rebels during that period of time?
- 13 A. Yes.
- 14 Q. Did they live in the town?
- 15 A. Yes.
- 16 Q. Did they get along well with the soldiers?
- 17 A. Yes.
- 18 Q. How did they get along with the people of the town of *Xxxxx*?
- 19 A. At that moment they were very united with the people.
- 20 Q. Did there ever come a time when the *Kamajors* left the town?
- 21 A. Yes.
- 22 Q. Sir, describe to us, if you would, please, what you understood the *Kamajors* were, who they were,
23 what their purpose was.
- 24 A. These were civilians, but their dresses were -- they would put on caps and they looked very fearful to
25 fight.
- 26 Q. Was there a particular name for the kind of dress they used?
- 27 A. Yes.
- 28 Q. What was that sir?
- 29 A. We used to call it *Ronko*.
- 30 Q. Do you know who brought the *Kamajors* to *Xxxxx*?
- 31 MR. PRESIDENT:
- 32 Counsel, please, there is a mention of *Ronko*. What does *Ronko* mean? What is the composition of
33 *Ronko*, can we know what *Ronko* is?
- 34 MR. CARUSO:
- 35 Absolutely Your Honour.
- 36 BY MR. CARUSO:
- 37 Q. Sir, would you tell us what *Ronko* is, what it looks like and describe it to us as best you can?

- 1 A. Yes. What we used to call *Ronko* is a sort of dress that is a uniform and that is well prepared and had
2 beads all about it and all about the caps. And it has -- the cap has at times horns. The cap was red,
3 extremely red. That was the dress that was called *Ronko*.
- 4 Q. This was the dress that the *Kamajors* wore?
- 5 A. Yes.
- 6 Q. Do you know who brought the *Kamajors* to *Xxxxx*?
- 7 MR. MARGAI:
8 May it please you, My Lords.
- 9 JUDGE BOUTET:
10 Yes, Mr. Margai.
- 11 MR. MARGAI:
12 I am objecting to that question on the grounds that it is misleading, suggesting of a desired answer,
13 suggesting that somebody brought the *Kamajors*.
- 14 JUDGE BOUTET:
15 Overruled.
- 16 MR. MARGAI:
17 As My Lord pleases.
- 18 BY MR. CARUSO:
19 Q. Sir, do you know who brought the *Kamajors* to *Xxxxx*?
- 20 A. Inside -- inside the town?
- 21 Q. Yes, who was responsible for the *Kamajors* coming to *Xxxxx*?
- 22 A. We had a chief in that chiefdom.
- 23 Q. And who was that, sir?
- 24 A. His name was Chief Mada Norman.
- 25 Q. What did he have to do with the *Kamajors*?
- 26 A. You are asking me to give you answers, but I want to tell you what actually brought about the -- the
27 whole *Kamajor* issue.
- 28 Q. I would like you to answer my questions, sir.
- 29 A. Okay, then ask me.
- 30 Q. Yes. I wanted to know what Mr. Norman had to do with the *Kamajors*.
- 31 A. He was responsible for the organisation and ordering of the *Kamajors* in order for them to protect us.
- 32 Q. How did you know that, sir?
- 33 A. He was our chief and he himself was telling us; he used to visit us and tell us. We used to have
34 meetings and he used to tell us that, "You are supposed to support the *Kamajors* for them to protect
35 us, to protect our land."
- 36 Q. And this was Chief Norman that told you this?
- 37 A. Yes, he said that.

- 1 Q. Did there ever come a time when the *Kamajors* left *Xxxxx*?
- 2 A. Yes.
- 3 Q. Do you recall approximately when that was?
- 4 A. Yes.
- 5 Q. When, sir?
- 6 A. The time that the *Kamajors* left *Xxxxx* was when – one day we heard that the government had been
7 overthrown. That day, when we heard that news, we saw the soldiers wherever their hideout was
8 laid, on the same day about one or two days, we saw the *Kamajors* leaving *Xxxxx* and went to the
9 nearby villages. That is what I saw. That is what I learnt about how the *Kamajors* left *Xxxxx*.
- 10 Q. Do you remember which government was overthrown?
- 11 A. Yes.
- 12 Q. Which one was that, sir?
- 13 A. President Tejan Kabbah, the time he was overthrown.
- 14 Q. Now, after the *Kamajors* left *Xxxxx*, was there fighting between the soldiers and the *Kamajors*?
- 15 A. Yes.
- 16 Q. Were you living in the town when that fighting took place?
- 17 A. Yes.
- 18 Q. Approximately when, what year did that fighting take place?
- 19 A. It was the same year that they overthrow the government, that was the year, the year that the
20 government was overthrown.
- 21 Q. Were there ever any attacks by the *Kamajors* against *Xxxxxx*?
- 22 A. Yes.
- 23 Q. How many do you recall, sir?
- 24 A. I was in *Xxxxx* when *Kamajors* attacked on four occasions.
- 25 Q. Do you remember the last one of those occasions?
- 26 A. Yes.
- 27 Q. Do you remember when that occurred, sir?
- 28 A. Yes.
- 29 Q. When was that, sir?
- 30 A. February 13th.
- 31 Q. What year, sir?
- 32 A. 1998.
- 33 Q. You were living in *Xxxxx* at the time?
- 34 A. Yes.
- 35 Q. Do you remember what day of the week that was?
- 36 A. The last attack was on a Friday.
- 37 Q. Do you recall approximately what time of day that attack took place?

- 1 A. Yes.
- 2 Q. When was that, sir?
- 3 A. One-thirty on a Friday.
- 4 Q. What were you doing at the time, sir?
- 5 A. Friday, I was in the mosque for my Friday prayers.
- 6 Q. And describe for us, if you would, sir, what happened at the time of the attack.
- 7 A. On that Friday, yes.
- 8 Q. Can you tell us, sir? Describe for us what happened during the attack on -- the attack on that Friday.
- 9 A. We were in the mosque, towards the end of the prayers, when the *Imam* was about to read the Koran.
- 10 When he was just about reading the sermon we heard the gunshot from **Xxxxx** Road. Something else
- 11 was launched against the house. The bomb was blasted right on top of that building. Then another
- 12 shot came; there was a house nearby the mosque. The bomb was blasted in one of the rooms and
- 13 everybody was panicking at the mosque. We were so scared, everybody just got up and the prayer
- 14 ended abruptly. Then we were told to sit quietly in the mosque. We were told to sit there, but we
- 15 were not so -- some left, some left the mosque. Some of them those whose houses were far away
- 16 from the mosque -- some of them whose houses were far away from the mosque stayed in the
- 17 mosque, but since I was staying very close to the mosque, I went to my house.
- 18 Q. When you got to your house what did you do?
- 19 A. When I went to my house I met the -- the main door was closed, but I knocked and they opened for
- 20 me and I entered and we all lay flat on the floor in the parlour.
- 21 Q. The attack was still going on at that time?
- 22 A. At that time, yes, there were gunshots all over the place.
- 23 Q. Did you see who was doing the attacking? Did you see any of the battle?
- 24 A. I saw them, it was the *Kamajors* that attacked.
- 25 Q. How did you recognise them?
- 26 A. On that day we heard it by hearsay that they were coming to attack the temple, but I never believed it.
- 27 So if we heard any gunshot then they definitely say they were *Kamajors*. That was how I knew that it
- 28 was the *Kamajors* that attacked the town.
- 29 Q. How long did the attack last?
- 30 A. It lasted for about one and a half hours, then it cooled down.
- 31 Q. How did you know the attack was over?
- 32 A. After the sporadic gunshots had quelled down, the soldiers also told the people there were -- "We've
- 33 overrun the *Kamajors*, so just come out of the houses, please." That was when I heard that the
- 34 fighting was over.
- 35 Q. When you came out of your house what did you see?
- 36 A. When I came outside I saw (*inaudible*) and I went to the town and walked about the junction. I saw
- 37 three corpses.

