

THE SPECIAL COURT FOR SIERRA LEONE

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

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

MONDAY, 27 SEPTEMBER 2004
10.00 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Chiara Galletti (intern)

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Raimund Sauter
Mr Kevin Tavener
Ms Adwoa Wiafe
Ms Bianca Suciu

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Bubakei Jabbi
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Ms Phoebe Knowles

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 Monday, 27 September 2004
2 [In the absence of the three accused]
3 [Open session]
4 [Upon commencing at 10 a.m.]
10:02:08 5 PRESIDING JUDGE: We are resuming the session. Good morning,
6 learned counsel. The Court Tribunal notes that --
7 I would like to say here, you know, that we are in an
8 open session to begin with -- we are in an open session
9 to begin with, because we would like to -- we have
10:02:36 10 noticed, you know -- and, indeed, we are starting late,
11 because we wanted to know what was happening to the third
12 accused person and we notice that he's not in Court, and
13 since we have to verify his status, you know, before we
14 move into closed session, we are indeed in an open
10:02:57 15 session for now, although our dear gallery is not there.
16 The Chamber has a settled view on the absence of the
17 first and second accused person, but we do not know
18 whether there is any reason why the third accused is not
19 here this morning. Mr Margai, is there any reason, you
10:04:00 20 know, you can advance to the Court explaining his
21 absence?
22 MR MARGAI: My Lord, I am in the dark as much as Your
23 Lordships are. There has been no communication. I was
24 expecting him to be in Court. But on the question of the
10:04:16 25 gallery, I believe there were people there, but based on
26 our discussion before the last adjournment, I believe
27 Maureen was of a view that the session would be closed,
28 so the gallery had to be cleared. Well, thank God,
29 people are trickling in, and we hope the number will

1 increase.

2 But on the question of the third accused, I very
3 much regret there has been no communication and, like
4 I said, I was expecting him to be in Court this morning.

10:05:13 5 PRESIDING JUDGE: Well, since we have to proceed, I think --
6 I don't know if the detention -- if there is a
7 representative here from the detention facility? Yes, we
8 would like to have some verification as to why the
9 custodian of the third accused, you know, has not brought
10:05:43 10 him here this morning. Can you --
11 WITNESS: PAUL FRANCIS WRIGHT sworn
12 QUESTIONED BY JUDGE BOUTET:
13 JUDGE BOUTET: Good morning,
14 A. Good morning.

10:06:18 15 Q. Could you identify yourself, please, for the record?
16 A. My name is Francis Paul Wright, and I'm a detention
17 supervisor.
18 Q. Mr Wright, were you on duty this morning?
19 A. I was.

10:06:32 20 Q. Do you have a detainee under your custody by the name of
21 Allieu Kondewa?
22 A. I do.
23 Q. Have you seen him this morning?
24 A. I have, yes.

10:06:43 25 Q. Have you spoken to him this morning and can you inform
26 the Court as to whether or not you know the reasons for
27 his not being present in court at this moment?
28 A. Your Honour, I did speak to him this morning and ask him
29 was he going to attend court. He said that he was not

1 going to attend court. I then asked him, "Is there a
2 reason why you're not attending court?" And he said,
3 "No, there is no reason." I asked him was he well. He
4 said he was, and that basically was the end of the
10:07:18 5 conversation.
6 Q. So did he ask to see any medical doctor this morning?
7 A. No, he did not.
8 Q. So from your own observation, you could say, and you can
9 inform the court, that he appeared to you to be well and
10:07:32 10 healthy?
11 A. He did, Your Honour, yes.
12 Q. Thank you.
13 PRESIDING JUDGE: Mr Margai, do you wish to ask any additional
14 questions?
10:07:57 15 MR MARGAI: No, My Lords.
16 QUESTIONED BY MR MARGAI:
17 Q. Sorry, the only thing I would want to know from you is
18 that, from your own assessment of the situation, from the
19 first day all of the accused persons ceased coming to
10:08:14 20 Court, do you know whether the third accused has been
21 under any pressure from the others, either individually
22 or collectively?
23 A. Your Honour, I can only assume you must understand --
24 I would hazard a guess that --
10:08:37 25 PRESIDING JUDGE: No, we don't want you to guess, please.
26 MR MARGAI: Please, let me assist him.
27 Q. Don't hazard a guess. Do you know as a matter of fact
28 that he lodged a complaint to the Principal Defender
29 about pressure being applied on him not to come to court?

1 A. No, I don't know about that.

2 Q. You don't?

3 A. No.

4 Q. Would you mind investigating that, please?

10:08:59 5 A. Yes.

6 Q. I believe the court should be seized of all facts,
7 because if in my view an accused person refuses to come
8 to court, then it is an affront -- there's no doubt about
9 that. There is a fiduciary relationship between the
10:09:13 10 Bench and the Bar, and I think we have to be honest here.

11 So, My Lords, I would most respectfully ask that an
12 order be made for an investigation as to whether a
13 complaint to the effect I have mentioned was made,
14 because I know that, as Defence Counsel, in consequence
10:09:32 15 of such a complaint I was ill, but then the Principal
16 Defender phoned me three times and asked me if I could
17 make myself available on Friday, and I came here on
18 Friday even though I was not well. All of us had a joint
19 meeting with them in the hope that this whole thing would
10:09:50 20 be resolved. Unfortunately, it is getting worse, and I'm
21 not going to be a party to it at all.

22 JUDGE BOUTET: Mr Margai, we are concerned about what you're
23 raising at this particular moment, and we will certainly
24 ask that this matter be looked into and investigated.

10:10:09 25 MR MARGAI: I would appreciate that, My Lord.

26 JUDGE BOUTET: You were saying that this is a complaint that
27 has been made by one or more detainees to the
28 Principal --

29 MR MARGAI: By my own client, the third accused.

1 JUDGE BOUTET: And he would have filed that complaint on
2 Friday, or some time last week?

3 MR MARGAI: Well, he phoned me when I took ill, and told me
4 that he was being pressurised -- in fact, he was being
10:10:37 5 ostracised for coming to Court and, as a result of this,
6 he asked to see me. I told him I was indisposed, so
7 I asked my colleagues to see him. They saw him, and
8 subsequent to them seeing him, a complaint was made to
9 the Principal Defender as a result of which the Principal
10:10:54 10 Defender phoned me on a number of occasions in
11 consequence whereof I made myself available on Friday and
12 held a joint discussion with my colleagues with all the
13 three accused persons.

14 JUDGE BOUTET: Thank you, Mr Margai.

10:11:09 15 MR MARGAI: As My Lords please.

16 JUDGE BOUTET: So we'll ask the Principal Defender to
17 investigate this matter and report back to the Court.

18 MR MARGAI: I would appreciate that very much.

19 JUDGE BOUTET: Thank you very much, Mr Margai.

10:11:21 20 Mr Wright, we thank you very much?

21 A. Thank you, Your Honour.

22 PRESIDING JUDGE: Thank you, Mr Wright, you can retire,
23 please.

24 [The witness withdrew]

10:11:59 25 [Trial Chamber confers]

26 PRESIDING JUDGE: Mr Margai --

27 MR MARGAI: Yes, My Lords.

28 PRESIDING JUDGE: -- we understand your plight and we do
29 appreciate your willingness to give the Tribunal all the

1 cooperation it needs in this particular matter and the
2 efforts you've made so far.

3 MR MARGAI: Thank you.

4 PRESIDING JUDGE: You can only represent a client, but you
10:12:43 5 cannot force your will on him.

6 MR MARGAI: Indeed, indeed, indeed.

7 PRESIDING JUDGE: But in this respect we have to carry on with
8 the process and, in so doing, in the circumstances the
9 Tribunal decides that you will, for the time being, and
10:13:07 10 pending investigations and the outcome, and for us to
11 move ahead with these proceedings, you be given the
12 status of a Court-appointed counsel, because we have
13 decided to treat for now the absence, you know, of the
14 third accused like others as an absence which is
10:13:32 15 envisaged by Rule 60 of the Rules of Evidence and
16 Procedure. So the investigation will go on. The
17 Principal Defender, we'll ask that she does something
18 about it for us to know precisely what is happening
19 behind the screens, and should necessity arise in due
10:13:58 20 course -- and, of course, whilst exercising your
21 functions as a Court-appointed counsel, the situation may
22 well change and you may have additional time to consult
23 with your client, who unfortunately you've not been able
24 to see recently, or at least before coming to Court.

10:14:19 25 His absence has taken you as much aback as it has the
26 Court, so we will proceed this way, and you will appear
27 for your counsel [sic] as the Court-appointed counsel.

28 We'll tidy that up with a very brief ruling, but we
29 say that the situation will be evolving and we will

1 follow it up as it evolves.

2 MR MARGAI: As My Lords please. My Lords, I was just

3 thinking: the situation with respect to the third

4 accused is slightly different from the others, because

10:15:04 5 I remember him coming here and saying to the Court that

6 whether or not he was in court, because of the confidence

7 reposed in his counsel, the matter could proceed. I'm

8 wondering whether we might not, if I may with humility,

9 ask for a deferment of the change of status pending the

10:15:27 10 outcome of the investigation you have now ordered.

11 Perhaps a time frame should be placed on that

12 investigation.

13 PRESIDING JUDGE: Mr Margai, we've made the ruling.

14 MR MARGAI: As My Lords please. I didn't know that was a

10:15:40 15 ruling. I thought Your Lordship was just apprising me or

16 intimating to me how your minds were working.

17 PRESIDING JUDGE: No.

18 MR MARGAI: I accept that ruling.

19 PRESIDING JUDGE: But never mind. The situation may well

10:15:51 20 change. We'll follow it up and it may well change.

21 MR MARGAI: As My Lords please.

22 PRESIDING JUDGE: We will now be moving into the closed

23 session for the purposes of taking argument on the motion

24 by the Prosecution to hear a witness -- to have the

10:16:11 25 evidence of a witness taken in closed session. So can

26 the technical dispositions be put in place for us to move

27 into a closed session?

28 JUDGE BOUTET: Mr Presiding Judge, just before we move into

29 closed session, can I ask both Prosecution and Defence

1 what's the time expected for the presentation of this
2 motion -- presentation and arguments for the Defence?
3 This is only for trying to inform members of the public
4 as to what is the expected duration, because once this is
10:16:47 5 dealt with, we go back in open session and to proceed
6 with the next witness.
7 MR TAVENER: My submission in response, Your Honour, would be
8 no more than 20 minutes.
9 JUDGE BOUTET: Can I ask -- I heard Friday, Mr Margai saying,
10:17:04 10 if I'm not mistaken, that there would be one joint
11 presentation by the Defence. Is it still true this
12 morning and, if so, what is the expected duration of the
13 response by the Defence, who ever is making it?
14 MR HALL: It wouldn't be any longer than the Prosecution's --
10:17:37 15 probably less.
16 JUDGE BOUTET: Thank you.
17 PRESIDING JUDGE: So members of the public who might wish to
18 participate at the public hearing could come back here in
19 about 40 minutes or 45 minutes. You may have to wait
10:18:12 20 just a little longer, but we do not think that it will go
21 beyond one hour anyway. So we are now in the closed
22 session, please.
23 [At this point in the proceedings, a portion of the
24 transcript, pages 9 to 33, was extracted and sealed under
10:18:21 25 separate cover, as the session was heard in camera]
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29

1 [HN270904B]
2 [Open session]
3 PRESIDING JUDGE: We are resuming the session.
4 JUDGE BOUTET: We are back in open session now to proceed with
5 the next witness. We have not yet fully completed our
6 deliberation on the motion and we shall deliver that
7 decision some time in the day tomorrow orally.
8 PRESIDING JUDGE: We thought we could today, but circumstances
9 and constraints require further reflections on matters of
10 such delicacy. We are still putting it on advisement and
11 on hold for tomorrow. Thank you.
12 JUDGE BOUTET: Is the Prosecution ready to proceed with their
13 next witness?
14 MR SAUTER: Yes, Your Honour.
15 JUDGE BOUTET: Who is the next witness?
16 MR SAUTER: It is TF2-154.
17 JUDGE BOUTET: Thank you. Please call that witness.
18 MR SAUTER: The Prosecution calls TF2-154. The witness is
19 Muslim and will testify in Krio.
20 JUDGE THOMPSON: TF-60?
21 MR SAUTER: 154.
22 JUDGE THOMPSON: Is this the 16th witness or 17th?
23 MR SAUTER: I call 16th.
24 JUDGE THOMPSON: 16th quite right. No. I am -- your counting
25 is right.
26 PRESIDING JUDGE: Excuse me. You are Mr Sauter? You are
27 Mr Sauter?
28 MR SAUTER: Yes, Your Honour. Yes.
29 PRESIDING JUDGE: [Microphone not activated]

1 WITNESS: TF2-154 sworn
2 [Witness answered through interpretation]
3 JUDGE BOUTET: Could you open the blinds, please.
4 PRESIDING JUDGE: We are now in an open session. Please, can
5 the technicians take the necessary steps. Is that all
6 right?
7 JUDGE BOUTET: Please proceed, Mr Prosecutor.
8 EXAMINED BY MR SAUTER:
9 Q. Good morning, madam. Thank you for coming. Some general
10 remarks before you start to testify. Please speak
11 slowly. The judges take notes of what you are saying and
12 everything has to be recorded and it has to be
13 translated. So once again, please speak slowly. Let us
14 come to your personal data first. What is your age,
15 please?
16 A. 29.
17 Q. Where were you born?
18 A. Kenema.
19 Q. Where are you living presently?
20 A. In Freetown.
21 Q. Are you married?
22 A. Yes.
23 Q. Do you have children?
24 A. Yes.
25 Q. How many, please?
26 A. Three.
27 Q. Did you attend school?
28 A. Yes.
29 Q. For how many years?

- 1 A. 12 years.
- 2 Q. Which languages are you speaking, apart from Krio?
- 3 A. I do speak Krio, Mende and some English.
- 4 Q. What is your profession?
- 5 A. I am a student.
- 6 Q. Thank you, madam. Let's go back to the year 1998. Can
7 you remember where you have been in the months of
8 February 1998?
- 9 A. Yes.
- 10 Q. Where was it?
- 11 A. In Kenema.
- 12 Q. Could you describe to the Court how the situation in
13 Kenema was in the months of February 1998?
- 14 A. Yes.
- 15 Q. Please do so.
- 16 A. In 1998 we were in Kenema. That was during the
17 overthrow -- during the overthrow of the president and we
18 were under the junta, the AFRC. From then on, the CDF --
19 the CDF moved from Kenema and went to the outskirts of
20 Kenema.
- 21 Q. Let's stop at this point. Do you [inaudible] you said
22 "the AFRC and the junta was in Kenema". What do you mean
23 when you say "the AFRC and the junta was in Kenema"?
- 24 A. The AFRC are the Armed Forces Revolutionary Council who
25 came and overthrew the government. When they came, they
26 were in Kenema with us; we were all together in the town.
- 27 Q. Who was in control of Kenema after the government Kabbah
28 was overthrown?
- 29 A. It was the AFRC, the military.

1 Q. How did they behave in Kenema? Did they arrest the
2 people?

3 MR BOCKARIE: Objection, Your Honour.

4 JUDGE THOMPSON: Sustained.

5 PRESIDING JUDGE: Please, wait for the question. You have
6 asked the question, wait for the reply. Don't lead,
7 please.

8 JUDGE THOMPSON: Yes, and in fact it was --

9 MR SAUTER: I will do so.

10 Q. How did they behave in Kenema at this time?

11 A. When we were in Kenema back then under the AFRC, there
12 was some harassment especially to civilians and anybody
13 who was suspected as Kamajor. They wouldn't -- they
14 wouldn't pull with you, there was that harassment.

15 Q. Could you please describe what you mean when you say
16 "harassment"?

17 A. Yes. Harassment in a sense -- if the junta suspects you
18 that you have any link with Kamajors, they would go to
19 your house, you would be arrested and they have their own
20 rules that they go by that would not fit your comfort.

21 Q. Did you personally have to suffer under any harassment of
22 the juntas?

23 A. No, but my family suffered.

24 Q. Could you please describe what happened to your family?

25 A. Yes. My dad had a friend who was a CDF; he was their
26 initiator. He was in Kenema and they were in good terms
27 before the overthrow. So they snapped a picture and out
28 of this picture, after the overthrow, the Kamajors left
29 Kenema and the AFRC came and they saw this picture, my

1 dad's picture. It was found out and they saw him and he
2 was under some serious harassment at the time because of
3 that picture, because they described him as a Kamajor
4 friend.

5 Q. What exactly happened to your father?

6 A. He was arrested and put under gunpoint.

7 Q. Did anything happen after he was arrested?

8 A. When he was arrested he gave them money, spent a lot --
9 some money and talked to them. He begged them. After
10 that there was -- the harassment still continued. They
11 were always coming to our house, harassing my father.

12 Q. Do you know when the soldiers or -- yes, when the
13 soldiers left Kenema?

14 A. Yes.

15 PRESIDING JUDGE: [Microphone not activated] -- with your -- I
16 don't understand what your witness is saying about money
17 and so on and so forth, I haven't gotten the sequence at
18 all. Can you please lead your witness so we can get the
19 evidence clearly on record, please?

20 MR SAUTER: Yes, My Lord.

21 Q. So you said the juntas arrested your father and your
22 father paid money to get free?

23 A. Yes.

24 PRESIDING JUDGE: When did he -- [inaudible] -- that evidence.

25 Don't dictate. Ask questions, let her tell her story.

26 Don't give her -- you are not the one giving the
27 evidence; let her give the evidence, please.

28 MR SAUTER: This is what the witness was saying before.

29 PRESIDING JUDGE: Let her say it again. Let her say it again,

1 please.

2 MR SAUTER:

3 Q. So what happened to your father after having been
4 arrested?

5 A. When he was arrested he was put under gunpoint and the
6 soldier who came and said he had seen my father with a
7 picture, which he snapped with a Kamajor, he described
8 him as a friend of the Kamajor and he was put under
9 gunpoint and threatened that they would kill him. My
10 father begged and he asked my father to give him money
11 and my father gave him the money so that he wouldn't kill
12 him. He gave him the money and he talked to him, but
13 still they came every hour and they would harass my
14 father and tell my dad that they were here to kill him,
15 that he was a Kamajor, that they were going to kill him.
16 To save his life he begged them and gave them money. He
17 talked to them.

18 Q. Can you tell us how many times this happened that juntas
19 came to your father and asked him for money?

20 A. Yes. From the time they were there until they finally
21 left, before they left, we were under that harassment at
22 home.

23 Q. My question was whether you can tell us how many times
24 they come. Did this happen every day, every week, once a
25 month or so?

26 A. They were coming throughout. Every day they would come
27 to our house - every day.

28 Q. And you said this ended when the juntas left Kenema. Can
29 you tell us when the juntas left Kenema?

- 1 A. Yes. The junta left Kenema on Friday, February 13.
2 That's when they left Kenema.
- 3 Q. Do you know the reason why the juntas left Kenema?
4 A. Yes. That's when they heard that ECOMOG had taken over
5 the town. ECOMOG was coming from Liberia to come to
6 Kenema and when they heard that news, they decided to
7 leave Kenema on that Friday.
- 8 Q. Did they, the juntas, do anything to the citizens of
9 Kenema when they were about to leave?
- 10 A. Yes. They did so many things. They looted people's
11 shops. They said they were paying themselves - they were
12 looting things.
- 13 Q. Did they do anything bad to you yourself?
14 A. Yes. They went to our house and looted all our things,
15 our properties. They took our motor car -- they took a
16 motor car from us.
- 17 Q. When you say, "They came to our house", whose house do
18 you mean? Was it your house?
- 19 A. Yes, the house that was built by my father where we all
20 stayed.
- 21 Q. That means where your whole family was living?
22 A. Yes.
- 23 Q. So what happened after the juntas had left Kenema?
24 A. When they left on that Friday, we were in Kenema on
25 Saturday. Only civilians were in Kenema and some
26 Kamajors who had disguised themselves so that we couldn't
27 identify them.
- 28 Q. Did I get you right that you are saying the Kamajors were
29 coming on Saturday?

- 1 A. On Sunday. The Kamajors came on Sunday, February 15th.
- 2 Q. How did you learn that the Kamajors were coming?
- 3 A. We heard that ECOMOG was coming -- ECOMOG was coming and
4 everybody was happy to see ECOMOG, because by then we
5 were just by ourselves in the town. Everybody ran to go
6 and see ECOMOG and we didn't see ECOMOG. Instead, we saw
7 Kamajors coming in a straight line.
- 8 Q. How did you identify the people entering Kenema were
9 Kamajors?
- 10 A. By the way they dressed and the way they called
11 themselves.
- 12 Q. Could you please describe the way they were dressed?
- 13 A. Yes, we knew that the Kamajors dressed, they wore these
14 cotton clothes and it had talisman and cowries on them.
- 15 Q. Did the people entering Kenema carry anything with them?
- 16 A. Yes. They had guns and some had sticks and some had
17 cutlasses.
- 18 Q. How were you feeling when you saw the Kamajors enter
19 Kenema?
- 20 A. Everybody was happy, including myself. I was happy,
21 because we said our saviours had come. So we went to go
22 and welcome them.
- 23 Q. How many Kamajors, approximately, did you see come to
24 Kenema?
- 25 A. There were about -- they were in the -- about thousands.
- 26 Q. And what time of the day was it?
- 27 A. It was on a Sunday morning.
- 28 Q. What did you do after you went to greet the Kamajors?
- 29 A. Well, when we went to greet them, we were standing by the

1 street side and we were happy and we were jubilating with
2 them. And the Kamajors said they didn't come for
3 politics. We had palm fronds in our hands and green
4 leaves. We were jubilating. And they said we should
5 drop all of those leaves and go back to our houses.

6 Q. Did you go back to your house?

7 A. Yes, but I didn't reach my house. When we were standing,
8 somebody came and told me that my father was a junta.
9 They said my father was a junta and that the Kamajor were
10 here to burn our house and kill us, that if I have a way
11 of escaping I should, but I shouldn't go back to the
12 house.

