

THE SPECIAL COURT FOR SIERRA LEONE

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

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

WEDNESDAY, 8 SEPTEMBER 2004  
10.10 a.m.  
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison  
Mr Clemens Daburon (intern)

For the Registry:

Ms Maureen Edmonds  
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara  
Mr Mohamed Bangura  
Mr Raimund Sauter  
Mr Kevin Tavener  
Ms Leslie Murray (intern)

For the Accused Sam Hinga Norman:

Mr John Wesley Hall  
Ms Quincy Whitaker

For the Accused Moinina Fofana:

Mr Arrow Bockarie.  
Mr Michiel Pestman  
Ms Phoebe Knowles

For the Accused Allieu Kondewa:

Mr Charles Margai  
Mr Yada Williams  
Mr Ansu Lansana  
Mr Neerav Kingsland (intern)

1 Tuesday, 8 September 2004

2 [The accused entered court]

3 [Upon commencing at 10.10 a.m.]

4 [Open session]

10:11:25 5 MS EDMONDS: Case number SCSL-14-04, the Prosecutor against  
6 Sam Hinga Norman, Moinina Fofana and Allieu Kondewa.

7 PRESIDING JUDGE: We don't have any further interpreters to  
8 swear in? No?

9 THE INTERPRETER: No, My lord.

10:11:53 10 PRESIDING JUDGE: The Chamber would like to have on record the  
11 representations as they were before. Are there any  
12 changes in the representations? No significant  
13 changes --

14 MR BANGURA: May it please Your Honour.

10:12:09 15 PRESIDING JUDGE: -- for the Defence at least. Well, for the  
16 Prosecution. Yes.

17 MR BANGURA: Your Honour, appearing for the Prosecution,  
18 Raimund Sauter, Kevin Tavener - who is new - Joseph  
19 Kamara and myself, Mohamed Bangura.

10:12:35 20 PRESIDING JUDGE: All right. Okay, this is noted for the  
21 record. What about for the Defence, the representation  
22 remains the same? All right.

23 Before we proceed, the Trial Chamber would like to  
24 indicate that it is saddened by the news of the death of  
10:12:54 25 Mr Arthur Pratt, a respected journalist for Radio  
26 Democracy 98.1, and a member of the press that reports on  
27 the work of the Special Court. He conducted various  
28 interviews with staff of the Court and was a popular  
29 colleague in the press gallery.

1           On this very sad moment of grief, the Chamber would  
2           like to associate itself with the other mourners and  
3           sympathisers to convey its very sincere condolences,  
4           particularly to his dear family and his colleagues, the  
10:13:37 5           journalists and the media as a whole, who, as we also  
6           do -- losing him, the talent and services of a committed  
7           communicator. May his soul rest in perfect peace.

8           Judge Boutet, who held the status conference  
9           yesterday, has some communications to make -- issues --  
10:14:48 10           on certain issues that were raised.

11        JUDGE BOUTET: I had mentioned yesterday that I would let the  
12           parties know about the Court's decision about some of the  
13           issues raised, and one was the glass separation in the  
14           Defence box. We all agreed that it shall be removed,  
10:15:10 15           even though it was part of the plans and the blueprints.  
16           We don't see the necessity of having these dividers at  
17           this time and therefore they will be removed some time  
18           this week. So we will ask the authorities. I think they  
19           can just be slid out without much of a problem. So that  
10:15:34 20           should solve that particular issue.

21           The other outstanding issue was the motion that --  
22           the application by the Prosecution to have one witness  
23           testifying in a closed session. We will hear this  
24           argument orally without the filing of any written motion  
10:15:56 25           and we'll hear that this coming Friday. I would also  
26           warn the parties that, if you do have any authorities,  
27           you should have your authorities with you so you can  
28           produce them to the Court as required.

29           I think these are the only outstanding issues that

1           resulted from yesterday's -- there were questions about  
2           detention conditions, as such. I've asked the Registrar  
3           to look into these matters and report back.

4           MS WHITAKER: Your Honours, there was just the matter of the  
10:16:23 5           witness payments from the Victims Support, which I think  
6           Your Honour indicated was a proper matter for us to have  
7           disclosed, but we haven't had any further information.

8           JUDGE BOUTET: I haven't seen Mr Vahidy who is the head of  
9           that unit, but certainly we'll pursue this particular  
10:16:40 10           matter. Yes, you are quite right.

11           MS WHITAKER: And prior to cross-examination we would require  
12           that information.

13           JUDGE BOUTET: Very well.

14           MS WHITAKER: Grateful.

10:16:46 15           MR PESTMAN: Your Honour, just following the conversations we  
16           had yesterday, the discussion we had yesterday about my  
17           client's health, I can just inform the Court that my  
18           client was seen by the doctor yesterday afternoon and  
19           that all problems seem to be resolved now. So I don't  
10:17:05 20           think the Registrar has to investigate that further.

21           JUDGE BOUTET: That's good news. Thank you very much.  
22           Presiding Judge.

23           PRESIDING JUDGE: Are there any other issues which have not  
24           been addressed and which counsel would like to be  
10:17:20 25           addressed at this stage? No.

26           Yes, we will call on the Prosecution, you know, to  
27           proceed.

28           MR BANGURA: Your Honour, the Prosecution calls witness  
29           TF2-162.

1 [The witness entered court]

2 PRESIDING JUDGE: This will be the fifth witness?

3 MR BANGURA: Yes, Your Honour.

4 PRESIDING JUDGE: Before we proceed, I think I would like to

10:21:12 5 welcome all counsel who have travelled from abroad and  
6 all those who are also resident, you know, to this second  
7 session of the CDF trial. I express the hope and the  
8 wish that the proceedings remain as cordial as they could  
9 be and that they, above all, remain conducted very

10:21:49 10 responsibly and very expeditiously. We count, as usual,  
11 on the cooperation of counsel on both sides to respect  
12 the constraints and the necessity for us to be done with  
13 this business as quickly as we can so that the accused  
14 persons can be seen to have enjoyed their statutory  
10:22:27 15 privilege to an expeditious trial which should not be  
16 delayed by any circumstances or by any techniques which  
17 may be employed at any one time.

18 So as we said, the Chamber counts very much on the  
19 cooperation of counsel on both sides, and we wish to wish  
10:23:02 20 everybody the best throughout this particular session.

21 Thank you.

22 Yes. Has the witness been sworn in?

23 PRESIDING JUDGE: We hear there is a telephone link with the  
24 interpreters. There we are again losing time.

10:23:49 25 JUDGE BOUTET: Is everything okay on the Defence side with  
26 earphones. Mr Norman, you are okay?

27 THE ACCUSED NORMAN: Yes.

28 JUDGE BOUTET: Okay, thank you.

29 [Technical difficulties]

1 JUDGE BOUTET: While we're waiting for this problem to be  
2 solved, I should add to what I mentioned at the beginning  
3 this morning that there were still some other issues that  
4 were raised yesterday about the time of sitting. We have  
10:24:36 5 discussed that in Chambers and we agreed that we will be  
6 sitting from now on at 9.30 in the morning rather than  
7 10.00. So even though I said yesterday -- and the order  
8 that has been issued for Court scheduling indicated  
9 10.00 -- it will be from tomorrow on at 9.30 rather than  
10:24:57 10 10.00.

11 And we will not be sitting on Wednesdays except we  
12 will be sitting this afternoon, but on a continuous  
13 basis, normally on Wednesdays we will not be sitting in  
14 the afternoon. On Friday, which is motion day, if there  
10:25:11 15 are no motions or not enough motions, we will hear  
16 witnesses for the remainder of the day. So that is  
17 basically what we're planning to do for the coming  
18 session.

19 There was a request that the Court schedule be  
10:25:25 20 issued for a year. At this time we don't feel it is  
21 appropriate to issue that for a year, but we'll certainly  
22 issue one for the next six months so at least there's  
23 some indication and we will see how that shapes up and,  
24 if need be, we'll make some adjustment as we move along.  
10:25:44 25 So shortly this week we will be issuing a Court order for  
26 the next six months scheduling of the Court. These are  
27 the additional details I meant to inform you of this  
28 morning. Thank you.

29 PRESIDING JUDGE: It seems you can now swear him in.

1 WITNESS: TF2-162 sworn

2 [Witness answered through interpretation]

3 PRESIDING JUDGE: Mr Tavener.

4 MR BANGURA: Bangura, My Lord.

10:32:30 5 PRESIDING JUDGE: There's a mixup here. Mr Mohamed Bangura?

6 MR BANGURA: Yes.

7 PRESIDING JUDGE: Appearing with you, the other counsel?

8 MR BANGURA: Joseph Kamara.

9 PRESIDING JUDGE: Kamara.

10:32:37 10 MR BANGURA: Kevin Tavener.

11 PRESIDING JUDGE: Kevin Tavener?

12 MR BANGURA: Yes, and Raimund Sauter.

13 PRESIDING JUDGE: And Leslie Murray, no?

14 MR BANGURA: Leslie Murray is an intern, My Lord.

10:32:58 15 PRESIDING JUDGE: Okay. All right, Mr Bangura, you can  
16 proceed.

17 MR BANGURA: Thank you, My Lord.

18 PRESIDING JUDGE: You say this is witness TF2-162?

19 MR BANGURA: Yes.

10:33:04 20 PRESIDING JUDGE: I believe he is your fifth witness?

21 MR BANGURA: Yes, Your Honour.

22 EXAMINED BY MR BANGURA:

23 Q. Mr Witness, can you tell this Court your age?

24 A. Yes.

10:33:22 25 Q. How old are you?

26 A. I am 75 years old.

27 Q. How are you able to tell your age?

28 A. How I could tell my age, the person that were born

29 together, I was born one year earlier and he was born one

1 year after. I did not go to school, but he went to  
2 school. Our father told him that since I was -- I am not  
3 educated, he explained to him when and how we were given  
4 birth to. That is how I came to know my age. My father  
10:34:23 5 told him. That's how I came to know my age.

6 Q. Where were you born?

7 PRESIDING JUDGE: He said he is how old?

8 MR BANGURA: 75, Your Honour.

9 PRESIDING JUDGE: 75.

10:34:54 10 MR BANGURA:

11 Q. Have you answered the question, where were you born?

12 A. I was born in Largo.

13 Q. In what chiefdom?

14 A. Bongor Jaiama Chiefdom.

10:35:13 15 Q. That is in Bo District?

16 A. Yes.

17 Q. Where do you live presently?

18 A. I live in Koribundu.

19 Q. How long have you been living in Koribundu?

10:35:42 20 A. I have not been counting the number of years, but it has  
21 taken so long now.

22 Q. Who do you live with at your address in Koribundu?

23 A. Together with my family at my house.

24 Q. What is your occupation?

10:36:15 25 A. I am a farmer.

26 Q. What kind of farming do you do?

27 A. I do swamp rice farming. I do swamp rice farming.

28 Q. Apart from farming, do you have any other skill by which  
29 you earn a living?



1 A. Yes.

2 Q. What is that skill?

3 A. What I do to get my living is I have a plantation. It is  
4 through that also that I get my living.

10:37:19 5 Q. Anything else you do for a living?

6 A. Besides the swamp farming, I also do some other thing.

7 Q. Please tell the Court.

8 A. What I do in my plantation I also weave mats and I weave  
9 baskets. I sell them. I sell them and afterwards I use  
10:38:03 10 the proceeds to -- for my living. I use the proceeds for  
11 my feeding until I get my harvest from the swamp.

12 Q. Are you able to read and write English?

13 A. No.

14 Q. What languages do you speak?

10:38:28 15 A. Only the Mende language that my father and mother taught  
16 me to speak is the only language that I can speak -- the  
17 only one that I can speak, and for that it is very  
18 scarcely, and I don't like speaking it. I speak Mende.  
19 It is Mende that I only speak.

10:38:58 20 Q. Thank you. Mr Witness, I want to take your mind back to  
21 events that happened in Koribundu some time ago. Do you  
22 remember the time when the government of Ahmad Tejan  
23 Kabbah was overthrown?

24 A. Very well.

10:39:27 25 Q. Where were you at this time?

26 A. I was in Koribundu.

27 Q. Do you know what group of people overthrew the government  
28 of Tejan Kabbah at this time?

29 A. I knew them. I heard them being called.

1 Q. To your knowledge, who were they?

2 A. They were the soldiers, that is what we heard.

3 Q. Now, these soldiers before this incident of the coup, had  
4 they been in Koribundu at all?

10:40:27 5 A. They were in Koribundu.

6 Q. Do you know why they came to Koribundu?

7 A. Yes.

8 Q. Why?

9 A. We were Koribundu at the time. Then we heard about the  
10:41:00 10 fighting from Liberia. They said that the rebels were  
11 there coming. So when the rebels came -- when the rebels  
12 came and they started displacing people from Liberia, it  
13 was then that Tejan Kabbah, the government, sent the  
14 soldiers to Koribundu. So that is what I know about the  
10:41:34 15 coming of the soldiers to Koribundu.

16 Q. So the soldiers had been in Koribundu before the coup  
17 took place? Not so?

18 A. Yes. Several other people knew that they were there.

19 Q. Now, apart from the soldiers, did you know of any other  
10:41:56 20 group of fighters who came to Koribundu at this time?

21 A. Yes.

22 Q. What group is this?

23 A. I saw Kamajors. People came to Koribundu; they were  
24 called Kamajors. I saw them.

10:42:24 25 Q. Do you know why they came to Koribundu?

26 A. I'm supposed to know why they came to Koribundu. They  
27 came and they said they had come to protect us so that  
28 the war could not reach us, the civilians. That is what  
29 I know about why they came -- why the Kamajors came to

1 Koribundu.

2 Q. In effect, they were performing the same role -- they  
3 were performing the same duties as the soldiers? Not so?

4 A. Yes, they were helping them to do the same thing.

10:43:22 5 Q. Did you notice at this time any kind of cooperation  
6 between the soldiers and the Kamajors?

7 A. Very well. Very, very, very well. They were fighting  
8 and fighting together -- soldiers who were calling  
9 Kamajors to meet together, so there was cooperation among  
10:43:54 10 them.

11 Q. Did this relationship continue for long?

12 A. It took some time, but I cannot say it took a very long  
13 time.

14 Q. Do you remember at any point in time whether anything  
10:44:23 15 happened to this relationship between the soldiers and  
16 the Kamajors?

17 A. Yes, I can remember. At that time -- at the time Tejan  
18 was overthrown, when he was overthrown, after he came  
19 back to power I didn't see much cooperation again between  
10:45:10 20 the soldiers and Kamajors.

21 Q. For now let us talk about at the time that Tejan Kabbah  
22 was overthrown. Now, did you -- you say you noticed  
23 changes in the relationship between the Kamajors and the  
24 soldiers? Not so?

10:45:29 25 A. Yes.

26 Q. The Kamajors did not continue to work with the soldiers  
27 as before; is that so?

28 A. I did not see that at all. I did not see it.

29 Q. Did the Kamajors continue to remain in the town, in

1 Koribundu town?

2 A. They were there. They were there. Those that were there  
3 before were still there.

4 Q. I'm talking about just after the coup when the  
10:46:23 5 relationship between them and the soldiers broke down,  
6 did they continue to stay in the town?

7 A. Who? The Kamajors?

8 Q. Yes, I'm talking about Kamajors.

9 A. Yes, they returned there.

10:46:56 10 Q. Did they at any time move out of the town?

11 A. Yes.

12 Q. And where did they go?

13 A. They went back to where they came from. Everybody went  
14 back to where they came from.

10:47:32 15 Q. And when they left, the soldiers remained in control of  
16 the town? Not so?

17 A. Yes. Well, now the town with the soldiers.

18 Q. What was the relationship between the soldiers at this  
19 time and the civilians in town?

10:48:01 20 A. The civilians -- well, our relationship - because I can  
21 say our relationship because I was also there - there was  
22 no problem because soldiers are there to fight, but they  
23 did not fight because during that time -- I can't say  
24 they did anything wrong while they were in the town.

10:48:33 25 That is what I know.

26 Q. Was the relationship good?

27 A. Yes.

28 Q. Now, the Kamajors left town. Did they ever come back to  
29 Koribundu?

1 A. When they left the town, I did not see them returning,  
2 except the very last one.

3 Q. And which is the last one that you're talking about?

4 A. The last one that I'm talking about was when the -- they  
10:49:26 5 overthrew on a Friday -- on a Friday in Koribundu --  
6 during the Friday prayer in the mosque was the last one  
7 that I know.

8 Q. Are you saying that the Kamajors came to Koribundu on  
9 that day?

10:49:45 10 A. No. They went back, all of them.

11 Q. Now, can you tell this Court what happened on that Friday  
12 that you've just mentioned?

13 A. Yes. What I saw I can tell the Court what happened and  
14 that I saw. I can say what I touched, what I saw, what  
10:50:22 15 happened, I can explain.

16 Q. Now, you were in the mosque that Friday. Tell us what  
17 happened from there.

18 A. We are the ones that made the Friday prayer. There is no  
19 Friday prayer that I can't go to the mosque, so I can  
10:50:50 20 always go to the mosque on a Friday prayer. So on that  
21 Friday, it was about 2.00 and I was supposed to go to the  
22 mosque for prayers. When we went for prayers, we had  
23 entered the mosque. When we had entered the mosque and  
24 we were there, we heard firing coming from the end of

10:51:18 25 Blama lane along the street, heavy shots, not knowing  
26 that it was the Kamajors that had fired that gun. Then  
27 we left the mosque. We scattered and just -- some people  
28 stayed in the mosque and some of us left the mosque,  
29 including myself. I left the mosque and some others

1 stayed.