- 1 Q. Did you recognise those corpses?
- 2 A. Yes, I saw them.
- 3 Q. Did you recognise the corpses?
- 4 A. Yes.
- 5 Q. Who were they?
- 6 A. All of them were *Kamajors*. They had the *Kamajor* dress on. The three of them were all *Kamajors*
7 because they had the dress on.
- 8 Q. Did you know any of them from before? Did you know any of those dead persons personally?
- 9 A. I actually knew one person before then. That was the only person that I knew before then, before the
10 incidents.
- 11 Q. That was one of the dead *Kamajors*?
- 12 A. Yes.
- 13 Q. How had you known him?
- 14 A. I knew him way before the town was ever attacked. I knew him way before then. When I saw him
15 dressed in the *Kamajor* dress and he was dead I could still remember that he was the one.
- 16 Q. All right. After you -- after you saw these bodies, by the way -- I'm sorry. Were there any civilians
17 killed?
- 18 A. I did not see dead civilians, I did not see with my own eyes.
- 19 Q. Did you see any dead soldiers?
- 20 A. I didn't also see a dead soldier. I didn't see that with my own eyes.
- 21 Q. Sir, have you ever been a member of the rebels or the RUF or the *Kamajors*?
- 22 A. No.
- 23 Q. Now after you saw the dead *Kamajors*, what occurred after that point? Tell us what happened.
- 24 A. When I saw these three corpses then the fighting had been quelled down. Going towards the
25 evening, we were in the town when the soldiers started saying that they were going to leave the town,
26 they were going. Those rumours were going on until -- until the evening that everybody heard the
27 news that the soldiers were leaving the town that evening, they were going. Just after that, that is
28 what I heard.
- 29 Q. Did the soldiers advise you in any fashion?
- 30 A. Yes, they told us that, "We were the ones that were here to protect you, but now we've been ordered
31 to leave this town and go, but we can't just go without your notice because -- because your brothers
32 who you initiated have come and they said they were going to kill us and if they are going to kill us
33 probably they will kill all of us. But we are going because our bosses have called us and we are
34 leaving today. If you have anywhere else to go, you can go, but if you don't have anywhere else to go
35 then you can go to Bo. That's a large town."
- 36 Q. What did you do, sir?
- 37 A. I went to Bo. That same night I left **Xxxxxx** right at twilight.

- 1 Q. Did anyone accompany you?
- 2 A. Some of us went to **Xxxxxx**, I wasn't alone -- went to Bo, sorry. I went with my family -- all of them.
- 3 Q. How did you get there, sir?
- 4 A. We walked.
- 5 Q. How long did it take you to get to Bo?
- 6 A. When we left **Xxxxxx** that evening I hadn't a watch on me. But we reached Bo right -- very early in the
- 7 morning, the time when the cocks started crowing.
- 8 Q. Did you go all the way to Bo?
- 9 A. I stopped at the outskirts of Bo, that is around **Xxxxx**. That is on the outskirts of Bo, **Xxxxx**.
- 10 Q. Why did you stop there, sir?
- 11 A. When we reached **Xxxxx** it is there that I knew someone that I could have a place to rest, and there
- 12 were also gunshots in the town when we reached there that morning.
- 13 Q. Gunshots coming from Bo?
- 14 A. Yes, right from the town.
- 15 Q. So what did you do when you got to **Xxxxx**?
- 16 A. We stopped there because my sister is there. We entered her house.
- 17 Q. What did you do once you were there?
- 18 A. I said we were driven by the war and therefore we were sleeping here tonight.
- 19 Q. Did you stay there that evening?
- 20 A. That was what I said that morning.
- 21 Q. How long did you stay at your sister's?
- 22 A. That morning when it dawned on us she hadn't much on her and we also were penniless. So I told
- 23 her that I had to go back because the situation is so deplorable, I would have to go back.
- 24 Q. Did you go back?
- 25 A. Yes.
- 26 Q. Where -- when did you leave?
- 27 A. I returned on the Saturday, in the morning. She told us to go back.
- 28 Q. What time did you -- where did you go when you went back toward **Xxxxxx**? Where did you go when
- 29 you went back toward **Xxxxxx**?
- 30 A. I didn't just go to **Xxxxxx** directly, I was two miles a -- from **Xxxxxx** at **Xxxxxx**, that is the last town to
- 31 **Xxxxxx**. It was then that I reached **Xxxxxx** getting towards the evening.
- 32 Q. So you did not go directly to **Xxxxxx**, you went to a town called **Xxxxxx**? Am I correct in that or is that
- 33 an error?
- 34 A. I was actually headed for **Xxxxxx**, but I couldn't go straight there with the main road, I was afraid, so I
- 35 stopped at **Xxxxxx**. Then I used another route to get into **Xxxxxx**. I went -- getting into **Xxxxxx** I
- 36 crossed the **Xxxxx** Road and I went to my farm. That was now at night.
- 37 Q. Was your family still with you at that point?

1 A. *(No interpretation)*

2 Q. Where had you left your family?

3 A. I went with my whole family.

4 Q. Where did your family stay that night?

5 A. I went with them together when we reached to **Xxxxxx**, we couldn't go to the town directly. It was then
6 that we had a by-pass route and we went to my farm.

7 Q. What did you do when you got to your farm?

8 A. When we reached there we slept there till the morning, till the Sunday morning.

9 Q. You mentioned you were afraid. Why were you afraid?

10 A. *(No interpretation)*

11 Q. Tell us why you were afraid.

12 A. I was afraid because we left the town yesterday, those that had occupied the town -- I was afraid of
13 those that had occupied the town in our absence because we left the town since yesterday (sic).

14 Q. So you spent the night at your farm?

15 A. We slept there, myself and my family, in the bush.

16 Q. What did you do the next day?

17 A. On Sunday morning I told them I said, "Be seated for now. I'll go and *(inaudible)* and see what is
18 happening there."

19 *(Pages 1 to 13 by Susan G. Humphries)*

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- 1 1030H
- 2 MR. CARUSO:
- 3 And did you go to **Xxxxxx** that day?
- 4 A. Yes, I went there on that Sunday. When I left my family in the bush, I went to **Xxxxxx**.
- 5 Q. Where exactly did you go first in **Xxxxxx** when you went into the town?
- 6 A. When I left the bush going to **Xxxxxx** town, when I reached right on the main road, I stood there, at the
7 side of the road, I looked into the town and I saw people going up and down -- pacing up and down. I
8 saw *Kamajors* pacing up and down. I saw others with civil dress going up and down. What actually
9 made me to enter the town was when I saw some other people -- civilians in the town.
- 10 Q. And when you entered into the town, where did you go?
- 11 A. I went to my house.
- 12 Q. And when you got to your house what did you find?
- 13 A. When I reached to my own house, my very house was burnt, the house that I used to sleep in. Then
14 in the house nearby my own house, that is the family house, I met one of our brothers who was a
15 *Kamajor*. I met him there at that house, the family house.
- 16 Q. And what did you do at that point?
- 17 A. He said, "My man, since we came the day before yesterday I have been looking for you." But I told
18 him that we went to the bush -- we slept in the bush and all my family are in the bush. I have just
19 come to check and see how the situation is, and he told me to go and bring my family.
- 20 Q. Now, did he know anything else in the town at that time or relative to the condition of the houses?
- 21 A. Yes, when I was walking to my house I saw three houses ablaze.
- 22 Q. Did you see anyone starting houses on fire?
- 23 A. The three houses, I already met them ablaze -- I already met fire on them when I passed them. I went
24 to my house.
- 25 Q. Were there any other houses besides those three that has been burnt?
- 26 A. There were several burnt houses.
- 27 Q. Did you bring your family back to town at that point?
- 28 A. Yes.
- 29 Q. Now, did you stay in **Xxxxxx** from that point on?
- 30 A. Yes.
- 31 Q. Now, where did you stay in **Xxxxxx**?
- 32 A. Along **Xxxxxx** road.
- 33 Q. Did you ever observe after that any one being -- did you ever observe anyone being killed after that in
34 **Xxxxxx**?
- 35 A. Yes, on that Sunday.
- 36 Q. Tell us what occur?
- 37 A. I was sitting at my house, but if one sits at my house, one would see the street, the **Xxxxxx** Street. I

1 was there when I saw two people, they were singing the *Kamajor* song. That group, I was -- this
2 brother that I was sitting along with said, "I will go and see," and I also followed them. I went with them
3 right onto the junction and they were singing around these two people. When we reached the
4 junction, along that junc -- the **Xxxxx** Road was the one that was taken. We went through that road
5 and we reached at a bridge. Just after the junction, you will reach a bridge. When we reached there, it
6 was then that I saw those two people killed. When we crossed the bridge, the old road that leads to
7 **Xxxxx**, there is a court that has a heap going on to the **Xxxxx** Road. Just after that heap, there is a
8 river running by. It was in that heap that was just dug and those two people were buried.

9 Q. Did you see who killed these two people?

10 A. Those that have killed those people were not just one person. There were a whole lot of people, they
11 were mutilating them. There were a lot of them. They were dragging them and they mutilated them
12 later. I can't remember an exact name or a particular person because there were a lot of people.
13 They were mutilating them individually and sequentially.

14 Q. How were they mutilating them.

15 A. With cutlasses.

16 Q. How were the people who were using the cutlasses dressed?

17 A. During the mutilation?

18 Q. Yes?

19 A. They had the *Kamajor* dress on. They were fully dressed as *Kamajors*.

20 Q. And the people that were using the cutlasses, how were they dressed?

21 A. I said they were dressed just as *Kamajors*; they had the *Kamajors* dress on.

22 Q. Did you know the two men that were killed, or the two people that were killed?

23 A. Yes, I knew them.

24 Q. Can you tell us who they were, please?

25 A. Yes.

26 Q. Tell us, if you would, please.

27 A. The one was Sarah Binkolo and the other one is Sarah Lamina. They were all *Limbas*.

28 Q. Had they been residents of **Xxxxxx**?

29 MR. PRESIDENT:

30 Excuse me, sorry. We would like to have a good record of the names. We would like to have the
31 names clearly spelt out in the record, please. Ask the witness to take it slowly so that the record can
32 have those names, you know, clearly indicated and shown on them.