13 Q. Where did you go to instead?

14 A. I was in the neighbourhood very close to my house. The
15 house was opposite to ours.

16 Q. From the place you were, could you observe what happened
17 to your house?

18 A. Yes.

19 Q. Please describe.

20 A. I entered in the house that was close to us and, when the
21 Kamajors came, they went directly to our house. When
22 they came they surrounded the house. We had tenants as
23 well in our house, because it was a large house. Our
24 house was surrounded and the Kamajors said, "We had come
25 for this person who owns this house. We have come for
26 himself and his family. We are going to kill all of them
27 and burn the house." And the Kamajor launched an RPG
28 right in front of the house. Before he did so, before he
29 launched the RPG, two young boys who were tenants to us,

1 who had stayed there because their brother had rented the
2 house, they joined us, but they, too, didn't know that
3 that was the plan the people had.

4 PRESIDING JUDGE: [Microphone not activated]

5 MR SAUTER:

6 Q. So please go back a step and start to describe what was
7 with the two boys you were speaking about.

8 A. They came and joined us. We were in the house together,
9 because they had come to their brother. But they had --
10 they didn't know what had happened, because we, too,
11 didn't know what was going to happen to us. But as we
12 were standing by the street side, when that person had
13 told me that word --

14 Q. Yes. Yes.

15 A. I couldn't go back to my house to go and tell anybody
16 what I have heard.

17 Q. Did anything happen to these two boys?

18 A. Yes. As soon as the Kamajor launched the RPG, when they
19 were in the compound, they rushed to go outside. The
20 first one who came out and met the Kamajor, he was shot
21 and he said, "This is one of his children."

22 Q. You say he said, "This is one of his children." What do
23 you understand "his children"?

24 A. He said he was my father's son, because he didn't know
25 that he was a tenant.

26 Q. And you said he was shot. Does that mean shot to death
27 as far as you could see it?

28 A. No, he did not die; he was shot on his foot.

29 Q. Did anything happen to him after this?

1 A. Yes, when he was shot and he dropped, he was -- he was
2 taken and sent into the fire which -- of the house that
3 was burning.
4 Q. Did I understand you right, that he was still alive when
5 thrown into the fire?
6 A. Yes.
7 Q. What about to the second boy; did anything happen to him?
8 A. Yes.
9 Q. Could you describe --
10 PRESIDING JUDGE: He was taken and thrown to the fire by who?
11 By who?
12 MR SAUTER:
13 Q. So, coming back to the first boy, who took him and threw
14 him into the fire?
15 A. It was the Kamajors who set the house on fire.
16 Q. And who took this boy and threw him into the fire?
17 A. It was a group, it was not done by one person. It was a
18 group that caught him and threw him into the fire.
19 Q. When you say "a group", do you mean a group of Kamajors?
20 A. Yes.
21 Q. Could you see this clearly from the point where you were?
22 A. Yes. I climbed into the ceiling looking through the
23 window.
24 Q. How far away did this happen from the place you were --
25 where you were, approximately?
26 A. It's not too far, it was just opposite -- opposite our
27 house -- the front house that was closer to us.
28 Q. From here to the judges' bench, or greater distance?
29 A. Yes, it was only the street that separates us.

1 Q. So coming to the second boy once again, did anything
2 happen to him?

3 A. Yes. After the first boy was shot, because when they
4 heard the gunshot they ran to come out.

5 Q. What do you mean when you say "he ran to come out"? Out
6 of what?

7 A. They were inside when the launching was done. When they
8 heard the gunshot, they ran out of the compound and they
9 met the Kamajors outside. After they had shot the first
10 one, the second one --

11 Q. Did they do anything to him?

12 A. Yes.

13 Q. Please describe it.

14 A. He was asked to sit on the ground.

15 Q. Who asked him to sit on the ground?

16 A. It was the Kamajors who asked him to sit on the ground.

17 Q. And did he follow the order?

18 A. Yes, he sat on the ground.

19 Q. Did anything happen to him after he was on the ground?

20 A. Yes.

21 Q. [Inaudible]

22 A. From then on the other Kamajors said that, "We do not
23 have enough cartridge. Do not use all the cartridges.
24 This one, let's use the cutlass on him." And they used
25 the cutlass to chop-chop -- to chop him down.

26 Q. Did you observe whether or not he was killed in this way?

27 A. Wherever he was chopped, he would shout -- wherever he
28 was mutilated, he would shout. He didn't die instantly
29 when he was being mutilated.

- 1 Q. You say, "He didn't die instantly." Do you know whether
2 or not he died later?
- 3 A. Yes.
- 4 Q. How could you find out?
- 5 A. We were inside when we heard the Kamajors saying that
6 they should bring petrol. They went and took petrol --
7 he was dragged towards the swamp and petrol was sprinkled
8 on him. And it was lit.
- 9 Q. What did you do after having observed this?
- 10 A. I was scared, because I was very close to the area.
- 11 Q. So what did you do? Did you stay there?
- 12 A. Yes, I stayed there till night, at 11.00 --
- 13 Q. What did you do at about 11.00?
- 14 A. I moved out of the house and went to some other place to
15 hide, because there was so much tension around the area.
- 16 Q. Where did you go to?
- 17 A. I went -- I wanted to create -- at some other place where
18 we had some relatives, that's where I hid myself.
- 19 Q. Was this within Kenema, or at another place?
- 20 A. It was inside Kenema.
- 21 Q. Did you stay overnight in Kenema?
- 22 A. Yes, we were in Kenema for the rest of the night until
23 morning of that Sunday.
- 24 Q. And you say "we stayed in Kenema", who do you mean?
- 25 A. When we were in the house together with some of the
26 civilians and we were there with the Kamajors in the
27 town.
- 28 Q. What about your family members, had they been together
29 with you?

- 1 A. Yes, I would -- I was with my children and my husband.
2 The rest of the family had all scattered.
- 3 Q. So what did you do the next morning? I understood it is
4 Monday morning.
- 5 A. On that Monday morning we were woken by gunshots.
- 6 Q. What does that mean, "We were awoken by gunshots"? Was
7 it a single gunshot?
- 8 A. It was heavy firing. The junta came back that very
9 Monday morning.
- 10 Q. How did you learn that it was the junta who was coming
11 back on that Monday morning?
- 12 A. That Monday morning, when the firing was -- the Kamajors
13 were grouping themselves - they were re-grouping
14 themselves - they said that the junta were coming to
15 attack the town, so they were going to fight.
- 16 Q. Did you personally see any fighters this Monday morning?
- 17 A. Yes. I did not see the ones who came, but I saw the
18 Kamajors who were armed. They were going outside where
19 the gunshots were coming from.
- 20 Q. And what did you do?
- 21 A. At that time the town was so -- everybody was running
22 helter-skelter to find a hiding place. So we moved from
23 Kenema; we were not able to stay.
- 24 Q. Where did you go?
- 25 A. We ran until we reached at Blama, 12 miles from Kenema.
- 26 Q. And once again, if you say "we", who do you mean?
- 27 A. I and my children, my husband and other people who joined
28 us were in the crowd.
- 29 Q. Can you remember when you reached Blama - what time of

1 the day?

2 A. We reached there at round 1.00 in the afternoon.

3 Q. Where did you go in Blama?

4 A. As we reached Blama -- near Blama, we entered Blama Town.

5 So they put us in a straight line. We were in a straight

6 line now to go -- to enter Blama Town.

7 Q. Who put you in a straight line?

8 A. The Kamajors. It was the Kamajors who put us in straight

9 line.

10 Q. So what happened with those lines?

11 A. They put us in a straight line. They said everybody

12 should enter Blama Town -- as reach Blama Town they put

13 us by tribes.

14 Q. So how many lines could you see?

15 A. They group us in tribes; the Mendes in one line -- the

16 Mendes one line, the Limbas one line. So it was in those

17 lines when they [inaudible].

18 Q. Did anything happen to the people in those lines as far

19 as you can see -- could see?

20 A. Yes.

21 Q. Please describe.

22 A. When we were in the lines, when they said the [inaudible]

23 should be in one line, the Temne men should be in one

24 line. So one young man, it was a Temne, they said the

25 Temnes are Sankoh's family people.

26 PRESIDING JUDGE: They said what? Temne's are what?

27 MR SAUTER:

28 Q. Could you please repeat what they said with regard to

29 that?

- 1 A. They said the Temnes -- they said Temnes are all
2 relatives of Sankoh.
- 3 Q. Did you understand what they mean with the term "they are
4 relatives of Sankoh"?
- 5 A. They said it was Sankoh who brought the war, it is the
6 RUF's leader. So they are the relatives, they stand in a
7 group -- the Mendes in a group.
- 8 Q. Could you see whether or not anything else happened to
9 this boy?
- 10 A. Yes. Yes.
- 11 Q. Please describe.
- 12 A. As they said Temnes would be on a group, so they are the
13 relatives of Sankoh, so they don't move from the Temnes
14 and they wanted to join other line.
- 15 Q. Did they allow him to join your line?
- 16 A. As he moved from that line, the Kamajor man halted him
17 and said, "Where are -- you, where are you going?"
- 18 Q. Could you hear his answer to this question?
- 19 A. As they said, "You, where are you going? Come here," the
20 boy wanted to run. He said, "Catch him." They ran after
21 him.
- 22 Q. Did they catch him?
- 23 A. Yes, he was caught.
- 24 Q. Did anything happen to him after he was caught?
- 25 A. Yes, [no interpretation] -- with a cutlass.
- 26 Q. What happened to him with a cutlass?
- 27 A. They cut his head. They put it in a stick and they put
28 cigarette on his -- in his mouth.
- 29 Q. Did you see this by your own eyes?

- 1 A. Yes. We stood in this line. They were passing the line
2 for -- to show everybody. They were singing and dancing
3 with the head.
- 4 Q. How far away from the place where his head was chopped
5 off were you, approximately?
- 6 A. It is near us. He did not go anywhere where he was
7 caught near us.
- 8 Q. Was this the only incident you observed when being in the
9 line?
- 10 A. No. There was other man in the lines. They removed him
11 from the line. They said he was a former soldier.
- 12 Q. Who said he was a former soldier?
- 13 A. One of the Kamajors said that he knew him, he was a
14 former soldier.
- 15 Q. Did anything happen to this man?
- 16 A. He removed him from the line and said they would take him
17 to the CO. She said they were banging and singing. They
18 carried him.
- 19 Q. In which line he was standing this man suspected to be a
20 soldier?
- 21 A. He were in the same line, in the Mende side. It was
22 there that he stood.
- 23 Q. Could you see whether or not he was brought before the
24 commander?
- 25 A. Well, I didn't go there. Well, where we stood they said
26 they are taking him to the CO. They were singing behind
27 him.
- 28 Q. Do you know what finally happened to this man?
- 29 A. Yes. Those who are at the front said that the man who

1 they had passed had been killed.

2 Q. But you did not see him being killed you just heard it;

3 that's right?

4 A. No, I did not see. I did not -- because I did not follow

5 them.

6 Q. So where did you go after this?

7 A. When we were in Blama, after that, we said we should

8 leave Blama, because this one was too heavy. So we moved

9 there, we came to Sirabu. We were in Sirabu?

10 Q. Once again when you are saying "we", you mean who?

11 A. I, my children and my husband. We moved to Sirabu.

12 Q. And did you stay in Sirabu?

13 A. Yes.

14 Q. For what time?

15 A. We spent there four days.

16 Q. What did you do after the four days?

17 A. After the four days, we decided to go back to Kenema.

18 Q. Did you do so?

19 A. Yes.

20 Q. What did you find when you reached Kenema?

21 A. When we returned to Kenema, we see a lot of corpses

22 littered all over the town. Those that were burnt, in

23 the town.

24 Q. When you say corpses, what do you mean; civilians or

25 soldiers --

26 MR WILLIAMS: My Lord, I will take an objection, My Lord. I

27 mean, this is very leading.

28 JUDGE BOUTET: But is it disputed? It may be leading, but

29 this is not a matter that is contentious --

1 MR WILLIAMS: My Lord, it is contentious.
2 JUDGE BOUTET: Okay, fine. I am asking the question.
3 MR WILLIAMS: My Lord, it is contentious.
4 JUDGE BOUTET: Thank you. Mr Prosecutor, the objection is
5 maintained.
6 MR SAUTER:
7 Q. So you said you saw corpses littered on the roads. Could
8 you see whose corpses these were?
9 [Defence counsel laughing]
10 MR SAUTER: It seems to be a very funny question.
11 THE WITNESS: They were civilians that they suspected that
12 they were juntas. They are called that. We saw that the
13 Kamajors killed.
14 MR SAUTER:
15 Q. So I understood that they were both civilians and juntas;
16 that's right?
17 MR BOCKARIE: No, with all due respect, nothing was mentioned
18 of civilians.
19 PRESIDING JUDGE: [Microphone not activated]
20 JUDGE THOMPSON: The witness -- she said so.
21 JUDGE BOUTET: I heard the witness; she said "civilians".
22 PRESIDING JUDGE: She said "civilians"; that's all.
23 JUDGE THOMPSON: We don't know whether she had said so at any
24 prompting.
25 PRESIDING JUDGE: She said "corpses of civilians"; that is
26 what she said.
27 MR SAUTER: I heard "juntas" as well. Let me ask the question
28 again, please.
29 Q. So, once again, could you see whose corpses it were

1 laying on the roads?

2 A. Yes. They were civilians I saw. When we are returning,

3 their corpses were lying down.

4 Q. Thank you. Where did you go in Kenema?

5 A. I went to -- I stay with a friend for some time.

6 Q. Why did you not go to your house?

7 A. When we went, we meant that our house had been burnt

8 down.

9 Q. Thank you, madam.

10 MR SAUTER: That is all for this witness. Thank you.

11 JUDGE BOUTET: Thank you. The first accused,

12 cross-examination, please.

13 CROSS-EXAMINED BY MR HALL:

14 Q. Madam witness, you described two tenants in the house

15 were diamond miners. Is that what they did?

16 A. Please go over that question.

17 Q. You described two tenants in your house who were diamond

18 miners.

19 JUDGE BOUTET: Are you asking a question? I don't recall

20 diamond miners being mentioned, but maybe I missed that

21 one but --

22 MR HALL: It's written in one of her statements, but she

23 didn't say that now that I recall, too.

24 JUDGE BOUTET: Then make the difference, because I have no

25 recollection of that.

26 PRESIDING JUDGE: Please --

27 JUDGE BOUTET: So it's a bit confusing for me. I can tell you

28 that so --

29 PRESIDING JUDGE: Mr Hall, cross-examine her on her oral

1 testimony before you get to whatever she might have said
2 in her statements. It is her oral testimony that is at
3 stake now.

4 MR HALL:

5 Q. Madam witness, who were the two tenants that lived in the
6 house; what were their names?

7 MR SAUTER: Your Honour, I object. Giving these names might
8 identify the witness.

9 MR HALL: Based on the reports, it appears that they were
10 somewhat transient people. Both of them died and we need
11 to identify them somehow. Both of their names start with
12 the same letter and we need to identify these people to
13 cross-examine her. But I don't see how their names
14 necessarily would reveal her identity unless they were
15 well-known in the community.

16 JUDGE BOUTET: Ask the question and we will see from there.
17 The question by this -- I do not mean the question about
18 their names. Ask them if they were transient and they
19 were known in the community. If that is the case -- I
20 don't have enough information at this time to really
21 respond to this. Please.

22 MR HALL:

23 Q. You had two tenants in the house with you?

24 A. Yes.

25 Q. What did they do for a living?

26 A. Their brother was digging diamond, so there with their
27 brother.

28 Q. They were brothers and they dug diamonds.

29 JUDGE BOUTET: No. Their brother was their tenant.

1 JUDGE THOMPSON: Was a diamond miner.
2 MR HALL:
3 Q. And these two brothers?
4 A. The brother with whom they stayed?
5 JUDGE BOUTET: So, Mr Hall, I understand now we are talking of
6 three individuals; there were two young boys and a tenant
7 with whom they were living, staying.
8 MR HALL: I want to ask her about the two that died and,
9 therefore, we need their names.
10 JUDGE BOUTET: Ask her if they had been there for some time
11 and they were -- I mean.
12 MR HALL:
13 Q. How well did you know them?
14 [HN270904C 12.30 p.m.]
12:22:27 15 A. They came and joined us. It didn't take a long time when
16 the incident took place.
17 Q. Just a matter of a few days, a few weeks?
18 A. It was weeks, about two weeks.
19 Q. Now, you described the first one who came out was shot in
12:23:07 20 the foot.
21 A. [No interpretation]
22 PRESIDING JUDGE: The first one, the first one, madam. The
23 question is about the first one that came out.
24 THE WITNESS: The first one was about 22 years of age.
12:23:48 25 MR HALL:
26 Q. How old was the other one?
27 A. He was around 19 to 20 years.
28 Q. Then we'll refer to them as the older one and the younger
29 one to make it easier. The first one out was the older

1 one; correct?

2 PRESIDING JUDGE: I prefer the first one, not the older one,

3 the first one.

4 THE WITNESS: Yes.

12:24:26 5 MR HALL:

6 Q. He was shot in the foot?

7 A. Yes.

8 Q. Then he was thrown back into the fire of the house?

9 A. Yes.

12:24:43 10 Q. And he was still alive when he was thrown into the fire?

11 A. Yes.

12 Q. Had he been -- other than being shot, was he otherwise

13 hurt?

14 A. Yes.

12:25:07 15 Q. How was he otherwise hurt?

16 A. When he was maimed, they -- he was dragged towards the

17 swamp and they sprinkled petrol on him.

18 Q. And then he was thrown in the house?

19 A. No, he was not thrown into a house.

12:25:39 20 JUDGE BOUTET: I think the witness is confused now. I think

21 she is talking about the second.

22 MR HALL: Well, not necessarily based on the statement, so I

23 might be right.

24 JUDGE BOUTET: I haven't a statement, so fine, carry on.

12:25:52 25 MR HALL:

26 Q. The first person out was shot in the foot?

27 PRESIDING JUDGE: I will advise the witness not to get mixed

28 up with those statements. Why don't you concentrate

29 yourself, you know, on the oral testimony of this

1 witness, because there might be some confusion with what
2 you're reading from your statement, you know, and what
3 her oral testimony is. You may, if it comes to it, you
4 know, refer to the statement under circumstances and
12:26:21 5 conditions which you know we have put in place. You can
6 get along, Mr Hall.

7 MR HALL:

8 Q. He was hit with a machete before he was thrown back in
9 the house.

12:26:38 10 JUDGE THOMPSON: I need to be clear, Mr Hall. What you are
11 cross-examining her on now - on her testimony so far this
12 morning here?

13 MR HALL: Yes.

14 JUDGE THOMPSON: Or on the statement that she made to the --

12:26:52 15 MR HALL: Statement first -- excuse me, to her testimony
16 first, then the statement.

17 JUDGE THOMPSON: Well, why not make the distinction as we go
18 along, because that distinction is pertinent for our own
19 ascertainment of the truth and our own evaluation of
12:27:09 20 evidence, because now that you're -- the way that you're
21 proceeding leaves me in doubt as to whether at any one
22 point, when you put a question, the question is from the
23 statement or from her testimony in-chief. I find myself
24 in that quandary.

12:27:26 25 MR HALL: I'm trying to clarify her statement because of the
26 differences between --

27 JUDGE THOMPSON: No, I concede that. What I do not concede is
28 that when you put a specific question, I do know whether
29 that question is coming from her testimony in-chief so

1 far; in other words, whether you're asking her to confirm
2 or to clarify something that she has said here this
3 morning.

4 MR HALL: That's correct. This is about her original
12:28:03 5 testimony to clarify and confirm my understanding of what
6 it was she said.

7 JUDGE THOMPSON: Good. Well, it would seem to me that since
8 it is a segmented exercise, you might want to say: "You
9 said here this morning, or a while ago X, Y, Z," and
12:28:21 10 then, "But you also said in a statement..." it's just to
11 get the sequence, otherwise the evidence is really going
12 to be very difficult to unravel or disentangle, because
13 really I'm at a loss. I don't know about my other
14 brother judges.

12:28:42 15 JUDGE BOUTET: I am in the same situation, too. As you know,
16 the proper process if you -- you can challenge her
17 evidence in court and then try to show the differences
18 between whether these are in the statement or not, but it
19 has to follow a logical sequence, otherwise not only the
12:28:59 20 witness, but certainly we will be confused. So, as
21 I say, if you are saying that -- if you are alleging that
22 the witness has said something different here at some
23 other time, then do it in that kind of sequence,
24 otherwise we won't be able to follow and make sense.

12:29:17 25 PRESIDING JUDGE: Mr Hall, you would appreciate that this has
26 been the basis of my intervention. Why don't you limit
27 yourself for now to her oral testimony and come back to
28 the statement when it comes to it.

29 MR HALL: But I'm trying to confirm what her original

1 testimony was, because my notes appear to be unclear.

2 JUDGE THOMPSON: But then the difficulty can be surmounted

3 this way: "In your testimony in-chief, so far, you said

4 X, Y, Z, but in your statement to the Prosecution you

12:29:49 5 said so-and-so." If we have you preface your examination

6 in -- your cross-examination from time to time, then the

7 records will, in fact, reveal this comparative study,

8 because that is what it is, I'm sure, to elicit alleged

9 or perceived discrepancies.

12:30:15 10 MR HALL: I have not even gotten to the point of asking her

11 about her statement yet. I'm trying to confirm what her

12 direct testimony was, then I will ask her about her

13 statement.

14 JUDGE THOMPSON: Oh, good. Well, if that is the case, then my

12:30:30 15 own intervention may have been premature or preemptive.

16 MR HALL: Thank you, Your Honour.

17 Q. As I recall your testimony, he was shot in the foot and

18 then he was thrown back in the burning house. There was

19 no testimony about him being hit with the machete; is

12:30:54 20 that correct?

21 PRESIDING JUDGE: Where are we, Mr Hall? Where are we? Can

22 you locate us where we are, please?

23 MR HALL: This is her direct testimony. I do not recall her

24 saying anything about the machete. She may have, but I

12:31:12 25 don't recall it.

26 JUDGE THOMPSON: That is in respect of the first man -- the

27 first boy.

28 MR HALL: The first one out, shot in the foot.

29 JUDGE THOMPSON: Thrown back into the fire.

1 MR HALL: Thrown back into the fire.

2 JUDGE THOMPSON: You said there was nothing said about he
3 being dismembered?

4 MR HALL: My notes don't show that, Your Honour.

12:31:34 5 JUDGE BOUTET: My notes don't show that. There was no
6 evidence led by this witness about that, first.