2 Q. Where did you go?

3 A. I escaped and went to my house.

4 Q. Now, at this time what was the situation like in the  
10:52:08 5 town?

6 A. When I went back to my house, what the Mende -- what the  
7 Mende or the Krio people can say, there was panic in the  
8 place, there was confusion, but it was not as -- there  
9 was confusion; I saw that. I saw the confusion.

10:52:38 10 Q. Now, when you got to your house, did you notice anything  
11 during that Friday?

12 A. Yes.

13 Q. Please tell the Court.

14 A. When I returned home, I saw those that had joined the  
10:53:10 15 civilians that went to Koribundu going towards Bo Road,  
16 and some of us that went into the bush, but I did not  
17 leave the place because my relatives were in the bush and  
18 I am the one that feeds them and I hadn't money. Even  
19 the little job that I did was what I used to feed them.

10:53:35 20 That's why I didn't follow those that went towards Bo.  
21 So I lived in Koribundu. I didn't leave my house. I  
22 didn't leave my house. Wherever I was I could see my  
23 house. I didn't leave my house completely. Wherever I  
24 was I could see my house from a distance.

10:53:49 25 Q. Okay, Mr Witness, now did you notice anything else that  
26 evening, that Friday evening?

27 A. The evening besides that few people who were in the town,  
28 but I was staying in the town and say I saw something bad  
29 or good, no, I didn't see that either. I didn't see

1 anything dangerous to the town for that day. I was also  
2 there by my house.

3 Q. Were the soldiers still in the town?

4 A. The thing that I've explained, I said that after the  
10:55:01 5 prayers, after 2.00 or 3.00 people went to Bo. Except  
6 those that couldn't go to Bo, they stayed. That those  
7 that could go to Bo, they followed the soldiers and they  
8 went to Bo. I did not see a soldier again in that town.

9 Q. Now, did you spend the night in Koribundu, Friday night?

10:55:30 10 A. I slept in Koribundu because I didn't want to leave my  
11 house. I said whatever could happen to me could happen  
12 to me, but I would not leave my house. So I was there  
13 and I was seeing what happened to my house. I stayed a  
14 little way from my house, but I was seeing from afar, I  
10:55:50 15 was seeing my house. So if someone could say they wanted  
16 to look for me, they would not see me because I stayed a  
17 way from my house, but I was seeing my house from afar.

18 Q. Do you remember the next day, Saturday?

19 A. Yes.

10:56:11 20 Q. Did you notice anything in town that day?

21 A. I saw things happen clearly on that Saturday.

22 Q. First of all, can you tell us what the situation was in  
23 town that day?

24 A. Yes.

10:56:42 25 Q. What was it?

26 A. I was at my house. I was there. Then they set a fire  
27 opposite us. They set a fire on the particular house - I  
28 saw that - opposite us.

29 Q. Now, you said, "They set a fire." Who did?

1 A. It was the Kamajors that set the fire; I saw it.

2 Q. Were they in town that day?

3 A. On that Saturday, after that Friday -- on that Saturday  
4 it was they themselves that had control of the town.

10:57:45 5 There was so much of crowd. If someone was -- if someone  
6 was not brave enough, could not have stayed in the town.

7 Q. So the Kamajors were in control of the town that day; is  
8 that so?

9 A. They were in control of that town for a very long time.

10:58:14 10 Just from that Saturday, now they were in control of the  
11 town for a very long time.

12 Q. Can you describe how they looked on that day?

13 A. Yes, I know how they dressed.

14 Q. Can you explain, describe to this Court?

10:58:37 15 A. Yes. Whoever knows a Kamajor, if I explained to the  
16 Court, they will say it is correct. He did not tell a  
17 lie.

18 Q. Just tell the Court what you know or how you saw them  
19 dressed.

10:59:02 20 A. I'm now telling the Court that the Kamajors as how I know  
21 them dressed. They used to have a cutting cloth. They  
22 would cut it probably getting towards the knee. Some of  
23 them, the cloth would not reach the knee. They will have  
24 things like beads on them, talisman beads. They will  
10:59:39 25 have hats on them and those hats will have horns on them  
26 tied with red cloths. So whosoever knows the Kamajors,  
27 if I explain the way he explains, he will say that is the  
28 Kamajors, that is some of the way the Kamajors dressed.  
29 That is what I saw.



1 THE INTERPRETER: My Lord, the witness is speaking so fast for  
2 the interpreter to interpret.

3 MR BANGURA:

4 Q. Mr Witness --

11:00:06 5 PRESIDING JUDGE: I think the Prosecution should -- well, I  
6 know there are some witnesses who are like that, you  
7 know, they're going into certain details which examining  
8 counsel does not wish to go into, but please control him.  
9 Let him go very slowly and let him limit himself to  
11:00:27 10 responding to the questions which are asked of him.

11 MR BANGURA: I will endeavour to do so, My Lord.

12 PRESIDING JUDGE: Yes.

13 MR BANGURA:

14 Q. Please, Mr Witness, try to answer the questions very  
11:00:44 15 directly.

16 PRESIDING JUDGE: He should go slowly because the interpreters  
17 are complaining. He is going too fast for them.

18 MR BANGURA:

19 Q. And try to speak a bit slower. Everything you say here  
11:01:07 20 is being recorded so try to speak a bit slower.

21 A. Just as you want me. Can I say something to you for the  
22 Court to hear?

23 PRESIDING JUDGE: Yes.

24 MR BANGURA: Yes.

11:01:34 25 THE WITNESS: I am -- it is not that I'm saying things  
26 harshly. That is not it, may God forbid. But that is  
27 the way God has made me to speak. I can't -- I can speak  
28 as a man and I can speak for people to understand, that  
29 is the way I speak, except if I'm speaking and if you are

1 not pleased with it, then you can please forgive me, but  
2 that is the way I speak. That is it.

3 PRESIDING JUDGE: Let him go ahead. He's speaking well.

4 [Pages 1 to 17 by Roni Kerekes]

10:57:59 5 [11:00 a.m. HN080904B]

6 PRESIDING JUDGE: Let him go ahead. He is speaking well; he  
7 is speaking well. He is not offending anybody. Go  
8 ahead.

9 MR BANGURA:

11:02:11 10 Q. Earlier you mentioned that standing in your house you saw  
11 the Kamajors burn down a house; not so?

12 A. They were burning a house. I saw only a house being set  
13 on fire, not houses. I saw them burning a house, not  
14 houses.

11:02:40 15 Q. Can you describe how this incident occurred?

16 A. Yes, I can say what I saw.

17 Q. Please do.

18 A. When we were in that house, in our house, and the house  
19 that was close to us that was burned, those that burned

11:03:09 20 that house was the Kamajors. I saw them have long sticks  
21 and they would put grass - dry grass on it, they tie it  
22 on those sticks --

23 Q. Can I interrupt, please? Can you tell the witness to  
24 speak a bit slower? Remind him to just speak slower,  
11:03:31 25 please.

26 THE INTERPRETER: I have no chance.

27 THE WITNESS: I accept you say I will speak very slowly

28 [inaudible] comfort again. That is the only way that

29 I can speak, and I'm not trying to speak slower than how

1 I am speaking now.

2 PRESIDING JUDGE: It is not at his age that you change him, if  
3 he speaks in a particular fashion. Let's just go ahead  
4 and bear with him, please. Let the interpreters do  
11:04:11 5 everything to summarise him very faithfully, not  
6 necessarily getting into what they consider a verbatim  
7 report. Please understand the way he speaks and adapt  
8 yourself to him. Let him go on, please.

9 MR BANGURA:

11:04:29 10 Q. Please continue.

11 A. I've accepted - now that you have said that I should  
12 speak slowly because they are recording it, I've accepted  
13 it, I've agreed - I've accepted, I've agreed.

14 Q. So continue about the burning of the house.

11:05:02 15 A. I said I saw from our house one house nearby my own house  
16 was set on fire. The way it was set on fire was what you  
17 asked me. I said that they do have sticks and they would  
18 tie cloths on those sticks - it could be petrol,  
19 kerosene - they would have it in containers and they  
11:05:31 20 sprinkled that fuel and set it alight with a match and  
21 put the house ablaze.

22 Q. This is what you saw?

23 A. That is what I saw.

24 Q. And can you say were there many people who were involved  
11:05:52 25 in this act?

26 A. There were many - very many, that we just see a lot of  
27 people going this way or going this other way. One  
28 couldn't even count. They were coming from downwards,  
29 coming from every angle, the Kamajors were coming from



1 every angle, except those that couldn't go, but all those  
2 that were Kamajors that went there, went there and the  
3 town was full of Kamajors.

4 Q. Now, apart from this house which you saw being set on  
11:06:34 5 fire, did you notice any other incident of fire in the  
6 town?

7 A. Very many.

8 Q. Where?

9 A. The way the houses were burnt -- the town was -- it's a  
11:07:07 10 big town. If they started burning the town from your own  
11 place, if they are setting another fire elsewhere, you'll  
12 see the smoke coming from the houses, but you can't see  
13 what happens exactly, but you see the smokes coming from  
14 the houses and I said, "They are burning the houses;  
11:07:34 15 they've set the houses ablaze." That is what I saw -  
16 very large crowd.

17 Q. Now, apart from the burning -- apart from the house that  
18 was set on fire which you witnessed, did you notice --  
19 did you see -- did you witness anything else that day,  
11:07:52 20 that Saturday, in town?

21 A. Very well -- very well that I felt so much.

22 Q. What exactly did you see?

23 A. I saw on that day, when I was at my house in that area,  
24 then I saw a large crowd coming from the junction coming  
11:08:30 25 towards our house. They were having two people in their  
26 hands and they were beating them up while they were  
27 coming. They were beating them up with sticks and they  
28 had guns in their hands. They were beating them with  
29 sticks till we came -- till they came very close to us,

1 but I couldn't get closer to them, because I was afraid,  
2 just in case I would get closer to them, they will do the  
3 same thing as they had done to that person. They were  
4 beating them until they killed them at a particular  
11:09:25 5 distance where one could see from where I was standing.  
6 When they were beating them while they were coming, they  
7 said, "Let us kill them. Let us kill them." That is  
8 what they were saying until they killed them. I saw that  
9 myself.

11:09:38 10 Q. What people were in this group, the people who you say  
11 were beating?

12 A. It was the Kamajors that killed the people; that is what  
13 I saw. The dress that I just described was the same  
14 dress that those people had that came with those people  
11:10:01 15 and killed them. That is what happened. It was the  
16 Kamajors having the same dress. In fact, they were in  
17 control of that town. Nobody could have been in that  
18 town for himself.

19 Q. After you saw these two men being killed, did anything  
11:10:19 20 happen?

21 A. Yes, some other thing happened.

22 Q. And what was that?

23 A. They told us to go and bury the dead, but I hid.  
24 I didn't follow them, but after that -- after I had  
11:10:50 25 hidden, on that day they were gathering property, the  
26 Kamajors were gathering property. Nobody could enter any  
27 house on that day, even your own house you couldn't enter  
28 in that house, because they were in control of  
29 everything. It was a very large crowd and nobody could

1 say anything against them. Even myself sitting here  
2 today, I had about 20 bushels of rice. They took  
3 everything from me, and even my house, my household  
4 property, they took everything - not a single cent I ever  
11:11:35 5 was remained with. That is what happened.

6 Q. Now, you say they were taking things away and you  
7 yourself lost property. Who did this to you; who took  
8 your property from you?

9 A. This same group that I'm talking about, the Kamajors,  
11:12:06 10 they were so much they had around the town - there was so  
11 much in the town, there were so many in the town. It is  
12 the same Kamajors that I'm talking about. Even after  
13 going to the town, we were not for ourselves any more.  
14 It was only God that saved our lives that I'm sitting  
11:12:26 15 here today explaining this, but I wouldn't have been  
16 saved.

17 Q. Let's talk again about the two people, the two men whom  
18 you saw being beaten to death. Did you recognise them at  
19 all?

11:12:42 20 MR MARGAI: I'm sorry, My Lords, the witness never specified  
21 the gender. He said he saw two people. Thank you.

22 PRESIDING JUDGE: Did counsel talk of the gender?

23 MR MARGAI: Yes, he did.

24 MR BANGURA: I'm sorry, I did, My Lord.

11:12:58 25 Q. The two people you saw who were being beaten by the  
26 Kamajors, what were they - what sex were they?

27 A. They were men -- there were no women. They were men.

28 Q. Did you recognise them at all?

29 A. For them being men -- to recognise that they were men or

1 women?

2 Q. No, did you know them; did you recognise them as people  
3 you knew?

4 A. No, I did not know them, but they were in that town where  
11:13:50 5 they were killed.

6 Q. Can you describe how they were dressed?

7 A. Yes.

8 Q. What were they wearing? Were they wearing uniforms or  
9 any other kind of clothes?

11:14:11 10 A. They had no uniform on. In fact, the clothes that they  
11 had on was torn and tattered. They didn't have any  
12 proper dress on - no uniform. They never had a uniform  
13 on; no, it was not a uniform that they had on.

14 PRESIDING JUDGE: Counsel should be careful about inferring.  
11:14:38 15 When you start getting into uniforms, you are getting  
16 into grounds where you're suggesting a number of things,  
17 which could be controversial.

18 MR BANGURA: I do realise that. I'll try to refrain from that  
19 line of examination.

11:14:55 20 Q. Now, you've mentioned incidents of burning and of  
21 property being taken away, and you've also mentioned an  
22 incident where two people were killed. What was the  
23 situation in the town by this time? Who came to be in  
24 control of the town; do you remember?

11:15:24 25 A. There was confusion in the town. I also went there.  
26 I did not fear the town. I went there, because when  
27 something is happening in your part of the town, you just  
28 had to go there. I went to the town and I saw the town  
29 was burnt. Everybody was taking his own property and



1 packing them. Everybody would take out his own property  
2 and pack it there. Wherever he would pack them, he would  
3 be nearer the property. I don't think anyone would ever  
4 touch them -- nobody would ever touch them. They would  
11:16:25 5 pack the things in the bush, they would pack the things  
6 nearer the streets, nearer in the town, elsewhere, they  
7 take them elsewhere. I can't say the things that they  
8 were taking. It was some other people as they did so --  
9 it was they themselves.

11:16:44 10 MR MARGAI: I'm sorry to interject, but following an earlier  
11 ruling by this Chamber, I concede that statements --  
12 sorry, I accept that statements need not be exhaustive,  
13 but then the introduction of a new element which is not  
14 contained in the statement gives rise for concern.

11:17:27 15 My Lords, we have looked at the statements furnished us  
16 and nowhere was the question of carting away items  
17 mentioned.

18 In the light of that, I sincerely hope my learned  
19 friends on the other side will pay heed to this line of  
11:17:57 20 examination-in-chief to address our concerns. We want to  
21 accede to the admonition given this morning to expedite  
22 the trial, and we would only interject when it is  
23 absolutely necessary in the interests of justice, as  
24 indeed this particular issue is. Thank you, My Lords.

11:18:50 25 THE ACCUSED NORMAN: My Lord -- Prosecution -- I was on my  
26 legs, My Lord. Oh, yes, yes, I'm sorry, I've not left  
27 the court yet, My Lord. I want to add to what the  
28 learned lawyer has said, that the statement from which  
29 this witness is testifying, that I would like it to be

1 produced.

2 PRESIDING JUDGE: This Chamber recognises the presence of the  
3 first accused in these proceedings, and if we did not  
4 come to you, it's because we did not see you standing.

11:20:12 5 Now that you've addressed us, we know that you are in  
6 court, Mr Norman, and you say you'd like the statement to  
7 be produced. That's what you're saying?

8 THE ACCUSED NORMAN: Yes, My Lord, all that the witness is  
9 testifying from and, also, yesterday, My Lord, we did  
11:20:43 10 come up with a point that all those witnesses who have  
11 appeared and made statements to the TRC should not seek  
12 protection here, because they testified in public at the  
13 TRC, and that is what I want to tell Your Honour.

14 JUDGE BOUTET: Mr Margai, I'm going to deal with your

11:23:40 15 objection first, but we would like to --

16 PRESIDING JUDGE: But we have not heard from the Prosecution.

17 JUDGE BOUTET: We will hear from the Prosecution and then  
18 dispose of it. Thank you.

19 MR BANGURA: If I may first regarding the issue raised by  
11:23:59 20 Mr Norman.

21 JUDGE BOUTET: What do you want to do - respond to Mr Margai  
22 first, and then we will deal with the issue before  
23 Mr Norman?

24 MR BANGURA: As the Court please. Your Honour, I also wish to  
11:24:11 25 rely on a ruling by this Court in which it has been  
26 stated, Your Honour, that the statements by witnesses did  
27 not contain everything which the witness will testify to  
28 orally in Court. There is scope for the witness to  
29 expand on issues when he testifies orally in Court. Your



1 Honour, my submission is that whatever the witness has  
2 testified to so far this morning does not amount to  
3 anything new to which my learned friend seems to be  
4 objecting.

11:24:45 5 PRESIDING JUDGE: And if it amounted to something new, what  
6 would be your response?