33 BY MR. CARUSO:

34 Yes, sir. Sir, if you would, please, slowly and clearly, once again, you list the names of the two people
35 you saw killed, slowly and clearly.

36 A. The first person that died is Sarah Lamina -- the first one was Sarah Lamina and the other one is
37 Sarah Binkolo.

1 Q. And sir, what day of the week was that, do you recall?

2 A. I can't remember the day.

3 Q. Do you know a person by the name of Chief **Xxxxxx** -- **Xxxxxx**?

4 MR. JABBI:

5 Objection, My Lord. My Lord, the Prosecutor has asked a question which was in the process of being
6 answered and he is already suggesting a name in answer to that question which is of course hidden.

7 JUDGE BOUTET:

8 Objection sustained.

9 MR. PRESIDENT:

10 You can reframe your question, you know, employ your prosecutorial strategies and reframe your
11 question, you know.

12 BY MR CARUSO:

13 Q. Yes. So did you ever witness anyone else in **Xxxxxx** being killed?

14 A. Yes.

15 Q. Did you know that person by name, sir?

16 A. Yes.

17 Q. And who was that person, sir?

18 A. His name was Chief **Xxxxxx**.

19 Q. So tell us, if you would --

20 MR. PRESIDENT:

21 What?

22 MR. CARUSO:

23 I believe he said "**Xxxxxx**", Your Honour.

24 MR. PRESIDENT:

25 **Xxxxxx**?

26 MR. CARUSO:

27 Yes.

28 THE INTERPRETER:

29 Chief **Xxxxxx**, he said. He was a chief in one of the villages.

30 BY MR. CARUSO:

31 Q. Describe to us, sir, what you saw?

32 A. One morning, we were seated and we heard that one member of the junta had been brought. But this
33 **Xxxxxx**, when we were leaving **Xxxxxx** going to Bo, we all left for Bo. On that Monday, we heard that
34 a junta -- a member of the junta had been brought from **Xxxxxx** to **Xxxxxx**. Everybody went to see this
35 junta collaborator. I went there, but I didn't see anyone except **Xxxxxx**. That time, his hair was
36 chopped off and he was mutilated. He was brought before one person who was responsible for taking
37 care of those that were doing bad. He would be investigated and if that person was liable to be freed,

1 them he would be freed. If not, then he would be culpable. When he was brought to this person --
2 that was the incident that I met.

3
4 This **Xxxxxx**, the *Kamajors* that brought him reported that, "This is a junta member, this were those
5 that was leading the soldiers around the area." I was there and I heard **Xxxxxx** saying that "I am not a
6 junta member." The commander that was there told those that had brought **Xxxxxx** to take him out of
7 his sight; he didn't want to see him. After that, they started mutilating **Xxxxxx**. We the civilians that
8 were there -- that I saw, were four: Three others and myself were the civilians that I saw with my eyes.
9 Those that were doing the mutilation said, "Go and burry your brother because we are going to kill
10 him." At that moment I was so scared, but even if you were afraid you just had to go.

11
12 We went to this place -- where this thing actually happened was on the street, opposite the hospital.
13 After the commander had said that he didn't want to see this man, then they told us, "Go and burry
14 your brother." So we went towards the swamp. After the hospital compound -- after just the hospital
15 compound, that's one -- that is the place where in the dry season, the women would do some vege --
16 they would do some gardening. There is a hole there that they usually dig and they used the water to
17 water the garden. When we reached that garden, they told us, "This same -- this hole, we are not
18 going to dig a grave again, we will just use this hole and burry this man there." Then I saw one
19 *Kamajor* mutilating **Xxxxxx** by the upper right shoulder and was dragged into the hole. When his feet
20 were put up, the shovel that he take to burry him was with one of my -- one of the civilians' hands.
21 Then the *Kamajor* said, "Is it because he is your brother that you want to burry him?" Then he was
22 forcing **Xxxxxx** into the whole because the hole was so small that he had to be forced into it. And he
23 said, "Even if this hole is small and you don't want to be buried, you will go into it." And his feet were
24 again chopped off and was mutilated and chopped off. That (*inaudible*) that happened when he has
25 shot twice, then they said cover him with the mud. Then the two other civilians covered this man with
26 the mud and we were going back whilst the *Kamajors* were singing. From there, I went to my house.
27 That was what I saw about **Xxxxxx**'s death.

28 Q. Did you see the person who fired the shot?

29 A. I saw him clearly.

30 Q. Did you know that person?

31 A. I don't know his name because there were a lot of people -- there were a lot of *Kamajors* there. You
32 couldn't know the name of everybody and even myself, I was afraid that I should ever meet anyone
33 that knew me because I was afraid.

34 Q. Was the person who shut him a *Kamajor*?

35 A. Yes.

36 Q. Now, was **Xxxxxx** -- to your knowledge, was **Xxxxxx** with the army or with the rebels?

37 A. I never knew him to be part of any of the fighting groups.

- 1 Q. And the two *Limba* men you described, were they in the army?
- 2 A. They were not part of the army, they were just palmwine tapers.
- 3 Q. Now, did you see anyone else in your -- in **Xxxxxx** mistreated or beaten by the *Kamajors*?
- 4 A. Yes.
- 5 Q. Who was this, sir?
- 6 A. I know of a man, an elderly man that is called **Xxxxxx Xxxxxx**, he is an old man, or he was an old
7 man. At the time that we were about to leave the town, he didn't leave the town. He was there, he
8 stayed.
- 9 MR. PRESIDENT:
- 10 Please, let's have for the record the name of that man -- the name. He should state the name again,
11 please?
- 12 BY MR. CARUSO:
- 13 Q. Repeat the name of that man again once more, please.
- 14 A. The man's name was **Xxxxxx Xxxxxx**.
- 15 Q. Tell us, if you would, sir, where did Mr. **Xxxxxx** live?
- 16 A. That morning, Mr. **Xxxxxx** was at his house.
- 17 Q. Where was that house in relationship to yours?
- 18 A. The distance between his house and mine, there is only one house between my house and his --
19 there is only a house between my house and his.
- 20 Q. Tell us what you saw that morning, sir.
- 21 A. I was at the house when I heard this shouting, a very loud shouting and I came down and I went to
22 the place. When I went to the place, I saw -- I saw Mr. **Xxxxxx** taken out, I met him outside on the
23 floor, he was being flogged. He was beaten seriously.
- 24 Q. Beaten by who?
- 25 A. *Kamajors* were doing the beating.
- 26 Q. Do you know why they were doing the beating?
- 27 A. Yes, they explained why they beat him.
- 28 Q. What did they say?
- 29 A. They said this man, his son was a soldier. Then all of his properties were taken out of the house.
30 When they were searching this property, they saw in a box -- they saw a picture of a soldier and a
31 letter by this picture. That was the child of the soldier (*sic*)
- 32 Q. What the happened then?
- 33 A. It was for that picture that he was beaten. He was beaten and then taken to the junction by the
34 headquarter where they stayed. Then a whole lot of us followed them. Elderly townsmen also
35 followed them and went to the place.
- 36 Q. Where did they go?
- 37 A. They went with him to the junction.

- 1 Q. What occurred when they arrived at the junction?
- 2 A. They went with him to the commander and said, "We have captured a soldier's father, that's why we
3 are beating him." The commander that was there said, "Leave him for now", and he was asked, "How
4 did you manage to get this picture?" He said, "This picture is my child but our child had left this land
5 for so long. I never knew where he had been, but there was a time when I was sitting -- when I was at
6 my house and he sent this picture to me with this letter that he is still alive, but he had then been
7 enlisted in the army and was still alive. That was the picture that was brought to me and I put it in my
8 *(inaudible)*. This is the picture that these guys have been searching and seen, and they said it was
9 because this -- my son had been fighting with them that's why they had brought me -- I was brought to
10 this commander." That was what this man read to the commander.
- 11 Q. And what happened at that point?
- 12 A. Then the commander said, "Don't kill this man now. What I am telling you, now that the township
13 people have come to talk for this man, take him to the house." The time that he was being taken
14 there, he was tied at two different places, around his shoulder and around his waist, and his hands
15 were put at his back and tied. Then the commander said to the towns people -- he gave this man to
16 one of the town's people to take care of him -- to be brought the next day to one ~~Xxxxxx~~ ~~Xxxxxx~~ and
17 said, "Keep this man and bring him back to me the next morning, then we would investigate.
- 18 Q. So you said he was tied, can you describe to us what he was tied with?
- 19 A. Yes.
- 20 Q. What was it, sir?
- 21 A. That rope also was a nylon rope and he was tied -- his hands were tied behind his back. Then the
22 commander said that they should untie him. When he was untied, there was still the mark deep into
23 his flesh.
- 24 Q. What happened after that?
- 25 A. After that -- after the man had been handed over to that man, they took him to the house and he said,
26 "Bring him in the morning." Then in the morning, that man brought him back to the junction. Then
27 where he was tied previously, was swollen -- the place was swollen, and they went to the commander
28 and the commander said, "If it was only for this picture, then we are not killing him, but just take care
29 of him until we see how things will unfold." And he was taken back to the house. When he was taken
30 back to the house, he became sick. It was during -- it was on his sick bed that his hands started
31 getting rotten.
- 32 Q. What happened?
- 33 A. When his hand was swollen, coupled with the beating that was given to him, after one week going on
34 to two weeks, he died.
- 35 Q. And you saw these things yourself?
- 36 A. I saw it myself.
- 37 Q. This man's name was once more -- please repeat it.