7 PRESIDING JUDGE: In fact, they exhausted their cartridges on
8 him, and because they didn't have enough cartridges, you
9 know, they had to resort to the machete on the second.

12:31:53 10 That is what is on the record.

11 MR HALL:

12 Q. Now, on your direct testimony, examination-in-chief, you
13 did not mention any further harm to him before he was
14 thrown into the fire; correct?

12:32:05 15 A. Yes.

16 Q. And just now you mentioned he was chopped with a machete
17 before he was thrown back into the fire; is that correct?

18 A. No, it is not what I said. He was asking about the first
19 one. It was about the first one that I was explaining --

12:32:27 20 not about the first one -- the second one.

21 Q. Now, I'm even more confused. Let me just cut to the
22 chase. You gave a statement to the Prosecutor, 27th of
23 November, 2003?

24 PRESIDING JUDGE: Let us get things right, Mr Hall, before you
12:32:52 25 get there. What do you say the witness stated in her
26 oral testimony?

27 MR HALL: On direct she did not mention anything about
28 machete.

29 PRESIDING JUDGE: For the first?

1 MR HALL: And then I asked was there any other harm to him and
2 then she said, "Yes, he was also macheted."
3 JUDGE BOUTET: That's why I intervened, because there seemed
4 to be confusion not only in my mind, but in the witness's
12:33:22 5 mind as well. So, that's why now you have repeated your
6 question and she said "No".
7 JUDGE THOMPSON: No. What is the true state of the record now
8 in regard to your question, from what you perceive from
9 her answer?
12:33:35 10 MR HALL: That she has given two inconsistent answers. That's
11 my perception of the record.
12 JUDGE THOMPSON: Well, I don't want to get there yet.
13 PRESIDING JUDGE: We don't perceive any inconsistencies so
14 far.
12:33:50 15 MR HALL:
16 Q. Was he macheted before he was thrown back into the fire?
17 A. No, the first person was not cut. He was shot and thrown
18 into the fire.
19 PRESIDING JUDGE: The first person was not cut, but shot and
12:34:08 20 thrown in the fire.
21 MR HALL:
22 Q. You gave a statement to the Prosecutor on 27 November
23 2003; do you remember that?
24 A. Yes.
12:34:30 25 Q. You signed that statement?
26 A. Yes.
27 PRESIDING JUDGE: Mr Hall, on what date, please?
28 MR HALL: 27 November, 2003.
29 Q. This statement was taken down for you by somebody else.

1 It is not in your handwriting, I take it, because it is
2 written in English?

3 A. Yes.

4 MR SAUTER: Your Honour, the date when the statement to the
12:35:08 5 Prosecutor was given is not correct. As to my copy, it
6 was not the 27th, but the 7th of November 2003.

7 MR HALL: He's correct. It is my -- my copy is very hard to
8 read.

9 JUDGE BOUTET: So this is 7 November, not 27.

12:35:28 10 MR HALL: Seventh. Thank you, Mr Sauter.

11 Q. Sorry about the date, ma'am. It is the 7th of November
12 2003, and somebody wrote this for you out in English and
13 they read it back to you before you signed it?

14 A. Yes.

12:35:49 15 Q. And as far as you know, it was true at the time you
16 signed it?

17 A. Yes.

18 Q. You also gave a second statement the 16th of January
19 2004; correct?

12:36:17 20 JUDGE THOMPSON: Repeat that date.

21 MR HALL:

22 Q. 16 January 2004 in Kenema, do you remember that? You
23 didn't sign that one, but do you remember talking to the
24 Prosecutors? Or their investigators?

12:36:35 25 A. I cannot remember all the dates when we were meeting.

26 Q. You gave yet a third statement on 31st of May 2004.

27 JUDGE THOMPSON: Did she admit that she made a statement on
28 the 16th of January 2004?

29 MR HALL:

1 Q. Do you remember making a statement in Kenema, 16th of
2 January 2004?

3 JUDGE THOMPSON: In Kenema. She probably doesn't remember the
4 date, but does she remember making a statement?

12:37:19 5 THE WITNESS: I made a statement there.

6 JUDGE THOMPSON: Okay, thank you.

7 MR HALL:

8 Q. And the 31st of May statement was made here in Freetown?

9 A. Yes.

12:37:38 10 Q. I'm going to read from page 4 and I'm going to -- of your
11 statement and I'm going to leave out the names and I will
12 put in "older one" instead of the name. "I saw one of
13 the Kamajors" --

14 JUDGE THOMPSON: Which statement is that, date?

12:38:04 15 MR HALL: Sorry, the first one of November 2003.

16 Q. This is the one you signed, ma'am. "I saw one of the
17 Kamajors shot, the older one on his foot. The older one
18 was tied and an old motor tyre was dropped on his neck
19 and a liquid which they had in a rubber was sprinkled on
12:38:35 20 the tyre and the tyre was set on fire. And I heard and
21 saw the older one crying and struggling to die." That's
22 what you told them in November 2003? They had a tyre put
23 around his neck and set on fire? I will repeat: Is that
24 what you told them in November 2003 as to how the older
12:39:18 25 one died?

26 JUDGE THOMPSON: Could you read it again?

27 MR HALL:

28 Q. "I saw one of the Kamajors shot, the older one" - and I'm
29 substituting the name -- "the older one" for the name -

1 "on his foot. He was tied and an old motor tyre was
2 dropped on his neck and a liquid which they had in a
3 rubber was sprinkled on the tyre and the tyre set on
4 fire. I heard and saw him crying and struggling to die."
12:39:43 5 Ma'am, did you say that 7th of November 2003?
6 A. What I said just now is just -- I am just explaining.
7 I said the first one was shot. The second one was
8 chopped, sprinkled petrol on him, from there he was
9 shouting.
12:40:09 10 Q. So putting the tyre around the neck never happened?
11 A. No.
12 Q. If somebody -- did you ever see that happen to anybody,
13 having a tyre put around their neck and setting fire, or
14 did you just hear about that happening?
12:40:35 15 A. Yes.
16 Q. Which was it? Did you just hear about it?
17 A. No.
18 Q. You saw that happen to somebody else, but not to these
19 two brothers or whatever they were?
12:40:52 20 A. No, it was not them.
21 Q. And if you saw something like that, you would never
22 forget about it, would you?
23 A. No, I wouldn't forget.
24 Q. Yet you graphically described the older one dying that
12:41:24 25 way and not being thrown into the house; correct?
26 A. No, I don't understand. I didn't get you clearly.
27 Q. You attested to this version in front of the Prosecutors,
28 that the older one died with a tyre put around his neck
29 and set on fire. And you're saying now that that never

1 happened.

2 A. Which one is the old one?

3 Q. The first one. You described first one out of the house

4 as the older one.

12:42:04 5 A. I said the first one was shot and thrown into the fire

6 because the house was burning.

7 Q. So, when they read this back to you, you didn't correct

8 it?

9 A. Maybe when he read it, I didn't understand it.

12:42:36 10 Q. Let me refer you then also to your January 16th, 2004

11 statement from Kenema.

12 THE INTERPRETER: Mr Hall, can you go over that.

13 MR HALL:

14 Q. Let me refer you back to the 16th of January 2004

12:42:55 15 statement in Kenema. Do you remember that statement?

16 It's not signed, but you just met with the Prosecutors

17 and gave them information? Is that correct?

18 A. I can't remember everything now.

19 Q. On the 16th of January you described that event with the

12:43:25 20 older person as: He was first macheted, then had the

21 tyre put around his neck, then some liquid was poured on

22 it and it was set on fire; is that correct?

23 A. No, I didn't say so.

24 Q. So the Prosecutors wrote it down wrong twice, that this

12:43:47 25 guy had a tyre put around his neck and set on fire?

26 A. What I said before is what I've still said.

27 Q. Also in the 16th of January 2004 statement you added in

28 that he was macheted; isn't that correct, or did they

29 write it down wrong again?

1 A. What did you say? I do not understand.

2 JUDGE BOUTET: Maybe you should assist the witness, because

3 she has not admitted having made that particular

4 statement in January 2004. She says she has no

12:44:37 5 recollection, so --

6 PRESIDING JUDGE: Just a minute. Just a minute. Madam, are

7 you comfortable? Are you uncomfortable. Are you all

8 right? Are you comfortable?

9 THE WITNESS: Yes.

12:44:53 10 PRESIDING JUDGE: You're all right. You can continue.

11 THE WITNESS: Yes.

12 PRESIDING JUDGE: Mr Hall, go ahead, please. I thought she

13 had a need, you know, to put herself at ease.

14 MR HALL:

12:45:10 15 Q. The reference in this confirmation report is to the same

16 name as the older one, the first one out of the house.

17 JUDGE THOMPSON: Which statement are you reading from?

18 MR HALL: 16 January 2004.

19 JUDGE THOMPSON: Thank you.

12:45:22 20 MR HALL:

21 Q. But this one is not signed by you. "The older one was

22 first macheted before a tyre was put around his neck and

23 some liquid poured on to it and then set alight." Did

24 you tell them that clarifying your 7th of November 2003

12:45:45 25 statement? Remember, this is just two and a half months

26 later -- two months and a week later.

27 A. Maybe they missed the names.

28 JUDGE BOUTET: It is still not clear to me if she has made

29 that second statement.

1 JUDGE THOMPSON: I think the evidence, my learned colleague,
2 is that she admitted making a statement in Kenema -- yes,
3 she admitted making a statement in Kenema, but she did
4 not remember whether it was on the 16th of January 2004.
12:46:35 5 I have that on my record that she did make a statement in
6 Kenema to the Prosecutor, which she did not sign, but she
7 did not remember whether she made it on the 16th of
8 January. Am I right?
9 MR HALL: I believe so.
12:46:54 10 JUDGE THOMPSON: That's what I'm sensing. And, of course,
11 there is also the subsequent admission of having made a
12 statement on the 31st of May 2004.
13 PRESIDING JUDGE: Maybe we're still to get there.
14 JUDGE THOMPSON: Yes, am I right, Mr Hall?
12:47:11 15 MR HALL: That's correct.
16 Q. And I'll read to you again what the confirmation report
17 says. "The older one" - here referred to as the other
18 tenant - "was first macheted before a tyre was put around
19 his neck and some liquid poured on it and then set
12:47:33 20 alight." And this is the same person, you said, never
21 had a tyre put around his neck; correct?
22 A. I said maybe there's a mixup with the names -- the names.
23 By their names I identified them.
24 Q. Well --
12:48:11 25 MR SAUTER: Your Honours, it is my impression that these
26 confusions are caused by the use of or the not use of the
27 names --
28 PRESIDING JUDGE: We don't want any explanations at this
29 stage. You're not giving any evidence, Mr Sauter.

1 MR SAUTER: It is not my intention to give evidence.
2 PRESIDING JUDGE: But you're giving evidence. When you are
3 explaining irregularities or inconsistencies, you are
4 giving evidence.
12:48:41 5 MR SAUTER: It is my intention to apply for a short closed
6 session in which we can use the names and sort the
7 confusions, probably.
8 JUDGE THOMPSON: Well, I would say that -- you're entitled to
9 make submissions, not give evidence, but I think counsel
12:48:57 10 is entitled to cross-examine further on this until we
11 clear it up, if we ever do that, and perhaps have your
12 application.
13 MR HALL:
14 Q. When you met with the Prosecutors on 31st of May, you
12:49:21 15 used the names again, and the statement on the 31st of
16 May you never mentioned the tyre at all. Do you remember
17 that?
18 A. I do not understand.
19 Q. On the 31st of May you made another confirmation report.
12:49:56 20 That was where you sat down with the Prosecutors to go
21 over your statement and if there were any changes to your
22 testimony, they are noted in the report.
23 JUDGE THOMPSON: Counsel, let's be consistent. Let's keep to
24 "statement". "Confirmation report" is technical. I
12:50:17 25 don't know how it is being translated. I mean, even if
26 that is how it is designated there, for this witness
27 "statement" seems to be a much more comprehensible way of
28 reference. Wouldn't it be better to keep to that
29 language?

1 MR HALL: All right, Your Honour.

2 Q. In this statement, page 2, using the names again, but

3 "The older one tried to run away, was shot and fell down.

4 He was thrown into the flames of the house which was set

12:50:51 5 ablaze in the meantime." That's what you told them last

6 May, which is what you testified to today; correct?

7 JUDGE THOMPSON: Learned counsel, I must insist on what

8 I consider to be a better methodology. Wouldn't you ask

9 the witness whether that was what she told them on the

12:51:23 10 31st of May 2004. And then, depending on the answer,

11 then you put what she said today. It is a better

12 methodology. We're trying to ascertain the evidence as

13 clearly as we can.

14 MR HALL:

12:51:39 15 Q. May 31st, here in Freetown, you met with Prosecutors

16 again; correct?

17 A. Yes.

18 Q. You went over your testimony to prepare for this trial;

19 correct?

12:51:57 20 A. Yes.

21 Q. And that day you went over your testimony, because you

22 were going to testify, as you did here today?

23 A. Yes.

24 Q. And the version that day was: "The older one tried to

12:52:13 25 run away, was shot and fell down. He was then thrown

26 into the flames of the house"; correct?

27 A. Yes.

28 Q. That's what you testified to today?

29 A. Yes.

1 Q. No tyre, no macheting; correct?

2 A. For the first one there was no tyre and there was no
3 cutlass.

4 Q. Let's go to the other one, the younger one. He's the one
12:52:58 5 that they said, "Don't waste any bullets on him." So
6 they just chopped him?

7 A. Yes.

8 Q. And when he was thrown into the fire, was he already
9 dead?

12:53:11 10 A. No, he was not thrown into the fire.

11 JUDGE BOUTET: Mr Hall, please, if you're making reference to
12 the evidence, say so. It is confusing. She had
13 testified that they set him on fire. She did not testify
14 here that he was thrown in the fire. She said, "They put
12:53:39 15 petrol on him and set him on fire." That is essentially
16 what she testified about on the second individual, not
17 the first one.

18 MR HALL: Okay.

19 JUDGE BOUTET: I'm not talking about the statement here. I'm
12:53:56 20 talking what she gave evidence about.

21 MR HALL: I was confused by all of them.

22 Q. In your statement, page 5, from 7th November 2003, you
23 said that the younger one was battered, chopped, and then
24 he was thrown into the fire; correct?

12:54:27 25 A. I said he was mutilated and he was set on fire. He was
26 not thrown into the fire.

27 Q. Let me read from page 5 of your statement, 7th November
28 2003, substituting the names --

29 PRESIDING JUDGE: We're on which statement?

1 MR HALL: 7th November.

2 Q. Substituting the name again for "the younger one". "His
3 battered body was taken by the Kamajors and thrown into
4 the fire." Do you remember saying that 7th of November
12:55:19 5 2003?

6 THE INTERPRETER: Mr Hall, please go over it again, slowly,
7 please. Please go over it.

8 MR HALL: Yes, sir.

9 Q. "The younger one's body was taken by Kamajors and thrown
12:55:31 10 into the fire." Is that what you said back on the 7th of
11 November?

12 A. I didn't say "the younger one". I didn't say he was
13 thrown into the fire. He was mutilated and set on fire.

14 Q. So whoever took it down for the Prosecutors got it wrong?

12:55:59 15 A. He missed the names.

16 Q. Was the other person -- the younger one, was he ever
17 shot?

18 A. He was not shot; he was mutilated.

19 Q. And in your statement of 31 May 2004 here in Freetown,
12:56:44 20 you gave a statement that was the same as here today,
21 that the younger one was just chopped until he died. Is
22 that how it happened?

23 A. He was mutilated, but he didn't die at that moment.
24 Petrol was sprinkled on him.

12:57:35 25 MR HALL: Your Honours, I request that her three statements be
26 admitted into the evidence because of the differences
27 between her testimony today and the statements.

28 JUDGE BOUTET: I would like, before you do so, that you
29 highlight which part -- I don't know one, two or three

1 how many pages. The first statement has one, two or
2 three pages.

3 MR HALL: It has eight.

4 JUDGE BOUTET: Eight, and you're making specific references, I
12:57:58 5 presume, to one or two paragraphs, I don't know. I heard
6 you making reference to specific issues.

7 MR HALL: But my -- my copies are somewhat written on, but the
8 pages at issue are not written on but they are
9 highlighted, but I can get another copy from one of the
12:58:20 10 co-counsel.

11 JUDGE BOUTET: Maybe we should sort this problem out because,
12 as my brother Judge Thompson is mentioning, we're not
13 admitting your notes. What we need is the statement as
14 close as possible to the original statement, so this is
12:58:44 15 what we need to have as evidence. Maybe -- are you
16 finishing with this witness at this particular moment
17 with that?

18 MR HALL: Moment, Your Honour.

19 [Defence counsel confer]

12:59:04 20 PRESIDING JUDGE: Yes, Mr Hall, yes.

21 MR HALL: Does the Prosecution have an unmarked copy we can
22 have?

23 PRESIDING JUDGE: Well, I think at this stage we will rise and
24 you will sort the matters out with the Prosecution during
12:59:25 25 the lunch break. We'll continue with your
26 cross-examination.

27 MR HALL: I'm sure I have an unmarked copy in the office.
28 Today there is only six of us instead of nine. Usually
29 amongst us there is an unmarked copy.

1 JUDGE BOUTET: But if I may suggest for the future, as such,
2 obviously, if you are proceeding on these lines -
3 obviously you intended to produce these documents -
4 I would strongly urge you to have a clean copy that the
12:59:54 5 Prosecution has seen, that everybody has seen before so
6 we're not caught in this scenario. We're not interested
7 in your own copy where you have notes, and this is not
8 what you're asking the Court to do, but whatever document
9 you want to produce should be clearly available
13:00:09 10 beforehand, not after, but --

11 MR HALL: Well, Your Honour I also don't expect witnesses to
12 deviate from the statement.

13 JUDGE BOUTET: Well, this may happen, so you should act
14 accordingly. Thank you.

13:00:50 15 PRESIDING JUDGE: Well, as I indicated earlier on, learned
16 counsel, we would leave Mr Hall to sort out the issue of
17 the statement to the Prosecution during break time. For
18 the time being the Court will rise and resume sitting at
19 2.30 still in an open session. Thank you. The Court
13:01:16 20 rises, please.

21 [Luncheon recess taken at 1.07 p.m.]

22 [On resuming at 2.44 p.m.]

23 [HN270904D]

24 PRESIDING JUDGE: Yes, we are resuming the session. Learned
14:44:16 25 counsel.

26 JUDGE BOUTET: Mr Hall, we were at the stage where you were
27 asking the Court to mark the statements as exhibits. You
28 have now proper documents for the Court in this respect?

29 MR HALL: Yes, Your Honour.

1 JUDGE BOUTET: So we are, if I am not mistaken, at Exhibit 15.
2 MR HALL: And for consistency, we should number this, I
3 suppose as we did the other, A, B and C.
4 JUDGE BOUTET: A, B and C starting with A being the one of
14:44:40 5 November.
6 MR HALL: November 7th, 2003, eight pages long. The part that
7 is marked is starting at page 4 line -- starting with, "I
8 saw one of the Kamajors"
9 JUDGE BOUTET: Slowly, slowly. Yes.
14:45:14 10 MR HALL: And then, running through the first line and a half
11 of page 5.
12 JUDGE BOUTET: So these are the portions of the statement?
13 MR HALL: Yes, Your Honour.
14 JUDGE BOUTET: That's fine. And then, you have -- this is
14:45:34 15 15(A), 15(B)?
16 MR HALL: That's January 16, 2004.
17 JUDGE BOUTET: Yes.
18 MR HALL: And highlighted in yellow with reference to the two
19 names which we've now referred to as the younger one and
20 the older one.
21 JUDGE BOUTET: So those portions of that -- that's the
22 statement I can see from here with about ten lines?
23 MR HALL: Yes, Your Honour, just the last --
24 JUDGE BOUTET: The last two or three lines. The ones
25 underlined?
26 MR HALL: Correct.
27 JUDGE BOUTET: Fine.
28 MR HALL: And the last one is 31 May 2004, two page statement,
29 and that's page 2 [inaudible] which is six lines that are

1 marked --

2 JUDGE BOUTET: In the margin?

3 MR HALL: Yes.

4 JUDGE BOUTET: Okay. Mr Prosecutor, you have, I presume, seen
14:46:32 5 this document?

6 MR SAUTER: Yes. The Prosecution does not object. Thank you.

7 JUDGE BOUTET: Thank you. So these documents would be marked
8 for the purposes stated as Exhibit 15(A) for the document
9 of 7th November 2003, 15(B) for the document of the 16th
14:47:10 10 January 2004, and 15(C) for the document of 31 May 2004.
11 Thank you.

12 [Exhibits Nos. 15(A), (B) and (C) admitted]

13 JUDGE BOUTET: So that ends your cross-examination of this
14 witness.

14:47:30 15 MR HALL: I actually have just a couple more questions and
16 then I will be done.

17 Q. Ma'am, of these two men that came out of the building,
18 these young men, did anyone protest to say that they were
19 not members of the junta?

14:47:50 20 A. Yes.

21 Q. And who was that making the protest?

22 A. The Kamajors asked them, and they said they weren't
23 juntas; that they were children of our father -- they
24 said they were children of our father.

14:48:16 25 Q. And they suspected your father of being a junta?

26 A. They didn't suspect them, they said my father was a
27 junta.

28 Q. Did they know you were your father's daughter?

29 A. Yes, they knew me -- they knew me for my dad.

1 Q. The Kamajors did nothing to you?

2 JUDGE BOUTET: Mr Hall, when you say "they", do you mean the

3 two young men that were going out of the house, or the

4 Kamajors?

14:49:04 5 MR HALL: The Kamajors.

6 Q. The Kamajors did nothing to you?

7 A. I escaped from the house. I was not there when they

8 came.

9 Q. So were you there to see this occurrence?

14:49:26 10 THE INTERPRETER: Take the question again, Mr Hall.

11 MR HALL:

12 Q. Were you there to see this occurrence?

13 A. I was not at the house. I was very close to the house.

14 Q. Did you mix in with the crowd so that nobody would know

14:49:50 15 who you were?