7 MR BANGURA: Your Honour, in that case I would be entirely in  
8 your hands, sir.

9 MR KAMARA: Your Honours, in buttressing the point of my  
11:25:07 10 learned friend - and, again, consonant with your ruling  
11 before this Court --

12 PRESIDING JUDGE: We have had the response from counsel who is  
13 representing the Prosecution, and you are Mr --

14 MR KAMARA: Joseph Kamara.

11:25:33 15 JUDGE BOUTET: I don't think really, quite frankly, there is  
16 any need to buttress. The point is the law has been  
17 clearly stated.

18 MR KAMARA: I was going to respond to Mr Norman's issue  
19 raised --

11:25:46 20 MR MARGAI: My Lords, I object to that. There has to be  
21 equality of arms. We have the Prosecution on that side  
22 and we have the Defence. As My Lords please.

23 JUDGE BOUTET: That is what I intended to do.

24 PRESIDING JUDGE: There is the issue of the first accused  
11:26:11 25 asking for the statement to be produced at this stage.

26 MR BANGURA: Your Honour, I --

27 JUDGE BOUTET: A short response to that.

28 MR BANGURA: I can particularly say that the Defence has been  
29 provided with all the statements which we are relying on

1 for this witness, and I'm speaking here in respect of all  
2 three different accused persons and, My Lord, regarding  
3 the question of witnesses who have testified before the  
4 TRC --

11:26:43 5 JUDGE BOUTET: My view is that it is premature to raise this  
6 question at this point. We will address it at some  
7 subsequent point. Thank you, Mr Prosecutor. Mr Margai,  
8 your objection to the evidence of this witness is noted.  
9 However, we wish to state again what we said in the  
11:27:06 10 previous decision. The principles that are applicable in  
11 this Court, when dealing with these kinds of matters, is  
12 the principle of orality. You are quite welcome to  
13 challenge the validity of that, either in  
14 cross-examination -- and certainly you can place any  
11:27:24 15 contradiction between what this witness is saying, if  
16 any, today with whatever he may have stated in the  
17 statement and you would be more than welcome to highlight  
18 all of this in your cross-examination.

19 Your comments are noted, but we will allow the  
11:27:37 20 witness to testify to these matters even though they may  
21 not be contained in the statement. I have not got a  
22 statement -- we have not got a statement yet -- and we  
23 will see at this time. Again, it goes not to the  
24 admissibility but it will go to the weight to be attached  
11:27:52 25 to this kind of evidence in due course.

26 MR MARGAI: I appreciate that, My Lords. When my learned  
27 friend Hall drew my attention to the issue, in fact my  
28 response was: we shall address it under  
29 cross-examination, but I had to raise it lest we be

1 accused of indolence. As My Lords please.

2 JUDGE BOUTET: It is noted. Mr Norman, the issue that you  
3 have raised as to the statements, this is a matter that  
4 you could properly raise and produce yourself in  
11:28:21 5 cross-examination. The Prosecution has no intention, as  
6 they have stated, to produce that, and that would not be  
7 the proper procedure, but in due course, in  
8 cross-examination, you can do that, if you wish to do  
9 that. I'm talking here of the production of the  
11:28:35 10 statement.

11 As to the other issue, this is a matter that you are  
12 welcome to raise if you wish to do that, Friday, on the  
13 motion day, and if you want to raise that at that time,  
14 you are quite welcome to do it.

11:28:50 15 THE ACCUSED NORMAN: Yes, My Lord.

16 JUDGE BOUTET: Thank you. Mr Prosecutor, you may proceed.

17 MR BANGURA:

18 Q. Mr Witness, I asked you just a moment ago what was the  
19 situation in the town; who was in control at this time.

11:29:20 20 A. At that time of the Kamajors, there was a man who was in  
21 control of the town. He was called Joe Tamidey - he was  
22 one of the warriors - but all of them, they had their  
23 leader, the person of Mada Norman. Whether they are to  
24 be based here or there, he is the one that is supposed to  
11:30:00 25 send them there. He's the one that I know.

26 Q. Now, did these incidents of burning and of taking  
27 property and the killing that you saw, did they  
28 eventually stop?

29 JUDGE THOMPSON: Learned counsel, why not put them singly?

1 MR BANGURA:

2 Q. Did the taking of property eventually stop in the town.

3 A. On that particular day, that Saturday, they started

4 taking people's property. They continued doing that

11:30:54 5 until about a week, because everybody was just doing

6 things his own way, because they had the power. If they

7 are taking your property in your presence, you can't do

8 anything. Where would you even stand -- where would you

9 have the power to do anything to resist? You couldn't do

11:31:18 10 anything.

11 JUDGE THOMPSON: We do understand his plea to be allowed to

12 testify in his own particular way, but it is probably

13 advisable not to get into the "too argumentative", lest

14 that can result in the right of the other side pursuing

11:31:38 15 some of these matters. That is just my own caution.

16 MR BANGURA: Let me try to get him in control again, My Lord.

17 Q. Mr Witness, will you please try to answer the questions

18 very briefly, please.

19 A. Okay.

11:32:17 20 Q. Now, what about the burning, when did it stop? Did it

21 stop at all?

22 A. Yes, they stopped. At the end of the Saturday, they

23 stopped the burning. I didn't see any burning going on

24 again.

11:32:50 25 Q. Now, did all of this eventually stop at some point?

26 A. When they stopped burning the house, the property that

27 they had was what they were carting away. I can't say

28 who had this or who had the other.

29 Q. Now, much later on, after this situation that occurred in

1 the town, much later on, did anything happen in town  
2 which you remember?

3 A. Yes.

4 Q. Can you tell the Court what you remember?

11:33:47 5 A. After all this that I've just explained, what happened  
6 that I know, I can explain.

7 Q. Please do.

8 A. After all of that, what happened in my presence that  
9 happened to me or the rest of the town that I saw were  
11:34:36 10 there at a point in time - I can't remember the exact day  
11 or the exact night - were there when they said our big  
12 boss would have to go and visit us there in Koribundu,

13 Mada Norman.

14 PRESIDING JUDGE: The old man is a very good story-teller.

11:35:04 15 I'm putting myself within my village context and  
16 listening to the old man. Please go on, Prosecutor.

17 THE WITNESS: At that time when he went, when Mada Norman went  
18 to Koribundu, just as he went to the Court Barri where  
19 all of us usually meet -- who ever that is in Koribundu  
11:35:32 20 knew what the Barri is -- any notable person that would  
21 go there, you needn't even tell anyone, everyone would  
22 just go to the Barri. Just after we had the information  
23 that this man would have to visit us, all of us went and  
24 were in the Barri - filled the Barri. After the Barri  
11:35:58 25 was full of people, but I can't say I know this person,  
26 or this person, or the particular person out of the  
27 people that we met there out in the Barri, but anybody  
28 that you had a good relationship before, if you saw him,  
29 you could recognise him, if he was not a changed person.





1 MR BANGURA:

2 Q. And who did you recognise there that day?

3 A. That is what I'm about to show. The person that I know  
4 there, Mada himself that went, Mada Norman, I know him --  
11:36:49 5 I knew him then at that time. Even the town chief, Mada  
6 Siaka, I know him. Even the Chiefdom imam was there, and  
7 I know him, and I know a lot of some other people, but  
8 I can't say I can name all of them, but those that I can  
9 remember quite well that I saw, they're those that I have  
11:37:26 10 just named. I can name a lot of them, but I don't want  
11 us to go too far.

12 Q. Just tell us what happened there.

13 A. That is what I'm explaining now. During that meeting  
14 that we heard, when Mada Norman went and we met, just as  
11:37:58 15 that table is standing there, people went and sat behind  
16 it and then all of us meet outside, but it was under the  
17 Barri and they started talking, they greeted -- the big  
18 boss greeted, he said, "Thank you, my people." He said,  
19 "Thank you, my people." He said, "The only thing that  
11:38:29 20 pains me is that the job that I sent my people to do,  
21 which they refused to do." He said, "They did not do it,  
22 so because I told them that when they come they should  
23 burn this town and nobody would be left alive -- should  
24 burn everything." I heard that from the mouth of Mada  
11:38:55 25 Norman.

26 Then I had tears running down my eyes. Then a lot  
27 of other people started leaving the Barri for that  
28 particular thing that he said. Then he said, now that he  
29 saw that the Kamajors came here and burned this town and

1 you said you have to swear these Kamajors, he said,  
2 "Don't swear these Kamajors." Say himself, Mada Norman,  
3 should be the person that you should swear, so let us  
4 swear him, Mada Norman, because he was the one that sent  
11:39:37 5 them to do that work, so nobody should swear the Kamajors  
6 but himself, Mada Norman. In fact, for that particular  
7 thing that I heard, I just left the place, because the  
8 man had said everything, so I just left the place,  
9 because looking at my condition, I am no-one -- regarding  
11:39:57 10 all of these people in this place, all of us are here  
11 represented and these people came and destroyed  
12 everything and this man has said he has taken up  
13 responsibility and I said, "He sent them" and I said, "If  
14 we're supposed to swear, let us swear him, not the  
11:40:15 15 Kamajors." I said, "That is the end of everything. What  
16 do we do?" So I left the place -- a lot of the people  
17 left the place, so the meeting he went for just stopped  
18 there somewhat abruptly - nobody stayed who could have  
19 listened attentively to whatever he said, nobody ever  
11:40:37 20 listened, so I went. That is what I know again. The  
21 question that you just asked, when you went there, what  
22 happened, that is what I know.

23 Q. Mr Witness, you have just told this Court that Mada  
24 Norman spoke at that meeting. Now, do you know any other  
11:41:00 25 name for Mada Norman?

26 A. Yes.

27 Q. Please, tell the Court.

28 A. They say "Hinga Norman", but I will not call that name.  
29 I would only say "Mada Norman".

1 Q. Mr Witness --

2 A. That is the name that I know for him.

3 Q. Mr Witness, did you know this Hinga Norman before that  
4 day? How did you recognise him standing there?

11:41:52 5 PRESIDING JUDGE: Ask the first question. When you have a  
6 witness like this, you have to ask the first question.  
7 No double-barrelled questions, please.

8 THE WITNESS: I explain anything - if he himself is here, he  
9 will say, "That man is speaking the truth." Mada Norman,  
11:42:13 10 the town were together staying there. Then might be had  
11 died, may his soul rest in peace. That was the man that  
12 we saw that the government went and introduced to us that  
13 he was our chief of that chiefdom. We did a lot of  
14 things for him and he also did a lot of things for  
11:42:45 15 people. At that time, when we had a good relationship,  
16 he was doing good things for us and we were also doing  
17 good things for him.

18 MR BANGURA:

19 Q. So you knew Hinga Norman before that day and you knew him  
11:43:01 20 as your chief; not so?

21 A. Yes, he was our chief in that chiefdom. It was not only  
22 my chief, but it was our chief.

23 MR BANGURA: Your Honour, may I ask for a moment to confer  
24 with my colleague?

11:43:27 25 [Prosecution Counsel confer]

26 PRESIDING JUDGE: Yes.

27 MR BANGURA: Your Honour, this would be all for this witness.

28 Thank you, Mr Witness.

29 PRESIDING JUDGE: Thank you.

1 THE WITNESS: Yes.

2 JUDGE BOUTET: So we will proceed with the cross-examination,  
3 with the first accused cross-examining this witness.

4 MS WHITAKER: Would Your Honour be able to deal with the issue  
11:44:59 5 of payments from the victims support at this stage, as  
6 indicated previously -- payments from the Victims Support  
7 to this witness? His Honour Judge Boutet indicated  
8 yesterday that it was an appropriate matter to be  
9 disclosed to us prior to any cross-examination.

11:47:42 10 PRESIDING JUDGE: The Court would stand down this matter for  
11 10 minutes. We shall resume in 10 minutes time in order  
12 to address the issue that has been raised by Ms Quincy  
13 Whitaker. The Court will rise, please, and resume in 10  
14 minutes.

11:48:16 15 [Recess taken at 11.46 a.m.]

16 [On resuming at 12.01 p.m.]

17 JUDGE BOUTET: Ms Whitaker, we still stand by our commitment  
18 of yesterday. However, to proceed expeditiously, we will  
19 start with the cross-examination and reserve that  
12:02:09 20 particular option, if you wanted to pursue this; in other  
21 words, we will do the cross-examination first accused,  
22 second accused and so on. Hopefully, at lunchtime the  
23 Registrar's Office can produce that information to you.  
24 You may or may not have finished your cross-examination  
12:02:23 25 of that witness at that particular time. If you have  
26 finished, we will reserve you the option of coming back  
27 on that issue at the end.

28 MS WHITAKER: I'm grateful, Your Honour. At the same time,  
29 could the Victims Support Unit do it in relation to all

1 witnesses this request is made to --

2 JUDGE BOUTET: We will start with the first witness. We will  
3 ask the Registrar, because they are working for the  
4 Registrar, as you know, and they report to the Registrar,  
12:02:46 5 so we will ask the Registrar to produce that information,  
6 produce that report to all defence counsel on these  
7 matters, of witnesses who are to be called, but for the  
8 purpose of your application we will start with this  
9 witness so that we can proceed. So this particular  
12:03:00 10 witness should be produced first and then every other  
11 witness that is to be called as well.

12 MS WHITAKER: I'm grateful, Your Honour, thank you.

13 JUDGE BOUTET: So I hope that the Registrar's Office has taken  
14 note of this request and that they shall produce the  
12:03:15 15 information during the break at lunchtime so that the  
16 Defence can proceed with their cross-examination. Thank  
17 you.

18 MR WILLIAMS: I don't know if it is convenient at this stage  
19 for the statement of PW4, which your Lordships took into  
12:03:37 20 possession but which was not marked as an exhibit, could  
21 now be marked as an exhibit.

22 JUDGE BOUTET: We will finish with this witness and then --

23 MR WILLIAMS: There might be other statements coming through  
24 this witness, so it will be a little bit untidy.

12:03:49 25 JUDGE BOUTET: I see. We said yesterday that we would mark  
26 that particular document - I think we're at Exhibit 4, so  
27 it would be a bit more consistent. That's fine, thank  
28 you. So do you have that statement?

29 MR WILLIAMS: The Court has it.

1 JUDGE BOUTET: The Court has it.

2 PRESIDING JUDGE: It was tendered and kept in the records for  
3 the purposes of identification.

4 JUDGE BOUTET: It was not marked.

12:04:23 5 JUDGE THOMPSON: It was not marked as an exhibit.

6 PRESIDING JUDGE: It was not marked as an exhibit. Where are  
7 we with the exhibits - are we on Exhibit 4 or 5?

8 JUDGE THOMPSON: 4, I think it was.

9 PRESIDING JUDGE: Court Records?

12:05:49 10 JUDGE BOUTET: According to the record, we are now at

11 Exhibit 6, so that statement will be marked as Exhibit 6.

12 So this is a statement of witness TF2-012, who testified  
13 on day 10 of the trial on 22 June 2004.

14 [Exhibit No. 6 was admitted]

12:06:18 15 JUDGE BOUTET: That particular statement is now being marked  
16 as Exhibit 6, so we will come back to you, first accused.

17 I would like to know who is to proceed, if Mr Norman  
18 wishes to ask questions in cross-examination, or if you  
19 wish your counsel to do that.

12:07:05 20 THE ACCUSED NORMAN: I simply did want to just ask one or two  
21 questions to know that I'm leading my case and then

22 I will give it over to the lawyers to go ahead.

23 JUDGE BOUTET: That's fine.

24 THE ACCUSED NORMAN: Just to establish the fact.

12:07:20 25 JUDGE BOUTET: But, Mr Norman, if you do ask a few questions  
26 and you leave it to your counsel, that's quite

27 appropriate, but you will not be allowed to come back and

28 ask questions after that. You can ask your questions

29 now.

1 THE ACCUSED NORMAN: Are you satisfied with --

2 JUDGE BOUTET: Fine, thank you. You may proceed.

3 CROSS-EXAMINED BY ACCUSED NORMAN:

4 THE ACCUSED NORMAN: I did make a request that the statement

12:07:43 5 of the witness be produced. I would prefer that the

6 matter proceeded on the issue of the statement being

7 produced, tendered, identified by the witness and

8 submitted to the Court as an exhibit and upon which he

9 will be examined and cross-examined.

10 [Pages 17 to 36 by Maureen Dunn]

11 [12.06 p.m. HN080904C]

12 JUDGE BOUTET: Yes, it is --

13 THE ACCUSED NORMAN: Having said that, may I proceed?

14 JUDGE BOUTET: Yes.

15 THE ACCUSED NORMAN:

16 Q. Mr Witness, are you staying in Freetown?

17 THE INTERPRETER: My Lord, the witness's mike is not switched

18 on.

19 JUDGE BOUTET: Can you repeat your question, Mr Norman,

20 please?

21 THE ACCUSED NORMAN:

22 Q. Mr Witness, I was asking whether you are staying in

23 Freetown.

24 A. At the moment I am in Freetown.

25 Q. Before you came to court this morning, how long have you

26 been in Freetown?

27 A. About a week now.

28 Q. Where are you living?

29 MR BANGURA: I wish to object, Your Honour, to that question.



1 Why? Your Honour, the answer to that question may very  
2 well reveal the identity in some way of the witness.

3 JUDGE BOUTET: The objection is sustained. Mr Norman, as you  
4 know, these witnesses are testifying under protective  
5 measures and the identity of these witnesses is --

6 THE ACCUSED NORMAN: Fine, My Lord, I --

7 JUDGE BOUTET: Just rephrase your questions differently.

8 THE ACCUSED NORMAN:

9 Q. Mr Witness, have you been to anywhere else to testify on  
10 the issue of the conflict that occurred in Sierra Leone  
11 before here?