- 1 A. The man that was beaten?
- 2 Q. Yes.
- 3 A. His name was ~~XXXXXX XXXXXX~~.
- 4 Q. What was his position, do you know?
- 5 A. Yes.
- 6 Q. What was it?
- 7 A. He was an elderly person and then he was a chief -- he was the chief in that area.
- 8 Q. Sir, do you know Hinga Norman?
- 9 A. Yes.
- 10 Q. How do you know Hinga Norman?
- 11 A. I knew him when he was a chief in our land. That was the time that I know him.
- 12 Q. Whilst you were in ~~XXXXXX~~, did you ever see Hinga Norman?
- 13 A. Yes, when I went back to ~~XXXXXX~~, after it had taken some time, I saw him
- 14 Q. About how long afterwards, sir?
- 15 A. What I could all remember is the month in which I saw him was March.
- 16 Q. Where did you see him, sir?
- 17 A. One day we went to the court *barray*, it was there that I saw him.
- 18 Q. Why did you go to the court *barray*?
- 19 A. One day before then, we heard from the commander that Mada Hinga Norman had sent a message
20 that he will have a meeting the day after tomorrow and that nobody should leave the town, everybody
21 should attend the meeting.
- 22 Q. And did you attend the meeting?
- 23 A. Yes.
- 24 Q. And it was at the town *barray*?
- 25 A. Yes, at the court *barray*.
- 26 Q. Who else attended the meeting, sir?
- 27 A. There were a lot of people there. If there was an edict from the *Kamajors*, everybody would have to
28 abide by that, so a lot of people went -- a lot of people attended the meeting.
- 29 Q. Were there only civilians there?
- 30 A. There were a lot of civilians and a lot of *Kamajors*. At that time then a lot of civilians had returned to
31 the town.
- 32 Q. Did Mr. Norman appear at the meeting?
- 33 A. Yes.
- 34 Q. As you recall now, sir, did Mr. Norman speak at the meeting?
- 35 A. Yes.
- 36 Q. As you recall now, sir, tell us as best you can what Mr. Norman said at that meeting
- 37 A. After everybody had been gathered in the court *barray*, Mada Hinga Norman stood in front of the

1 table, said, "I have come to address you, the people of *Xxxxxx*, about this war that has just gone by.
2 The grumbings that you are grumbling, that the *Kamajors* had destroyed and killed people here -- so
3 the first thing that I am telling you is that I am the one that sent the *Kamajors* to *Xxxxxx*. If they were
4 ready to capture this town, that they should not leave anything unturned; they should not leave even a
5 town -- a house; every property; that even if they met people they should kill all of you. Say -- I said
6 that one because when the soldiers were here you were here together and you hosted them and you
7 supported them and you have brought a lot of wicked things. But you were blessed because I'm
8 seeing a lot of people in town, I'm seeing a lot of houses in the town, but according to the agreement
9 that we had to capture this town, I said that it was only the court *barray*, the mosque and the house
10 that I'm supposed to be lodged in that was supposed to be spared. Nothing, no living thing in this
11 town should have been spared. Any property, even a trace of a rat that they saw, if they should trace
12 that trail, they should follow it and see because these soldiers that were here, you were here and were
13 staying together. You were seeing them going doing wicked things. That's why I gave that order
14 because -- why are you blaming the *Kamajors*? The *Tamaboros* came and they killed people, the
15 rebels came and they killed people and nothing came out of it -- the rebels came and killed and
16 nothing came out of it. Is it now because the *Kamajors* are killing people that you are now blaming
17 people? But I will thank you because you are blessed."

18
19 I heard that personally in that meeting. In fact, that was his opening statement -- that was his opening
20 statement at the meeting. We in the meeting, the civilians -- the *Kamajors* were saying, "How does
21 the Pape look?" "Say, he looks alright." And I was afraid right there, I said, perhaps something else
22 could happen. When I heard that, then I left the place. I went and sat far away from the *barray*. I
23 went and I saw then that that was the agenda of the meeting, then, I went back. I was so afraid. That
24 was what I saw with my own eyes.

25 Q. Did you ever again after that time, see Mr. Norman in *Xxxxxx*?

26 A. Yes.

27 Q. When was that?

28 A. In that same month, before the end of that same month, he went there again and he addressed
29 people. Then he said -- Yes, I saw him, he went back to *Xxxxxx*.

30 Q. Did you attend the meeting?

31 A. Yes, I did.

32 Q. And what was said at that meeting by Mr. Norman?

33 A. He said, "The people of *Xxxxxx*, you are still grumbling that the *Kamajors* had come and they had
34 burnt your houses, that they had killed so many people and that you are still grumbling. When the
35 *Kamajors* are passing by, you curse and you just -- don't curse them, if you want do swear people, do
36 that to me. Don't curse the other people's children, swear me because I was the one that sent them
37 here. If you are cursing people, you curse me. This is a war. When there is a war in a country a lot

1 of things could happen. If you are blessed so much that you are saved, your lives are
2 Spared, but if you say you are not forgiving them, instead of swearing these *Kamajors*, you can swear
3 me or you can curse me if you wish to."
4

5 In that last meeting, that was what I heard -- that was what I heard when he addressed the people.
6 And he said, "If you are spared, work unitedly." That was what I heard -- he said, in that last meeting.

7 MR. CARUSO:

8 One moment, Your Honour.

9 That being the case, Your Honour, we are -- we've finished our direct examination of this witness.

10 MR. PRESIDENT:

11 Well, thank you. We are going to rise for a couple of minutes to resume for the session that would be
12 concentrated on cross-examination. So the Court will rise.

13 *(Court recessed at 1107)*

14 *(Pages 14 to 22 by Momodou Jallow)*
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1 *(Court resumed at 1134H)*

2 MR. CARUSO:

3 Your Honour -- Your Honour.

4 MR. PRESIDENT:

5 Yes.

6 MR. CARUSO:

7 I'm sorry. Before the break I announced that we would be finished with this witness. There is one or
8 two other questions I would like to ask him if I might at this point. They will not take any great period
9 of time.

10 MR. BRIODY:

11 My Lords, we respectfully object. The Prosecution has tendered the witness to the Defence and we
12 are prepared to commence cross-examination.

13 MR. CARUSO:

14 Your Honour, they can commence cross-examination in the next five minutes; we will be done by
15 then. There is no harm done. That is clearly formal for substance.

16 MR. BRIODY:

17 May I be --

18 MR. PRESIDENT:

19 We have taken note of the objection by the Defence. We will stand this matter down for a couple of
20 minutes and we would like to have a session in Chambers with the three -- with three counsel, one for
21 each Accused person, and one counsel for the Prosecution.

22

23 So the Court will now rise. And will you please, gentlemen, meet us in Chambers immediately.

24 Thank you.

25

26 The Court will rise.

27 *(Court recessed from 1139H to 1148H)*

28 JUDGE BOUTET:

29 We have consulted during this short pause and we have come to the conclusion that the objection is
30 sustained. We will not allow this supplementary question.

31 MR. PRESIDENT:

32 All right. This said, I think the proceedings will continue.

33 JUDGE BOUTET:

34 So, although yesterday we asked the counsel for the third Accused to start the cross-examination,
35 today we would like to go back to the more usual order and start cross-examination with the first
36 Accused followed by the counsel for the second Accused and third Accused.