16 A. No I didn't. I entered in the house that was opposite

17 us.

18 JUDGE BOUTET: She said she was in a house opposite her own

19 house, and that's where she was all the time when this

14:50:02 20 was happening. She observed that through a window.

21 MR HALL: I must have missed that, Your Honour. I'm sorry.

22 Q. After this happened, were you able to identify -- or

23 during this, were you able to identify which Kamajor

24 appeared to be a commander who was in charge?

14:50:26 25 A. Well, they were calling themselves CO. Those were the

26 names that they had, CO.

27 Q. So they were not part of the CDF?

28 A. They are CDF.

29 Q. When you came back, did you complain to the head of the

1 CDF in Kenema what had happened?

2 A. I didn't complain because they were chasing all of us to
3 kill us. So I went into hiding until ECOMOG came.

4 Q. When ECOMOG came, did you complain to ECOMOG what had
14:51:26 5 happened?

6 A. Yes, when ECOMOG came, they said that they should stop
7 burning the houses. So those of us who had gone into
8 hiding came out of our hiding.

9 Q. But did you report anybody with ECOMOG about the deaths
14:51:48 10 of these two men?

11 A. No, I didn't report. I didn't go into any explanation
12 about that.

13 Q. Did you report anybody connected to the government of
14 Sierra Leone concerning the death of these two young men?

14:52:14 15 A. By then everybody was scared, so I didn't do that.

16 MR HALL: That's all I have, Your Honour. Thank you.

17 JUDGE BOUTET: Thank you very much. Mr Bockarie.

18 CROSS-EXAMINED BY MR BOCKARIE:

19 Q. Yes, Madam witness, your father is a well-known
14:52:42 20 personality in Kenema; am I correct?

21 A. Yes.

22 Q. Did you stay with your father throughout this --
23 throughout the AFRC occupation in Kenema?

24 A. Yes.

14:53:04 25 Q. You stayed in the same house?

26 A. Yes.

27 Q. Now tell me. Before the fall of the AFRC from Kenema,
28 most of the civilians fled to Kailahun; am I correct?

29 A. Yes, some people went to Kailahun.

1 PRESIDING JUDGE: Mr Bockarie, they fled to where?
2 MR BOCKARIE: Kailahun.
3 Q. And those who fled to Kailahun --
4 THE INTERPRETER: Yes, My Lords, can Mr Bockarie wait for the
14:53:40 5 answer?
6 JUDGE THOMPSON: Mr Bockarie, the translator is protesting --
7 his complaint is that you are not waiting for the
8 answers.
9 MR BOCKARIE: Sorry.
14:54:02 10 THE INTERPRETER: Can he ask the previous question so that we
11 can give him the answer?
12 JUDGE THOMPSON: Proceed and ask the previous question.
13 MR BOCKARIE: Can I be guided, sir? Can I be guided?
14 JUDGE THOMPSON: You said that --
14:54:20 15 PRESIDING JUDGE: Before the AFRC [microphones not activated]
16 most people had fled to Kailahun.
17 MR BOCKARIE: Yes.
18 Q. Now, when the fall of the AFRC became imminent, most
19 civilians fled to Kailahun; am I correct?
14:54:46 20 A. Yes. Some people were moving from one place to the other
21 not just Kailahun.
22 Q. Now those who fled were very sympathetic -- those who
23 fled from Kenema in most cases were very sympathetic to
24 the cause of the AFRC whilst they were in Kenema; is it
14:55:12 25 correct?
26 A. I don't know of that; whether they were sympathetic to
27 them.
28 Q. But your father fled and went to Baidu; am I correct?
29 A. I didn't know where he went to.

1 Q. I'm putting it to you that your father went to Baidu the
2 stronghold of the RUF?
3 A. I was not aware.
4 JUDGE BOUTET: The stronghold of the RUF?
14:55:48 5 MR BOCKARIE: Yes, the stronghold of the RUF; Baidu.
6 JUDGE BOUTET: Are you asking a question?
7 MR BOCKARIE: I'm putting it to her.
8 JUDGE BOUTET: That that place was a stronghold of the RUF?
9 MR BOCKARIE: Yes, yes.
14:56:14 10 JUDGE BOUTET: Okay.
11 MR BOCKARIE:
12 Q. Now --
13 JUDGE THOMPSON: What is the answer to the question?
14 PRESIDING JUDGE: What is the answer?
14:56:20 15 THE INTERPRETER: She said she was not aware of that.
16 JUDGE THOMPSON: Not aware of what?
17 JUDGE BOUTET: That that was a stronghold --
18 MR BOCKARIE: That her father fled to Baidu, the stronghold of
19 the RUF.
14:56:28 20 JUDGE BOUTET: But that's a double --
21 MR BOCKARIE: Sorry.
22 Q. I am putting it to you that your father fled to Baidu?
23 A. I didn't know where he went to. At that time they were
24 looking out for him to kill him, so he hid himself, but I
14:56:52 25 don't know where he went to hide.
26 JUDGE THOMPSON: The next question now.
27 MR BOCKARIE:
28 Q. I'm further putting it to you that your father fled
29 together with Sam Bockarie, and he resided at Baidu?

1 A. That's not how it happened, because my father was in
2 Kenema till Kamajors entered.

3 Q. Do you know Sam Bockarie?

4 A. I never knew him. I heard of him, but I never saw him in
14:57:28 5 person.

6 Q. I am putting it to you that Sam Bockarie used to visit
7 your house frequently in Kenema?

8 A. One day, he didn't go to our house.

9 Q. I am further putting it to you that your father had a
14:57:50 10 very good relationship with the mother of Sam Bockarie.

11 A. Well, I didn't know about that.

12 Q. Thank you. I am further putting it to you, as a result
13 of that relationship, Sam Bockarie had rebels stationed
14 at your house permanently.

14:58:22 15 A. It never happened. We never rented our house to soldiers
16 or the RUF, never.

17 Q. Now, you said the juntas left Kenema on Friday; am I
18 correct?

19 A. Yes.

14:58:44 20 Q. And the Kamajors entered on Sunday?

21 A. Yes.

22 Q. Now, before the arrival of the Kamajors, who was in
23 control of the town; wasn't it the youths?

24 A. Nobody was in charge on that Saturday.

14:59:10 25 Q. I am putting it to you that before the arrival of the
26 Kamajors, the youths were in control of the town in
27 Kenema.

28 A. The youths never did anything in the town.

29 Q. Madam, your father was suspected to have collaborated

1 with the juntas; am I correct?

2 A. It was because they saw one or two visits that they

3 visited our house, and they saw the picture that my

4 father took with the Kama -- with the -- that the juntas

14:59:54 5 saw at the house -- the picture that they saw at the

6 house.

7 Q. Will I be correct to say your father was involved in

8 mining; was he?

9 A. He never did diamond business.

15:00:18 10 Q. I am putting it to you that your father mined together

11 with the RUF -- the juntas in Kenema?

12 A. He has never done anything with mining. He is a ~~xxxxx~~

13 worker. He was working as -- he was a ~~xxxxx~~ doing

14 ~~xxxxxx~~. He never did any diamond mining.

15:01:00 15 Q. Madam Witness, I am putting it to you that your house was

16 burnt on Saturday?

17 A. No, it was on Sunday.

18 Q. I am further putting it to you that your house was burnt

19 by youths who were trying to retaliate because of your

15:01:30 20 father's association with the soldiers?

21 A. No, that is not what happened.

22 Q. Yes --

23 PRESIDING JUDGE: You are putting it to her that -- the last

24 one?

15:01:46 25 MR BOCKARIE:

26 Q. I am putting it to you that your father's house was burnt

27 on Saturday by the youths; they were retaliating because

28 of your father's association with the soldiers.

29 JUDGE THOMPSON: One after the other.

1 MR BOCKARIE: Sorry.

2 A. No, it was not burnt by youths.

3 Q. Now, you said you --

4 PRESIDING JUDGE: It was not burnt by youths on Saturday?

15:02:18 5 MR BOCKARIE: Yes, yes.

6 JUDGE BOUTET: The first question was your house was burnt on

7 Saturday.

8 MR BOCKARIE: Yes.

9 JUDGE BOUTET: And the answer to that was no.

15:02:36 10 MR BOCKARIE: Yes.

11 JUDGE BOUTET: Then you followed up with a question, "your

12 house was burnt by youths."

13 MR BOCKARIE: Yes.

14 JUDGE BOUTET: And then, added to that, you had it, "In

15:02:40 15 retaliation for..."

16 MR BOCKARIE: Yes.

17 JUDGE THOMPSON: [Microphones not activated] -- motive. There

18 are three questions; triple-barrel question.

19 JUDGE BOUTET: So we have an answer to the first, to the

15:02:42 20 second, but to the "retaliation," we have no answer yet.

21 Maybe you should repeat that part of the question.

22 MR BOCKARIE:

23 Q. I am putting it to you that your house was burnt

24 because -- by the youths because of your father's

15:03:26 25 association with the soldiers?

26 A. No, youths didn't burn my house. It was burnt by

27 Kamajors.

28 Q. Now, you said while the alleged burning was taking place,

29 you went and hid in the ceiling opposite your house; am I

1 correct?

2 A. Yes.

3 Q. For how long were you up the ceiling?

4 A. I was there for the whole day till nightfall.

15:04:06 5 Q. And can you tell us the distance from your hiding place

6 to your house; approximately how many feet?

7 A. The two houses were separated by a street.

8 Q. Should I be correct to say 20 feet or more?

9 A. No, I don't know exactly.

15:04:40 10 Q. Can you please give us an estimation, like from where the

11 judges are sitting to where you are, or more than that?

12 A. The two houses were separated by a street. There is a

13 street between us. I couldn't tell how wide the street

14 is, nor the length.

15:05:06 15 Q. Now, you've seen where the judges are sitting?

16 A. Yes.

17 Q. Is it like that distance?

18 A. Yes.

19 MR BOCKARIE: Your Honours, can it be estimated at 25 feet;

15:05:42 20 the distance from where he is sitting?

21 PRESIDING JUDGE: I don't know. 25 feet. Anyway the distance

22 is there, but she said things were in her view, you know.

23 We will take it as whatever, you know, 25 feet or --

24 JUDGE THOMPSON: If you can vouch for your mathematics.

15:06:04 25 PRESIDING JUDGE: I cannot vouch for my own mathematics, or my

26 surveying competence.

27 JUDGE BOUTET: But, we accepted the other evidence that it was

28 about 25 feet.

29 MR BOCKARIE: Yes, yes. As My Honour pleases, yes.

1 Q. You said you stayed there for the whole day?

2 A. Yes.

3 Q. I am putting it to you that you are not of assistance to
4 this Court?

15:06:46 5 A. I don't know about what you are trying to say.

6 JUDGE THOMPSON: I mean, that's a little too technical.

7 MR BOCKARIE:

8 Q. You are not saying the truth.

9 A. I'm saying the exact truth; what I saw and what I know.

15:07:08 10 Q. Now you said you were in the ceiling; am I correct?

11 A. I said I was watching through the window. I said right
12 up -- I climb right up and I was watching through the
13 window.

14 Q. Up where?

15:07:34 15 A. Up in the room where we were.

16 Q. Now, which part of the room in relation to the ceiling?

17 A. There was a high table inside the room, I climb on top of
18 it. That was where I was watching from.

19 Q. So now, you didn't hide in the ceiling, but you stood on
15:08:08 20 top of a table. Is that what you are telling this Court
21 now?

22 A. I said inside the house where I was. I was not standing
23 on the ground to see; I climbed up for me to see. I
24 couldn't stand on the ground and see anything.

15:08:32 25 MR BOCKARIE: That would be all for her.

26 JUDGE BOUTET: Mr Margai, for the third accused.

27 CROSS-EXAMINED BY MR MARGAI:

28 Q. Madam Witness?

29 A. Yes, sir.

1 Q. You told this Court you have got three children; is that
2 correct?

3 A. Yes, right now I have three children.

4 Q. Did you have any when the junta was in Kenema?

15:09:22 5 A. Yes -- well, after the junta, I had the other one.

6 Q. My question was: Did you have a child when the junta was
7 in Kenema?

8 A. Yes, I had two children.

9 Q. Did you have a child before the junta took over Kenema?

15:09:56 10 A. Yes, before the junta took over Kenema, I already had two
11 children.

12 Q. And did you have the third one while the junta was in
13 Kenema?

14 A. No.

15:10:28 15 Q. Your evidence before this Court is to the effect that
16 your father was arrested under gunpoint, because of a
17 picture which had to do with a Kamajor initiator; not so?

18 A. Yes.

19 Q. And he had to plead with the junta as well as spending
15:11:14 20 money not to be harmed?

21 A. Yes.

22 Q. And this same father who had been harassed, to use your
23 word, harassed by the junta because of his alleged
24 connection with this Kamajor initiator, was the same
15:11:42 25 father whose house, according to you, the Kamajors burnt?

26 A. Yes.

27 Q. Was your father playing a double role?

28 A. He did not play any role.

29 Q. Listen to the question. Was he playing a double role; in

1 other words, was he supporting the Kamajors, at the same
2 time supporting the junta? That is what I mean by double
3 role.
4 A. No.
15:12:14 5 Q. No, or you don't know; which?
6 A. I did not know.
7 Q. Thank you very much. You don't know. Now, you told this
8 Court quite clearly that you suffered no harassment from
9 the junta?
15:12:42 10 A. I said my family, they did not do anything to me.
11 Q. I believe you would assist this Court by answering the
12 questions directly. If I want to talk about your father,
13 I will say your father. I'm talking about you. You
14 suffered no harassment at the hands of the junta?
15:13:06 15 A. Yes.
16 Q. And, I'm putting it to you this was so, because you had a
17 junta boyfriend?
18 A. One day in my life -- I never followed somebody that had
19 a gun, never in my life.
15:13:34 20 Q. Now you said somebody came and told you or your family
21 that the Kamajors were going to kill your father?
22 A. Yes.
23 Q. And it was after this information --
24 JUDGE THOMPSON: Told the father?
15:14:22 25 MR MARGAI: No, the family, My Lords
26 Q. And it was after this information, according to you, the
27 Kamajors surrounded your family house?
28 A. The moment the person tell me the talk that day, the
29 Kamajors came.

1 Q. How soon after this information had been given did the
2 Kamajors arrive, if at all?

3 A. We were in the street - we went to welcome them. From
4 the distance where we stood, when they were coming, the
15:15:14 5 person told me about that.

6 Q. In other words, were you told this information on Sunday?

7 A. Yes.

8 Q. Was it on Sunday morning that the information was
9 communicated to your family?

15:15:38 10 A. It was on Sunday I heard that.

11 Q. Was it Sunday morning or Sunday afternoon?

12 A. In the morning.

13 Q. And when did the Kamajors surround your house; was it in
14 the morning, or in the afternoon, or in the evening?

15:16:12 15 A. In the morning hours.

16 Q. Was it minutes in between the information and the
17 arrival, or was it hours?

18 A. It can take an hour -- no, it did not take an hour.

19 Q. It did not take an hour. Now, before the information,
15:16:42 20 did you know that there were Kamajor commanders in Kenema
21 Town?

22 A. Well, we don't know them. They were in disguise.

23 Q. I'm talking of you. Did you know?

24 A. Well, I didn't know them.

15:17:08 25 Q. But the police was still operating in Kenema on that
26 Sunday?

27 A. No, police were not on operation on that Sunday.

28 Q. Was there a police station in Kenema on that Sunday
29 morning?

1 A. There was a police station.
2 Q. Were there police personnel in Kenema on that day?
3 A. That Sunday everybody was dislodged; nothing was in
4 order.
15:17:54 5 Q. That is not my question. Anyway, how far is it from your
6 house to the police station in Kenema?
7 A. The distance is a bit far from where we are.
8 Q. How many minutes would it take you walking from your
9 house to the police station?
15:18:22 10 A. I have never set a time to walk -- to time myself, so I
11 don't know.
12 Q. Could you please give us an estimate to assist this
13 Court? I know Kenema, some of the judges don't know. So
14 please try and assist us. You've tried so far. If you
15:18:40 15 were to walk from your house to the police station, how
16 long would it take you; ten minutes, 20 minutes, 30
17 minutes, one hour?
18 A. The distance is a -- it is far from our house to the
19 police station. I have never set a time to know -- to
15:19:02 20 walk from my house to the police station.
21 Q. I'm putting it to you that --
22 PRESIDING JUDGE: No, just a minute.
23 MR MARGAI: Sorry, My Lord.
24 PRESIDING JUDGE:
15:19:12 25 Q. Madam, they say you -- you've been to school for 16
26 years, you said.
27 A. Not 16 years sir, 12 years.
28 Q. I'm sorry, 12 years. At least you can estimate time.
29 You leave your house, it is distant, yes. But when you

1 leave your house, you know, walking normally -- going on
2 foot, you know, normally, about how many minutes?
3 MR MARGAI: I will assist her further, My Lords.
4 Q. Let us say, would it be the same distance from here to
15:19:50 5 Pademba Road Prisons? You know where Pademba Road
6 Prisons is; would that be the same distance or almost?
7 A. Yes.
8 MR MARGAI: It would be about a quarter of a mile.
9 PRESIDING JUDGE: It depends on the person who is walking, and
15:20:08 10 the strength of his limbs.
11 MR MARGAI: I know, My Lord. I think it should be about a
12 quarter of a mile.
13 JUDGE THOMPSON: At normal pace.
14 MR MARGAI: Well, just the distance -- just the distance.
15:20:22 15 About a quarter of a mile I would say. The distance
16 between her house and the police station in Kenema would
17 be about a quarter of a mile.
18 JUDGE THOMPSON: But you said if she were to walk the
19 distance.
15:20:40 20 MR MARGAI: No, the distance, whether walked, whether driving,
21 would be about a quarter of a mile.
22 JUDGE THOMPSON: That's what you are saying.
23 MR MARGAI: Yes, yes. About a quarter of --
24 JUDGE BOUTET: We are not talking time any more, we are
15:20:46 25 talking distance?
26 MR MARGAI: Precisely distance, not time. About a quarter of
27 a mile. Thank you very much.
28 Q. So madam, tell me, that was a very serious information
29 that was given to your family about Kamajors coming to

1 kill your father; was it not.
2 A. I did not get you clearly.
3 Q. I'm saying the information that was given to your family
4 about Kamajors coming to kill him was very serious
15:21:30 5 information?
6 JUDGE THOMPSON: What is the question; does she agree?
7 MR MARGAI:
8 Q. Was it not?
9 A. Yes, it was a serious information.
15:21:36 10 Q. And you took it seriously not wanting to lose your father
11 naturally?
12 A. Yes.
13 Q. Now, when you talk about the family, how many members of
14 the family were present when this information was given
15:22:04 15 to you people?
16 A. We stood in the street side - we were all there. It was
17 not all the members of the family; part of us were there
18 like myself.
19 Q. Yes, how many; two, three, four, five members of the
15:22:20 20 family? I'm not talking of the public, I'm talking of
21 your family. How many; two, three, four, five?
22 A. It was I and my brother; we were two.
23 Q. Just you and your brother. Your father was not there?
24 A. No.
15:22:42 25 Q. Did you get this information to your father, because of
26 its seriousness?
27 A. The place where I was, I was not able to go anywhere. I
28 only find a way to hide myself.
29 Q. Thank you. Did you get the information to your father,

1 yes or no?

2 A. No.

3 Q. Did you go to Kenema police station to pass on this

4 information to the authorities?

15:23:18 5 A. No.

6 Q. Had ECOMOG entered Kenema that Sunday?

7 A. No, the ECOMOG had not yet come. It was only the

8 Kamajors and we that were there.

9 Q. Was the AFRC there, or had they left completely?

15:23:52 10 A. AFRC left on Friday. The Kamajors came on Sunday.

11 Q. Was there a resident minister in Kenema on that Sunday,

12 or rather the minister responsible for the East?

13 A. I did not know about that. I did not see him.

14 Q. Now the resident minister in Kenema then, when AFRC was

15:24:30 15 in power, was Eddie Kanneh; not so?

16 A. Yes.

17 Q. And he was a close friend of your family?

18 A. No.

19 Q. Now, before the Kamajors entered Kenema, on Sunday

15:25:14 20 according to you, was there any organised group by the

21 youths to protect Kenema?

22 A. No group was formed by then.

23 Q. I'm putting it to you that there was an organised

24 vigilante group in Kenema and you know it?

15:25:58 25 A. No, I did not see them. I did not hear about them.

26 Q. Now, in your testimony you said anybody who was suspected

27 of having anything to do with the Kamajors was harassed

28 by the junta?

29 A. Yes.

1 Q. I'm sure this was not a situation that the people of
2 Kenema were happy about, including you?
3 A. Yes.
4 Q. And the people of Kenema resented this persistent
15:27:02 5 harassment of civilians by the junta?
6 A. Yes.
7 Q. And the young people were not exempted; they themselves
8 did not take kindly to this behaviour by the junta?
9 A. Well, I did not know about the young men, whether they
15:27:34 10 were happy or not. I did not know about them.
11 Q. But when you said the people of Kenema were not happy
12 about this behaviour, who were you referring to?
13 A. Like you that was harassed, you would not be happy.
14 Q. You mean only those who were affected?
15:28:06 15 A. Yes.
16 Q. I'm putting it to you that the people who surrounded your
17 father's house were youths known as vigilante, and not
18 the Kamajors?
19 A. No, it was the Kamajors.
15:28:28 20 Q. Now, is it not a fact that the AFRC used to attire
21 themselves in ronkos trying to appear as if they were
22 Kamajors?
23 JUDGE THOMPSON: How would that fall within her experience?
24 MR MARGAI: Sorry, My Lord.
25 JUDGE THOMPSON: How would that fall within her experience
26 when you say "fact"?
27 MR MARGAI: Well, I shall leave the fact. All right, I will
28 leave the "fact" My Lords.
29 JUDGE THOMPSON: How can that be verifiable?