12 A. I've not said this in a lower court except that I have  
13 said today here.

14 Q. Mr Witness, did Jaiama Bongor have Kamajors of their own  
15 in the chiefdom?

16 A. Yes, I saw that. Those Kamajors, it was Mada Norman  
17 initiated them, but I couldn't have said that.

18 Q. Did you know that Kamajors were in Jaiama Bongor or  
19 Jaiama Bongor Kamajors?

20 A. Yes.

21 Q. And did you know -- do you know how many sections that  
22 are in Jaiama Bongor?

23 A. Yes.

24 Q. Can you call them, please?

25 A. About -- around Jaiama I know the parties, because it is  
26 there that I stayed, but to us Bongor I can't say because  
27 they are about eight.

28 Q. [Inaudible]

29 A. About the sections.

- 1 Q. The section in which Koribundu is, do you know the name?
- 2 A. Yes.
- 3 Q. And do you know that that party also raised their own  
4 Kamajors?
- 5 A. Yes.
- 6 Q. Do you know two people, one of them called Pa Noisa  
7 Kondia and the other called Saliji Rogers?
- 8 A. I know them very well; even as I sit here I know them.
- 9 Q. Who really in the Jaiama Bongor Kamajor was Noisa Kondia?
- 10 PRESIDING JUDGE: What was the second name; Noisa Kondia and  
11 who?
- 12 THE ACCUSED NORMAN: I will spell it, My Lord, N-O-I-S-A.
- 13 PRESIDING JUDGE: Wait, wait, wait.
- 14 THE ACCUSED NORMAN: K-O-N-D-I-A. The other name is Saliji  
15 Rogers. S-A-L-I-J-I, Rogers. I will [inaudible] the  
16 spelling of Rogers, My Lord.
- 17 JUDGE THOMPSON: Spell it for us.
- 18 THE ACCUSED NORMAN: R-O-G-E-R-S, My Lord. Rogers.
- 19 PRESIDING JUDGE: Yes, please.
- 20 THE ACCUSED NORMAN:
- 21 Q. You said you know Noisa Kondia and do you know what he  
22 was in the Jaiama Bongor Kamajors?
- 23 A. I don't know his position, because I was not the one that  
24 initiated him in the society.
- 25 Q. Mr Witness, do you know that -- you have said that you  
26 know Noisa Kondia and that you are one of the elders, I  
27 suppose, in Jaiama Bongo living in Koribundu.
- 28 MR BANGURA: May I -- may I object, Your Honour. The witness  
29 has not at any point said, even though he is an elderly

1 person, that he is one of the elders of Jaiama Bongor.

2 Your Honour, it may carry particular responsibilities or  
3 particular roles being one of the elders and he has not  
4 specifically said he was one of the elders of Jaiama  
5 Bongor.

6 THE ACCUSED NORMAN: My Lord, the witness has stated his age.

7 Would you really say that at that age he's not -- he's  
8 not an elder?

9 PRESIDING JUDGE: Well, we have traditional assignments, you  
10 know, for elders. You may well behold what you might  
11 think to be designated as an elder, you know, a village  
12 elder.

13 THE ACCUSED NORMAN: We are not talking, My Lord, about age of  
14 Methuselah or the wisdom of Solomon, My Lord; we are  
15 talking about practical age of human beings. He is an  
16 old person in that town who is rational enough and  
17 reasonable enough and in the chiefdom and in that town.

18 JUDGE THOMPSON: We are getting too argumentative. Why not  
19 put it again, Mr Norman?

20 THE ACCUSED NORMAN: Thank you, My Lord; thank you for the  
21 assistance.

22 Q. Mr Witness, are you one of respectable people in  
23 Koribundu?

24 A. My own people respect me.

25 Q. Are you saying that only your people respect you in  
26 Koribundu; that you are not respectable?

27 A. No, I did not say that.

28 Q. What are you saying?

29 A. I said there are people - if you are there, your own

1 people will respect you, but there are some people who  
2 will not respect you, but if you have respected openly,  
3 then you cannot say you are not a respectful person.  
4 That is what I have said.

5 Q. Can anything respectable be arranged in Koribundu by the  
6 respectable leaders or elders of Koribundu without your  
7 inclusion?

8 A. They will include me there; they will name me there  
9 because they like me, but that's why they name me for  
10 that.

11 Q. Does Koribundu have a chief of the town? Do you know  
12 him?

13 A. Yes.

14 Q. And you said that Kamajors went to Koribundu. By that,  
15 are you saying that the Kamajors came from elsewhere, but  
16 never belonged to Koribundu?

17 A. They were mixed.

18 Q. What do you mean by "mixed"?

19 A. They were mixed; they would come from every angle to come  
20 to the place. They came to -- if a Kamajor comes and  
21 meets his colleague and another comes and meets his  
22 colleague, all stay there.

23 Q. [Inaudible]

24 JUDGE BOUTET: Mr Norman, please, let the witness --

25 THE ACCUSED NORMAN: Thank you.

26 Q. You have stated Kamajors went to Koribundu connoting as  
27 if they went to Koribundu but they did not belong to  
28 Koribundu. Did Koribundu have their own Kamajors?

29 A. Among those Kamajors, yes, there were; there were

1 Kamajors. Yes, there were.

2 Q. So you are saying that Koribundu did not have Kamajors  
3 among the Kamajors that you saw in Koribundu?

4 A. No, no, no, no, it's getting a bit confusing.

5 JUDGE BOUTET: Mr Norman, that's -- my understanding was --

6 THE ACCUSED NORMAN: My Lord, you will have to bear with me, I  
7 beg. I am trying --

8 JUDGE BOUTET: I know.

9 THE ACCUSED NORMAN: -- and I am representing Chief Norman.

10 JUDGE BOUTET: No, Mr Norman, fine and we'll give you every  
11 possible latitude, but what we are asking you is let the  
12 witness answer the question first. When you have asked  
13 the question --

14 THE ACCUSED NORMAN: You have here a witness who knows I know  
15 him --

16 JUDGE BOUTET: Mr Norman -- -

17 THE ACCUSED NORMAN: -- and he knows he knows me and he knows  
18 what we did in our own chiefdom and he is pretending to  
19 you that he does not know. You may want to believe him  
20 because you don't know him, but I do.

21 JUDGE BOUTET: Mr Norman, please. We have allowed you to ask  
22 the questions; please allow the witness time to respond  
23 to your questions and, furthermore, your last question  
24 was --

25 THE ACCUSED NORMAN: Thank you, My Lord.

26 JUDGE BOUTET: -- very complex and it was not the answer of  
27 the witness. The witness has told you in answer to one  
28 of your questions that yes, there were Kamajors in  
29 Koribundu and he knew some of them. So he has answered

1 yes to the Kamajors; his answer was not in the negative.

2 JUDGE THOMPSON: Let me say, Mr Norman, that we are here to  
3 ascertain the truth and it will be better really in the  
4 case of the kind of questions that you are putting, which  
5 are perfectly legitimate under cross-examination, perhaps  
6 you take them singly so that we can write the answers  
7 singly and be in a position to properly evaluate the  
8 credibility of this witness.

9 THE ACCUSED NORMAN: Thank you my Lord.

10 Q. Mr Witness, are you related to any Kamajors in Jaiama  
11 Bongor?

12 A. Yes.

13 Q. Did you see that, your relative, Kamajor in Koribundu?

14 A. Yes, I saw him.

15 Q. So you are saying that your relative, who is a Kamajor,  
16 was also in Koribundu?

17 A. Yes.

18 Q. And you mention a name, Joe Tamidey. Can you identify  
19 him if he was brought to this court?

20 A. If Kinie Joe is brought to this court, I will recognise  
21 him.

22 Q. Did you know what Joe Tamidey was doing in Koribundu?

23 A. Yes.

24 Q. [Inaudible] was he doing?

25 A. All the Kamajors they were coming to Koribundu. In fact,  
26 where he was, whatever Kamajors that will go, they will  
27 stay with him, he will host them, because he was the  
28 chief of the Kamajors there.

29 THE ACCUSED NORMAN: That, My Lord, will be my only question

1 to this witness. I will let the stand-by take up from  
2 there.

3 JUDGE BOUTET: Thank you, Mr Norman.

4 THE ACCUSED NORMAN: For expeditiousness.

5 CROSS-EXAMINED BY MR HALL:

6 Q. Mr Witness, how many times have you met with people to  
7 tell this story?

8 PRESIDING JUDGE: We would like to have all of your names  
9 right. You are John Wesley Hall? Is that the order?

10 MR HALL: Yes, sir.

11 PRESIDING JUDGE: John Wesley Hall, right; okay.

12 MR HALL:

13 Q. Mr Witness, how many times have you met with people  
14 either from the Prosecutor's Office, investigators, the  
15 TRC, anybody, to tell the story?

16 PRESIDING JUDGE: Mr Hall, I would prefer that you break it  
17 down. Start with the TRC and then proceed so that you  
18 can get them in some logical sequence.

19 JUDGE THOMPSON: Can we have it -- can we have the questions  
20 asked again, because we do not know how the answers will  
21 vary if you have that cumulative question. So perhaps it  
22 is better to proceed singly.

23 MR HALL:

24 Q. You were interviewed by the Prosecutor on 3rd December  
25 2003; is that true? Sir, that is the date of your first  
26 statement; did you give a statement personally that day?

27 A. Whose question is this? When you are asking me a  
28 question say, "Mr Witness, I am asking you this  
29 question." Direct the question to me.

1 PRESIDING JUDGE: Mr Witness, Mr Witness, the man who is  
2 asking you the question is an officer of the court.

3 THE WITNESS: Okay.

4 PRESIDING JUDGE: When he asks you a question you should make  
5 no comments. Answer the question. If you know the  
6 answer to the question, you give it; if you do not, say  
7 you do not know. Don't attack him; the court does not  
8 like that. So you go normally -- you have done very well  
9 with your examination, so you should get on as well as  
10 you have done before now.

11 THE WITNESS: Yes, sir.

12 PRESIDING JUDGE: So, can you now answer? Mr Hall, can you  
13 ask him the questions again, please.

14 MR HALL: Yes, Your Honour.

15 Q. Mr Witness, I refer to you as "Mr Witness" because I  
16 cannot use your name, so excuse my informality for  
17 referring to you this way. You gave a statement to the  
18 Prosecutor in December, December 3rd to be exact; you  
19 remember that statement? They came to you to interview  
20 you in Koribundu.

21 A. If they -- those that went, if they say so, I will not  
22 say they are lying because they went and I spoke to  
23 people.

24 Q. How many people were there interviewing you? There was  
25 an investigator and a translator and maybe somebody else;  
26 do you recall?

27 A. I saw four people. Even if there were more than that, I  
28 could recall four.

29 Q. You were interviewed again in Koribundu on February 20th



- 1 by the Prosecutor's Office; do you remember that day?
- 2 A. Yes. Whatever they are saying, when -- once it is  
3 written, it is correct, because they called me and  
4 interviewed me.
- 5 Q. They tape-recorded the interview?
- 6 A. No, I can't say that one, because when once I was  
7 interviewed I was asked and I answered the question, I  
8 would just leave the place and I can't say it was  
9 tape-recorded.
- 10 Q. So let me clarify with you. You said, "They record me,"  
11 you meant they wrote it down?
- 12 A. Yes, the questions that they are asking me and the  
13 answers that I gave were written down on paper.
- 14 Q. You were also interviewed again approximately April 30th;  
15 do you remember that day? Was it at Bo or Koribundu?
- 16 A. I could remember Koribundu because they would meet us at  
17 sometimes. But I can't say now -- I didn't write down  
18 anything because I am not educated; I can't say I  
19 remember exact dates of everything.
- 20 Q. I understand. I am concerned with a number of times - if  
21 you can recall the number of times. So it was three  
22 times in Koribundu?
- 23 A. They met me in Koribundu on two occasions, then the third  
24 one was when they went and we came.
- 25 Q. Came here to Freetown?
- 26 A. Yes.
- 27 Q. That was past May?
- 28 A. Yes. I don't know the month, I don't know the month, but  
29 if that is what they wrote, then it is correct.

- 1 Q. You were here for a week in May?
- 2 A. I was here.
- 3 Q. If the witness receipt shows you were paid for seven  
4 days, would you agree that you were here for seven days?
- 5 A. I can't agree, because my coming here -- I did not come  
6 here on my own, because when -- when I was brought here,  
7 the person that brought me here knows the date, he knows  
8 when he brought me and he knows when he will take me  
9 back. If I can't say now I will show my own date, then I  
10 could be saying the wrong thing. I could be saying the  
11 wrong thing.
- 12 Q. But you were here approximately a week in May?
- 13 A. That is what I have explained. I can't say, I can't say,  
14 no, but I did not write it. That May that you are saying  
15 was part of the English calendar. I can't say I was in  
16 -- Whether I was two months. You can't say how the  
17 English count their months. Even the past month, the  
18 traditional month, even in this one that we are  
19 currently, the traditional month ended way before the  
20 ones that are here.
- 21 Q. Through your May visit you were paid 160,000 Leones to be  
22 a witness, you and your family.
- 23 A. I was not counting it, but again I can't say they are  
24 telling a lie because I did not write it. Whatever they  
25 give me is what I will accept.
- 26 Q. Have you been paid anything for this trip for family  
27 subsistence, for yourself, for your hotel bill, for your  
28 food bill?
- 29 A. They gave me money, but I can't say they paid me.

- 1 Q. In Koribundu, what did you do for a living?
- 2 A. I do farm work. I was farming.
- 3 Q. Do you sell any of what you make or barter it for other  
4 goods?
- 5 A. Yes, when I harvest my rice, I will sell it. If I get  
6 money, then I will buy clothing for myself. Then that is  
7 what I will use for medical -- to set my medical bills  
8 for myself and my children.
- 9 Q. How much do you make a year as a farmer?
- 10 A. I can't count that, but it was so much we could get a lot  
11 of things, but I was not writing it down. There was so  
12 much I can't remember now; I wasn't counting it.
- 13 Q. Is it fair to say you made more being a witness in this  
14 case than you made being a farmer?
- 15 A. You can't compare what I am having here with the one that  
16 I used to have when I was a farmer - you can't compare  
17 that at all.
- 18 Q. How long have you been in Freetown for this part of the  
19 trial - a week, I think you said.
- 20 A. It's when they say the first day of the English month was  
21 when I came here, but I don't know how long it has taken  
22 from then to now, where it was the first day of a  
23 particular English month.
- 24 Q. Back at the last trial setting in June, did you come here  
25 but not testify?
- 26 A. We were here. I was here. I was here.
- 27 Q. And when you came to Freetown to testify, did you come on  
28 your own, somebody from the Victim Witness Office or the  
29 Prosecutor's Office pick you up and bring you?

- 1 A. They brought me. I would not just sit and say, "I'm  
2 going to Freetown." They brought me - someone would have  
3 to bring me here.
- 4 Q. So this is the third time you have been to Freetown for  
5 this trial?
- 6 A. It is true that I can remember.
- 7 Q. According to our disbursements record, you have received  
8 126,000 Leones for the seven-day period in May. Did you  
9 also receive a similar payment for June and will you  
10 receive a similar payment for this month?
- 11 A. I've come here twice that I know of.
- 12 Q. Well, this record shows you were here in May. You also  
13 said you were here in June and now you are here in  
14 September. That is three times; is that fair to say?
- 15 A. I can't deny that because he was writing it down, but I  
16 can't say so, because I can only say what I can remember.  
17 I didn't write it.
- 18 Q. Were you interviewed by any organisation other than  
19 involved in the Prosecution or with this court, like the  
20 Truth and Reconciliation Commission? Were you  
21 interviewed by them?
- 22 A. No, that has not happened to me, to my knowledge. Nobody  
23 has ever called that name to me and say they are the ones  
24 asking me particular questions. No, I can't remember  
25 that name; it has not occurred to me.
- 26 Q. When Mada Norman came to town, how many people were at  
27 the Barri that day?
- 28 A. I can't -- I can't tell you the number. I couldn't  
29 count, there was so much crowd.

- 1 Q. [Inaudible]
- 2 A. Yes.
- 3 Q. Most of the adults in town were there?
- 4 A. Yes.
- 5 Q. How long after the attack you described did Mr Norman  
6 come to town? Was it days, weeks, months?
- 7 A. It was -- it was after a month, but I can't say exactly  
8 after that month now. It was after a month. It was more  
9 than a month, but I can't say now exactly the time.
- 10 Q. There are over 200 homes in Koribundu.
- 11 A. Yes.
- 12 Q. And only about 12 were destroyed in total?
- 13 A. No, no, no, no, no, no, no, I have not said that.
- 14 Q. How many?
- 15 A. The houses in that town that are destroyed, that are  
16 burnt, could reach up to 100 or beyond, but I can't say  
17 exactly.
- 18 Q. Did half of the people that were displaced leave town, or  
19 did they stay?
- 20 A. Yes, after -- after the meeting we left and we went.
- 21 Q. After the houses were burnt, people moved away?
- 22 A. Very many and a lot many also stayed.
- 23 Q. Were those homes rebuilt?
- 24 A. How could they rebuild it? There was nothing to rebuild  
25 them with.
- 26 Q. They are that way today; unrebuilt?
- 27 A. Many.
- 28 Q. So if we go to Koribundu and take a photograph today, we  
29 will find half of the homes gone?