37

1 So, Mr. Norman, are you prepared to proceed either yourself or through your stand--by counsel?

2 THE ACCUSED NORMAN:

3 My Lord, I would like through my stand-by counsel.

4 JUDGE BOUTET:

5 Thank you, Mr. Norman.

6 THE ACCUSED NORMAN:

7 May I take my seat?

8 JUDGE BOUTET:

9 Yes, you may be seated, yes.

10 MR. JABBI:

11 My Lords.

12 JUDGE BOUTET:

13 Please proceed.

14 WITNESS TF2-157

15 CROSS-EXAMINATION

16 BY MR. JABBI:

17 Q. Now, Witness, you say you were in **Xxxxxx** in 1991 and rebels came there. As far as you know, in
18 1991 what government did Sierra Leone have?

19 A. At that time it was Momoh that was the President. It was APC that was the ruling party.

20 Q. Now, can you say how that government came into being?

21 MR. CARUSO:

22 Objection, Your Honour, I don't understand the relevance.

23 JUDGE BOUTET:

24 Mr. Counsel?

25 MR. JABBI:

26 I believe the witness will understand the question, unless he cannot.

27 JUDGE BOUTET:

28 Please proceed.

29 BY MR. JABBI:

30 Q. Can you say how that government, the one that you say was led by President Momoh, can you say
31 how it came into being?

32 A. I don't know.

33 Q. Now, can you say whether it was a legitimate government or not?

34 MR. CARUSO:

35 Objection, Your Honour.

36 JUDGE BOUTET:

37 Objection sustained.

1

2 MR. JABBI:

3 As Your Lordship pleases.

4 MR. PRESIDENT:

5 Rephrase your questions. Counsel, rephrase your questions.

6 MR. JABBI:

7 Yes, indeed, My Lord.

8 BY MR. JABBI:

9 Q. Can you say how that government came into office or into power?

10 MR. CARUSO:

11 I'm sorry, Your Honour, it's the same objection, we don't understand the relevance of this.

12 MR. PRESIDENT:

13 No, why not, he is on cross-examination, he is on cross-examination.

14

15 Please, go ahead.

16 BY MR. JABBI:

17 Q. Yes, can you answer the question?

18 A. I cannot tell you that because I don't know.

19 Q. I will be more forthcoming. Do you know whether that government, the Momoh government, came
20 into office as the result of an election or not?

21 A. I do not understand. No.

22 Q. You cannot say whether it was -- it came into office as the result of an election or not?

23 A. I can't say that because I never knew anything about that. I am just a man -- a primitive man from the
24 bush. I only knew that Momoh had been the president -- had been made the president. I don't know.

25 Q. Do you -- were you in **Xxxxxx** in 1986?

26 A. Go over that again.

27 Q. Were you living in **Xxxxxx** in 1986?

28 A. Yes.

29 Q. Do you remember any public election held that year?

30 A. I can't remember that exact year.

31 Q. Thank you. Now, you say rebels came in 1991. What did you understand rebels to be?

32 A. What I know about -- the rebels were, in 1991 when they came we heard that rebels had come.

33 Q. My question was, what did you understand them to be or to come to do?

34 A. They came for the fight. They were fighters.

35 Q. Do you by -- sorry. Do you by any chance know what their objective was?

36 A. I didn't know. I can't tell the workings of their mind.

37 Q. Now, as far as you know, did they in fact fight in this country?

- 1 A. Yes.
- 2 Q. Can you say against whom they were fighting?
- 3 A. They were fighting against the government, and hence all of us, the civilians.
- 4 Q. What government was that?
- 5 A. Those that they met in town when they were attacking the town they would ask if -- "Is there a soldier
6 in this town or is there a government worker in this town?" So they were looking for workers of
7 government. That was the questions that they were asking. That was what I know.
- 8 Q. And what would they do when that question was answered?
- 9 A. When the questions were answered by the people, what happened in front of me is what I am
10 explaining. What used to happen in my absence I can't explain because I didn't see -- I didn't see.
- 11 Q. What would they do when that question was answered in your presence in so far as you witnessed?
- 12 A. The question that you have just asked me, I told you earlier on that I will only answer to questions
13 about things that I witnessed personally but things that I didn't see, I can't answer to questions of that
14 nature.
- 15 Q. So listen carefully to the question. In your own presence, that is as far as you were able to personally
16 witness, what would the rebels do when those questions were answered, the ones that you
17 witnessed?
- 18 A. In my presence, that sort of question was not asked. Nobody answered such a question in my
19 presence because the rebels that came never reached where we were, so they didn't ask such a
20 question in my presence and therefore I can't tell you the answer that people gave.
- 21 Q. Are you saying that the rebels never reached **Xxxxx** in 1991 or just thereafter?
- 22 A. In 1991 no rebels reached in **Xxxxx**. But after which whenever they attacked they were never
23 successful, they were repelled and I was in my house and I would only hear gunshots and they would
24 tell us rebels had come. So no rebel ever stood before me and asked what happened or what never
25 happened or who were here, who were not here. I never faced a rebel personally then.
- 26 Q. Now, did any of those rebels whom you say came from the Pujehun end and crossed the border, did
27 any of them ever reach **Xxxxx**, whether in 1991 or thereafter?
- 28 A. I explained to you the way they came, that they would only come and attack the town and they were
29 repelled, they were never successful. That was what I know about the way they came to the town.
30 They were never successful.
- 31 Q. So you agree that the rebels who came from across the border in 1991 did attack **Xxxxx** from time to
32 time?
- 33 A. Yes, they were attacking **Xxxxx**. A long time after they came, they were attacking **Xxxxx**. That I have
34 answered to. I told you that they were attacking **Xxxxx** but they never settled inside because they
35 were never successful.
- 36 Q. Now, can you tell this Court the period over which the rebels that came attacked **Xxxxx**, the period?
- 37 A. Go over that again. What do you mean by period?

- 1 Q. You said in your evidence in-chief that the rebels attacked **Xxxxx** four times which you witnessed.
2 Can you tell us the time span over which those four attacks took place, from this time to this time, the
3 four attacks together?
- 4 A. The first attack, I know the day of the first attack. I know the month but I don't know the date.
- 5 Q. Help us with that, please.
- 6 A. The first attack was when people were fasting that the -- that the town was attacked on Saturday in
7 the morning during the fast month. That was the first attack in the morning, early in the morning, that I
8 know.
- 9 Q. Can you remember the month?
- 10 A. I said it was the fasting period, the *Ramadhan* period.
- 11 Q. The fasting period comes every year in a particular month. That year what month was it?
- 12 A. I can't remember the name of that month. I only knew that we were to pray the day after, the other
13 day, that we were attacked the Saturday, but I can't remember the particular -- the name of the
14 particular month. One could remember the things that happened even if you were an illiterate but you
15 can't remember, say, the exact month.
- 16 Q. What about the year, can you remember?
- 17 A. I can't remember the year, the exact year.
- 18 Q. Let us take the last of the four attacks. Do you remember when it took place, the ones you
19 witnessed?
- 20 A. The last attack, I don't know any date about it because I didn't write the date and I can't remember,
21 but the last attack actually happened -- it was two pronged. When they attacked, say, today, the
22 following day again they came. I can't remember the month or -- neither do I remember the year.
- 23 Q. Do you remember when the *Kamajors* attacked **Xxxxx**? Do you know the date the *Kamajors* attacked
24 **Xxxxx**?
- 25 A. The time that I know the *Kamajors* attacked **Xxxxx** -- I can't remember the exact date because it was
26 not pen-ed. I can only remember that in that '96 when the *Kamajors* went into the bush long after
27 which they were writing that they would come and attack the town one day; that I can remember, but I
28 can't remember the month. I know it was from 1996 to 1998, in-between there that the first attack was
29 launched.
- 30 Q. If I may refresh your memory, in the evidence in chief you've given this morning, do you remember
31 saying that the last time the *Kamajors* attacked **Xxxxx** that you witnessed was February 13, 1998; do
32 you remember that?
- 33 A. The way you've just talked is -- it's a rough -- it's kind of ambiguous. Go over that again, please.
- 34 Q. Do you remember that you have told the Court this morning that the *Kamajors* attacked **Xxxxx** on the
35 13th of February 1998?
- 36 A. That was not what I said. I said the last attack was on February 13th, 1998. That is what I could
37 remember. That was the last attack. That was the question that I answered to, that the last attack