1 MR MARGAI: Well, we have heard testimony to that effect here
2 in this Court on oath. I will rephrase it.
3 JUDGE THOMPSON: This witness would know that?
4 MR MARGAI: I would rephrase it. I'm assuming that she would,
15:29:16 5 but I shall rephrase it.
6 JUDGE THOMPSON: Would it be a verifiable fact easily for a
7 witness like this?
8 MR MARGAI: My Lord, there is testimony before you to that
9 fact by Prosecution witnesses.
15:29:30 10 JUDGE THOMPSON: All right.
11 MR MARGAI: Thank you. She has become wiser anyway. I shall
12 still try.
13 Q. Now, did you hear of AFRC juntas wearing ronkos to
14 disguise themselves?
15:29:58 15 A. No.
16 Q. Now, were combatants wearing civilian attire to avoid
17 being detected or identified?
18 A. I did not know about that.
19 Q. I'm putting it to you, madam witness, that those two
15:30:44 20 gentlemen you testified to, that were allegedly killed --
21 I'm putting it to you that if at all they were killed,
22 they were killed not by the Kamajors, but by the youths?
23 A. The youths did not have guns, it was the Kamajors that
24 had guns. So it was the Kamajors that killed them.
15:31:10 25 Q. I'm sorry, did I get you correctly as saying that the
26 youths did not have guns, but Kamajors had guns?
27 A. At all. It was the Kamajors that had guns.
28 Q. No, what I'm saying is that did you say that the youths
29 did not have guns?

1 A. Well, I did not see youths -- I did not see youths.
2 Q. But you will not deny that there might have been youths?
3 A. Well, I did not see youths -- I'm not aware of them.
4 Q. Now, let's come to Blama. I'm putting it to you that
15:32:08 5 that young man whom you said stood in the line of the
6 Temnes, that was subsequently killed, I'm putting it to
7 you that it is a figment of your imagination; no such
8 thing happened?
9 A. It was not an imagination, it happened before me and I
15:32:36 10 saw.
11 Q. And I'm further putting it to you that this man whom you
12 said they identified on entering Blama as a soldier --
13 would it surprise you that that man is still alive and
14 well?
15:33:04 15 A. He is not alive.
16 Q. I'm putting it to you that he is alive and well, it is
17 because of the protective measure that I do not want to
18 call his name - he is alive and well, and you will see
19 him in this Court?
15:33:20 20 A. It is not that man, it is another one.
21 Q. Were you ever called to go and identify their remains;
22 were you?
23 A. I did not follow them.
24 Q. No, no, listen to the question. You see, the problem is
15:33:44 25 that you don't listen. Listen to the question. Were
26 you, at any time, called to go and identify the remains
27 of those people as the people you saw being killed?
28 That's what I'm talking about, before this trial.
29 A. They did not call me to identify them.

1 Q. The Prosecutor has never ever called you to go and
2 identify any remains in connection with this case; is
3 that what you are saying?
4 A. No.

15:34:22 5 Q. Thank you very much. Now, I am finally putting it to you
6 that your evidence about seeing civilian corpses in
7 Kenema when you returned there is, again, a fantasy; an
8 imagination by you?
9 A. I did not remember -- I saw -- I saw them.

15:34:50 10 MR MARGAI: That would be all.
11 JUDGE BOUTET: Thank you, Mr Margai. Any re-examination?
12 MR SAUTER: No, Your Lordship.
13 PRESIDING JUDGE: Yes. Learned counsel for the Prosecution,
14 we have concluded with this witness. Your next witness -
15:36:02 15 about how long is that witness?
16 MR SAUTER: At most, one and a half hours, Your Lordship.
17 PRESIDING JUDGE: One and a half hours.
18 JUDGE BOUTET: Before -- Mr Prosecutor which class or category
19 of witness are we talking about here; the next one? No
15:36:36 20 special measure other than the identity?
21 MR SAUTER: That's right, Your Honour.
22 JUDGE BOUTET: Okay, thank you.
23 PRESIDING JUDGE: The Tribunal will rise for ten minutes. We
24 will resume with the evidence of the next witness.

15:37:22 25 Madam, thank you very much for your assistance to
26 the Court. Thank you. We are discharging you, but if
27 necessity arises, you may be called back. We don't know
28 for now, but you would hear from us should necessity
29 arise. Thank you very much for coming to assist the

1 Tribunal. The Court will rise, please.
2 [Recess taken at 3.38 p.m.]
3 [On resuming at 4.05 p.m.]
4 [HN270904E]
16:06:38 5 PRESIDING JUDGE: We're resuming the session, learned counsel.
6 Can the Prosecution proceed with calling the next
7 witness?
8 MS WIAFE: The Prosecution calls TF2-152.
9 PRESIDING JUDGE: That would be your 16th?
16:07:19 10 MS WIAFE: 17th.
11 PRESIDING JUDGE: 17th, I'm sorry.
12 WITNESS: TF2-152 sworn
13 [Witness answered through interpretation]
14 MS WIAFE: Your Honours, the witness is testifying in Krio.
16:08:28 15 JUDGE THOMPSON: In what language?
16 MS WIAFE: Krio.
17 PRESIDING JUDGE: Learned counsel, your name again?
18 MS WIAFE: My name is Adwoa Wiafe.
19 PRESIDING JUDGE: Yes, please proceed.
16:08:55 20 EXAMINED BY MS WIAFE:
21 Q. Mr Witness, I will be asking you some questions, after
22 which learned counsel on the other side will also ask you
23 questions. I would like you to take your time when
24 answering these questions. Mr Witness, how old are you?
16:09:22 25 A. 34 years old.
26 Q. Where were you born?
27 A. Kenema.
28 Q. Have you ever attended school?
29 A. Yes.

1 Q. What level of education did you attain?
2 A. I went up to form 5, but I didn't finish.
3 Q. Can you read and write English?
4 A. No. My language is not clear to any extent.
16:10:04 5 Q. What languages do you speak?
6 A. More of Krio and Madingo.
7 Q. Mr Witness, what is your occupation?
8 A. Well, I'm a ~~xxxx~~ ~~xxxxx~~.
9 Q. And where do you reside?
16:10:37 10 A. I'm based in Kenema -- Kenema.
11 Q. Mr Witness, do you recall a time called the junta time?
12 A. Yes.
13 Q. When was this?
14 A. I can't remember the time nor recall the day, but I can
16:11:09 15 remember the time they were in power.
16 Q. Mr Witness, do you know why that time was called the
17 junta time?
18 A. At that time they were in power -- they were in control,
19 so we called them junta. They were in power.
16:11:34 20 Q. And who were these junta?
21 A. There were two factions. We had SLA and the rebels who
22 had come from the bush. They were calling them junta.
23 Q. Now, Mr Witness, did the junta have a boss?
24 A. Yes, they had their boss.
16:12:03 25 Q. Who was it?
26 A. You mean the overall boss?
27 Q. Yes, overall boss.
28 A. Johnny Paul was their president -- he was their overall
29 boss.

1 Q. Mr Witness, where were you during this junta time?
2 A. I was in Kenema for all that time.
3 Q. Did anything happen to you or your family?
4 A. No, nothing happened to me, but something happened to my
16:12:42 5 family.
6 Q. Can you tell this Court what happened to your family?
7 A. Yes.
8 Q. Please tell this Court.
9 A. At one time we were told around 7.00, when --
16:13:09 10 PRESIDING JUDGE: Let him not go too fast, learned counsel.
11 MS WIAFE:
12 Q. Mr Witness, could you take your time?
13 A. Yes. At one time I was at my house around 7.00 when
14 Eddie Kanneh went to our house, together with his
16:13:35 15 squad -- with his men.
16 JUDGE THOMPSON: 7.00 when?
17 MS WIAFE:
18 Q. What time -- 7.00 --
19 A. At night, at night.
16:13:47 20 Q. Mr Witness, before you proceed, let me just ask you a few
21 questions. Who was Eddie Kanneh?
22 A. He was the minister for Kenema.
23 Q. Now, could you continue. Eddie Kanneh went to your
24 house. Then what happened?
16:14:10 25 A. So when he went to our house, he called my father. My
26 father was in the mosque. He called my father and asked
27 him, that he saw his picture with one Lebanese man,
28 together with Kamoh Brima. He said what was my father
29 doing on that picture. He asked my father, and told my

1 father that my father was a Kamajor -- was a Kamajor
2 chief. He said my father was a Kamajor chief. My father
3 denied -- that he was not a Kamajor chief. He said there
4 is a reason why he was in that picture and Eddie Kanneh
16:14:43 5 asked him --
6 PRESIDING JUDGE: It is too fast.
7 MS WIAFE:
8 Q. Mr Witness, you're going too fast. Could you slow down a
9 little?
16:14:53 10 JUDGE THOMPSON: He said he saw his picture where?
11 MS WIAFE:
12 Q. Where was this picture seen?
13 THE INTERPRETER: Ask him to put his mike on.
14 THE WITNESS: A tall Lebanese man -- Eddie Kanneh.
16:15:16 15 MS WIAFE:
16 Q. And who saw this picture?
17 A. Eddie Kanneh.
18 Q. And what happened after Eddie Kanneh saw this picture?
19 A. He took the picture and carried it to my father's home
16:15:31 20 and asked him why was he together with Kamoh Brima on
21 that picture?
22 Q. Who was Kamoh Brima?
23 A. He was a Kamajor chief. He was the initiator.
24 Q. And where was he the initiator?
16:15:59 25 A. He initiated people into the Kamajor society, in Kenema.
26 Q. And what happened after this?
27 A. Eddie Kanneh threatened my father very seriously for that
28 picture. My father explained to him that the reason why
29 he was on that picture was at one time when he was coming

1 to town --

2 Q. Take it slow. What did your father say; would you go
3 over it again?

4 A. My father said -- he told him that there's a reason why
16:16:46 5 he was in that picture, that they called him to hand over
6 his key to Kamoh Brima, in particular with reference to
7 that picture. That was why I was in that picture. There
8 was nobody [inaudible]. In fact, I was going to go and a
9 Lebanese man called me.

16:17:04 10 Q. Did anything happen to your father that day?

11 A. It was a serious harassment -- he harassed my father very
12 seriously. He wanted to kill him even, but other people
13 came him in the area to help. They talk to him, the
14 minister Kanneh. They talked to him very seriously and
16:17:27 15 other people came in and they begged him. They gave him
16 some money and Eddie Kanneh released my father and he
17 went.

18 Q. And where were you at this time when this happened?

19 A. I was in the compound about 7.00 when everything
16:17:45 20 happened, right in my presence.

21 Q. Did Eddie Kanneh ever come back to the house after this
22 incident?

23 A. He was not coming there any more -- only his men. His
24 subordinates were coming to the house to visit. They
16:18:03 25 were coming to visit their father in the house, because
26 they were in power, so he was looking after the father,
27 because the father told him -- asked him to look after
28 him, so that if any other person comes, he will not do
29 anything wrong to him, because they were looting people's

1 property, they were taking people's things away. They
2 would come to your house and take things away. Even if
3 when they meet you in your house, they will harass you.
4 Q. Mr Witness, after this incident, did anything else happen
16:18:36 5 to your family?
6 A. Yes.
7 Q. What happened to your family? During the time that the
8 junta was in power, did anything else happen to your
9 family?
16:19:02 10 A. Yes, my father's car was looted -- they looted it and
11 took it away.
12 Q. Now, Mr Witness, did there ever come a time when the
13 junta left Kenema?
14 A. Yes, it was on Friday that they left.
16:19:24 15 Q. Do you remember the year?
16 A. I can't remember the time nor the year, because I was
17 moving up and down, so it was very difficult for me to
18 know the exact date -- the date and the time.
19 Q. So what happened on that day when the junta was leaving
16:19:45 20 Kenema?
21 A. When they were leaving, there was some serious
22 harassment. They were knocking on doors of people,
23 removing people from their houses, taking their
24 properties -- whatever you had, they would take them from
16:20:06 25 you. Even when they were going, they burnt the
26 ammunition by Ahmadiya, but the whole area was burnt.
27 There was some serious firing there -- there was some
28 serious firing amongst them.
29 Q. And do you know why the junta left Kenema?

1 A. According to my own knowledge, it was because of what
2 Prince Brima said on the radio, when he said ECOMOG were
3 not far away, that they would enter Kenema. That is what
4 caused the panic and they went away.

16:20:46 5 Q. Where were you on that day when the junta was pulling out
6 of Kenema?

7 A. I was at my house.

8 Q. Now, what happened in Kenema when the junta left?

9 A. It was on Sunday. There was nobody in town. There were
16:21:12 10 no Kamajors, no soldiers -- nobody was in the town.
11 Except for corpses that we met in the streets, there was
12 nobody in the town. The Kamajors entered Kenema town on
13 Sunday.

14 Q. Where were you when the Kamajors entered?

16:21:34 15 A. I was at my house.

16 Q. And what happened when the Kamajors entered?

17 A. When they entered Kenema, everybody was dancing -- people
18 had palm fronds and later they told us to go back to our
19 houses.

16:21:54 20 Q. And what happened after this when you went back to your
21 houses?

22 A. After that, when everybody had gone home, we saw a list
23 in their hands. The list that they had come with, that
24 was the list that they had when they were coming from the
16:22:16 25 bush.

26 Q. Who do you refer to as "they"?

27 A. The Kamajors came with the list from the bush.

28 Q. Now, you said you saw the list. Who was holding this
29 list?

1 A. There was a particular Kamajor who was carrying the list.
2 Q. And what happened after you saw this list?
3 A. When I was at my house, I saw them coming towards my
4 house.
16:22:58 5 Q. Who was coming towards your house?
6 A. The Kamajors were coming with their squad to our house.
7 Q. What did you do?
8 A. I left my house, I ran away. The way they were coming to
9 my house, I ran away -- I escaped from my house -- five
16:23:23 10 houses -- five houses from my house. I went to one of my
11 friends.
12 Q. Now, what happened when you went to your friend's house?
13 A. I saw them launching on my house -- the Kamajors launched
14 on my house. They entered my house and started looting.
16:23:46 15 When the RPG was launched on the house, the fire wasn't
16 all that extensive, so they started looting. They looted
17 all over the house up to the place where people went for
18 prayers.
19 Q. Now, Mr Witness, how many Kamajors went to your house --
16:24:03 20 about how many Kamajors went to your house?
21 A. There were many; there were many. It was a squad --
22 there were many.
23 Q. Now, after they launched the RPG in your house, you said
24 they started looting. What did they loot?
16:24:29 25 A. The household properties. I can't show all the items
26 now, but it's the household property that they looted.
27 Q. So, Mr Witness, you also said they launched an RPG into
28 the house.
29 A. Yes.

1 Q. What happened after they had launched this RPG?
2 A. There was one particular Kamajor who had petrol in his
3 hand -- in a gallon.
4 Q. What did he do with the petrol, or did he do anything
16:25:00 5 with the petrol?
6 A. Yes, he sprinkled it on the house and declared that they
7 were going to burn the house, because according to him,
8 it's a junta house. So they sprinkled petrol on the
9 house and torched fire to it. The house was burnt.
16:25:19 10 Q. Now, at the time that the house was burning, do you know
11 whether anybody was in the house?
12 A. Yes. We had two tenants who were in the house. There
13 was a fellow called xxxx. He had his two brothers --
14 one called xxxx and the other xxxxx. The Kamajors
16:25:49 15 killed them in the house. They finally shot at the other
16 one and the other one was mutilated.
17 Q. Where were you when this was happening?
18 A. I was in hiding to my friend's house -- about five
19 houses -- but where I was, I was seeing everything that
16:26:08 20 was happening.
21 Q. Now, you said after they had killed these tenants, what
22 else did they do?
23 A. The Kamajors who came to the house, they didn't believe
24 I was the one, because when they came into the town, if
16:26:41 25 the person that they came for, they did not see --
26 PRESIDING JUDGE: Not too fast. My God, take it easy. You're
27 not in a market -- you're not in a market. Take it easy.
28 Go slowly, please.
29 MS WIAFE:

1 Q. Now, Mr Witness, I would like you to go back. You said
2 after they had killed these two tenants -- what happened?
3 A. When the two tenants were killed, they took their
4 [inaudible], threw them into the fire in the house. That
16:27:22 5 was done by the Kamajors, these two guys whom they
6 killed. They thought I was the one. It was one person
7 who came and said, "That person that you've killed, one
8 of them is not the son of the Pa of this house."
9 Q. You're saying that they thought you were the one who was
16:27:42 10 killed. How do you know that they were looking for you?
11 A. I had a Kamajor who went to arrest me from where I had
12 gone for refuge. It was he who said this, they had gone
13 and killed two boys at the house. "We thought you were
14 one of them, but that you're not one of them, you are
16:28:10 15 lucky. Now that we've seen you here, we're not going to
16 leave you behind."
17 Q. And when were you arrested by this Kamajor?
18 A. It was on a Friday. That was when I was arrested.
19 Q. Was this after the house was burnt?
16:28:34 20 A. Yes, after they had burnt the house.
21 Q. Okay. We'll come to the arrest later, but I want us to
22 concentrate on the burning of the house. Now, you said
23 that two tenants were thrown into the fire when the house
24 was burning. Did the Kamajors do anything else?
16:29:00 25 A. Yes, I said it was they who took the boys and threw them
26 into the fire. The Kamajors got hold of the boys. After
27 they had killed them, they threw them into the fire. At
28 that time the house was on fire.
29 Q. Now, Mr Witness, who did this house belong to?

1 A. My father.

2 Q. Were you staying in that house?

3 A. Yes, that's where I was.

4 Q. Now, after the Kamajors burnt the house and killed the
16:29:36 5 people, what happened? Did they leave, or what else did
6 they do?

7 A. Who went -- the Kamajors?

8 Q. Yes. You said they burnt the house.

9 A. Yes, the Kamajors went. When they finished burning the
16:30:03 10 house and after they've thrown the boys into the fire,
11 they moved and went somewhere else.

12 Q. Now, Mr Witness, you also said that a Kamajor
13 subsequently arrested you. Where were you when the
14 Kamajor arrested you?

16:30:28 15 A. I was arrested first in my grandfather's house and,
16 secondly, from the place where I had gone to seek refuge.

17 Q. Now, how long after your house was burnt were you
18 arrested?

19 A. It took a long time -- it was after some time. They were
16:30:50 20 looking for me.

21 Q. And what happened when you were arrested?

22 A. When they arrested me from my grandfather's -- the
23 Kamajor arrested me and said, "Oh, you. I was looking
24 for you. Now that I've tried to find your father, but
16:31:11 25 I couldn't, I have burnt the house. I was looking for
26 you. They told me you are alive. That's why I came, to
27 make sure it's true."

28 Q. And did anything happen to you when you were arrested?

29 A. Yes.

1 Q. Can you tell us what happened to you?

2 A. When they asked me to sit on the ground, they started
3 harassing me -- that they would kill me. Thank goodness,
4 there was one of my cousins who ran to the mosque to my
16:31:47 5 grandfather. When he went there, at that time ECOMOG had
6 come to town. There was Colonel Biko and one Kamoh --
7 they were sitting together and he was a friend to Colonel
8 Biko -- they came together from Monrovia. This Kamoh was
9 the best friend to this colonel, so my cousin explained
16:32:06 10 to him that they have come to kill -- that they have come
11 to kill so-and-so person; that if they don't see him,
12 they will bomb the house and kill the person. That gave
13 them the cause -- the Kamoh, Colonel Biko, they went into
14 one armoured car and one Hilux and they came to the house
16:32:25 15 to rescue me.

16 Q. When you say "rescue" you, what happened at the time when
17 they came to rescue you?

18 A. When they came for me, they took me and carried me to the
19 mosque. After the prayers, they handed me over to my
16:32:48 20 grandfather and my grandfather took me to the Kamoh.

21 Q. Now, how many Kamajors arrested you?

22 A. There were many -- those who went from there, there were
23 many on the highway -- there were many.

24 Q. Now, after this arrest, were you -- did anything happen
16:33:13 25 to you?

26 A. Yes, I was released and I went to continue with my
27 trading, and it was there that they re-arrested me.

28 Q. Who arrested you?

29 A. I was arrested by two Kamajors at the bicycle field.

1 Q. And do you know why they arrested you the second time?
2 A. Well, according to his explanation, the one that went
3 together to arrest me, he told me that this particular
4 man, he and his father had killed one of my father [sic]
16:33:58 5 for sorghum at Ngiema Daama. That's why they arrested me
6 and took me to CDF.
7 MR MARGAI: My Lords, I'm sorry -- just for the records -- I'm
8 really sorry.
9 PRESIDING JUDGE: Yes, indeed, he's going too fast.
16:34:10 10 MR MARGAI: Yes, because it would seem that there were three
11 arrests - one at his grandfather's, the other at a
12 friend's, and now the bicycle park, so I just want to be
13 sure.
14 PRESIDING JUDGE: I'm clear about two. I don't know --
16:34:25 15 anyway, yes.
16 MS WIAFE: The witness is testifying to two arrests.
17 PRESIDING JUDGE: So far I have him at two arrests -- so far
18 -- one at the grandfather's. There he was rescued by an
19 intervention by ECOMOG. Then he goes back to his normal
16:34:45 20 business, and as he's doing his normal business, he's
21 taken again. I think that's where we are.
22 JUDGE BOUTET: At the field.
23 MS WIAFE: Yes, at the bicycle field.
24 PRESIDING JUDGE: Are we ad idem on this now?
16:34:59 25 MR MARGAI: Not quite, My Lord, but I'm not sure
26 what [microphone not activated] I had: I was arrested
27 first in my grandfather's house. The next time I was
28 arrested in a friend's house, and after explaining the
29 rescue mission, he's now talking of an arrest by the

1 bicycle park. That is why I thought I perhaps ought
2 to --

3 JUDGE BOUTET: Madam Prosecutor, maybe you could clarify that
4 for the witness.

16:35:30 5 MS WIAFE: Yes.

6 Q. Mr Witness, I would like you to go a bit more slowly,
7 because you are being recorded, so take your time and
8 answer the questions. Now, I'd like to take you to the
9 first arrest. Where were you when you were arrested?

16:35:49 10 A. The first arrest was at my grandfather's. The second
11 arrest was at the field where I was finding my living.
12 That was the second arrest.

13 Q. Who arrested you the first time?

14 A. Kamajors -- I was arrested by Kamajors.

16:36:14 15 Q. Now, Mr Witness, let's move on to the second arrest.
16 Where were you when you were arrested?