1 A. You will see that -- you will see a lot of houses burnt  
2 all over the town. Whichever houses was not burnt, that  
3 person was blessed by God, but there were a lot of burnt  
4 houses in the town.

5 Q. Half the houses in the town are gone still?

6 A. Yes.

7 Q. Now, you testified --

8 A. There are still very many houses that are burnt. There  
9 are only few -- a very few, sparsely of them, that are  
10 being rebuilt by people who could access money. There  
11 are very many still are burnt.

12 Q. You testified to seeing one house burnt; is that correct?  
13 And then you saw smoke and you left; is that correct?

14 A. Yes, I said that word.

15 MR BANGURA: May I at this point object to learned counsel's  
16 questions. My Lord, the witness, to my recollection, did  
17 not say that he left after seeing houses on fire, apart  
18 from the one which he saw being set on fire.

19 PRESIDING JUDGE: In fact, the witness said he saw smoke - you  
20 know, he did not go near that - he saw smoke in other  
21 places and in other places, you know.

22 MR BANGURA: My Lord, the objection is to the point that  
23 counsel is trying to make that the witness left and I  
24 don't think that he said --

25 JUDGE THOMPSON: But learned counsel can put that to him under  
26 cross-examination.

27 MR BANGURA: As Your Lordship pleases.

28 MR HALL:

29 Q. Maybe I misunderstood what you were saying before, but



1           you said you saw smoke and you did not see the other  
2           houses burning, but you saw smoke and I believe I thought  
3           -- I understood that you left because you were not  
4           watching the fires.

5   A.   I was in the town. If a house is burning nearby you and  
6           you are seeing fire in the same town and if -- and you  
7           are seeing fire in the same town and that was not smoke  
8           from the burning of a farm, then you will know that it's  
9           the burning of the town.

10   JUDGE THOMPSON: Learned counsel, in the interests of  
11           expedition, will you put it to him did he leave or not?

12   MR HALL:

13   Q.   When you saw the other smoke, did you leave the town or  
14           did you stay?

15   A.   I was in the town, but I was not in house that was  
16           burning. The part that I was in the town, then the fire  
17           had a little quelled down. Those that are burning out  
18           there, I saw them. That is what happened.

19   Q.   Did you see those fires set?

20   A.   Yes, that's the thing that I saw.

21   Q.   You said you saw one set - one fire set - but you saw  
22           smoke. How many other fires did you see set?

23   A.   There are so many I couldn't say I could count, because  
24           they were setting -- they was putting fires in the houses  
25           here and there all about. I can't say I will count. Who  
26           could have ever counted in such a situation? You  
27           couldn't have had a chance to count. You would only be  
28           there -- say after the burning you go back and see -- you  
29           see the houses being burned, that is it.



- 1 Q. How were the people dressed who caused fires?
- 2 A. They had a Kamajor dress, this same Kamajor dress that  
3 I've described. A cotton cloth was sewn that could reach  
4 down around the waist - some would go down a little  
5 beyond the waist and they could make things something  
6 like a talisman. I didn't know the content of it, but  
7 that was -- they were pasted on the clothes. They have  
8 -- the caps that they have, they had horns on them and  
9 they had beads also on these same caps. That is what I  
10 saw. It is only through the way they were dressed that I  
11 could say they were Kamajors.
- 12 Q. But had you seen these particular people before?
- 13 A. Yes, because we had been in the town because they  
14 initiated -- the Kamajors initiated in our chiefdom, so I  
15 had seen a lot of other people. How could I have seen  
16 others again? I had seen a lot of other Kamajors.
- 17 Q. Did you know any of these people by name?
- 18 A. Yes, I knew the names of just a few of them. Because  
19 such a crowd, I couldn't say I knew all of them.
- 20 Q. How many were there?
- 21 A. Those whose names I knew.
- 22 Q. You said there was such a crowd. How many Kamajors were  
23 there?
- 24 A. I said I couldn't count.
- 25 Q. More than 25, less than 25?
- 26 A. Well, for that one, I can't say. The Kamajors that were  
27 there were more than 100. One cannot say there would be  
28 about 1,000, but I know they were beyond 100. It was not  
29 just to say two people coming and saying let's go here

1 and there. No, that's not what I am saying. It was a  
2 large crowd.

3 Q. And you know them to be Kamajors only by their dress?

4 A. It is only the Kamajors that will dress that way. They  
5 were Kamajors; I am not telling lies on that.

6 Q. In the prior statements that have been provided to us,  
7 you never mentioned the taking away of property. At what  
8 point did you first tell the Office of the Prosecutor  
9 about the taking of property?

10 JUDGE THOMPSON: Learned counsel, could you put the first  
11 premise to him and then get the answer and then go on to  
12 the next? It helps us, otherwise we get into all kinds  
13 of entanglements.

14 MR HALL:

15 Q. In your December 3rd statement you did not mention the  
16 taking of property; correct?

17 A. I'd gone in past that - I said that today. I said all  
18 the things that were taken by those Kamajors; they took  
19 everything. Whatever there was in Koribundu, including  
20 the human beings themselves, were owned by the Kamajors.  
21 So if you talk about property, well, you just want to --  
22 you will just be wasting words.

23 JUDGE THOMPSON: Evidently, he has misunderstood your  
24 question. Perhaps you might want to put it again. Try.

25 MR HALL:

26 Q. Mr Witness, you gave a statement in December to the  
27 Prosecutor's Office and it is only about seven or eight  
28 sentences long. You never mentioned that property was  
29 taken in that statement, did you?

1 A. I have been saying, it except they didn't write it, but I  
2 have been saying it. I have been telling them; they  
3 didn't write it. They taking the property was one of the  
4 things that actually bothered us, so I've been saying it.

5 Q. At the conclusion of your statement, did they read back  
6 to you what it is you told them and you said, "Yes,  
7 that's true"?

8 A. Not just reading it to me. The one that read to me is  
9 what I will say has happened and what they did. I did  
10 not say the Kamajors did not take people's property. All  
11 the things that were there were carted away by the  
12 Kamajors. Just as nothing happened -- the human beings,  
13 the property were owned by the Kamajors. They took  
14 everything. We did not give it to them; we did not gift  
15 it to them. It is because of the power that they had and  
16 we had no way of retaliating.

17 Q. But still, Mr Witness, you did not -- did you or did you  
18 not tell the Prosecutor in these two written statements,  
19 which do not mention the taking of property, that there  
20 was a taking of property? These statements do not  
21 mention taking property.

22 A. I told them.

23 Q. Did you tell them recently or a long time ago?

24 A. I said long ago and even now I have been saying it many  
25 times.

26 PRESIDING JUDGE: This witness has said that the taking of his  
27 property touched him a lot and that, you know, he kept  
28 telling the story to the investigators and that that is  
29 one thing which touched him very much, you know, the

1 deprivation, you know, he suffered from his property, and  
2 that he told the investigators all along. Why they  
3 didn't write it, he does not know, but that is what I  
4 have in my record and it was said.

5 MR HALL:

6 Q. Did you leave a thumbprint on the statement you gave?  
7 What they wrote down -- let me rephrase that. Did you  
8 push your thumbprint down on it?

9 A. At times I would thumbprint it, but I mentioned it, don't  
10 tell me to thumbprint it or not thumbprint it.

11 Q. In your statements you also do not mention the number of  
12 homes that were burnt; you just said "houses". You  
13 didn't say "half the town", did you?

14 A. When they said that they went there to destroy things,  
15 just as I explained to the -- whatever left there was  
16 just by the grace of God. How could you be saying this  
17 or be explaining this and that?

18 Q. When you were interviewed on February 20th, did you tell  
19 them that half the town had been burnt?

20 A. I have answered this question about burning half of the  
21 town. I said they burnt the town, but those that were  
22 blessed by God, their houses were not burnt. But they  
23 actually went there to burn all the houses because they  
24 explained to us -- That was what even Chief Kinie [sic]  
25 Norman told us when he went there. So we can just say he  
26 told the people to burn the houses. So if you go and  
27 leave this or leave that whatever, that day you will be  
28 saying things for nothing, but they went there to burn  
29 the houses.

1 Q. You said you assumed that the chief sent the people?

2 A. Chief Norman?

3 Q. Yes.

4 A. Yes. That was what he himself said; he himself told us  
5 that.

6 PRESIDING JUDGE: I'm sorry, he told him what?

7 MR HALL:

8 Q. That at the meeting at the Barri he told you that he  
9 ordered them to burn the whole town down.

10 A. Yes.

11 Q. Prior to meeting with the Prosecutors, did the people in  
12 town get together and talk about what had happened?

13 A. No, we did not hold this particular meeting for that one.  
14 Even himself went and explained and if you are asked to  
15 come and explain the truth, to say the truth, then you  
16 will explain what you saw and what you heard.

17 Q. Did the people get together and talk about what happened  
18 and you participated?

19 A. Even today I'm crying -- even today the same tears that  
20 is running down my eyes. Even if the person is small,  
21 whatever pains him will still pain him. Even if he is a  
22 rich man or a poor man, whatever it is that pains him  
23 would be what would pain him, no matter the time.

24 PRESIDING JUDGE: Mr Hall, are you close to the end of your  
25 cross-examination?

26 MR HALL: Probably two or three minutes, Your Honour.

27 PRESIDING JUDGE: All right, okay.

28 MR HALL:

29 Q. You testified also to seeing a man beaten from a distance

1 by people that had guns, but they were beating him with  
2 sticks.

3 JUDGE THOMPSON: Learned counsel.

4 Mr HALL: Yes, Your Honour.

5 JUDGE THOMPSON: Let the record reflect to [inaudible].

6 THE WITNESS: Yes.

7 MR HALL:

8 Q. You saw two people killed, beaten with sticks?

9 A. Yes. They beat them with sticks until they were killed,  
10 I saw that with my eyes.

11 Q. And you buried them?

12 A. They asked me to go with them to bury the people, but I  
13 hid.

14 JUDGE THOMPSON: Let's reflect that he did not.

15 MR HALL:

16 Q. Did you testify that you did not -- you were not asked to  
17 bury the bodies?

18 JUDGE THOMPSON: Let the record reflect that he was asked to  
19 bury the bodies, but he did not.

20 PRESIDING JUDGE: He hid, because he didn't want to take part  
21 in the process.

22 THE WITNESS: Yes, I didn't like it.

23 MR HALL:

24 Q. In your statement of December 3rd you said you and others  
25 were asked to bury the bodies and the bodies were buried  
26 off Blama Road. The statement does not say that you  
27 buried them, but you know that they were buried.

28 A. I was at -- I was not there, because I left them while I  
29 hid, then they went. When I came back, I did not meet

1           them there. Whether they buried them or not, I was not  
2           there -- I can't say now.

3   Q.   So in your statement it says, "The witness and others  
4           were then asked to bury the victims, who were buried off  
5           Blama Road," that is incorrect? This is from your  
6           statement dated December 3rd.

7   A.   It was the truth that I said. They told me to go and  
8           bury, but I didn't go. The others -- the others went,  
9           they went to bury. When I hid, I came back, I don't meet  
10          them. They told me to go, but I didn't go.

11   Q.   But you left that out of your statement, that you didn't  
12          participate, you didn't go.

13   A.   I did not go there.

14   Q.   Did you show anybody where the graves were before the  
15          bodies were dug up, or were they dug up in your presence?

16   JUDGE BOUTET: Again, you are asking four questions at the  
17          same time. Let the witness answer one of the questions.

18   THE WITNESS: No, no, no, no, I don't know where they were  
19          buried. How can I show the graves? They told us to go  
20          and bury and I hid. They told other people to go. How  
21          can I show graves to people? I couldn't have shown  
22          graves to people when I was not there when they were  
23          buried.

24   Q.   But you knew where they were buried because you told the  
25          Prosecutor; correct?

26   A.   I said I don't know? No, no, no, I don't know where they  
27          were buried, no.

28   Mr HALL: Thank you, that is all.

29   PRESIDING JUDGE: Thank you. We shall take a break at this





1 point and we would be resuming at -- we will be resuming  
2 the session at 2.30 p.m. for Messrs Pestman and Margai  
3 and their partners.

4 MR PESTMAN: Your Honours, can I raise one point before you  
5 withdraw? I understand that there are handwritten  
6 interview notes or statements the Prosecution took for at  
7 least two interviews. I would like to have these  
8 statements added to or disclosed to the Defence before I  
9 start my cross-examination. Maybe they can be provided  
10 to me or to us.

11 PRESIDING JUDGE: Did you raise this, you know, during the  
12 status conference yesterday?

13 MR PESTMAN: I only learnt today that these handwritten notes  
14 exist. I didn't know before that and even this morning  
15 the Prosecution told the Court that we were in the  
16 possession of all statements.

17 PRESIDING JUDGE: Well, I just wanted to say that we will  
18 continue the cross-examination this afternoon and, if  
19 necessity arises in due course for you to continue the  
20 cross-examination if the notes -- there are any notes at  
21 all, we will create that opportunity.

22 MR PESTMAN: There are notes. The witness just stated that he  
23 saw the Prosecutor taking handwritten or writing down  
24 notes. And we are only in the possession of short  
25 summaries of these statements and I would like to have  
26 the full handwritten statements so that I can carry out a  
27 proper cross-examination.

28 PRESIDING JUDGE: You will consult with the Prosecution and we  
29 don't know anything about that. I think in the spirit of

1 co-operation, you know --

2 MR PESTMAN: Maybe the Prosecution can enlighten us and tell  
3 us whether these statements.

4 PRESIDING JUDGE: -- and you can consult with them and we would  
5 know what it is -- what the situation is.

6 JUDGE THOMPSON: It's outside our knowledge, outside the  
7 knowledge of the witness. Do you also have knowledge  
8 that these notes exist?

9 MR PESTMAN: I just heard the witness.

10 JUDGE THOMPSON: That is your only source of knowledge?

11 MR PESTMAN: How else could I know?

12 JUDGE THOMPSON: You could know from the Prosecutor himself.

13 You could know from the Prosecutors themselves.

14 PRESIDING JUDGE: Mr Pestman, like I said, I think your  
15 colleagues on the other side are open to some discussion,  
16 see them and you will let us know when we resume at 2.30.

17 MR PESTMAN: Okay.

18 PRESIDING JUDGE: Is that all right?

19 MR PESTMAN: Yes.

20 PRESIDING JUDGE: The Court will rise and we will resume at  
21 2.30 p.m.

22 [Pages 36 to 60 by Susan G. Humphries]

23 [Luncheon recess taken at 1.12 p.m.]

24 [On resuming at 2.48 p.m.]

14:46:46 25 [HN080904D]

26 JUDGE BOUTET: I have checked before we came into court to see  
27 if the information was available. Apparently, it's being  
28 prepared; it should be ready within half an hour. So, Mr  
29 Vahidy, as soon as this is ready, he will come into court

1 and inform you what it is at this stage for this  
2 particular witness, but he is being told to prepare the  
3 list of that information for all witnesses being called  
4 by the Prosecution in this case as it comes.

14:47:56 5 MS WHITAKER: Thank you, Your Honour, I'm grateful.

6 JUDGE BOUTET: Counsel for the second - yes.

7 MR HALL: I raised that point of order for clarification on  
8 this issue --

9 JUDGE BOUTET: Yes.

14:48:16 10 MR HALL: -- for myself. As an American lawyer, we are not  
11 required to put to a witness a particular question  
12 saying, "I submit to you that you are mistaken or lying  
13 about a particular thing." It is the practice, however,  
14 in the UK. I am informed by Mr Pestman that "it is not  
14:48:32 15 correct" is enough and I would like to know what the  
16 Court's preference is, and how we should proceed on that,  
17 because I did not ask that question on my  
18 cross-examination because that's not how we do it. If we  
19 can prove something to the contrary, we do it through  
14:48:46 20 cross-examination or otherwise. But we would like the  
21 direction from the Court as to how we should do that in  
22 the future. I should say - because Ms Whitaker when she  
23 does it's a matter of [inaudible]. I am -- in my  
24 country, I wouldn't do it.

14:48:58 25 JUDGE BOUTET: In my country I won't do it either.

26 MR HALL: We want the Court's preference on how we should  
27 proceed on that.

28 PRESIDING JUDGE: I think - well, there is a lot of solidarity  
29 in the Bar and we are practicing within a common law

1 context and I think that you can have an exchange, you  
2 know, amongst yourselves, and very experienced counsel  
3 who are in Sierra Leone would have - Mr Bockarie,  
4 Mr Margai - I think have that -- because we wouldn't like  
14:49:54 5 to give a particular directive on this, you know. We  
6 would say that you put that on advisement, you know, with  
7 your colleagues. You are all defending the same course  
8 and I think you can have an exchange of views on how  
9 these things are done; the Court would not like to get  
14:50:20 10 into that. If things go wrong, of course, we would come  
11 in and --

12 JUDGE BOUTET: There is no -- to answer your question as  
13 such -- I mean, whatever you want to do is not improper -  
14 it may be that in the UK they do it in one particular way  
14:50:38 15 and in Sierra Leone, I am informed by my colleague -  
16 generally speaking, it would be, "I put it to you  
17 that..." and this kind of a statement as such.

18 JUDGE THOMPSON: In the Sierra Leone context, I am sure that  
19 we do say --

14:51:00 20 PRESIDING JUDGE: "Put it to you."