- 1 was on February 13th, 1998.
- 2 Q. So you remember telling the Court this morning that the last attack of the *Kamajors* on *Xxxxx* town
3 was February -- on February 13, 1998?
- 4 A. Yes.
- 5 Q. Fine. Now, however, it is more difficult for you to remember the attacks on *Xxxxx* by the rebels earlier
6 on, not so?
- 7 A. Are you saying that the earlier attacks on *Xxxxx* is difficult for me to remember?
- 8 Q. You have remembered when the *Kamajors* attacked *Xxxxx* the last time that you witnessed, but my
9 question is that you are finding it more difficult to remember when the earlier rebels attacked *Xxxxx*.
10 You cannot remember their own date of attack, not so?
- 11 A. Is that not what I have explained to you? I've explained the month that the attack took place. I have
12 showed the day but I can't remember the date. I think I told you that.
- 13 Q. Exactly, exactly. Now we move on. Now, you also said in evidence in chief that after the attacks by
14 the rebels in 1991, soldiers came to *Xxxxx*. You remember that, don't you?
- 15 A. I can't remember that. I didn't tell you that when rebels attacked *Xxxxx* in 1991 soldiers came there.
16 That was not what I told you.
- 17 Q. You specifically said in your evidence that rebels were reported to be coming and came as far as up
18 to ten miles to *Xxxxx* town in one direction, and six miles in another direction, and after that, that
19 soldiers came to the town. Don't you remember that evidence this morning?
- 20 A. I can remember. I said it was ten miles off *Xxxxx* at one end and the other wing it was six miles off
21 *Xxxxx*. That was the distance between *Xxxxx* and the rebels that we heard about that.
- 22 Q. Okay, and you said that after that soldiers came to *Xxxxx* town.
- 23 A. Yes.
- 24 Q. Now can you say what soldiers these were?
- 25 A. Yes.
- 26 Q. Help us, please.
- 27 A. They were government soldiers that came and settled in *Xxxxx* for them to be fighting against the
28 rebels so that they could prevent them from *Xxxxx* and that should be driven away. That was how I
29 knew that the soldiers were government soldiers.
- 30 Q. Thank you. Now, from what you have said, would you agree that the rebels came to fight against the
31 people and government of Sierra Leone, those rebels, and that that is why the soldiers came?
- 32 A. Yes.
- 33 Q. Now, you also said that the soldiers had a good relationship -- the soldiers of that time had a good
34 relationship with the local people in *Xxxxx*.
- 35 A. Yes.
- 36 Q. Now, we move on a bit. You gave a graphic description of the *Kamajors* when they arrived in *Xxxxx*.
37 Now, first of all, can you tell this Court as far as you know how the *Kamajor* movement started? As far

- 1 as you know.
- 2 A. Yes. They came to protect us. When they were initiated they came and settled in **Xxxxx**. They were
3 there to protect us. Themselves, together with the soldiers, came to protect us at that time.
- 4 Q. So can you say therefore why the *Kamajor* movement started?
- 5 A. I can't tell you why the *Kamajor* movement started because I was not there when it started. It was
6 when the *Kamajor* movement reached at my own location that I knew about the *Kamajors*.
- 7 Q. Would you say that it is in any way connected with the invasion by the rebels into Sierra Leone?
- 8 A. Yes.
- 9 Q. Can you explain what connection? You have said --
- 10 A. What sort of connection?
- 11 Q. You have said it is in some way connected with the invasion by the rebels into Sierra Leone. That is
12 what you just said. So in what way was it connected, so far as you know, if you do?
- 13 A. When this war came, that necessitated the coming of the *Kamajor*. The *Kamajor* were initiated
14 because they didn't want the rebels to overrun the country, that's why the *Kamajor* were initiated to
15 fight them.
- 16 Q. Thank you very much. Now when the *Kamajors* went to **Xxxxx**, were they working together with any
17 groups?
- 18 A. Yes.
- 19 Q. What group?
- 20 A. When the *Kamajors* came to **Xxxxx**, at that time the soldiers were there. They were united to fight
21 against the rebels. They said they were fighting together against the rebels. That -- I saw that.
- 22 Q. Any other group they were working with, whether civilian or otherwise?
- 23 A. These *Kamajors*?
- 24 Q. Yes.
- 25 A. Yes.
- 26 Q. Can you tell the Court, please?
- 27 A. There was nothing else except that they were all fighters, they were warriors protecting us. They
28 came together, they joined forces with the soldiers, so if we were asked us to do anything for them we
29 would do that for them. Say, for example, when we were in the town, there was need for the town to
30 be brushed all about the place so enemies would not come near the town, that enemy would be
31 spotted immediately. We would come together to brush the town.
- 32 Q. Now, would you therefore say that they were working in a cordial way with the local population, the
33 local people in **Xxxxx** town?
- 34 A. At that time?
- 35 Q. Yes.
- 36 A. Yes.
- 37 Q. That is up to -- when do you say they were working amicably with the local people, up to when?

- 1 A. That was -- we were -- I can't remember the exact time but they were together for about five, six
2 months; that is what I can remember, not the exact date. But the two warring factions were working
3 together. That I can tell you.
- 4 Q. So that means that for quite a few months the *Kamajors* were working cordially both with the soldiers
5 and the local people in **Xxxxx** town?
- 6 A. Yes.
- 7 Q. And would you agree that they were therefore -- the *Kamajors*, they were therefore defending both the
8 local people and the government of the country?
- 9 A. At that time -- at that time they were doing that hand-in-hand, together with the other fighters that were
10 with us that we hosted.
- 11 Q. That is to say they were protecting the local people and defending the government. Is that what you
12 are saying?
- 13 A. At that time that is what I am telling you. At that time that is what they were doing.
- 14 Q. Now, at one stage in your evidence in-chief you said, "We had a chief called Mada Norman." Do you
15 remember saying that in your evidence?
- 16 A. Yes.
- 17 Q. Okay, for now I am concerned with the word "we" in that statement. What were you referring to by the
18 use of the word "we" in that statement?
- 19 A. What sort of statement?
- 20 Q. When you said, "We had a chief called Mada Norman", who were the "we" you were referring to?
21 "We had a chief called Mada Norman."
- 22 A. What I meant by "we", if you say a chief, even if it's a small area he is a chief. That land of ours,
23 **Xxxxx**, he was the chief. So he was our chief, Mada Hinga Norman was our chief. He was our **Xxxxx**
24 chief.
- 25 Q. Oh, yes. Now, can you tell the Court in what chiefdom **Xxxxx** town is?
- 26 A. Yes.
- 27 Q. Yes, please.
- 28 A. **Xxxxx** is located in **Xxxxx** Chiefdom.
- 29 Q. And so the person you referred to as Mada Norman was also Chief of **Xxxxx**?
- 30 A. It was not only **Xxxxx**, it was the whole of the Chiefdom and **Xxxxx** is located in the Chiefdom. So if
31 he was the chief of the Chiefdom, then he was also the chief of **Xxxxx**.
- 32 Q. Thank you very much.
- 33
- 34 Now, when the *Kamajors* went to **Xxxxx** town and therefore to **Xxxxx** Chiefdom, did that chief, Mada
35 Norman, explain to you anything?
- 36 A. Yes, even before the *Kamajors* went to **Xxxxx**.
- 37 Q. Can you say -- if you can remember, can you say when those *Kamajors* went there, to **Xxxxx** for the

1 first time?

2 A. Yes.

3 Q. Help us with that, please.

4 A. For the *Kamajors* to settle in *Xxxxx*, the chief in the land, Mada Hinga Norman, was the one that told
5 the people that we should give people by house (*sic*) to be initiated in the *Kamajor* society to protect
6 you and protect the land. He told us that, that is what should happen and that was what we did. The
7 *Kamajors* didn't come from outside and settled in *Xxxxx*, it was people that came from within the
8 Chiefdom and they were initiated to protect the land.

9 Q. So it was the very natives of the towns and Chiefdoms that joined the *Kamajor* movement for the
10 protection of their own people; not so?

11 MR. PRESIDENT:

12 Excuse me, would that mean -- oh, let him -- let him give the answer.

13 MR. JABBI:

14 Yes, My Lord.

15 THE WITNESS:

16 What I told you about is what you should know. Know that before you ask a question. If a chief gives
17 an order and says that is -- this is what should happen in this land, everybody would have to abide by
18 that. And he gave the order and we had to abide by that order. In that land in Telu-Bongor we had to
19 abide by the order because it was given by the chief.

20 BY MR. JABBI:

21 Q. So the native people of *Xxxxxx* -- *Xxxxx* and also of *Xxxxx* joined the *Kamajor* movement to protect
22 their own people. Would you say that?

23 A. Yes.

24 Q. Thank you. You also said that after some time the *Kamajors* left when we heard that the government
25 was overthrown.

26 A. Yes.

27 Q. Did they leave under the force of an attack that you knew of?

28 A. Was it because they attacked the town before they left?

29 Q. Whether they left because they were attacked by any group.

30 A. Who attacked them?

31 MR. JABBI:

32 Excuse me -- excuse me, My Lord.

33 BY MR. JABBI:

34 Q. Now, my question is whether to your own knowledge any group at all did attack the *Kamajors* before
35 they left *Xxxxx* town when you said the government was overthrown and the *Kamajors* left.