17 A. I was where I used to get my living.

18 PRESIDING JUDGE: Where he used to get his living -- let him
19 be precise, please.

16:36:39 20 MS WIAFE:

21 Q. Mr Witness, when you say you were where you get your
22 living, what do you mean by that?

23 A. If I said a particular place where I was arrested, then
24 you know the particular person I'm talking about, because
16:36:57 25 where I live --

26 PRESIDING JUDGE: Okay.

27 THE WITNESS: That's the reason why I don't want to show the
28 particular place.

29 MS WIAFE:

1 Q. Now, Mr Witness, what happened at that time?

2 A. They arrested me in the field. They took me to the CDF.

3 I met the CDF boss man there, Magona. Then he said, "As

4 long as you've been brought here, we've been looking for

16:37:35 5 you. We've been looking after -- we've been going after

6 your father, but since your father is not there and you

7 are here - we are looking for your father and as long as

8 you have been arrested and brought here, you will die, so

9 you should sign."

16:37:52 10 Q. And who arrested you?

11 A. The Kamajor, they arrested me -- two Kamajors arrested me

12 at the bicycle field. If I showed their names now, you

13 know the particular people I'm talking about, so I'm not

14 going to call their name. You would know the person who

16:38:12 15 is talking.

16 Q. Now, Mr Witness, you said they took you to the CDF

17 office?

18 A. Yes.

19 Q. Where was --

16:38:28 20 A. Kai-Samba Terrace, Hangha Road, Bondo Street -- in the

21 middle of Kai-Samba Terrace, Hangha Road, and Bondo

22 Street. Look at Hangha Road, Kai-Samba Terrace, Bondo

23 Street, so CDF is just in the middle. That's the

24 junction.

16:38:44 25 Q. And did they tell you why they arrested you?

26 A. Well, according to the report given by the guy, that

27 myself and my father went and killed a Pa at Ngiema Daama

28 for a bag of sorghum. That's why we were arrested.

29 Q. And what is sorghum?

1 A. It's a refugee food, according to the way I understand
2 it.

3 Q. And who told you this?

4 PRESIDING JUDGE: That is the father and himself did what?

16:39:23 5 MS WIAFE:

6 Q. Mr Witness, what did he tell you?

7 A. He said myself and my father went and killed one of his
8 fathers at Ngiema Daama for sorghum bag and that's the
9 reason why they came to the field where I am finding my
16:39:42 10 money to arrest me -- that's what the man said they went
11 to arrest me -- the two Kamajors that went and arrested
12 me.

13 Q. What is sorghum?

14 A. According to my knowledge, it's a refugee food. It's a
16:40:00 15 refugee food. That's my understanding.

16 Q. Now, where did they take you, Mr Witness?

17 A. They took me to the CDF office. That's where I went and
18 Magona asked me to sign -- that I should sign to die. He
19 was sentenced to death. I asked him what happened. He
16:40:34 20 said because --

21 Q. Now, who was Magona?

22 A. He was the CDF boss. He was taking care of Kenema.

23 Q. At the time you were taken to this CDF office, who was
24 there apart from Magona?

16:41:04 25 A. Who was the boss?

26 Q. No, you said you were taken to the CDF office and that,
27 when you got there, Magona was there. Now, apart from
28 Magona, was there anybody else there?

29 A. When they took me to Magona -- they took me to Magona.

1 There were other people, but they didn't take me to them;
2 they took me to Magona, their boss. Other people were
3 there, but they didn't take me to those people; they took
4 me to Magona.

16:41:42 5 Q. And when you went to Magona, did anything happen to you?

6 A. Yes. They told me that I should sign, because they have
7 searched for my father and not be able to see him, so as
8 long as I've been arrested, I'm supposed to die. That's
9 what Magona told me to sign, so I signed.

16:42:11 10 Q. What did you sign?

11 A. I wrote my name under it. He took a pen and wrote
12 something else underneath.

13 Q. Did you see what he wrote?

14 A. Yes, I saw what he wrote, but the way he wrote his
16:42:32 15 signature, I didn't understand it. He gave a dot.

16 Q. Now, after you had signed, what happened to you?

17 A. They placed me in the cell. I was in the cell. There,
18 I met a friend.

19 Q. Who was this friend?

16:42:57 20 A. It was a close friend, because I cannot call his name
21 out -- he was a close friend.

22 Q. Now, did anything happen while you were in the cell with
23 this close friend of yours?

24 A. Yes. He asked me what happened, so I explained to him
16:43:22 25 that I was in the field. Then they went and arrested
26 me -- two Kamajors went and arrested me and they said
27 myself and my dad had gone to -- arrested one of their
28 dad -- killed one of their dad at Ngiema Daama for
29 sorghum, and I told them they were lying, since I've

1 never done something of that sort.

2 Q. Now, were you taken anywhere else on that day?

3 A. Well, I was there in the cell together with my

4 [inaudible]. Then I asked him what happened. He

16:44:02 5 explained to me that at times he went and surrendered to

6 ECOMOG. One of his friends met him and said, "You're a

7 citizen here. There's no need for you to come and hand

8 over yourself to ECOMOG." He said, "Leave there

9 [inaudible] go and meet the Kamajors." So they went and

16:44:25 10 initiated him to Kamoh Brima.

11 Q. Did he tell you anything else?

12 A. Yes. When he was initiated to Kamoh Brima, he was

13 walking around the town. At one time he was standing at

14 one house, three Kamajors went and arrested him and asked

16:44:51 15 him if he's a Kamajor. He said yes, he has joined the

16 Kamajors. They asked him who joined him. He said Kamoh

17 Brima. They took him to Kamoh Brima. Kamoh Brima

18 refused -- he said he never initiated him in the society.

19 Q. Did he tell you anything else apart from this?

16:45:20 20 A. So when he was taken to Kamoh Brima and Kamoh Brima had

21 to refuse, they took him back to CDF. He also signed to

22 die.

23 Q. Now, Mr Witness, what else happened in the cell?

24 A. We were waiting for the Kamajors. They handed us to take

16:45:51 25 care of us -- to take us to the base after signing to

26 die.

27 Q. Who handed you over to the Kamajors?

28 A. Magona, the Kamajor boss -- Magona.

29 Q. And who did he hand you over to?

1 A. To Yamorto -- they call him Colonel Biko.
2 Q. Who was Yamorto?
3 A. Yamorto, he was a Kamajor. He was a Kamajor -- a top
4 Kamajor.
16:46:29 5 Q. Now, when they handed you over to Yamorto, what happened?
6 A. Yamorto took us to the base. We were on the way, my
7 friend was tied. He was tied very seriously. We were
8 coming down by fishery, Yamorto entered the market, he
9 went and bought pepper, onions and Maggi. We came across
16:47:10 10 the bridge, we reached at a checkpoint which was
11 roundabout, look at the roundabout, look at the court,
12 the town council, to go towards the camp.
13 Q. Mr Witness, how many Kamajors went with you?
14 A. There were many.
16:47:49 15 [HN270904F 4.46 p.m.]
16 Q. And where did they take you.
17 A. We were going on the way towards the base. The sooner we
18 reached the checkpoint, look at the court and look at the
19 town council and here was the roundabout. My friend was
20 tied up. The way they tortured him, he was oozing blood
21 and he was pierced on his side. They removed his guts
22 and it was turned into a checkpoint.
23 Q. Could you repeat?
24 PRESIDING JUDGE: They removed what?
25 MS WIAFE:
26 Q. Mr Witness, what did they remove?
27 A. Inside was pierced and they removed his guts and they
28 turned it into a checkpoint.
29 Q. Who pierced him in the side?

1 A. Yamorto.
2 Q. And what did he use?
3 A. He used a knife.
4 Q. [Microphone not activated] -- after Yamorto pierced him,
5 what happened?
6 A. My friend was talking to me --
7 PRESIDING JUDGE: [Microphone not activated]
8 THE WITNESS: -- that if you don't want to talk to my family.
9 PRESIDING JUDGE: [Microphone not activated]
10 MS WIAFE: Your Honour, I can go back.
11 PRESIDING JUDGE: "Yamorto pierced my friend with a knife."
12 What happened?
13 MS WIAFE:
14 Q. Mr Witness, you said Yamorto pierced your friend. What
15 happened after Yamorto pierced your friend?
16 A. His gut was turned into a checkpoint. Then he told the
17 man, he said, "You are going to die here."
18 Q. Mr Witness, when you say he used his gut as a checkpoint,
19 what do you mean?
20 A. He took the gut and tied it to the other stick, sent it
21 across the other stick, it was done as a checkpoint, as a
22 barrier.
23 JUDGE BOUTET: I don't understand.
24 PRESIDING JUDGE: I don't, either.
25 MS WIAFE:
26 Q. Mr Witness --
27 JUDGE BOUTET: Is this in a car?
28 JUDGE THOMPSON: I am in the same boat.
29 JUDGE BOUTET: I am totally lost. I know we are at a

1 checkpoint but --

2 MS WIAFE: Your Honours, I can go back.

3 PRESIDING JUDGE: Let the translators, you know -- I know he

4 is very deep in his Krio. Let the translators tell us

5 faithfully, you know, what -- what this witness is

6 saying. We want to get clearly what he is saying.

7 MS WIAFE: Your Honours, if it would be of any assistance, I

8 can -- I will go back and start asking questions.

9 JUDGE BOUTET: Please, because at this time we are totally

10 confused.

11 PRESIDING JUDGE: He's talking of guts, drawing them from here

12 to there and so on. I mean --

13 MS WIAFE:

14 Q. Now, Mr Witness, I would like us to go back to the cells,

15 when Yamorto took you out of the cell.

16 JUDGE BOUTET: They are on their way from there.

17 MS WIAFE: Yes.

18 Q. Now what happened on your way? And I want you to take

19 your time and explain to this Court what happened.

20 A. We were going a long way, so Yamorto left us.

21 PRESIDING JUDGE: [Microphone not activated]

22 THE WITNESS: We were going along the way when we were handed

23 over to Yamorto to be put in the cell. We were going

24 around Maxwell Kobe Street to go towards their base.

25 JUDGE BOUTET: Slow, slow.

26 MS WIAFE:

27 Q. [Microphone not activated] -- your time. Were you

28 walking or how did you get there?

29 A. We were walking. We walked to the place. I'm used to

1 talking fast, that's why --

2 Q. [Inaudible]

3 JUDGE BOUTET: [Microphone not activated] -- so you are

4 proceeding on foot. You are walking at that time?

5 THE WITNESS: Yes. Yes. When we were going to their base --

6 when he went and bought pepper and onions.

7 MS. WIAFE:

8 Q. Who went and bought pepper [inaudible] and onions.

9 A. It was Biko, Yamorto.

10 Q. Now, apart from Biko, who else -- was there anybody

11 there?

12 A. They were all Kamajors; it was only the two of us that

13 were civilians.

14 Q. Where did you go?

15 A. They took us to go to the Yandiamama base. They called the

16 place Yandiamama -- Yamorto base where they eat people.

17 They took us to the roundabout of -- they had the court

18 on the one side and the town council on the other side.

19 Q. Now, what happened when you got there?

20 A. The man's stomach was torn by the side. His gut was

21 taken out and it was -- and it was made into a

22 checkpoint. They said, "You are going to die here. We

23 are going to kill you here."

24 Q. When you say "his side was torn", what do you mean,

25 Mr Witness?

26 A. It's -- his -- his side was torn; it was pierced and his

27 gut was taken out from that part from the side. His gut

28 was taken out from the side and it was made into a

29 checkpoint.

- 1 Q. And how did they do that?
- 2 A. They used a knife -- they used a knife to tear it with
3 it. It was -- it was seriously torn. They used a knife
4 and then Yamorto said, "You have to die here. We have to
5 kill you." The way he was tied -- Yamorto took the knife
6 and tore him on the chest and took the knife.
- 7 Q. [Microphone not activated] -- you are being translated,
8 so I want you to take your time. Now, you were telling
9 us what Yamorto did. What did Yamorto do?
- 10 A. When the man was tied, he was seriously tied. He was --
11 he was -- his heart was removed, it was torn on the chest
12 and his heart was removed.
- 13 Q. Who did this?
- 14 A. And put in a plastic bag. It was Yamorto. It was
15 Yamorto. After he had given me the black plastic, he had
16 to -- I was shocked three times and dropped it. I said,
17 "Why have you dropped it?" I said, "The bag has a
18 current."
- 19 Q. Now, what was in the bag that was given to you?
- 20 A. It was the heart.
- 21 Q. Now, what happened after you dropped?
- 22 A. He said, "You've dropped my food." He said, "You have
23 dropped our food." That I was torn on this part of my
24 neck. [Witness indicates] said [inaudible] "Now whilst
25 you are walking, we will be tasting your blood until we
26 reach -- until we kill you." So I was [inaudible] on my
27 neck and it started leaking my blood.
- 28 Q. And did Yamorto do anything else to you at that time?
- 29 A. Yes. Then they took me to the base. Then I was tied at

1 the base. Then I was naked; I was stripped naked.

2 Q. When you say "the base", which base are you referring to?

3 A. The Kamajor base. They call the base Yamorto Base.

4 Q. Where was his base located?

5 A. At Yandiama.

6 Q. And what happened at the base?

7 A. They told me -- they tied me up on a stick at the place.

8 I was there crying and blood was oozing from me. One of

9 the people has saved me was a Kamajor who was not

10 expecting me from there. They were just -- they just

11 came on a patrol there and they asked me, "What has

12 happened?"

13 JUDGE BOUTET: Slowly, slowly.

14 MS WIAFE:

15 Q. Mr Witness, can you slow down a little bit. Yes, so you

16 were saying that you were tied at the base.

17 A. Yes.

18 Q. When I was tied, the one Kamajor who was my friend, who

19 had known me for a long time, came and met me at the base

20 and asked. Then I explained to him. I said, "When I was

21 at the field, two Kamajors arrested me at the field and

22 took me to CDF."

23 PRESIDING JUDGE: [Microphone not activated]

24 THE WITNESS: When I was taken to CDF --

25 PRESIDING JUDGE: [Microphone not activated]

26 THE INTERPRETER: My Lord, please put on your mike.

27 PRESIDING JUDGE: Yes, I mean that he is repeating this story

28 for the third time. He explained to that -- his friend,

29 the Kamajor, about, you know, incidents which he has

1 explained about twice. Now, this is a third time. What
2 happened?

3 MS WIAFE:

4 Q. What happened after that?

5 A. I want to explain the exact thing that happened to -- I
6 want to explain exactly to the Court. That's why I am
7 repeating so the Court can understand properly.

8 Q. Mr Witness, can you -- you said that you were tied and a
9 friend of yours, who was a Kamajor, came and you spoke to
10 him. Can you take the evidence from there? What
11 happened after that?

12 A. He said, "Once I have met you here, now you are not going
13 to be killed again." So I was freed. Then he took me to
14 one of the Kamajors, because he was -- he was the CO; he
15 was a big man. So he handed me over to one of the other
16 Kamajors. He took me to their base, where their base
17 was. There was a serious problem between them, between
18 the two Kamajors. They were fighting among themselves.
19 Yamorto said I had already signed to the boss that I
20 should die, and this other man had come [inaudible] and I
21 should not be killed. So there was no need for me to be
22 freed. Then that was my friend the Kamajor who saved
23 me -- he said, "No, you can't just see someone and say --
24 and kill him. You have to find out and know what the
25 person might have done. But now that I have seen this
26 one, he is not going to die. You have to rescue him."
27 Then I was rescued. They took me to the base at Bakuta
28 [phonetic] Street.

29 Q. [Microphone not activated] -- took you to the base?

- 1 A. Mohammed, a Kamajor.
- 2 Q. Now, after this incident happened, did you ever go back
3 to your house?
- 4 A. At that time I [inaudible] into the house again. I was
5 just with my grandfather. I was not having a house, I
6 was just -- I was just with a friend now. I was at my
7 friends. I will be with my grandfather till night and
8 then I go to a friend and I sleep there. In the morning,
9 I will go back to my grandfather.
- 10 Q. Now, Mr Witness, you have talked about the killing of
11 your friend. Apart from this killing, did you witness
12 any other killings in Kenema at that time?
- 13 A. Yes, they killed about two people right in front of me at
14 Blama Road at NP. Now a tyre was put on one and the
15 other one there was -- a thatch was put on him and he was
16 set on fire. The other one was up Hangha Road opposite
17 Capitol by the police barracks. There they killed about
18 three people again.
- 19 Q. Who killed the people?
- 20 A. Kamajors killed them.
- 21 Q. Now, you have talked about two locations; who killed the
22 people at the NP?
- 23 A. The other side -- at Blama Road Kamajors killed two
24 people. After that, again they went and killed at
25 Capitol, at the roundabout - the roundabout going up to
26 cathedral.
- 27 JUDGE BOUTET: [Microphone not activated]
- 28 MS WIAFE:
- 29 Q. Now, Mr Witness --

1 A. At the roundabout they killed three people - the
2 roundabout going up to cathedral.

3 Q. Mr Witness, how many people were killed? You have talked
4 about killings, now you said some people were killed at
5 Blama Road. How many people were killed on Blama Road?

6 A. I did not say "some people"; I said they killed two
7 people at Blama Road, and at Capitol they killed three
8 people at the roundabout going towards cathedral. I did
9 not say "some".

10 Q. And how were the people who were killed on Blama Road
11 killed? How were they killed?

12 A. The other one -- a tyre was put on him and the other one
13 they put thatch on him.

14 Q. Now, in the people at the Capitol, how were they killed?

15 PRESIDING JUDGE: One was a tyre, the other one was what?

16 MS WIAFE: Thatch.

17 THE WITNESS: Thatch.

18 PRESIDING JUDGE: A thatch.

19 THE WITNESS: A thatch. I didn't get you clear.

20 MS WIAFE:

21 Q. Now, you were also talking about killings by the Capitol.
22 How many people were killed?

23 A. They killed three people at the Capitol. The first one
24 they put a tyre on him, the second one I was far off
25 really to -- but I saw them putting a thatch on him, but
26 I was standing from the police barracks to the Capitol to
27 Hangha Road. It was not a far distance. So while I was
28 there I could see everything happening. By then I was
29 with Kamajors, so wherever they could go, I was walking

1 with them.

2 Q. [Microphone not activated] -- these people?

3 A. They were Kamajors.

4 MS WIAFE: Your Honours, may I have a minute to confer,
5 please?

6 PRESIDING JUDGE: Yes.

7 JUDGE BOUTET: Yes.

8 MS WIAFE: Your Honours, the Prosecution has no further
9 questions for this witness.

10 JUDGE BOUTET: Thank you very much.

11 MS WIAFE: Thank you.

12 JUDGE BOUTET: Cross-examination --

13 PRESIDING JUDGE: But I want some clarification, you know.
14 You said you noticed two people were killed on Blama
15 Road. What about those at Capitol, how many were killed
16 on the Capitol or whatever --

17 THE WITNESS: Three.

18 JUDGE BOUTET: Three.

19 PRESIDING JUDGE: One was [inaudible] being burnt with the
20 tyre or so.

21 JUDGE BOUTET: Yes.

22 PRESIDING JUDGE: The other one is thatches.

23 THE WITNESS: Thatch.

24 PRESIDING JUDGE: And the other -- and the third one -- the
25 third one?

26 THE WITNESS: They used the same thatch.

27 JUDGE BOUTET: Cross-examination first accused. Please,
28 Dr Jabbi, go slowly. You know the witness has a tendency
29 to speak fast, so I would ask you to assist the Court, if

1 you can.

2 CROSS-EXAMINED BY MR JABBI:

3 Q. Now, Mr Witness, you talk about the junta time in Kenema.

4 Do you know how long that time took in Kenema, the time
5 the junta were in Kenema?

6 A. Yes, they took a long time in power, but I can't remember
7 the exact time that they took now.

8 Q. You cannot say roughly how many months?

9 A. No, I can't, because I don't want to tell a lie to the
10 Court.

11 Q. But did it take months?

12 A. I think so.

13 Q. And you spoke about one [inaudible] who was Eddie Kanneh.

14 A. That was the minister that they sent to Kenema.

15 Q. You said there was a picture in which your father and the
16 Kamajor initiator could be seen, and your father's
17 explanation was that he went to give keys to Colonel
18 Brima. What keys are those?

19 A. They were the key of a vehicle.

20 Q. Which motor car?

21 A. The car that was given to Colonel Brima as a present.

22 Q. Who gave the car to Colonel Brima as a present?

23 A. I can't name the Lebanese now, but it was a Lebanese, it
24 was a Lebanese. I can't call the name now.

25 Q. Why did your father have to be present?

26 A. He was not there. He didn't force himself to be there,
27 he was just passing. He was passing by, because the
28 Lebanese man is his best friend and he couldn't just pass
29 by without saying hello to him. So it was just a

- 1 coincidence.
- 2 Q. And, according to you, when the junta were leaving Kenema
3 they committed atrocities. Can you tell the Court more
4 specifically some of these atrocities?
- 5 A. Well, I can't tell why I'm not particular about, but all
6 I know is what a junta did to me and what I saw that they
7 did within the area. But I can't say things that I
8 didn't see with my own eyes; I can only say the things
9 that I saw or that happened to me.
- 10 Q. You said they committed atrocities and that would be
11 assumed to be those you saw with your own eyes. So can
12 you give a few instances to the Court of those atrocities
13 by the junta that you saw?
- 14 A. Yes. Yes, when they were pulling the [inaudible] they
15 had an operation called Operation Pay Yourself. They
16 were knocking doors and people -- took their property.
17 Even my father's car was taken away. Every valuable
18 thing that they could see they took it away. If they met
19 money with people, they would take it from here, took it
20 away.
- 21 Q. Apart from looting, were there any other atrocities by
22 the junta when they were leaving Kenema?
- 23 A. I only know of the looting, when they were taking
24 people's property. That was night -- they left in the
25 night. That is what I know about.
- 26 Q. And then, according to you, for some time there were no
27 Kamajors in Kenema when the junta left but early that
28 Sunday you saw only corpses in the streets; is that so?
- 29 A. Yes.

1 Q. And that it was later that the Kamajors came?

2 A. Yes. Yes, they came on Sunday. They entered Kenema on
3 Sunday.

4 Q. You saw these corpses in the streets before the Kamajors
5 came to Kenema; not so?

6 A. Yes.

7 Q. Can you say roughly in which areas in Kenema you saw
8 these corpses before the arrival of the Kamajors?

9 A. Like where Mosquito was by NIC at the cotton tree, I met
10 corpses there. They were at the back of NIC. When we
11 went there, we saw a lot of corpses there as well, at the
12 back of NIC. He was RUF's commander.