21 JUDGE THOMPSON: "Put it to you."

22 PRESIDING JUDGE: That is why I say we are practicing within a  
23 common law context. "Putting it to you" and so on, those  
24 are acceptable terminology.

25 JUDGE THOMPSON: Provided the tone and mannerism is not  
26 designed to embarrass or humiliate the witness. I think  
27 that's the guide. We cannot have a very rigid boundary  
28 line here, because there are times counsel can say: "I  
29 put it to you..." in a manner that is so intimidating and

1 embarrassing and humiliating, but the language: "I put  
2 it to you, you are not speaking the truth," or, "You have  
3 deviated from..." Would be --

4 PRESIDING JUDGE: You could also say: "I would like to  
14:51:38 5 suggest to you..." I mean, it depends on the approach,  
6 and -- "You are not telling the truth" instead of saying,  
7 "You are lying," you know, things like that. So we --  
8 it's very difficult; it might take us to a long session  
9 on ethics and procedure. I think that we could let the  
14:52:06 10 matter rest there.

11 MR HALL: I only asked that first, as a matter of style --

12 PRESIDING JUDGE: I know.

13 MR HALL: -- I just don't want to be taken as to have waived  
14 anything by not posing the question.

14:52:22 15 PRESIDING JUDGE: That's right. We know these practices  
16 differ and you are bound to encounter some problems.  
17 That's all right, but your colleagues are there; they  
18 would be able to sort things out.

19 THE ACCUSED NORMAN: My Lord, I'm sorry. This has emanated  
14:52:36 20 some query I raised with my lawyers and I think I should  
21 bring it to your notice so that it can be resolved here  
22 now. It is not a long matter. Most of the witnesses  
23 have alleged that I said this, I said this and this, and  
24 it has never been put to the witnesses that Hinga Norman  
14:52:54 25 did not say so, and since it is alleged that it is my  
26 statement, should I come up and say that, in fact, "I'm  
27 telling you that I did not say so" and tell the witness  
28 what I said since it is alleged that I said so. That is  
29 the situation, My Lord.

1 PRESIDING JUDGE: Well, Mr Norman, in the exercise of your  
2 right to - your qualified right to self representation,  
3 whilst you are cross-examining, you are free to put  
4 whatever question, you know, you want to put to a  
14:53:30 5 witness. If you are saying that you did not - if you are  
6 contesting what they say you said, you are free to do  
7 that; there is no problem about that.

8 THE ACCUSED NORMAN: Thank you, My Lord.

9 PRESIDING JUDGE: The right is as much yours as that of  
14:53:44 10 stand-by counsel, who are also standing in for you.

11 THE ACCUSED NORMAN: Thank you, My Lord. That was all I  
12 wanted to say, and then to ask further, with your  
13 permission, if I -- since another counsel has not asked  
14 that question, can I put it at this stage, or would you  
14:54:00 15 say another stage?

16 JUDGE BOUTET: You mean now.

17 THE ACCUSED NORMAN: Now.

18 JUDGE BOUTET: No, you have concluded your own  
19 cross-examination and --

14:54:10 20 THE ACCUSED NORMAN: Thank you. And I would like my counsel  
21 to, at least, if he can - if he has the right.

22 JUDGE BOUTET: No. Your counsel has also concluded his  
23 cross-examination.

24 THE ACCUSED NORMAN: But then nobody has asked any question  
25 since he concluded, My Lord.

26 JUDGE BOUTET: But there are other counsel for the other  
27 accused.

28 PRESIDING JUDGE: But we adjourned in order to take the  
29 cross-examination of Mr Pestman for the second accused.

1 THE ACCUSED NORMAN: In the interest of justice, transparent  
2 one, and in the interest of, at least, serious judicial  
3 consideration.

4 PRESIDING JUDGE: Well, again, the cooperation of counsel here  
14:54:40 5 is very important. You are being tried as a group and  
6 what was not treated by your own counsel directly could,  
7 in one way or the other, you never know - it could be  
8 handled by another team of lawyers, so --

9 THE ACCUSED NORMAN: I take the hint. Thank you.

14:55:00 10 PRESIDING JUDGE: Good.

11 JUDGE BOUTET: Mr Pestman.

12 PRESIDING JUDGE: Mr Pestman.

13 MR PESTMAN: Thank you. Your Honours, with all respect, I  
14 would like to remark that I don't think I am operating in  
14:55:16 15 a common law context. I think this is an international  
16 tribunal, maybe it's mixed, but I am raised in a civil  
17 law system and I would like to introduce civil law  
18 elements, if possible. We don't have - as my colleague  
19 said, we don't have this obligation to challenge  
14:55:34 20 statements made by witnesses. I hope that -- I'm not  
21 going to do that today; I understand that I can  
22 cross-examine as I am used to in my own jurisdiction and  
23 I hope that you would not use it against my client if I  
24 do not challenge statements.

14:55:52 25 JUDGE THOMPSON: Well, in my case, I would in fact suggest  
26 that, strictly speaking, what the best approach is that  
27 we try to simplify the common law and the civil law  
28 approach here, and I would see no difficulty in you  
29 approaching it from the civil law perspective, again,

1 provided that you do not violate fundamental principles  
2 of fairness. In other words, I would suggest that  
3 clearly, if a question is put in a style which violates  
4 the principle that cross-examination is not meant to  
14:56:32 5 harass or embarrass or humiliate or confuse, we would be  
6 able to call your attention to that, even if that is what  
7 operates in the civil law system. We are very much aware  
8 that we are trying to blend the adversarial system and  
9 the inquisitorial system here. It's not an easy task.

14:56:52 10 JUDGE BOUTET: And to add to that, if there was that  
11 understanding of the statement from the Bench that this  
12 is a common law court, I share completely your views that  
13 this is a mix of common law and civil law systems as  
14 such, just like other tribunals in this respect. Even  
14:57:08 15 though we are in a common law country, this is still the  
16 Statutes of this Court. So our Rules of Procedure and  
17 Evidence, as you know, are derived from the Tribunal in  
18 Rwanda.

19 MR PESTMAN: Thank you very much for clarifying.

14:57:22 20 PRESIDING JUDGE: This said, I would only like to add that we  
21 are governed by a Statute and our Rules of Procedure and  
22 Evidence, and that the trial should be conducted within  
23 the confines of those legal documents. You may proceed,  
24 Mr Pestman.

14:57:42 25 MR PESTMAN: Thank you very much. I feel reassured that I am  
26 not doing anything wrong or forgetting important things.  
27 I hope that you will allow me to ask some questions which  
28 were asked this morning but were not followed by a clear  
29 answer.



1 CROSS-EXAMINED BY MR PESTMAN:

2 Q. Mr witness, I would like you to tell me once more,  
3 please, how many meetings you had with the Prosecution  
4 before coming to Court?

14:58:18 5 THE MENDE INTERPRETER: My Lords, the witness's mike is not  
6 on.

7 PRESIDING JUDGE: Mr Witness, answer his question. Please,  
8 can you take the question again, Mr Pestman.

9 MR PESTMAN: I will repeat the question.

14:58:58 10 Q. Could you please tell me how many meetings you had with  
11 the Prosecution before coming to Court today?

12 A. The ones that investigators - are they the ones you are  
13 asking me about?

14 Q. I deliberately used the word "Prosecution", because I  
14:59:32 15 would like to include representatives of the Prosecution  
16 or investigators as well with anyone from the Special  
17 Court?

18 A. Many times.

19 Q. How many times?

15:00:10 20 A. Many times; I didn't count the number of times, but we  
21 met many times.

22 Q. Was it once, twice, five times, ten times, 20 times?

23 A. If I put it on paper - if I recorded it on paper, I would  
24 have told you, but I did not do that. That is why I said  
15:00:46 25 we met many times. Well, if it is from one to five, then  
26 it is many times.

27 Q. I would like to be a bit more specific: Was it once or  
28 was it five times you met the Prosecution?

29 A. I have told you I cannot tell you that.

1 Q. Why can't you tell me?

2 A. Because I didn't count - because I didn't record it on  
3 paper. If I tell you from my memory, I just work the way  
4 my memory works, but I don't do it that way.

15:01:32 5 Q. But you said you met many times with the Prosecution. I  
6 supposed that is more than once; am I correct?

7 A. Yes, that is why I said, "many times".

8 Q. Let me go to the first meeting you had with the  
9 Prosecution. I assume that it was at least one. Did the  
15:02:02 10 Prosecution or the person who interviewed you -- did they  
11 record your statement?

12 A. That was why we met. They did put it on paper.

13 Q. Can you tell me how they put it on paper?

14 A. Yes.

15:02:36 15 Q. How did they put it on paper?

16 A. Just like I'm speaking now. Those that are in authority,  
17 whatever I say, they would write. That is how they put  
18 it on paper.

19 Q. Did they use a pen to put it on paper?

15:03:04 20 A. Yes, that was the thing that they used to write.

21 Q. For the first meeting your statement was recorded and it  
22 was put on paper with a pen. Did you sign that  
23 statement?

24 A. Yes. They did see that - I am a Mende man. Sometimes I  
15:03:40 25 say something and then forget. If I did sign it, then it  
26 would be there.

27 Q. My question is whether you actually signed it or not.  
28 Did you sign that statement?

29 A. That was a long time ago. I couldn't remember that.

1 This one that I have come and done here, if you ask me  
2 about that, I will tell you, but that one is quite a long  
3 time ago.

4 Q. The second statement, did the Prosecution or the

15:04:18 5 investigator also made a written note with a pen.

6 JUDGE BOUTET: Are you asking him that question, or you are  
7 suggesting that?

8 MR PESTMAN: I would rephrase it.

9 Q. Was the same procedure followed during the second  
15:04:46 10 interview with the Prosecution?

11 A. If that was what was done, then it would be there, but I  
12 don't know whether I signed it or not, because that was a  
13 long time.

14 Q. But there was a statement written down by the  
15:05:12 15 investigator or the Prosecution by hand?

16 A. Yes.

17 Q. And was the same procedure followed for every other  
18 interview you conducted or you had after the first two  
19 interviews?

15:05:34 20 A. Yes. Whenever we met, they would write it down.

21 Q. We have in our documents a document telling us how much  
22 money you received from the Prosecution. Did you receive  
23 anything else from the Prosecution not being money?

24 A. Yes.

15:06:24 25 Q. Right. For example?

26 A. Yes, they were feeding me and they provide accommodation  
27 for me, so that's something else.

28 Q. And when were they feeding you?

29 A. When they brought me here.



1 Q. So they only gave you food and accomodation when you  
2 arrived in Freetown, not before you came to Freetown?

3 A. No, except if they go and meet me with it and if they  
4 gave it to me, then I will take it.

15:07:22 5 Q. So they gave you other things before you came to  
6 Freetown?

7 A. No, they didn't give me anything else apart from the  
8 money that was given to me.

9 Q. Now, the suit you are wearing, is that new?

15:07:58 10 A. Yes.

11 Q. Did you pay for that suit?

12 A. Yes, they paid for it and gave it to me.

13 Q. So apart from food and accommodation, they also give you  
14 a suit to testify in court?

15:08:28 15 JUDGE THOMPSON: Counsel, is that the evidence, giving him a  
16 suit to testify in Court?

17 MR PESTMAN: [Overlapping microphones] that`s civil law  
18 inference.

19 THE WITNESS: Yes, because I don't have any clothing. Yes,  
15:08:48 20 because I can't come to court naked, so they gave me  
21 clothes to put on. That doesn't mean anything.

22 MR PESTMAN

23 Q. Did they give you anything else apart from food -  
24 accommodation and clothes?

15:09:10 25 A. If it`s money, then I will tell you that they have given  
26 me money.

27 Q. And if it's not money you won't tell me?

28 A. No.

29 Q. Are you refusing to answer my question? I don't

1 understand that correctly.

2 A. What should I tell you? They have not given me money.

3 Q. I'm sorry, I don't understand that answer.

4 A. We don't have any business.

15:10:06 5 Q. Can you explain what you mean by that answer?

6 A. What kind of explanation are you asking about? If you  
7 are asking questions, I just give the answer. What else  
8 should I explain? If you tell me exactly what you want,  
9 then I will know how to go about it. But now, I can't  
10 find any way of doing that.

15:10:30 11 Q. Can I repeat my question? Did you receive anything else  
12 from the Prosecution apart from the food, accommodation  
13 and the dress you are wearing?

14 A. Yes.

15:10:52 15 Q. Like what?

16 A. Yes. If I am sick, they would take me to hospital. They  
17 would give me medicine, and that is what I use to heal  
18 myself.

19 Q. And did they give you money to go to hospital?

15:11:14 20 A. Yes, they take me to the hospital and they would buy all  
21 the medicines and give it to me if I am sick.

22 Q. And how often did they give you medicine?

23 A. That was when I fall ill. If I fall ill and I tell them,  
24 then they will take that action.

15:11:42 25 Q. How often did that happen?

26 A. I have not fallen ill so many times. Even if they are  
27 doing it to some other people, they have not done it to  
28 me so many times, but when I am ill, they would do that -  
29 they would take that action.

1 Q. How often did you go to hospital?

2 A. No, if I do not fall ill, I would't go to the hospital,  
3 but if I fall ill, they would take me to the hospital,  
4 because it was their responsibility.

15:12:22 5 Q. Why do you say it was their responsibility?

6 A. Because it was they who brought me here.

7 Q. Was that part of the deal?

8 A. Even if that was not an agreement, but if they brought me  
9 here and I fall ill, then definitely they would take it  
10 as a responsibility.

15:12:48 11 Q. Did you ask them to take you to hospital in return for  
12 giving evidence in Court?

13 A. So that they can take me to the hospital? If I fall ill  
14 and they did not take me to the hospital, how could I  
15 have come here? If they take me to the hospital and I  
16 get well, then I will have to come here. No, they won't  
17 allow that.

15:13:20 18 Q. So you didn't ask them to take you to hospital in return  
19 for giving evidence today in Court?

15:13:44 20 A. No, they didn't take me to hospital in return for giving  
21 evidence. They knew why they brought me here, so if I  
22 fall ill, it is their responsibility. So if they send me  
23 to do any job for them, I will do it.

24 Q. Apart from visiting the hospital, getting medicine --

15:14:04 25 JUDGE BOUTET: I don't think the witness has said that he has  
26 visited the hospital. There seems to be some confusion  
27 there.

28 JUDGE THOMPSON: I would like to associate myself with that.  
29 Shall we just have this tidied up? My records reflect

1 hypothetical answers: "If I am ill..." I have not, in  
2 my records, seen anything about being taken to the  
3 hospital, visiting the hospital or even -- so the  
4 suggestion that he was taken to the hospital in return  
15:14:32 5 for agreeing to come and give evidence seems to be flying  
6 in the face of the record.

7 MR PESTMAN: Okay. I'm sorry, I misunderstood.

8 PRESIDING JUDGE: In any event, he replied here that, "They  
9 did not take me to hospital in return for giving evidence  
15:14:50 10 in this Court." That is the last -- that is what I got  
11 from the record.

12 JUDGE THOMPSON: I don't even understand what that means,  
13 because I trying to find the truth -- I don't even  
14 understand that answer.

15:15:06 15 PRESIDING JUDGE: And he says, you know, that he did not go to  
16 the hospital too many times; it wasn't that he was a  
17 sickling or so, who visited the hospital every other day,  
18 but that if it came, you know, that he was struck by  
19 illness whilst here, it was their responsibility to take  
15:15:24 20 him to the hospital because they brought him here. That  
21 is what he's being saying.

22 JUDGE THOMPSON: It all sounds like moralising. So if there  
23 is a specific factual situation of a hospital visit, that  
24 would help me as a fact finder in terms of the answer.

15:15:40 25 MR PESTMAN: Maybe I should rephrase my question.

26 Q. Did you go to hospital before you came to Freetown?  
27 Could you answer that question with a yes or no, please?

28 JUDGE BOUTET: And, again, with all due respect, since he's  
29 been born probably he's been to the hospital. I mean,



1 your question is so vague that -- at least connect it  
2 to --

3 MR PESTMAN: I'm trying to make my question simple.

4 JUDGE BOUTET: I know, but -- we'll see.

5 MR PESTMAN: And I was asked to -- I understand that you would  
6 like me to split my question.

7 JUDGE BOUTET: It's not that we want a simple question; we  
8 want to have evidence that the witness understands.

9 MR PESTMAN: Okay. Maybe I can rephrase my question again.

15:16:24 10 Q. Did the Prosecution ever take you to hospital before you  
11 arrived in Freetown; yes or no, please?

12 A. Yes.

13 Q. So I understood correctly. And how often did that  
14 happen?

15:17:00 15 A. Whenever I fell ill, that is what happens, but I didn't  
16 take any count of it.

17 Q. Did you fell ill very often?

18 A. Once in Tongo - I had hernia in Tongo and an operation  
19 was done. Whenever I fall ill, I go to the hospital.

15:17:34 20 That is how I get well so I can't deny that.

21 JUDGE THOMPSON: There is confusion here. The records have  
22 been terribly convoluted here. I got to a point where he  
23 says, "I did fall ill with hernia in Tongo." I didn't  
24 get anything following that, except the usual hypothesis

15:17:50 25 again. So, can we have the records because we are trying  
26 to ascertain facts. Perhaps you need to take him back to  
27 that specific thing about falling ill with hernia.

28 MR PESTMAN: I will ask about the operation.

29 JUDGE THOMPSON: Quite right.

1 MR PESTMAN: Yes.

2 Q. So if I understand correctly, you went to hospital more  
3 than once and you had an operation once in Tongo; is that  
4 correct?