36 A. I did not witness any attack from any troop as against the *Kamajors*. I didn't see that.

37 Q. Now, apart from the -- you have said that the *Kamajors* and the soldiers had been working together.

- 1 When the Kabbah government was overthrown, according to you, when the Kabbah government was
2 overthrown and the *Kamajors* left **Xxxxx** town, was there any fighting group in **Xxxxx** after their
3 departure?
- 4 A. Yes.
- 5 Q. Which group?
- 6 A. Soldiers.
- 7 Q. Now, you also said earlier on -- just before we leave the *Kamajor* movement -- that your own brother
8 was a member of the *Kamajors*. Do you remember that?
- 9 A. Yes.
- 10 Q. Do you know when he joined in?
- 11 A. They were those that were initiated in **Xxxxxx**.
- 12 Q. When was that?
- 13 A. I can't remember the date because I told you earlier on that I can't remember dates.
- 14 Q. You are certainly good with certain dates, aren't you? Your memory is good with certain dates, not
15 so?
- 16 A. Yes. There are certain dates, if I could remember them, I can remember them, but if I can't remember
17 them, I can't say here today that I can remember. No, I can't say things that I can't remember again.
18 There are some that I can remember, but certainly not everything.
- 19 Q. Can you remember whether your brother joined the *Kamajor* movement before the Kabbah
20 government was overthrown?
- 21 A. Well, it was not only my brother. We in that Chiefdom were initiated before the overthrow took place.
- 22 Q. I am specific about your brother. Do you remember whether your brother joined the *Kamajor*
23 movement before the Kabbah government was overthrown or not?
- 24 A. Well, my brother was not singularly initiated into the society he was initiated alongside other people.
25 That's what I've told you, that it was when they were initiated, when they had gone through the
26 initiation rite before the government was overthrown. That is what I have just told you.
- 27 Q. So you -- so you agree that your brother joined the *Kamajor* movement before Kabbah government
28 was overthrown?
- 29 A. Yes. Yes, all of them were initiated to the *Kamajor* society before the government was overthrown.
- 30 Q. Do you remember when the Kabbah government was overthrown?
- 31 A. I can remember the year but I can't recall the exact date. I can't remember that.
- 32 Q. Well, can you say it, the year?
- 33 A. Yes, it was '96.
- 34 Q. You are sure it was '96, are you?
- 35 A. To me it was 1996. That is what I can remember.
- 36 Q. Do you remember when the Kabbah government came to power?
- 37 A. The first or the last one?

1 Q. The first time. The first time?

2 A. The first one?

3 Q. Yes.

4 A. I can't remember the exact date but we were those that voted. I can't remember that exact year, but I
5 was among the voters that brought him to power.

6 Q. So you are saying that the Kabbah government came to power through an election in the country; is
7 that what you are saying?

8 A. Yes.

9 Q. But you don't remember the date at all, the first time it came to power?

10 A. No, no, I can't remember now.

11 Q. If I may help your memory, may I suggest that in fact the Kabbah government came to power for the
12 first time in 1996; would you agree with that?

13 MR. PRESIDENT:

14 Are those not matters that we ordinarily should know? We should take judicial notice of some of
15 these issues --

16 MR. JABBI:

17 My Lord, it's just to test --

18 MR. PRESIDENT:

19 -- because, you know, this witness has indicated his intellectual limitations, and I think he should be
20 spared on testifying on matters which could be proved by some other means.

21 MR. JABBI:

22 My Lord, in the process, I was trying to prove the authenticity of his own assertions -- the correctness
23 of his own assertions about the limitations of his memory with respect to certain dates.

24 MR. PRESIDENT:

25 Go ahead, Counsel, go ahead.

26 BY MR. JABBI:

27 Q. So I want to help your memory a little bit. First, that the Kabbah government came to power for the
28 first time in 1996.

29 A. You have said so that that was the time that the government came into power. That is what you have
30 said.

31 Q. I'm suggesting whether you would agree with that. I'm trying to help your memory. Would you agree?

32 A. The question that you've just asked me, you are saying that I'm stupid, because the time that you are
33 referring to, you are telling me that that was the time that the man came into power. Ask me a
34 question that could lead me to answer you, but don't ask me a question that would make appear very
35 stupid.

36 Q. I will ask you another question which I hope is not along the lines you are thinking. Would you agree
37 if I said that the Kabbah government was overthrown in 1997 and not 1996?

1 A. I can't say yes to that.

2 Q. By whom was the Kabbah government overthrown?

3 A. Paul Koroma.

4 Q. Paul Koroma alone?

5 A. Paul Koroma was a soldier. It was soldiers that overthrew the government.

6 Q. As far as you know -- as far as you know, were all the soldiers united in the overthrow of the Kabbah
7 government?

8 A. I can't say that because I never knew what was in their hearts, but I know the leader of the people that
9 overthrew the government. That was Johnny Paul Koroma who was a soldier.

10 Q. Again, as far as you know, were there any other soldiers or group of soldiers who did not agree with
11 the soldiers who overthrew the Kabbah government?

12 A. I am not a member of the army, how can I tell you what they were thinking? And I don't know
13 anything about the military. I say things that are general, things that are not specific. I can't tell you
14 that a difference of their thoughts, that these are the soldiers that overthrew and those are the -- those
15 are -- those are they that supported or those are they that didn't support the coup. I can't say so.

16 Q. Okay, from your general knowledge, do you know of any soldiers who were not supporting the
17 Johnny Paul Koroma government?

18 A. I cannot tell you that. I don't know.

19 JUDGE BOUTET:

20 Mr. Defence Counsel, we've given you some liberty to ask all these questions, but I think we would
21 like to move in a different direction. I know you are in cross-examination, we've tried to accommodate
22 you, but I would suggest you move in a different direction.

23 MR. JABBI:

24 As Your Lordship please.

25 JUDGE BOUTET:

26 Thank you.

27 BY MR. JABBI:

28 Q. Now, the -- we come to the date that you remember so clearly, February 13, 1998. According to you,
29 when the *Kamajors* attacked on that day they were repelled by the soldiers in **Xxxxx** town; is that
30 correct?

31 A. In all the attacks they were repelled.

32 Q. Talking about the particular attack on February 13, 1998, where were you in **Xxxxx** town during the
33 actual attack?

34 A. I was at the Mosque. That February 13th attack, I was in the Mosque.

35 Q. Did you stay there throughout the attack?

36 A. I was not there until the end of it.

37 Q. Where did you go?

- 1 A. I left there and went to my house.
- 2 Q. Whilst you were at your house, did you in fact witness particular encounters in -- during that attack?
- 3 Did you, for instance, go out during the attack?
- 4 A. Go over that again, please.
- 5 Q. Did you at any time leave your house whilst the attack by the *Kamajors* was going on up to the time it
- 6 was repelled?
- 7 A. It was -- it was at the end of the battle that I left my house. I can't leave my house when the war was
- 8 going on. When the fighting was going on I can't leave -- I couldn't have left my house.
- 9 Q. So would it be fair to say that you did not personally witness particular encounters during that attack
- 10 because you were hiding in your house?
- 11 A. The question that you are asking me, if I had told you that I was in a mosque when the town was
- 12 attacked and went to my house when the attack -- the fighting was on, how -- I can't -- I couldn't have
- 13 been outside. I could have been in my house, and I was in my house until the end of the fight and
- 14 everybody ceased firing.
- 15 Q. So you did not actually witness the actual fighting?
- 16 A. I told you the start of the whole fight we were in the mosque. When the *Kamajors* launched the bomb,
- 17 and before then we had heard a rumour that they were going to attack the place, so if we were in the
- 18 mosque and we heard a blast we would definitely infer that it was the *Kamajors* that had attacked.
- 19 That is what I have told you, and it is still the same thing that I'm telling you.
- 20 Q. You concluded that that attack was by the *Kamajors* only because you had been told earlier that the
- 21 *Kamajors* were coming?
- 22 A. They were those that were attacking the town all throughout the town, and at that time there was no
- 23 other group of fighters that used to attack *Xxxxx*; it was only the *Kamajors*. And then they sent a
- 24 message even before the attack took place. So if I could hear a gunshot then I would just infer that it
- 25 was the *Kamajors* because it was they that we -- that we were ever used to attacking the town then.
- 26 Q. But it was not necessarily because you saw particular *Kamajors* attacking at that time, for example,
- 27 throwing what you called a bomb. You did not see a *Kamajor* throwing that bomb, did you?
- 28 A. At that moment when I was in the mosque, the bomb came from elsewhere that I can't -- that I didn't
- 29 see. I only saw -- if a bomb comes -- came from the bush, meaning that it was the one that is coming
- 30 from the bush that sent the bomb. It was they that were coming that sent the bomb against us -- that
- 31 fired the bomb against us.
- 32 Q. Okay, the simple question is whether you personally saw the *Kamajors* throw that bomb; yes or no?
- 33 A. The direction that the bomb came from --
- 34 Q. Please, let the witness answer the question that is put to him. Did you personally see the person or
- 35 group that threw the bomb, did you personally see them?
- 36 A. The group that I know did that was those that came, that is, the *Kamajors* that came that I know they
- 37 fired the bomb.