13 THE INTERPRETER: My Lords, the witness says he wants to ease
14 himself.

15 PRESIDING JUDGE: That's okay. The Court will rise for ten
16 minutes for the witness to put himself at ease, please.
17 The Court rises.

18 [Break taken at 5.14 p.m.]

19 [On resuming at 5.22 p.m.]

20 PRESIDING JUDGE: So the session is resumed. Dr Jabbi.

21 MR JABBI: As your Lordship pleases.

22 Q. Now, Mr Witness, we were just explaining about corpses
23 around Mosquito's base and you were telling the Court who
24 Mosquito was. According to you, Mosquito was an RUF
25 commander.

26 A. Yes, the boss. Yes, when you say boss man, that means
27 the commander.

28 Q. Who worked with the junta. Was he a member of the junta?

29 A. We heard SLA and RUF, but the two were referred to as

1 junta. We were referring to both as junta, because they
2 were two factions, but we were referring to both as
3 junta. We heard SLA and we heard RUF, but we used to
4 call them junta.

5 Q. And this Mosquito belonged to one wing of it? The man
6 called Mosquito belonged to one wing?

7 A. Yes.

8 Q. Now, can you give the Court an idea of how many corpses
9 you found at Mosquito's base?

10 A. Well, I couldn't check, but there were several corpses,
11 because the way Mosquito was killing people -- or he used
12 to kill people at the back of NIC. I couldn't check. He
13 will just catch people and say, "You are a Kamajor." He
14 will not even ask you much questions. He would just take
15 you at the back of NIC and give his command and then they
16 would kill you. So I can't tell you that these were the
17 people, or these were the number of people, or the
18 particular people, no, but I saw corpses in front of the
19 road and also at the back. In fact, even the odour
20 couldn't allow us to stand there. They dug a big pit at
21 the back of NIC. It was there that he used to take
22 corpses and putting people in there. So when we went,
23 they said it was where that Mosquito used to kill people.

24 Q. May I plead with you to talk slowly, because you are
25 being interpreted and you are also being recorded. The
26 judges are writing down what you are saying.

27 PRESIDING JUDGE: Thank you. Dr Jabbi, it is now your turn.

28 MR JABBI:

29 Q. So, please, have regard to that as you talk. Yes, carry

1 on, please.

2 A. I saw a lot of corpses, but I couldn't check and I
3 couldn't even count -- who were in the hole -- were in
4 any holes. When we went at the back of NIC as well, the
5 odour couldn't allow us to stay longer.

6 Q. Do you -- did you see such bodies in other parts of the
7 town? You said, "There were only corpses we met in the
8 streets." Did you see any other areas with corpses when
9 the junta were leaving?

10 A. No, I couldn't check how many people they killed, how,
11 when and where they were, but on that particular Friday
12 when they left on Saturday everybody was afraid, nobody
13 was in town. The place was not even secure. No security
14 was in town. So whatever you could see you just run back
15 to your house.

16 Q. Yes, but obviously if you saw -- you have already spoken
17 about the NIC site --

18 A. That's why I said that was the place that I went, NIC,
19 that is what I've just said in the court here. I went
20 there and I saw. That is what I saw at the back of NIC
21 and I saw also in front of NIC.

22 JUDGE THOMPSON: Learned counsel, I don't know what the
23 evidence is, but --

24 THE WITNESS: I didn't go further.

25 JUDGE THOMPSON: But the corpses were all around the area near
26 NIC and he gave his own narration of a stench coming from
27 the corpses. And then he said he could not check whether
28 there were corpses in other areas. I thought the
29 evidence seemed so -- but that was your question; not so?

1 MR JABBI: Yes, My Lord.

2 JUDGE THOMPSON: And he said no. I mean he didn't go -- he

3 wasn't on a kind of mission to verify whether corpses

4 were all over Kenema.

5 MR JABBI: [Inaudible] had said in evidence-in-chief that on

6 that Sunday he only saw corpses in the streets and that

7 would suggest at least more than one spot.

8 JUDGE THOMPSON: I see. But his answer on --

9 THE WITNESS: That was on Saturday.

10 JUDGE THOMPSON: [Microphone not activated] -- performing the

11 role of inspector of corpses [inaudible].

12 JUDGE BOUTET: Yes, the witness says it's on Saturday not

13 Sunday.

14 THE WITNESS: It was on Saturday?

15 MR JABBI: Yes [overlapping microphones].

16 THE WITNESS: I said on Saturday, not on Sunday.

17 MR JABBI:

18 Q. Yes, on Saturday indeed you saw corpses in the streets

19 and you have spoken about one area, NIC. Can you tell

20 the court about any other area where you saw corpses on

21 that day.

22 A. No, it was only at the front of NIC and the back of NIC.

23 I didn't go further; I returned.

24 Q. In evidence-in-chief you said on Saturday you could see

25 only corpses in the streets and that by that time there

26 were no Kamajors around. So, on that Saturday, apart

27 from the NIC site, did you see corpses anywhere else in

28 your movement through parts of Kenema?

29 A. On that Saturday, I didn't go anywhere. From that I went

1 to NIC. From NIC I went back. We went to the back of
2 NIC. We saw the pit where Mosquito was throwing people.
3 The place was so stenchy and we just returned.
4 Q. [Microphone not activated] -- NIC site. From your house
5 to the NIC and back to your house, did you see any
6 corpses anywhere else?
7 A. No, I didn't see any corpse. If I met -- if I saw
8 corpses, I would have said it, but I didn't see corpses
9 elsewhere.
10 Q. Now, you say when the Kamajors came from the bush one of
11 them carried a list, and when you saw Kamajors coming
12 towards your house you left the house and escaped going
13 to a friend five houses away.
14 A. Yes.
15 Q. Where were you in that house? When you went to your
16 friend's house five houses away from yours, where were
17 you in that house?
18 A. I was -- I was in between the houses. Where I hid I was
19 seeing directly the house where -- where I was seeing
20 where my house was being burnt.
21 Q. You went to your friend's house five houses away,
22 according to you in your evidence-in-chief.
23 A. That's what I'm saying.
24 Q. At your friend's house, five houses away from your house,
25 where were you in fact?
26 A. That's what I am telling the Court now. I said where I
27 was hiding -- where I was I could see directly at my
28 house.
29 Q. [Microphone not activated] -- house. Where were you

1 hiding when you went to your friend's house? Just that
2 question, please. Were you inside?
3 A. I was at my friend's house, in the fifth house outside --
4 outside.
5 Q. You were outside your friend's house --
6 JUDGE BOUTET: Dr Jabbi, Dr Jabbi, please let the witness
7 answer. If you speak at the same time the witness will
8 be again difficult.
9 MR JABBI: As Your Lordship pleases.
10 JUDGE BOUTET: Please. Please, carry on. You were asking if
11 he was inside or outside.
12 MR JABBI: Yes, he said he was outside.
13 Q. So, five houses away from your house --
14 A. Yes.
15 Q. -- you were outside your friend's house?
16 A. Yes, outside the back of the house.
17 Q. Can you explain to the Court where you were hiding by
18 your friend's house -- where?
19 A. There were spaces in between the houses, so I was hiding
20 in between the houses and watching directly at my house.
21 Q. Is your friend's house on the same street as your own
22 house?
23 A. No.
24 Q. Wait, wait, wait.
25 A. But the streets were very close they are --
26 Q. [Microphone not activated]
27 A. They were crossing each other.
28 Q. I will ask it again, please. Was your friend's house
29 along the same street as where your own house was?

1 A. No.

2 Q. Was it on a --

3 A. Opposite.

4 Q. -- separate street?

5 A. Yes.

6 Q. It was on a separate street?

7 A. Yes, it was opposite.

8 Q. Now, when you say you went to your friend's house five

9 houses away, were those five houses in a row?

10 A. Yes.

11 Q. Five houses between your friend's house and yours were in

12 a row?

13 A. [Overlapping microphones]

14 Q. [Overlapping microphones] -- sorry. Can you help the

15 Court to give a rough idea of the distance between your

16 friend's house and your own house?

17 JUDGE THOMPSON: Are you abandoning the -- the formation

18 first, because you asked the question.

19 MR JABBI: He said yes. He said yes.

20 JUDGE THOMPSON: He said yes, they were?

21 MR JABBI: [Overlapping microphones] -- My Lord.

22 Q. Can you give the Court a rough idea?

23 THE INTERPRETER: My Lord, he was going to answer when

24 Mr Bu-Bubakei Jabbi went in -- yes, he didn't answer.

25 JUDGE THOMPSON: [Overlapping microphones] -- to the question

26 about formation.

27 MR JABBI: My Lord, I heard yes.

28 JUDGE THOMPSON: Well, the interpreter has corroborated my own

29 observation.

- 1 MR JABBI: As Your Lordship pleases.
- 2 Q. Now, you said your friend's house was five houses away
3 from your own house. Were the five houses in a row?
- 4 A. They were not on the same street.
- 5 Q. [Microphone not activated] -- on the same street. I am
6 asking if they were in a row.
- 7 A. Yes, they are in a row.
- 8 Q. Thank you. What time of day was it when the Kamajors
9 went towards your house and you escaped?
- 10 A. It was on a Sunday that they came to my house to the
11 house.
- 12 Q. What time of day?
- 13 A. I don't know the time. I don't know the time nor the
14 date, but they came to the house on Sunday -- straight
15 from the bush they came to the house.
- 16 Q. You can, for instance, tell the Court whether it was in
17 the morning, it was in the afternoon, it was in the
18 evening, that sort of thing. Can you help the Court?
- 19 A. It was in the morning hours when they came.
- 20 Q. And you have given evidence that you saw a Kamajor launch
21 an RPG on the house from where you were hiding. Now, do
22 you seriously want this Court to believe that hiding five
23 houses away you could see somebody launching an RPG at a
24 house five houses away? You seriously want this Court to
25 believe that?
- 26 A. Yes. Yes, at the particular place that I was hiding, I
27 could. The particular place that I was hiding, I could
28 directly see my house. I could see everything that was
29 happening.

1 Q. You say you were hiding between some houses; not so?

2 A. Yes.

3 Q. Were you at ground level?

4 [5.30 p.m. HN270904G]

17:32:54 5 A. The houses are on top of a hill.

6 Q. Were you at ground level?

7 A. I was not lying on the ground. I was standing, but they

8 couldn't see me from where I was hiding.

9 Q. Were you standing on the ground?

17:33:14 10 A. Yes, I was standing.

11 Q. Were you standing on the ground?

12 A. Yes, I was standing; I was standing. I was not sitting

13 neither lying; I was standing on the ground.

14 Q. How many of you were at this spot where you were hiding?

17:33:41 15 A. We were so much in the house. I can't remember the

16 number I gave. I couldn't enter the house, but there

17 were so much in my friend's house.

18 Q. I'm not asking how many people were in your friend's

19 house. My question was: How many people were with you

17:34:12 20 where you were hiding?

21 A. I was alone.

22 Q. And you also want this Court to believe that from that

23 point you could see somebody sprinkling petrol on the

24 house and set it on fire?

17:34:45 25 A. Yes.

26 Q. Now, I put it to you that there was no way from that

27 distance that you could see what was happening at your

28 house five houses away.

29 A. I was seeing exactly what was happening to my house.

1 I saw exactly what was happening to my house; that is why
2 I have come to the Court to say it. I saw what happened.
3 Q. Now, you also spoke about two tenants living in that
4 house. One of them, according to you - you called his
17:36:14 5 name - was called xxxxx; is that correct?
6 A. It was not xxxxx that they killed.
7 Q. Who was xxxxx?
8 A. xxxxx -- the two brothers of xxxxx was killed, not xxxxx
9 himself. xxxxx was a tenant.
17:37:01 10 Q. According to you, one of those killed was killed by a
11 gunshot - according to you?
12 A. Yes.
13 Q. Did you see him being shot?
14 A. Yes, from the particular location that I was, I saw it.
17:37:21 15 I saw everything that happened. From the particular
16 location that I was hiding, I saw everything exactly that
17 happened at my place.
18 Q. Do you know at what spot he was shot? In relation to
19 your house, which part of the house or the area around
17:37:59 20 the house was he shot - which part?
21 A. It was in front of my house.
22 Q. Had he perhaps left the house, or was he still partly in
23 the house when he was shot?
24 A. No, he was outside the house. He had jumped and he was
17:38:28 25 at the gate outside by the door -- in front of our door.
26 Q. And you say the other one was mutilated. At what part of
27 the house or at what spot in relation to the house was he
28 mutilated?
29 A. I said in front of my house.

1 Q. Just be clear.
2 A. In front of my house.
3 Q. Are you talking about the second person whom you say was
4 mutilated? He was mutilated in front of your house?
17:39:23 5 A. All the two people that were killed in front -- all the
6 two people that were killed, the incident took place in
7 front of my house, not at the back. The incident took
8 place in front of my house.
9 Q. Now let's go back to your hiding place. Can you give
17:39:47 10 this Court a rough idea as to which area of your friend's
11 house you were hiding - which part of that house?
12 A. There where the houses built in relation to the other
13 street where my friend is, they are very close. It is
14 not a far distance.
17:40:24 15 Q. That is not the question. My question is: In relation
16 to your friend's house -- your friend's house, roughly,
17 which part of the surrounding area were you hiding?
18 A. I saw the back of my friend's house.
19 Q. You were hiding at the back of your friend's house, and
17:40:59 20 from there you could see all these things happening at
21 your own house five houses away?
22 A. Yes. Yes, where I was hiding, from that location I could
23 see everything that happened. If you know the place
24 where my house is, if I show you there, you will know
17:41:20 25 that that man is saying the truth.
26 Q. If this Court were to move to Kenema, would you
27 demonstrate this Court [sic] where you were hiding in
28 relation to your own house?
29 A. Yes, I would show the exact place where I was and if you

1 go there and stand and if anybody does something at my
2 house you will see - you will see everything clearly.
3 Q. My question is whether you would be in a position to move
4 with this Court to Kenema for you to demonstrate where
17:42:14 5 you were hiding and the location of your house?
6 JUDGE BOUTET: Dr Jabbi, he has already answered that. He
7 said yes to that.
8 THE WITNESS: That's why I said yes. I said yes.
9 JUDGE BOUTET: He said yes.
17:42:27 10 THE WITNESS: That's why I said yes. I said: If the Court
11 takes me there, I will tell you where I was hiding. And
12 if you go there, you'll see exactly what happens at my
13 house if someone is standing at my house, and I will tell
14 you the place where they were killing the people.
17:42:41 15 JUDGE THOMPSON: Learned counsel --
16 MR JABBI: My Lord, his first answer --
17 JUDGE THOMPSON: Now, I'm virtually just saying that there is
18 authority in the jurisprudence that this Chamber can
19 control repetitious cross-examination.
17:42:55 20 MR JABBI: Certainly, My Lord.
21 JUDGE THOMPSON: I just wanted to remind you about that.
22 MR JABBI: Yes, My Lord. But, My Lord, the reason why
23 I repeated the question was because my impression of the
24 first answer he gave seemed to be that he would say where
17:43:09 25 he was and everybody could go there and see so and so and
26 so. He didn't give the impression that he understood me
27 that he would go with the Court to the spot.
28 JUDGE THOMPSON: I'll let that pass, that clarification.
29 MR JABBI: Yes, My Lord.

1 Q. You also said that it was one Kamajor --

2 PRESIDING JUDGE: Dr Jabbi, you're on again for about how many

3 minutes? May we have an idea?

4 MR JABBI: My Lord, maybe 15 minutes.

17:43:49 5 PRESIDING JUDGE: Right, okay. Go on.

6 MR JABBI:

7 Q. You did say that the Kamajor who went to arrest you told

8 you certain things.

9 A. Yes, I am listening.

17:44:14 10 Q. Can you tell the Court what that Kamajor told you? First

11 of all - sorry, please, wait a minute - where did that

12 Kamajor arrest you?

13 A. Do you mean the first arrest or the second arrest? The

14 first or the second arrest?

17:44:33 15 Q. The first one.

16 A. They arrested me at my grandfather's place.

17 Q. How many houses away is that from your house, your

18 grandfather's place where they arrested you?

19 A. It is a far distance from my house to my grandfather's

17:44:55 20 house. It is along the highway. I don't just want to

21 name the particular place where my grandfather is.

22 Because if I show the particular location, they would --

23 so if I say my grandfather's place, if I show the

24 particular location, they will be able to identify me.

17:45:17 25 They arrested me at my grandfather's place. That is all

26 I can say.

27 Q. You're very, very schooled in knowing the dangers to the

28 discovery of your identity.

29 JUDGE BOUTET: Is this a question, Dr Jabbi, or is this an

1 argument with the witness?

2 MR JABBI:

3 Q. This is a question I wanted to pose, My Lord.

4 JUDGE BOUTET: I wasn't sure.

17:45:48 5 MR JABBI:

6 Q. Now, was your grandfather's house on the same street as

7 your own house?

8 A. No, no.

9 PRESIDING JUDGE: Dr Jabbi --

17:46:01 10 THE WITNESS: It is far from my house.

11 [Overlapping microphones]

12 MR JABBI: I know Kenema very well and I know that some

13 streets can be nearly a mile long.

14 PRESIDING JUDGE: He has given you a description of where --

17:46:18 15 [Overlapping microphones]

16 MR JABBI: I just wanted to know whether perhaps it was on the

17 same street and he has said no, My Lord. Some streets in

18 Kenema are very long, My Lord.

19 Q. How long did you stay in your hiding place by your

17:46:43 20 friend's house?

21 A. I didn't even take up to five hours at the place. Just

22 when I saw they killed that -- those two boys killed and

23 sent into the fire, I just ran straight to my

24 grandfather.

17:47:10 25 Q. If you can say for sure that you did not take up to five

26 hours there, then I'm sure you can also say, roughly, how

27 many hours you were there. Can you tell us?

28 A. I didn't take so long at the place, that's why I said I

29 didn't take up to five hours, because it didn't take so

1 long. When that boy was mutilated and thrown into the
2 fire -- those two boys were thrown into the fire, I just
3 went to my grandfather where I thought I could get safety
4 or rescue myself.

17:47:44 5 Q. I'll ask the question again: Can you tell the Court,
6 roughly, how many hours you were hiding near your
7 friend's house? Roughly, how many hours?

8 A. That's why I told the Court -- I said I hadn't a watch on
9 me, but I didn't even take up to five hours. I've said
17:48:06 10 that, because if I took five hours, that means I took a
11 long time. [Overlapping microphones]

12 Q. -- then you should also be able to say roughly how many
13 hours you have taken there? So can you help the Court,
14 please?

17:48:21 15 A. Are you listening what I'm saying? If you're getting
16 what I'm saying -- I would like you to listen to me
17 carefully. I said I was at my friend's house.

18 Q. No, answer the question as it is posed. Listen to the
19 question carefully. Listen to the question carefully,
17:48:53 20 please. You have said you did not stay in your hiding
21 place by your friend's house even up to five hours; that
22 is what you said?

23 A. Yes.

24 Q. Fine. Now, my question is: If you are able to say that
17:49:08 25 you were not there up to five hours - that is your own
26 assessment - then you should be in a position to tell the
27 Court roughly how many hours you were there. So can you
28 please tell the Court roughly how many hours?

29 A. No, no, I can't tell the Court how many hours I took

1 there before I moved. No, I can't, because by then I was
2 frightened and I was distressed. I can't tell you
3 because of the distress I was under.
4 Q. Notwithstanding the distress, you were able to say that
17:49:44 5 the time was not up to five hours; not so?
6 A. That's why I said I didn't take up to that time, but I
7 can't say the exact time that I took.
8 Q. [Overlapping microphones] -- tell the Court, please,
9 that you were not there up to five hours.
17:50:09 10 Notwithstanding that distress, you were able to say that
11 you were not there up to five hours; not so? Yes or no?
12 A. Yes.
13 Q. You can say that. Thank you. Now, how long after this
14 alleged incident were you arrested by the Kamajors in
17:50:38 15 your grandfather's house? How long did it take?
16 A. It took some time.
17 Q. How long - number of days, if possible; number of weeks,
18 if possible - how long?
19 A. It is about a week, about a week.
17:51:03 20 Q. Up to one week ago, did you say?
21 A. Please go over the question again. I don't understand
22 you. Please go over the question again. I don't
23 understand you. Please go over that particular question
24 again.
17:51:18 25 Q. You went into hiding near your friend's house and later
26 moved to your grandfather where you were arrested.
27 A. Yes.
28 Q. The question is: How long did it take from the time of
29 the incident to the time you were arrested?

1 A. I don't know. I don't know. I don't know.

2 Q. You can't say any number of days?

3 PRESIDING JUDGE: You earlier talked of one week, didn't you?

4 I heard you say one week, about one week. Why have you

17:52:02 5 forcibly -- forcefully come in with "I don't know. I

6 don't know"? Please tell court, you know, how long it

7 took. You were in your friend's house where you saw

8 everything that was happening to your house in less

9 than -- you were there for less than five hours. You

17:52:26 10 were distressed. You couldn't say for how many hours you

11 were there then you moved and took refuge in your

12 grandfather's house. The question is: How many days did

13 you stay in your grandfather's house before you were

14 arrested?

17:52:51 15 A. Thank you, sir. It was about a week.

16 Q. Can you say the number of days, please?

17 PRESIDING JUDGE: It's a week, Dr Jabbi.

18 MR JABBI: My Lord.

19 THE WITNESS: I said it is about a week.

17:53:06 20 PRESIDING JUDGE: Please, let us continue.

21 MR JABBI: As Your Lordship pleases.

22 Q. Now, you spoke about the second arrest. I'm going to ask

23 you another time-range question. How long did it take

24 between your first arrest and your second arrest?

17:53:56 25 A. I don't know. I don't know.

26 Q. Were you still distressed?

27 A. Yes, yes, I was distressed. I was tormented. I couldn't

28 remember everything.