15:18:34 5 A. Yes. Even now I have the scar on my stomach.

6 Q. And what was the operation for?

7 A. The sickness was on top of my navel, they refer to it as  
8 "hernia" in English. That was why I was operated.

9 Q. And when did this operation take place?

15:19:16 10 A. That was at SLST time.

11 Q. Sorry, I don't understand the answer.

12 THE INTERPRETER: That was the days of the SLST; that was a  
13 company in Kono. It was a long time ago in Tongo.

14 Q. And was it an expensive operation?

15:19:32 15 MR KAMARA: Excuse me, Mr Pestman.

16 THE WITNESS: I was working. They were deducting it from my  
17 salary.

18 MR KAMARA: Excuse me, Mr Pestman. The questions put to the  
19 witness have been so confusing and that is what has  
15:19:58 20 resulted in the records being confusing, and what the  
21 witness has just answered is in relation to something  
22 that is far outside not only the mandate of this Court,  
23 but something over 20 years. Talking about the SLST  
24 days, that is the Sierra Leone Selection Trust and it  
15:20:12 25 bears no relevance to the current proceedings. And I'm  
26 sure if only my learned friend from the other side would  
27 kind of restrain himself and not punctuate his  
28 cross-examination, but the questions are so confusing and  
29 now they are going out of the scope of the proceedings.

1 JUDGE THOMPSON: But I remember that he did ask a specific  
2 question on how many times he has been to hospital  
3 since -- under the auspices of the Prosecution; in other  
4 words, he tied it to the events which we are  
15:20:44 5 investigating. It was when the witness answered that he  
6 decided to enlarge the scope of his answer. So we do  
7 have a real difficult situation here of a witness who  
8 really enlarges his answers and hypothesises, and, of  
9 course, I know that counsel is trying, as he says, is a  
15:21:10 10 civil law approach here to be an inquisitor. So for the  
11 question to be fair, to balance that, the witness himself  
12 should be advised to answer questions in the context of  
13 the time which we are dealing with. We are dealing with  
14 prosecutions by the Special Court in respect of events  
15:21:28 15 that have happened. So I think both sides need to work  
16 hard at it, because I am really getting convoluted  
17 records. I do not know how I can evaluate hypothesis and  
18 moralising.

19 MR KAMARA: We narrow down the questions to their timing  
15:21:46 20 within the parameters of the Court, and I think that  
21 would greatly help the witness. And when counsel  
22 mentioned an operation, it kind of triggers off the  
23 hernia operation in the witness, and that is why he  
24 answered and responded in that line.

15:21:58 25 PRESIDING JUDGE: Are you suggesting that the operation did  
26 not take place within the time frame of the mandate of  
27 the Court? Is that what you are suggesting?

28 JUDGE THOMPSON: I remembered he did say, "Did the  
29 Prosecution -- did you go to hospital for any -- or were

1 you hospitalised in respect --

2 THE INTERPRETER: My Lord, Your mike is not switched on.

3 JUDGE BOUTET: Mr Pestman, maybe you can circumscribe the

4 time. Take him to -- he has testified this morning about

15:22:28 5 certain events and a specific location. Ask him from

6 that time on has he been taken to hospital. If we can,

7 at least restrict the time lines; that seems to be part

8 of the confusion.

9 MR PESTMAN: Yes.

15:22:54 10 Q. Mr Witness, after you first spoke to the Prosecution or  
11 to investigators, did you, or were you taken to hospital  
12 by the Prosecution?

13 A. Yes.

14 Q. And did the Prosecution pay for those visits.

15:23:30 15 A. Is it the hospital in Freetown here, when I have come to  
16 Freetown?

17 Q. Let's start with before you came to Freetown.

18 A. Yes. Whoever would take me to the hospital out there --  
19 even myself would take out my own personal money and say,  
15:23:58 20 "When we go, go and pay my money." So whoever take me to  
21 the hospital would pay for me, and even if I am sick, I  
22 would give someone else money and they would take me to  
23 the hospital because I am sick. If that happen then  
24 someone might have taken me to the hospital.

15:24:14 25 Q. And that "someone" is somebody from the Prosecution?

26 A. Yes.

27 Q. Did the same thing happen after you arrived in Freetown?

28 A. The hospital that I went to while I was there is not what  
29 I am talking; it is the hospital that I came and attended

1 here is what I am talking about. The ones that I  
2 attended in the province was my people who took me there,  
3 not the prosecutors. It is this one -- the answers that  
4 I am giving you about the hospital here in Freetown is  
15:25:00 5 quite different from the one that I talked about before I  
6 came to Freetown. The one in the province was my people  
7 who took me there, not the Prosecution.

8 Q. Okay, thank you. Did you receive anything else from the  
9 Prosecution apart from money, the dress you are wearing,  
15:25:36 10 accommodation, medicine and visits to hospital?

11 A. The man has mentioned everything. These are the things  
12 the people do. He has stated everything.

13 Q. During the meetings you had with the Prosecution before  
14 you came to court today, did you discuss what was going  
15:26:20 15 to happen in Court today?

16 A. Yes.

17 Q. Did they tell you that you were going to be  
18 cross-examined?

19 A. Yes, I know that you will have to ask me questions; they  
15:27:04 20 told me.

21 Q. Did they also give you examples of questions that you  
22 could be asked?

23 A. No, that is not what I am talking about - that is not  
24 what I am talking about. They only showed me this Court,  
15:27:36 25 that when you come to this Court you will have to say the  
26 truth, and when you say the truth, they will have to ask  
27 you questions. And I also know that whatever I say here,  
28 they will have to ask me questions and that is what  
29 obtains.

1 Q. Mr Witness, do you know the other people from Koribundu  
2 who testified -- who are going to testify before this  
3 Court or give evidence?

4 A. I only know myself.

15:28:18 5 Q. Are you afraid to testify today?

6 A. Very much.

7 Q. Did you ask for protective measures?

8 A. I would not ask for that sort of question, because even  
9 they themselves who brought me here know they will have  
15:28:54 10 to protect me. They know better than I do; they know  
11 that they will have to protect me. I am just here like a  
12 baby. If you give birth to a baby, you will have to  
13 protect that baby. If it is about to fall, you have to  
14 catch it to prevent it from falling. That is what I am.

15:29:10 15 Q. But did you have to discuss with the Prosecution that  
16 there is a screen behind you?

17 JUDGE BOUTET: Mr Norman, please, I would ask you to refrain  
18 from commenting. You've had your share; you had the time  
19 to make your comments as such. We are on  
15:29:48 20 cross-examination of the witness. Your turn is over now,  
21 and I would please ask you to be silent.

22 THE ACCUSED NORMAN: Thank you, My Lord. It is not that I am  
23 making comments; it is the interpretation that is wrong  
24 and I am a Mende; I do understand. That is why I am  
15:29:56 25 making such motions.

26 JUDGE BOUTET: Thank you, Mr Norman.

27 JUDGE THOMPSON: [Overlapping microphones] to pass this on to  
28 your stand-by counsel if there is any queries probably,  
29 so that they can inform us, because we are not -- we

1 don't know the language.

2 JUDGE BOUTET: Now, Mr Pestman, I am not sure where you are  
3 arriving at -- whether he asked for the screen as such.

4 Certainly he did not ask for the screen; these were

15:30:22 5 measures that the Court agreed to and accepted and issued

6 a directive in this respect. Certainly no witness has

7 asked for one specific measure

8 MR PESTMAN: I was going to mention all protective measures

9 and I was going to ask him whether he had asked for any

15:30:42 10 of them.

11 JUDGE THOMPSON: I would like to ask why would this line of

12 cross-inquiry be of assistance to the Court? Perhaps if

13 you would educate me a little, some lingering doubts in

14 my mind might be cleared up.

15:31:02 15 MR PESTMAN: I would not pursue this line of examination, but

16 I would like to establish for every single witness who

17 will appear here whether they actually need or asked for

18 protective measures.

19 JUDGE THOMPSON: Actually, my trouble is with the specifics

15:31:18 20 because I am sure that if you ask, for example, about

21 voice distortion, whether that would make any sense. But

22 I do agree with the general concept.

23 MR PESTMAN: But I understand that he is afraid and a baby and

24 that he needs a special protection for --

15:31:40 25 JUDGE BOUTET: Well, he didn't say he was baby. Please,

26 please, be respectful of the witness as well. That is

27 not what he said.

28 MR PESTMAN: I don't think he was taking my question

29 seriously.

1 JUDGE BOUTET: Yes, he was; he was trying to give you an  
2 example of why people would need protection.

3 MR PESTMAN:

4 Q. Mr Witness, do you know Joe Nuni?

15:31:54 5 THE MENDE INTERPRETER: Please, ask the question again - My  
6 Lord, let him ask the question again.

7 MR PESTMAN:

8 Q. Mr witness, do you know Joe Nuni.

9 A. I don't know him. I heard the name, but I don't know  
15:32:22 10 him. You would not just hear a person's name and say you  
11 know him.

12 Q. Do you know Sambura Koroma?

13 THE MENDE INTERPRETER: My Lord, let him go over the name  
14 again.

15:32:44 15 MR PESTMAN: Excuse my pronunciation but I think it is Sambora  
16 Koroma. Koroma is K-O-R-O-M-A.

17 THE WITNESS: I don't know him.

18 Q. Kosseh Hindowa?

19 A. I saw him once in Wonde when they were opening the house  
15:33:00 20 that they built along the road. It was at that occasion  
21 that we went then I saw him.

22 PRESIDING JUDGE: You saw who? You saw who? You went to an  
23 occasion where they were opening a house or building a  
24 house; you saw who? Is it Koroma or Joe Nuni.

15:33:38 25 THE WITNESS: It is Kosseh Hindowa that I am talking about.

26 MR PESTMAN:

27 Q. Was he present at the meeting you described earlier this  
28 morning in the Barri?

29 A. At Bathurst, I saw him there.



1 Q. But was he present at the Barri in the meeting we  
2 discussed this morning after the taking of Koribundu?

3 A. I did not see him there.

4 Q. And Joe Tamidey?

15:34:20 5 A. I know him very well.

6 Q. Was he at the Barri?

7 A. Even if he was there, I did not see him, because you  
8 would meet with people, but if you did not see the  
9 person, you can't say he was there.

15:34:40 10 JUDGE THOMPSON: Would the witness answer the question  
11 directly. The -- probably we want counsel for the  
12 prosecution that we don't want commentaries or  
13 hypothesis, because I am finding it extremely difficult  
14 and the evaluation of witnesses' evidence is crucial to  
15:35:04 15 the determination of findings of facts and the truth, and  
16 perhaps he needs to be advised that when a direct  
17 question is asked, a direct answer is required and not a  
18 hypothetical or commentary or analysis.

19 MR BANGURA: I take the point, Your Honour. I will endeavour  
15:35:26 20 to get the witness to answer questions directly, but Your  
21 Honour will also appreciate that he is, by his  
22 disposition already shown to this Court, he is a kind of  
23 person given to too much talking.

24 JUDGE THOMPSON: Yes, but the Court needs to be able to work  
15:35:44 25 out a compromise. I mean, he cannot impose his own  
26 peculiar way of narrating style. We are not here in a  
27 kind of story-telling context where this might be  
28 permissible. I am just trying to say that we are here to  
29 ascertain the truth, and when you have a convolution of

1 facts and hypothesis, and commentary and analysis, it  
2 becomes inextricably difficult to be able to separate  
3 them.

4 MR BANGURA: I do appreciate that, Your Honour. Mr Witness,  
15:36:22 5 will you please answer the questions that counsel is  
6 putting to you with very short answers; give very short  
7 answers, yes or no, where you can, please.

8 JUDGE THOMPSON: Yes or no, if "I cannot remember, I cannot  
9 remember".

10 MR BANGURA: And if you cannot remember, say you cannot  
11 remember. If you do not know, say you do not know,  
12 please. And do not add comments after the answers you  
13 have given, please.

14 MR MARGAI: My Lords, if I could be of assistance? It is a  
15:37:04 15 pity that neither of you understand the Mende language,  
16 but what the witness said in response to learned  
17 counsel's questions was that, "I do not know Sambora  
18 Koroma. I saw Kosseh Hindowa at a gathering. I did not  
19 see him at the Koribundu meeting. I cannot say whether  
15:37:24 20 Joe Tamidey was at the Koribundu meeting; I cannot say  
21 whether Joe Tamidey was at the Koribundu meeting." Maybe  
22 it is a question of translation, you know.

23

24 JUDGE BOUTET: But that's what we got.

15:37:28 25 PRESIDING JUDGE: That is on record.

26 JUDGE THOMPSON: But the question also -- I am not entirely  
27 satisfied, because what I get from the translation is,  
28 "Even if I did, I would not have..." and then  
29 commentaries come on, and my own response is that we are

1 not here to evaluate. This is not an expert witness. He  
2 is a witness of fact and I am not assisted by  
3 commentaries, analysis and hypothesis, and I think we  
4 need to maintain the integrity of our processes. I do  
15:38:06 5 understand the difficulty here, but the witness has been  
6 examined, counsel for the prosecution should be able to  
7 tell the witness that what we are interested in are  
8 facts, not his opinion on these matters. The whole thing  
9 becomes extremely argumentative.

15:38:24 10 MR MARGAI: As My Lord pleases.

11 PRESIDING JUDGE: Yes, Mr Pestman.

12 MR PESTMAN: It was my last question; I will just rephrase it.

13 Q. Did you see Joe Tamidey at the meeting in the Barri you  
14 talked about earlier this morning?

15:39:06 15 A. That is what I have just explained. I said even if he  
16 was in that Court, the place was so crowded, I did not  
17 see him -

18 PRESIDING JUDGE: Mr. Witness this is what they are asking you  
19 to avoid. Did you see him? Is it yes or no? Do not  
15:39:24 20 say, "Even if he was there, there were so many people..."  
21 That is not how to answer the question. You say you know  
22 Joe Tamidey. Did you see him at the meeting in the  
23 Barri?

24 THE WITNESS: I did not see him.

15:39:54 25 PRESIDING JUDGE: Simple.

26 THE WITNESS: That`s why I said --

27 PRESIDING JUDGE: Stop, stop.

28 MR PESTMAN: These were my questions, thank you.

29 JUDGE BOUTET: Thank you. Mr. Margai?

1 MR MARGAI: Yes, My Lord.

2 THE WITNESS: I want to say something. I want to use the  
3 toilet, because I wouldn't want to be disgraced so it's  
4 better I say it.

15:40:32 5 PRESIDING JUDGE: The Court will rise for ten minutes so that  
6 the witness puts himself at ease.

7 [Pages 60 to 85 by Momodou Jallow]

8 [Break taken at 3.45 p.m.]

9 [On resuming at 4.02 p.m.]

16:02:09 10 [HN080904E]

11 PRESIDING JUDGE: Learned counsel, before we resume the  
12 proceedings, I would like to express the concern of the  
13 Chamber of the way we rule, because there was total  
14 pandemonium in the court even whilst we were rising, and  
16:02:09 15 I don't think that that is the decorum we need to give to  
16 our Tribunal. If we have to stick to respecting the  
17 integrity of our proceedings, I think we need to make  
18 sure that the decorum is in place and that even the  
19 witnesses are sufficiently respected. If the witness did  
16:02:09 20 indicate that he had to answer to the call of nature, I  
21 do not think that he needed to be disrespected with such  
22 a mockery, which we considered a mockery, you know, of  
23 him. I think that we need to be the example to respect  
24 the proceedings ourselves and our witnesses who come to  
16:02:10 25 testify in the interest of justice.

26 This said, Mr Margai, you can proceed with the  
27 cross-examination of this witness.

28 MR MARGAI: Thank you.

29 CROSS-EXAMINED BY MR MARGAI:

1 Q. Mr Witness, you have told this Tribunal that you are  
2 ordinarily resident in Koribundu. When were you last in  
3 Koribundu?

4 THE INTERPRETER: My Lord, the witness's mike is switched off.

16:02:10 5 JUDGE BOUTET: Why is it this is not being looked at before we  
6 come back in court? Every time we come back there is a  
7 problem of that nature.

8 MR WALKER: Sorry, My Lord.

9 MR MARGAI:

16:02:10 10 Q. Yes, what is the answer? When were you last in  
11 Koribundu?

12 A. I left there at the beginning of this English month, the  
13 first week of this English month. That is when I left  
14 there.

16:02:10 15 PRESIDING JUDGE: I would like to -- I mean, what English  
16 month? What month? What month is he referring to?

17 MR MARGAI: Sorry, My Lord.

18 Q. Which month? Which month?

19 A. I heard that they said it's September. That's the way I  
16:02:10 20 heard it being called in English.

21 Q. You were last in Koribundu in September; is that it?  
22 August?

23 A. No. I was there in August, 'til the end of August.

24 Q. Could you tell the Court for how long you were in  
16:02:10 25 Koribundu in August?

26 A. [Counsel interrupts interpretation]

27 Q. No, no. Sorry, My Lord, that interpretation is not  
28 correct. How long he was in Koribundu, not how many  
29 times. In August?

1 A. I took a very long time there. In that August month I  
2 did not leave the town except I'll go to the bush, but I  
3 didn't leave the town.

4 Q. Now let's come to your presence in the mosque on that  
16:02:32 5 fateful Friday. According to your testimony, you were in  
6 the mosque when you heard firing, and you told His  
7 Lordships that the firing was coming from the Kamajors.