1 MR. PRESIDENT:

2 Mr. Witness?

3 THE WITNESS:

4 Yes, sir.

5 MR. PRESIDENT:

6 Mr. Witness, counsel is asking you -- you have said, yes, bombs were thrown, you were in the
7 mosque. Did you see the people who threw the bomb?

8 THE WITNESS:

9 No, because I was not at the direction where the bomb was fired.

10 BY MR. JABBI:

11 Q. So you did not see at all?

12 A. I was not there so I couldn't see the person that fired the bomb, but I saw it landed.

13 Q. Now you say that after the attacks subsided you left the house and went out and you saw three
14 persons killed who were *Kamajors*.

15 A. Yes.

16 Q. One of whom you even knew before the war, not so?

17 A. I knew him well before the war. I also knew when he was initiated into the *Kamajor* society, so I went
18 and saw his corpse.

19 Q. Would you agree that if three *Kamajors* -- first of all -- sorry, please. Did you see on that occasion any
20 other persons killed?

21 A. I didn't see any other person dead besides the three people I have just mentioned.

22 Q. So would you say that there was an attack against the *Kamajors* if they were the only casualties?

23 A. I can't say that the *Kamajors* were attacked. I can't say that.

24 Q. Would you say that there was a clash that you did not witness, between *Kamajors* and another armed
25 group?

26 A. What did you say?

27 Q. Would you say --

28 JUDGE THOMPSON:

29 Learned Counsel, if you want this witness to testify to matters within his own knowledge, things that
30 he heard and saw, why do you want him to say or draw any inferences as to things that he didn't hear
31 or see? Wouldn't that be inconsistent? And the Rules don't allow you to play the game that way.

32

33 You've quite rightly pointed out that he was trying to testify to matters that he didn't witness at all, and
34 your question now seems to suggest that he can still talk about matters even if inferentially he didn't
35 witness that at all. That line of cross-examination would seem to me to be impermissible unless you
36 rephrase your question.

37 MR. JABBI:

1 Thank you, My Lord. My Lord, I was -- I mean, the witness has made many statements as you have
2 rightly said, My Lord, of things that he did not witness. But I just want to test what more of that nature
3 he is inclined to do, and that was the purpose of the question, My Lord.

4 JUDGE THOMPSON:

5 Yes, it's definitely treading a very fine line, but I just thought I should call your attention to that. Okay.

6 BY MR. JABBI:

7 Q. So would you say that if an attack took place and three *Kamajors* were killed as the only casualties
8 that you saw, then there was a clash between some armed groups? Would you be inclined to say
9 that?

10 JUDGE THOMPSON:

11 Counsel, then your question is --

12 MR. JABBI:

13 As Your Lordship pleases.

14 JUDGE THOMPSON:

15 The question is highly speculative --

16 MR. JABBI:

17 As Your Lordship pleases.

18 JUDGE THOMPSON:

19 -- and argumentative.

20 MR. JABBI:

21 As Your Lordship pleases.

22 BY MR. JABBI:

23 Q. Now, after that attack you have said that the same evening you went to Bo.

24 JUDGE THOMPSON:

25 After which attack? After which attack?

26 BY MR. JABBI:

27 Q. After the attack of 13th February 1998.

28 A. Yes.

29 Q. How long did you stay in Bo Town?

30 A. Just that morning that I reached till the -- till dawn broke was only the time that I spent there. Because
31 even the sister that I stayed with was penniless so when -- some time in the morning I went back
32 because my sister was penniless.

33 Q. So (*overlapping microphones*) in Bo Town?

34 A. In fact, it was not up to a night because almost the rest of the night was spent walking to Bo. So after
35 dawn broke again I went back, so I didn't spend the night in Bo because I spent the night walking.

36 Q. What day did you leave Bo Town? If I may put it that way.

37 A. Saturday morning.

- 1 Q. Did you by any chance go into the town itself? Did you go further into the town apart from where you
2 were staying at **Xxxxx**?
- 3 A. Right in the heart of Bo?
- 4 Q. Yes.
- 5 A. No.
- 6 Q. You did not go into Bo Town.
7
- 8 Now, having left **Xxxxx** in the mood and circumstances that you left, did you feel safe to return there?
- 9 A. My life depended on God because if I went there whatever could have happened to me -- it was left to
10 God, because if I stayed in Bo I hadn't any food to eat so I decided going back because in my bush I
11 would -- I must have found something else to eat.
- 12 Q. I take it that you were indifferent to whether you were safe or not in returning to **Xxxxx** or wanting to
13 return to **Xxxxx** on that occasion?
- 14 MR. PRESIDENT:
15 I think the witness has answered that question.
- 16 MR. JABBI:
17 As Your Lordship pleases. As Your Lordship pleases.
- 18 MR. PRESIDENT:
19 He says he had faith and that he didn't have any food to live on. The sister was handicapped so he
20 had to go back to **Xxxxx**.
- 21 MR. JABBI:
22 As Your Lordship pleases.
- 23 MR. PRESIDENT:
24 He gave his life, you know, to destiny and said, "Well, whatever, whatever, I'm going back to **Xxxxx**."
25 BY MR. JABBI:
- 26 Q. Now the only reason, according to you, why you did not stay in Bo Town was because you saw that
27 your sister did not have enough means to support you and your family. Was that your only reason for
28 wanting to go back to **Xxxxx**?
- 29 A. That was what I have explained to you.
- 30 Q. Is that the reason, the only reason?
- 31 A. That is the reason. I reached in the town and I had no other means of survival so I had to go back to
32 the bush because that is the place I usually was. So -- so I had to go there because there I could find
33 something else to eat, that is my bush. So whatever could have happened to me, my life was
34 dependent on God.
- 35 Q. You did not perceive any other danger to yourself in Bo for wanting to go back?
- 36 A. You say I didn't do anything, anything bad or wicked?
- 37 Q. (*Overlapping microphones*) not whether you did not do anything bad, but whether you feared that

1 anything bad would happen to you when you decided to go back to Xxxxx.

2 A. That was not the reason because even if I had stayed in Bo I couldn't have feared anything to happen
3 to me. But I knew if -- I knew if I had stayed in Bo if I was not killed by the gun I would have been
4 killed by hunger.

5 JUDGE BOUTET:

6 Mr. Counsel, before you ask your next question I would like to know if you intend to pursue for many
7 more minutes because we past one o'clock. We've been at it for quite a while. I'm just trying to
8 assess if we should break now or let you go for another, I don't know, five, ten minutes, if that's the --
9 what you have in mind at this time. If you are telling us it might be longer, then we'll have to assess if
10 we are to break now, because the Accused, as well as others, have to go and get some food, and that
11 would be maybe the right time to break, but I just want to hear from you or Mr. Norman.

12 MR. JABBI:

13 My Lord -- oh, sorry.

14 THE ACCUSED NORMAN:

15 My Lord, before the break I just want to make two clarifications with this witness.

16 MR. PRESIDENT:

17 We have not finished with your counsel as yet, Mr. Norman, please.

18 THE ACCUSED NORMAN:

19 I thought I'd just inform you Your Lordship.

20 MR. JABBI:

21 My Lord, maybe he means before I finally break.

22

23 My Lord, I intend to go a little bit more with this witness. It's likely to be up to 30 minutes.

24

25 And if I may add --

26 MR. PRESIDENT:

27 Yes.

28 MR. JABBI:

29 If I may also add, My Lord, I should say that I would not myself be averse to taking a break at this
30 juncture.

31 MR. PRESIDENT:

32 Yes, you were saying something? You were --

33 MR. JABBI:

34 No, My Lord, I was just saying that I have a while more to go with this witness but that this might well
35 be an appropriate juncture for a break, if Your Lordships are so inclined.

36 MR. PRESIDENT:

37 How much more time do you think you have with this witness? I know at this point it's difficult to be

1 very precise, but from what you have in mind, you want to go further. About how much further, you
2 know, do you want to go?

3 MR. JABBI:

4 My Lord, we have about halfway with cross-examination -- sorry, My Lord, I believe I have gone about
5 halfway in the cross-examination.

6 MR. PRESIDENT:

7 Right. Mr. Norman, we have taken -- we've taken note of your request to ask for two or three
8 clarifications. This you would do after counsel has wrapped up his cross-examination.

9
10 And we are adjourning this matter to tomorrow, the 17th, I suppose -- tomorrow, the 17th of June, at
11 9:30 a.m.. The Court stands adjourned.

12 *(Court adjourned at 1309H)*

13 *(Pages 23 to 40 by Gifty C. Harding)*

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CERTIFICATE

We, Susan G. Humphries, Momodou Jallow and Gifty C. Harding, 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.

Susan G. Humphries

Momodou Jallow

Gifty C. Harding