29 Q. However, according to you, after your first arrest, when

1 you were released you resumed your trading activities;
2 not so?
3 A. Yes.
4 Q. And that meant going every day to a certain spot where
17:54:36 5 you did your trading?
6 A. Yes.
7 Q. And you go back home later on?
8 A. Yes.
9 Q. Not so?
17:54:41 10 A. Yes.
11 Q. Can you tell this Court how many times you went to that
12 trading spot after your release - your first release
13 before you were arrested the second time?
14 A. I didn't get you clearly.
17:55:08 15 Q. Every day after your release, your first release --
16 A. Please wait. I would like -- I'm not getting you too
17 clearly. I'm not hearing the questions clearly. Please
18 take your time to ask the questions so I'll give you the
19 exact answers.
17:55:33 20 Q. Maybe I'll also join him to plead with the interpreter to
21 take his time to relay my questions properly to him.
22 Now, according to you, after your first release when
23 you were arrested and released for the first time, you
24 resumed your trading activity at the bicycle field; is
17:55:59 25 that correct?
26 A. No, I don't want you to mention that particular location.
27 Don't mention it.
28 Q. My Lord, I cannot imagine that the witness in his
29 examination-in-chief mentioned that the second arrest

1 took place at the bicycle field.

2 A. I said don't mention where I used to -- where I used to
3 get my living. If you show that place, they will know
4 who am. Just say: You were elsewhere. Don't mention
17:56:51 5 the particular location.

6 Q. You, in your evidence in-chief, have told this Court that
7 you were arrested a second time at the bicycle field.
8 That is what you said.

9 A. I did not say that. I said they arrested me where I used
17:57:19 10 to fend for my living.

11 Q. Okay. Let us go according to your preference. The
12 question I am asking you is this: Between the release --
13 your release and your second arrest - wherever you were
14 arrested - between your first release and your second
17:57:47 15 arrest, can you tell this Court how long it was, how many
16 days, how many weeks, or whatever?

17 A. I can't recall now. I can't remember, because at that
18 time I was distressed.

19 Q. [Overlapping microphones] -- or, indeed, how long
17:58:11 20 otherwise?

21 A. I can't recall.

22 Q. But you remember very clearly that you were arrested on
23 that second occasion by Kamajors, do you?

24 A. Yes.

17:58:35 25 Q. Now, you also said that somebody told you that your
26 second arrest was because they had not seen your father
27 who had killed someone Ngiema for sorghum.

28 A. I just said my father earlier. I said both myself and my
29 father.

1 Q. You said that you and your father had killed Suma Ngiema
2 Daama for sorghum?
3 A. Yes, that's what I said.
4 Q. Have you ever been at Ngiema Daama yourself?
17:59:24 5 A. I don't know there.
6 Q. Yo your knowledge, had your father ever been to Giema
7 Dema?
8 A. I don't know whether he has gone there or he knows there.
9 I don't know. But I know that I don't know there.
17:59:40 10 Q. What is sorghum; do you know?
11 A. It is -- according to my understanding, it is refugee
12 food.
13 Q. Now, had you ever yourself been displaced during the war?
14 A. Yes. When -- when my house was burnt, I hadn't anywhere
18:00:08 15 to go except when I went to my grandfather, so I was
16 almost displaced.
17 Q. I mean before the burning of your father's house, had you
18 ever been a displaced person during the war?
19 A. No, no. I had never been a displaced before then. Are
18:00:30 20 you talking about during the war or before the war? What
21 are you talking about? What is your question?
22 Q. Before the burning of your father's house, had you ever
23 been a displaced person?
24 A. No.
18:00:52 25 Q. I will take you to your last set of incidents now.
26 According to you, you were taken from the CDF office by
27 Yamorto who was going to take you to a base called
28 Nyandeyama base; is that correct?
29 PRESIDING JUDGE: Is that the base which is also called

1 Yamorto base?

2 MR JABBI: Yes, My Lord.

3 PRESIDING JUDGE: Two names?

4 MR JABBI: Yes, Nyandeyama is a place name. Yamorto is the

18:01:39 5 name of the person, according to him, who was doing the

6 exercise at the Nyandeyama base. So, it was also,

7 according to him, called Yamorto base.

8 PRESIDING JUDGE: Let's have the name of that.

9 MR JABBI:

18:01:56 10 Q. The base -- according to you, Yamorto was taking you from

11 the CDF office to Nyandeyama base; is that correct?

12 A. Yes.

13 Q. N-Y-A-N-D-E-Y-A-M-A, Nyandeyama. Now, is that the same

14 base you call Yamorto base?

18:02:26 15 A. Yes, yes .

16 Q. Now, in what state were you when you were being taken to

17 Yandiamama base? Were you, for instance, free to go for

18 yourself? In what condition were you?

19 A. I was not tied; it was only my friend that was tied. I

18:03:08 20 was walking.

21 Q. You were not tied; you were free. Your limbs were free

22 to walk for yourself; is that so?

23 A. Yes, yes.

24 Q. Now, what about your friend?

18:03:26 25 A. He was tied.

26 Q. Was he able -- [overlapping microphones]

27 A. Yes.

28 PRESIDING JUDGE: Was he able to walk by himself?

29 THE WITNESS: Yes, when his two hands were tied at his back,

1 but he could still walk until he went where he was
2 killed.

3 MR JABBI:

4 Q. Now, do you know when you made your statement to the
18:04:11 5 Prosecution?

6 A. No, it has taken a long time. I don't know when -- I
7 don't know the time.

8 Q. Do you know the year?

9 A. I have forgotten, because it has taken so long, because
18:04:37 10 the time I gave the statement, I couldn't --

11 Q. Yes, you couldn't? You are saying the time you made the
12 statement you couldn't. That is what I got through the
13 interpreter. Can you complete that statement?

14 A. He said, "If I could remember the time." I said, "I
18:05:12 15 can't remember the time." That's what I said.

16 Q. Was your friend walking when you were going?

17 JUDGE BOUTET: He's told you yes. He's told you twice.

18 PRESIDING JUDGE: Dr Jabbi, he was walking. His hands were
19 tied behind him and he was walking and he walked right to
18:05:43 20 the place where he was killed. That is the evidence in
21 the records.

22 JUDGE BOUTET: And in answer to your questions.

23 PRESIDING JUDGE: To your questions, indeed.

24 MR JABBI: My Lord, sometimes the translation does not come
18:05:58 25 through immediately and little phrases are missing on
26 various lines.

27 JUDGE BOUTET: And the Presiding Judge asked him the question
28 as well for precision and he confirmed!

29 MR JABBI: Yes, My Lord.

1 Q. Now, your evidence with respect to your friend is that
2 his side was cut and his guts taken out.
3 A. Yes.
4 Q. And tied across the road as a road block; is that so?
18:06:35 5 A. Yes, as a checkpoint.
6 Q. Was it detached from his body,
7 A. Yes, they were drawing it.
8 Q. My question is whether the guts were detached, cut off
9 from the body in order to make the road block?
18:06:58 10 A. No.
11 Q. So his guts remained partly inside him?
12 A. Yes. Yes, they said they were going to kill him very
13 badly.
14 Q. Did he continue to walk?
18:07:18 15 A. When his guts was taken out, no. No, we were standing.
16 It was where he was killed; that is where they did
17 everything. We couldn't move again from that point.
18 Q. Where exactly was that?
19 JUDGE THOMPSON: I'm a little -- are we in the singular or
18:07:44 20 plural, because I had his evidence all along "gut",
21 "gut". Now you're putting the plural to him.
22 MR JABBI: Well, My Lord --
23 JUDGE THOMPSON: I mean, the evidence -- I don't know whether
24 I'm wrong, but I never heard "S" added to G-U-T.
18:08:04 25 MR JABBI: My Lord, that is a point of -- [overlapping
26 microphones]
27 JUDGE THOMPSON: Is it language or a point of grammar?
28 MR JABBI: I would say it is a point of usage. Some people
29 say "guts", some people say gut".

1 JUDGE THOMPSON: When you say "guts", it can also mean in the
2 American sense a metaphorical meaning, so that's why
3 I want to be clear in the ordinary sense. I mean, I'm
4 now going to the basic etymology of the word "gut", not
18:08:38 5 the extended metaphorical meaning. So --
6 MR JABBI: The basic literal meaning is the meaning that I
7 believe he was using.
8 JUDGE THOMPSON: He didn't use the plural.
9 MR JABBI: As Your Lordship pleases.
18:08:55 10 JUDGE THOMPSON: I mean, I'm not -- I just want to be accurate
11 on the record. Leave it, I mean if the record reflects.
12 [6.13 p.m. HN270904H]
13 MR JABBI: I don't mind whether it goes down as gut or guts.
14 I don't really mind at all, My Lord.
18:13:06 15 JUDGE THOMPSON: Okay.
16 PRESIDING JUDGE: Let us get one position right.
17 Q. They opened -- Mr Witness, they opened the stomach,
18 removed the guts.
19 A. It was not stomach, it was the side.
18:13:30 20 Q. That's part of the stomach. I mean, it's there on the
21 side. What are you talking about? No, you listen. The
22 Court decides, you know, of the -- where is the side;
23 isn't it by the side of the stomach here?
24 A. Yes, yes, by this side.
18:13:48 25 PRESIDING JUDGE: When you remove the guts, you know, do you
26 go from the spinal cord to get at the guts. We'll leave
27 that to surgeons. They could get there, you know --
28 Q. And then, more importantly, they pulled the guts --
29 A. They made it a checkpoint.

1 Q. They made it a checkpoint?

2 A. Yes, sir.

3 Q. So it was an extension from him, you know, to --

4 MR JABBI: From his -- inside his body.

18:14:20 5 PRESIDING JUDGE: From inside his body. So, if it were a

6 pole -- he was standing like a pole this way with his

7 guts, and the others were somewhere else; is that what

8 you are saying?

9 A. I didn't get you clearly.

18:14:38 10 JUDGE THOMPSON: I -- my own clarification is simple. One, is

11 whether you said just gut or guts, because I think I know

12 my basic biology.

13 MR MARGAI: My Lords, I'm sorry. It seems that --

14 THE WITNESS: Gut.

18:14:56 15 MR MARGAI: -- you are addressing two different things.

16 PRESIDING JUDGE: Yes, there are two different things, that is

17 true.

18 MR MARGAI: You are after the singular or the plural of gut,

19 His Lordship, the presiding judge is concerned as,

18:15:12 20 indeed, some of us are depending on the evidence, that

21 the guts were taken out, pulled and tied somewhere else,

22 which presupposes that the individual, whose gut was

23 pulled, must have been standing as some other pillar.

24 PRESIDING JUDGE: That is --

18:15:30 25 JUDGE THOMPSON: Well, you got my point then. In fact, in one

26 sentence --

27 PRESIDING JUDGE: That is the point.

28 MR MARGAI: That is the point. I think that is what the

29 presiding judge wants clarification on.

1 JUDGE THOMPSON: Well, let me tell you what I'm concerned
2 about, and you have reflected exactly my concern. In
3 trying to clarify the issue, at one point you said gut,
4 at another point, you said guts. So that's what I am
5 concerned about.

6 MR MARGAI: Well, it depends, as my learned friend, the --
7 the --

8 PRESIDING JUDGE: The linguist.

9 MR MARGAI: -- the linguist he is. You know, because, I mean
10 when we talk of guts really, My Lord, it's very often in
11 the plural; intestines -- intestines --

12 JUDGE THOMPSON: Well, but my simple biology tells me that you
13 have the large and the small.

14 MR MARGAI: Precisely, but they are all of the same
18:16:16 15 nomenclature.

16 PRESIDING JUDGE: I was going to go back to the traditional
17 word, intestines.

18 MR MARGAI: As my Lords please.

19 JUDGE THOMPSON: Then why do we say intestines, because it
18:16:32 20 could be the --

21 MR MARGAI: It could be the small or large.

22 JUDGE THOMPSON: -- small or large.

23 PRESIDING JUDGE: Or it could be the two.

24 JUDGE THOMPSON: And that's my point. It's a basic point of
25 biology and I heard him say "gut" all the time. Which he
26 was referring to, I don't know.

27 MR MARGAI: Well, perhaps in the course of the trial, we might
28 have a biologist to come and clarify that issue. I do
29 wonder if the Prosecution is --

1 JUDGE THOMPSON: I will rest my case up.

2 MR JABBI: It was also quite possible My Lord, that it was the
3 translator's reflection of --

4 THE INTERPRETER: It is not, he actually said gut.

18:16:58 5 JUDGE BOUTET: May I suggest that it may be a good time to
6 break. It is 20 past 6.00, and I think --

7 PRESIDING JUDGE: Dr Jabbi, how many more minutes do you need
8 for this exercise?

9 MR JABBI: My Lord, I can round up very quickly --

10 PRESIDING JUDGE: Please, let us round up. Please.

11 MR JABBI: -- because I would not want to come and start this
12 again tomorrow.

13 Q. Right. Now, when your friend's gut was taken out and
14 made into a checkpoint, was he standing up when the
18:18:10 15 checkpoint was formed?

16 A. When they were pulling the gut, he was about to fall then
17 one Kamajor said, "Get up, stand up, don't fall down.
18 You have to die very badly." By then I was at his side
19 standing.

18:18:32 20 Q. When the gut was actually stretched across the road, did
21 he continue standing?

22 A. No, he was not standing. He bowed down, about to fall
23 down. There was a Kamajor at his back who couldn't allow
24 him to fall on the ground. There was a Kamajor at his
18:18:56 25 back.

26 Q. Then when -- the other end of the gut, was it tied to
27 anything?

28 A. Yes, to the stick where the other Kamajor was standing.

29 Q. Was it tied to a stick?

1 A. No, they did not tie it to the stick. Something was put
2 on top of it.

3 Q. Now, you also said that his chest was cut open; is that
4 correct?

18:19:40 5 A. Yes.

6 Q. This time what was taken out of his body?

7 A. His heart was pulled out and put in a black plastic bag.

8 Q. They took out his heart this time; not so?

9 A. Yes.

18:20:10 10 Q. Then what happened to the heart?

11 A. It was put in a black plastic bag and given to me. So
12 the plastic shocked me.

13 Q. Do you remember what you said about this particular
14 operation in your statement to the Prosecutor; do you
18:20:36 15 remember?

16 A. Yes.

17 Q. What did you say?

18 A. You want me to explain the whole story again?

19 Q. No, no, no. The opening of his chest; cutting his chest
18:21:02 20 open and taking something out. What did you tell -- what
21 did you state in your statement to the Prosecution?

22 A. I said they took out his heart and put it in a black
23 plastic bag and the plastic bag shocked me, I dropped it,
24 and Yamortah asked me why did I drop the plastic bag; was
18:21:16 25 it because I was talking that way and nothing happened to
26 me? That's why I was even wounded on my neck. I was cut
27 on my neck and they tasted my blood, because they wanted
28 to know how it tasted. So he tasted my blood and they
29 took me to the base.

1 Q. When you made your statement to the Prosecution, did you
2 read it yourself?

3 A. No, I didn't read it, but it was read to me.

4 Q. And you admitted it to be correct?

18:22:00 5 A. Yes.

6 Q. Did you sign it?

7 A. No, I did not sign it.

8 Q. Now, if I -- let me read a portion of your statement to
9 you - just a very short portion on page 7166, My Lords,
18:22:30 10 the statement dated Sunday, 9th November 2003. At the
11 top of that page you have the following: "Reaching
12 between town council and the court building..."

13 PRESIDING JUDGE: Dr Jabbi, we have constraints of time. You
14 have five minutes, please to wrap up your --

18:23:02 15 MR JABBI: Yes, My Lord. My Lord, I would wrap up within that
16 time, My Lord.

17 PRESIDING JUDGE: Yes, please.

18 MR JABBI: Thank you very much.

19 Q. "Reaching between town council and the court building, I
18:23:12 20 saw Biko stab xxxx with a knife on his side and removed
21 xxxxx intestine, which they stretched and tied on a
22 stick across the road as a checkpoint. Biko then split
23 xxxxxx chest and removed his liver, placed it in a black
24 plastic bag he gave me to carry." In your statement, you
18:23:54 25 said it was the liver that was removed, but in your
26 evidence-in-chief you said it was the heart that was
27 removed. Do you have anything to say about that?

28 A. Probably the person that wrote the statement didn't get
29 me clear.

1 MR JABBI: My Lords, I would want to apply that this portion
2 of this statement be admitted.

3 JUDGE BOUTET: Have you finished with the statement, or this
4 is your --

18:24:56 5 MR JABBI: Well, I don't want to go outside the time frame I'm
6 given, and in any case, I am sure, there is going to be
7 further cross-examination on this. I am satisfied to
8 raise that single point, My Lord, at this stage.

9 JUDGE BOUTET: Very well. The witness has indicated that he
18:25:18 10 has not completed his answer whilst you were speaking.
11 So I motioned him not to speak so that you speak. I
12 presume he was -- I don't know if you should listen to
13 that particular answer or not, I presume so.

14 MR JABBI:

18:25:34 15 Q. Well, what did you want to say?
16 A. I want to ease myself.

17 MR JABBI: To ease himself. That's all.

18 JUDGE BOUTET: We are just about to finish in a few minutes.
19 So this is the document of how many pages?

18:26:02 20 MR JABBI: The document is five pages: 7163 to 7167. It is
21 dated Sunday, 9th November 2003.

22 JUDGE BOUTET: And the paragraphs or the lines in question are
23 at page?

24 MR JABBI: Page 7166.

18:26:30 25 JUDGE BOUTET: Yes.

26 MR JABBI: The first seven lines.

27 JUDGE BOUTET: Of that page?

28 MR JABBI: Of that page, My Lord.

29 JUDGE BOUTET: And this is the portion you have just read to

1 the witness?

2 MR JABBI: Yes, My Lord.

3 JUDGE BOUTET: Yes, Mr Prosecutor, we will just finish and

4 we'll see.

18:27:12 5 MR JABBI: I don't know if -- My Lord, can Court Management

6 help to show this document to --

7 JUDGE BOUTET: There was an objection or something from the

8 Prosecution, we'll see.

9 MR TAVENER: Not quite an objection. It's more a point of

18:27:18 10 clarification. I appreciate the [inaudible] of their

11 time. In the Prosecution's view, normally as we

12 mentioned it, you tender prior inconsistent statement.

13 According to this witness, he doesn't quite recall saying

14 what was put to him, and the Prosecution does not wish to

18:27:40 15 maintain that technicality. There is no objection to the

16 statements being tendered, but allowing this -- not

17 objecting to the statements being tendered, the

18 Prosecution certainly maintains the view that it's up to

19 them -- the Court to assess what value the statements add

18:27:56 20 to them.

21 JUDGE BOUTET: Absolutely.

22 PRESIDING JUDGE: Absolutely.

23 JUDGE BOUTET: It is tendered for the purpose of showing a

24 difference between the orality - the evidence in court

18:28:06 25 and what is said in that particular statement at that

26 time. It's solely and only for determining the

27 credibility and for that purpose only.

28 MR TAVENER: The Prosecution simply maintains that there is no

29 significant inconsistency.

1 JUDGE BOUTET: I hear you say significant.

2 PRESIDING JUDGE: Well, that is not --

3 JUDGE THOMPSON: That's the point - that's an issue of

4 probative value. That's what we say that the principle

18:28:26 5 which is operative here is one of extensive admissibility

6 of documents with issues like this going to probative

7 value for the Court to determine whether the alleged or

8 perceived inconsistency is material or significant, and

9 the law, as I understand it, is that even where

18:28:52 10 inconsistencies may be found to be material, or

11 significant, the Court still has got the discretion to

12 say that the totality of the evidence is what is

13 important at this stage. So I do not want us to mix

14 apples and peaches.

18:29:14 15 MR TAVENER: I just want to make the Prosecution's point

16 though clear. I certainly don't object to what -- I have

17 no difficulty with what Your Honour is saying.

18 PRESIDING JUDGE: You have no objection to the admission of

19 that document.

18:29:22 20 MR TAVENER: In a short form, no.

21 JUDGE BOUTET: So this document will be marked as Exhibit 16.

22 [Exhibit No. 16 was admitted]

23 PRESIDING JUDGE: Dr Jabbi, is that the end of your

24 cross-examination?

18:29:42 25 MR JABBI: Yes, indeed, My Lord.

26 PRESIDING JUDGE: Any re-examination? I'm sorry, I'm sorry,

27 I'm sorry, I'm sorry. We shall be continuing -- I'm

28 sorry, we shall be continuing with the cross-examination

29 tomorrow at --

1 [Trial Chamber confers]

2 MR MARGAI: My Lords, before we leave, may I indicate to the
3 Court that it's my wish to cross-examine this witness in
4 camera tomorrow.

18:31:32 5 JUDGE BOUTET: Because you want to explore some of the
6 grounds?

7 MR MARGAI: Because I mean he's been refusing to answer
8 certain questions because of [Microphones not activated]

9 THE INTERPRETER: Mr Margai, your microphone is not on.

18:31:38 10 MR MARGAI: [Microphones not activated] -- my client's case,
11 if the veil were to be lifted.

12 JUDGE BOUTET: Well, as we've stated in past, I mean this is a
13 tool that is opened, if it is important -- essential for
14 the purpose of the cross-examination of this witness to
18:32:04 15 the case of your client that you explore this -- I mean,
16 closed session rather than in camera is an open avenue
17 for that purpose, and if you say it is required, well, we
18 may have to do that then. Well, we will hear you at that
19 then, but I don't think it would be a long discussion,
18:32:26 20 but we will hear the application. It may be that you may
21 not require that after Mr Bockarie has completed his
22 cross-examination, but we will see.

23 MR MARGAI: It's just an intimation.

24 JUDGE BOUTET: Thank you.

18:32:34 25 PRESIDING JUDGE: Well, we -- learned counsel, we will rise
26 and resume the session at 10.30 -- 10.30 tomorrow
27 morning, we would find ourselves here. So the Court will
28 rise, please.

29 [Whereupon the hearing adjourned at 6.33 p.m., to be

1 reconvened on Tuesday, the 28th day of September 2004, at
2 10.00 a.m.]

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C E R T I F I C A T E

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

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

Susan G Humphries

Roni Kerekes

Momodou Jallow

Maureen P Dunn

EXHIBITS:

EXHIBITS NO. 15(A), (B) and (C)	75
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WITNESSES FOR THE PROSECUTION:

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