8 JUDGE THOMPSON: Shall we ask him whether that is correct,  
9 because we want to know?

16:03:03 10 MR MARGAI:

11 Q. Was that what you said?

12 A. Yes.

13 Q. And that the firing was coming from the Blama end?

14 A. Blama Road.

16:03:21 15 Q. And whilst the firing was on, you were still in the  
16 mosque; is that correct?

17 A. No, no, no, no. I was not there. I left the place and I  
18 went.

19 Q. Did you not tell this Court in your testimony in  
16:03:50 20 examination-in-chief that you remained in the mosque? I  
21 stand to be corrected.

22 PRESIDING JUDGE: Yes. I'm correcting you.

23 JUDGE BOUTET: I have also in my note: "I left the mosque."

24 PRESIDING JUDGE: "I left the mosque. Others remained. I  
16:04:09 25 left the mosque."

26 JUDGE THOMPSON: I concur.

27 MR MARGAI: Yes.

28 Q. You left the mosque. When did you leave the mosque? Was  
29 it at end of the firing or during the firing?

1 A. Just when I heard that firing I -- some of us were lying  
2 in the mosque and I just left there just as I had my way  
3 out of the mosque and I went.

4 Q. My question is: When did you leave the mosque? Was it  
16:05:01 5 at the start of the firing, during the firing, or at the  
6 end of the firing? Listen to the interpreter, please.

7 A. Just when the first firing -- I heard the first firing  
8 was when I left the mosque because I knew they had come.  
9 I knew.

16:05:40 10 Q. And you told this Court that the firing was coming from  
11 the Kamajors because of the attire they wore?

12 A. They were -- they were the Kamajors.

13 MR BANGURA: Your Honour, I believe the record does not  
14 reflect the fact that the witness left -- recognised who  
16:06:25 15 were firing by the dress they wore.

16 JUDGE THOMPSON: What does the record reflect?

17 MR BANGURA: Your Honour, by the testimony of the witness at  
18 that point he had not identified the people who were  
19 firing by what they wore.

16:06:43 20 JUDGE BOUTET: I have in my note that he did identify Kamajors  
21 as the ones setting fire on the house later that the day,  
22 but not at that specific time.

23 JUDGE THOMPSON: I guess the question probably should have  
24 been a two-stage question. It probably would have helped  
16:07:04 25 the record.

26 MR MARGAI: As My Lord pleases.

27 JUDGE THOMPSON: It would help us, yes.

28 MR. MARGAI:

29 Q. Now, you told the Court that the firing was coming from

1 the Kamajors?

2 A. Yes.

3 Q. Could you tell the Court how you came to that conclusion  
4 or assumption or presumption?

16:07:28 5 A. Yes. I said that because, when they captured that town,  
6 the town was in their control. They came to the town,  
7 the town was in their complete control. Just when the  
8 soldiers left the town, the town was in their control.  
9 So whatever could have happened, whatever killings could  
16:07:49 10 have taken place was the Kamajors could have caused it.

11 Q. So would I be right in saying that you came to that  
12 conclusion because, according to you, the Kamajors were  
13 in charge -- were in control of the town?

14 A. Yes.

16:08:19 15 Q. Thank you. Thank you. Thank you.

16 A. Yes. There were those that had the right to do anything  
17 with us.

18 PRESIDING JUDGE: Mr Margai, you are better place to  
19 punctuating him because --

16:08:35 20 MR MARGAI: As My Lord pleases. Thank you very much.

21 PRESIDING JUDGE: To know when he would have crossed the red  
22 line.

23 MR MARGAI: Indeed.

24 PRESIDING JUDGE: Right.

16:08:57 25 MR MARGAI:

26 Q. Now in your testimony, you told this Court as to how you  
27 could identify the Kamajors; not so?

28 A. Yes.

29 Q. And you attempted describing the attire that is, in your



1 opinion, worn by Kamajors?

2 A. Yes.

3 Q. And although you did not specifically refer to the ronko,  
4 what is popularly known as the ronko, but this was what  
16:09:53 5 you were trying to describe; isn't that correct?

6 A. I talked about the ronko today. I talked about this a  
7 lot of times.

8 Q. No. I'm saying you did not specifically refer to ronko,  
9 but your description was geared toward the ronko?

16:10:23 10 PRESIDING JUDGE: Mr Margai, let me try.

11 MR MARGAI: Yes, My Lord.

12 PRESIDING JUDGE:

13 Q. Mr Witness, you know the word "ronko"?

14 A. Yes, they showed us and then we came to know it.

16:10:42 15 Q. You know the word "ronko"?

16 A. I knew it.

17 Q. But you did not use that word, you know, when you were  
18 giving evidence?

19 A. They just asked -- they say: "What is it that they

16:11:02 20 wear?" So I described what they wear. That is the name  
21 of their clothes, but I just described it.

22 PRESIDING JUDGE: Mr Margai, you can go ahead.

23 MR MARGAI: Thank you.

24 Q. Now, have you ever heard of people other than Kamajors  
16:11:22 25 wearing the ronko?

26 A. Well, I only know of the Kamajors. I only know of the  
27 Kamajors wearing that sort of dress.

28 Q. You may not have heard, but have you seen people other  
29 than Kamajors wearing ronko?

- 1 A. No, I have not seen such a dress on any other person  
2 except they, the Kamajors. If anybody had worn such a  
3 thing, I never knew. If anybody had ever worn a dress  
4 called ronko, I never knew about it. It was when the  
16:12:26 5 Kamajors started wearing it that they called it ronko.  
6 It was then that I came to know about it.
- 7 Q. Now, you were in this country during the rebel war; were  
8 you not?
- 9 A. I was there.
- 16:12:51 10 Q. Did you know of the Kamajors defending Bo Town during the  
11 rebel war, the height of the rebel war?
- 12 A. I did not go to Bo.
- 13 Q. Did you hear that?
- 14 A. I heard about it.
- 16:13:16 15 Q. And did you further hear that the AFRC wore ronkos to  
16 attack Bo Town? Did you hear that?
- 17 A. I heard that, but I don't know -- I don't know whether  
18 that was before.
- 19 Q. Thank you. Thank you. Thank you. Now, you have  
16:14:13 20 mentioned the name Joe Tamidey?
- 21 A. Yes.
- 22 Q. And if I got your testimony correctly, you said he was  
23 the head of the Kamajors coming to Koribundu, or who went  
24 to Koribundu?
- 16:14:41 25 A. Very well. He was the head of the Kamajors. I'm not  
26 saying everybody was the Kamajors. He was. Wherever  
27 they could come from -- he was the head of the Kamajors.
- 28 Q. Just try to answer yes or no so that we make progress and  
29 leave the dramatics. Thank you.

1 A. Yes.

2 Q. Or the commentaries. Now, would you describe Joe Tamidey  
3 as a disciplinarian, a man who was there to maintain law  
4 and order at all costs -- Joe Tamidey?

16:15:40 5 A. Yes, he was that kind of person. He was that kind of  
6 person. That's what I know.

7 JUDGE THOMPSON: What is the answer?

8 A. He was that kind of person. That's what I know.

9 JUDGE THOMPSON: A man who -- [overlapping microphones]

16:15:50 10 MR MARGAI:

11 Q. He was a man who upheld the rule of law, discipline. He  
12 was a disciplinarian, law and order. Now, this was a man  
13 who would stop at nothing to discipline Kamajors who  
14 misconducted themselves; wouldn't you agree with me?

16:16:18 15 MR BANGURA: I object to this question, My Lord.

16 JUDGE THOMPSON: Grounds?

17 MR BANGURA: My Lord, the question is hypothetical in the  
18 first place and, My Lord, it suggests that the witness  
19 has not --

16:16:30 20 A. I will never agree to that. I will not say so. No, no.  
21 I will not say so. They were not for me.

22 JUDGE THOMPSON: It is permissible. He can venture on opinion  
23 on this, but of course as long as we don't enter the game  
24 of being argumentative. And I think at this point it  
16:16:51 25 seems permissible to me. He can disagree or agree.

26 MR BANGURA: I take the point.

27 JUDGE THOMPSON: Because of the fact that he has already  
28 agreed that he's a man who upholds law and order and a  
29 disciplinarian, it would seem to me that that question

1           logically follows without falling outside the borders of  
2           permiss --

3 MR MARGAI: Thank you.

4 Q. Now, will you please answer the question?

16:17:22 5 A. What is the question?

6 JUDGE BOUTET: Mr Margai --

7 MR MARGAI:

8 Q. Now, the question was: Joe Tamidey was a man who would  
9           stop at nothing to maintain discipline.

16:17:37 10 PRESIDING JUDGE: Please ask the question more directly. Who  
11           will stop at nothing is too --

12 MR MARGAI: Too large. You're right, My Lord.

13 PRESIDING JUDGE: Yes. Please ask it more directly, you know.

14 MR. MARGAI:

16:17:45 15 Q. Joe Tamidey was a man who was -- [overlapping  
16           microphones] any Kamajor who misconducted himself; in  
17           other words, he behaved to the civil population of  
18           Koribundu.

19 A. We were not staying together. I can't answer that  
16:18:20 20 question.

21 Q. But you were in Koribundu when Joe Tamidey and the  
22           Kamajors, according to you, were in Koribundu?

23 A. I was there. I'm there; I'm there.

24 Q. You are there now?

16:18:39 25 A. I was there. I was there

26 Q. Thank you. And according to your testimony, there was  
27           misconduct by some Kamajors in Koribundu?

28 A. Yes.

29 Q. Now, was this misbehaviour by these Kamajors ever brought

1 to the notice of Joe Tamidey, their leader?

2 A. Whoever would take his own report to him, that is what he  
3 will -- that is the case that he will handle. I am not  
4 going to tell you what people said there.

16:19:40 5 Q. Do you know whether in fact this is the behaviour you  
6 have testified to before this Court was ever brought or  
7 reported to Joe Tamidey as leader of the Kamajors in  
8 Koribundu? Yes or no?

9 A. Yes.

16:20:08 10 Q. Thank you. Thank you. Now, to the best of your  
11 knowledge, did Joe Tamidey take disciplinary measures  
12 against these Kamajors?

13 JUDGE THOMPSON: Why not use the word "punish"?

14 MR MARGAI: All right, punish, punish. I keep forgetting that

16:20:27 15 I'm dealing with -- yes.

16 Q. Did Joe Tamidey punish these Kamajors who misbehaved  
17 themselves towards the civilians?

18 A. [Counsel interrupts interpretation]

19 Q. With respect, that is not the question: Whether he  
16:20:51 20 punished those Kamajors who misconducted themselves,  
21 specifically?

22 A. If you have a charge -- whatever, if he does wrong, he'll  
23 punish him.

24 Q. Let's make progress.

16:21:09 25 PRESIDING JUDGE: Just wait, Mr Margai.

26 MR MARGAI: Yes, My Lord, I'm sorry.

27 A. Whoever will take it to him -- [overlapping microphones]

28 PRESIDING JUDGE: You're a bit hyper. Take it easy.

29 MR MARGAI: I see. I shall try to reduce it. Yes.

1 PRESIDING JUDGE: Mr Witness, you had said that some Kamajors  
2 misbehaved themselves, they did bad things in Koribundu.  
3 Did -- do you know whether Joe Tamidey punished those  
4 Kamajors or not?

16:21:57 5 A. Yes.

6 MR MARGAI: That will be all for this witness, My Lord.

7 PRESIDING JUDGE: I want to get the notes right. I mean, what  
8 is his answer. When he says "mmm," I mean --  
9 [Overlapping microphones]

16:22:16 10 PRESIDING JUDGE: I know it is yes, but what is he saying yes  
11 to? With a witness like this, I want to be very sure.

12 MR MARGAI: That Joe Tamidey punished Kamajors who  
13 misconducted themselves. As My Lords please.

14 JUDGE THOMPSON: Not that he knew --

16:22:31 15 MR BANGURA: May I be heard? I believe I got it sightly  
16 confusing myself and my understanding is that he's  
17 answering "mmm," which may be "yes" --

18 JUDGE THOMPSON: Well, I mean, we will have to refer to the  
19 translators to tell us what "mmm" means, not I can take  
16:22:53 20 what you say.

21 THE WITNESS: My Lord --

22 [Overlapping microphones]

23 PRESIDING JUDGE: -- re-examination, you know.

24 JUDGE THOMPSON: I cannot take what you say as the correct  
16:23:00 25 version; it is only the translation.

26 MR. BANGURA: I take the point, My Lord.

27 JUDGE THOMPSON: Fine.

28 [Trial Chamber confer]

29 [Pages 85 to 96 by Roni Kerekas]

1 [HN080904F 4.25 p.m.]

2 PRESIDING JUDGE: We are still very conscious of the necessity  
3 to address the concerns of the Defence as far as payments  
4 to this witness are concerned. We do not yet have the  
16:26:15 5 information. We hope that we can have it in the next 10  
6 minutes - we hope so - so may we rise for 10 minutes and  
7 resume. The information we want has not been supplied  
8 the way we wanted it and the way the Defence wanted it,  
9 so we have requested that we be provided with further and  
16:26:50 10 better particulars on this issue and we will rise for 10  
11 minutes.

12 MR MARGAI: Sorry, before we rise, will the re-examination be  
13 subsequent to --

14 PRESIDING JUDGE: Yes, because we have to give the Defence a  
16:27:05 15 right to - the first accused's standby counsel --

16 MR MARGAI: As My Lord pleases.

17 PRESIDING JUDGE: -- a right to cross-examine on an issue that  
18 we left in suspense. The Court will rise for 10 minutes.

19 [Break taken at 4.26 p.m.]

16:29:44 20 [On resuming at 4.42 p.m.]

21 PRESIDING JUDGE: We tried to make available -- to obtain some  
22 information that is needed by the Defence, but the  
23 information we have is that it cannot be ready before the  
24 next hour, hour and a half, and it requires sorting out a  
16:44:23 25 number of things. So we have consulted, and we feel that  
26 we should adjourn the matter to tomorrow at 9.30 to have  
27 this information so that we can conclude with the  
28 cross-examination and then take on the re-examination  
29 thereafter.

1 MS WHITAKER: As Your Honour pleases, although I think we  
2 would have no objection if the Prosecution wished to  
3 re-examine, provided we could then put this matter so  
4 it's on the record, but we're obviously in your hands.

16:45:01 5 PRESIDING JUDGE: We, of course, would have taken the  
6 re-examination now, but since there are certain issues  
7 that may arise in the course of the additional  
8 cross-examination on these issues, we think it is better  
9 to err on the side of caution to ensure that we conclude  
16:45:23 10 with the cross-examination and then we will revert to the  
11 Prosecution if they need to re-examine, and then move to  
12 the next witness. Because we can't wait here -- we're  
13 not even sure in the next one and a half hours it would  
14 be ready.

16:45:43 15 MS WHITAKER: Our concern is simply that this matter is  
16 particularly on the record, so if the majority of the  
17 re-examination were to take place and then any  
18 re-examination reserved arising from this matter, but  
19 whatever the Court would prefer, obviously.

16:45:58 20 PRESIDING JUDGE: We would prefer to leave the matter as it is  
21 and start from where we've left it tomorrow morning, and  
22 then we would move ahead from there. We want to inform  
23 the Prosecution that thereafter we will take the next  
24 witness and also to say that you should always keep two  
16:46:21 25 witnesses -- one should always stand by, because we may  
26 well finish. Experience has shown that some witnesses  
27 are short and we could take two witnesses - why not three  
28 witnesses - in one day; why should we not? It depends on  
29 the techniques you are adopting, so this is it. I will



1 adjourn to tomorrow at 9.30 and make the documents and  
2 the information available to the Defence. Did you have  
3 any comments to make on this?

4 MR BANGURA: No, My Lord. I was only going to say that, as a  
16:46:59 5 matter of fact, we already had a witness waiting if we  
6 had completed this witness this afternoon.

7 PRESIDING JUDGE: Right. This said, the Court will adjourn to  
8 tomorrow at 9.30 a.m. The Court will rise.

9 [Whereupon the hearing adjourned at 4.45 p.m., to be  
10 reconvened on Thursday, the 9th day of September 2004, at  
11 10.00 a.m.]

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1

2

C E R T I F I C A T E

3

4

We, Roni Kerekes, Maureen P Dunn, Susan G Humphries, and

5

Momodou Jallow, Official Court Reporters for the Special

6

Court for Sierra Leone, do hereby certify that the

7

foregoing proceedings in the above-entitled cause were

8

taken at the time and place as stated; that it was taken

9

in shorthand (machine writer) and thereafter transcribed

10

by computer, that the foregoing pages contain a true and

11

correct transcription of said proceedings to the best of

12

our ability and understanding.

13

14

We further certify that we are not of counsel nor related

15

to any of the parties to this cause and that we are in

16

nowise interested in the result of said cause.

17

18

19

20

Roni Kerekes

21

22

23

Maureen P Dunn

24

25

26

Susan G Humphries

27

28

29

Momodou Jallow

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

INDEX

WITNESSES FOR THE PROSECUTION:

WITNESS TF2-162

EXAMINED BY MR BANGURA

CROSS-EXAMINED by ACCUSED NORMAN 36

CROSS-EXAMINED BY MR HALL 43

CROSS-EXAMINED BY MR PESTMAN 67

CROSS-EXAMINED BY MR MARGAI 85

Exhibit No. 6 35