

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

WEDNESDAY, 3 NOVEMBER 2004
9.45 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Raimund Sauter
Mr Kevin Tavener
Ms Sharan Parmar
Ms Leslie Murray

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Buakai Jabbi
Ms Quincy Whitaker
Ms Claire da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Michiel Pestman.

For the Accused Allieu Kondewa

Mr Yada Williams

1 [Wednesday, 3 October 2004]
2 [Open session]
3 [The accused not present]
4 [The witness entered court]
09:35:04 5 [Upon resuming at 9.45 a.m.]
6 WITNESS: TF2-021 [Continued]
7 [Witness answered through interpretation]
8 PRESIDING JUDGE: Good morning, learned counsel, we are
9 resuming our session, and, Dr Jabbi, you didn't wrap up
09:44:48 10 your cross-examination yesterday.
11 MR JABBI: No, My Lord.
12 PRESIDING JUDGE: So you may proceed.
13 CROSS-EXAMINED BY MR JABBI: [Continued]
14 MR JABBI:
09:45:02 15 Q. Good morning, Mr Witness.
16 A. Good morning, sir.
17 Q. I want to go back to questions about the RUF stage of
18 your capture. Now, according to you there was six other
19 children who were captured with you and in service, as it
09:45:45 20 were, with the RUF; is that correct?
21 A. Yes, sir.
22 Q. When you were the RUF, how many children were captured by
23 them?
24 A. There were many.
09:46:15 25 Q. Can you tell the Court how those children were treated by
26 the RUF?
27 A. Yes.
28 Q. Carry on.
29 A. They were treating us all the same.

1 Q. I didn't get that one.

2 A. Like I told you yesterday, we all went on food-finding,
3 those of us that were captured.

4 Q. [Overlapping speaker] with the other children did you
09:47:17 5 ever talk to them to know about their own circumstances?
6 A. Well, I talked with some of them.

7 Q. You were separated from your children [sic], et cetera,
8 et cetera. Did you ever talk with them?
9 A. Go over again, please.

09:47:48 10 Q. In your own case, for instance, you said you had been
11 separated from your parents, and I'm sure some of the
12 other children also had other types of experience of that
13 nature. Do you know what sort of circumstances any of
14 the other children experienced?

09:48:16 15 A. Well, when I ask some of them, they told me that they too
16 were separated from their families.

17 Q. So some of the other children also had been separated
18 from their parents and their family?
19 A. Yes.

09:48:42 20 Q. Now, with the local community, can you tell us how the
21 local community behaved with the RUF?
22 A. I don't understand this question very well.

23 Q. [Overlapping speakers] members of the local community --
24 JUDGE BOUTET: Mr Jabbi, he has been with the RUF for quite a
09:49:15 25 bit of time and maybe in different locations. So, I
26 mean, your question is how the local population -- which
27 local population? It may be if you are a bit more
28 precise in your question in time, and maybe with
29 location, that may assist the witness.

1 THE INTERPRETER: Your Honour, could counsel please wait for
2 the responses to come from the witness?
3 JUDGE BOUTET: Dr Jabbi, I know you're listening to the Krio
4 and the English, but you have a tendency to carry on
09:49:51 5 before the translation is done. So we're just asking you
6 to please wait.
7 MR JABBI: I'll try to control that, My Lord.
8 JUDGE BOUTET: Thank you.
9 MR JABBI:
09:50:00 10 Q. During the period of your captivity with the RUF, in what
11 areas were you staying?
12 A. Well, I have shown you the area yesterday. We met in the
13 town.
14 Q. Yes, can you go over that again, please?
09:50:31 15 A. Well, the town which we stayed, it has no name -- I don't
16 know the name.
17 Q. Can you name the towns?
18 A. Well, yesterday I told you Pendembu -- they captured me
19 in Pendembu and brought me to Ngeihun.
09:51:01 20 Q. For how long did you stay in that area - Pendembu-Ngeihun
21 - with the RUF?
22 A. I was in Pendembu with my mother, so the RUF attacked and
23 I was captured.
24 Q. My question is when the RUF had captured you -- after you
09:51:29 25 had been captured by the RUF, how long did you stay in
26 that area under RUF captivity?
27 A. Sorry, I could not answer this question, sir.
28 Q. Why?
29 A. Because yesterday you asked me the same question and I

1 answered you.

2 JUDGE BOUTET: Mr Witness, I understand, but you have to
3 answer the question even though he may be repeating the
4 question three times, four times. To the best of your
09:52:07 5 ability, please answer his question.

6 THE WITNESS: Well, I told you that I don't know the time.

7 MR JABBI:

8 Q. Okay. Did you stay in that one area for the whole period
9 of your captivity by the RUF?

09:52:24 10 A. We were in the town and we went out for food-finding --
11 in search of food.

12 Q. Basically just around that area you go and return to
13 Ngeihun, over the two year period?

14 A. Yes, we were Ngeihun and we went out in search of food
09:52:49 15 and then we returned there again.

16 Q. Now, was there a large local community in Ngeihun when
17 the RUF was there?

18 A. Well, there were not many civilians there.

19 Q. The civilians were not there?

09:53:14 20 A. Very few civilians. Most of them were in the bush.

21 Q. So during the period of your captivity by the RUF, the
22 civilians of the local community were largely hiding away
23 in the bush; is that correct?

24 A. Yes, yes.

09:53:37 25 Q. Now, how was the RUF behaving to that local community --
26 the civilian community?

27 A. Well, they didn't behave to them nicely.

28 Q. But can you be specific about some of the forms of
29 behaviour to them that you call not fine?

1 A. Yes. When we were in the town, we went to the bushes;
2 they capture the civilians and brought them back to the
3 town. And they ask them why they run away each time they
4 saw them. The civilians said that they were afraid of
09:54:34 5 them. Then they told the civilians whether they thought
6 of them to be bad people. From there now, they strip
7 them naked --

8 JUDGE THOMPSON: Slowly, please.

9 THE WITNESS: -- they beat them up.

09:54:58 10 JUDGE THOMPSON: Continue.

11 THE WITNESS: Beat some of them, because each time they saw us
12 they hid away from us, they thought of us bad people. So
13 that is the way we treated most of them.

14 MR JABBI:

09:55:17 15 Q. So for most of the period that the RUF was in that area,
16 the people were afraid of them and kept away from them?

17 A. Yes.

18 Q. Now, if I may ask you, have you ever gone to school? Did
19 you ever go to school?

09:55:47 20 A. No.

21 Q. Up to the time the rebels attacked Pendembu, you had not
22 gone to school?

23 A. No.

24 Q. Would I be correct to say that by the time Kamajors
09:56:18 25 attacked the RUF in your area, you, your fellow children
26 and the local community were not happy about the RUF
27 turning up there? Were you happy with the way the RUF --

28 A. No, I was not happy.

29 Q. What about your fellow little children who were in

1 captivity?

2 A. They were -- the same thing applied to them.

3 Q. And the local people, the attitude to the RUF during that

4 time?

09:57:35 5 A. Sorry, I don't get the translation through.

6 Q. How did the local people also react to the RUF at that

7 point?

8 A. What type of reaction do you mean?

9 Q. What was their attitude to the RUF?

09:58:01 10 JUDGE BOUTET: Dr Jabbi, I don't know if you are trying to

11 pursue something different, but you've asked that

12 question. He's answered to you that the civilians were

13 afraid of them, they were hiding in the bush, They were

14 beaten up, and --

09:58:13 15 MR JABBI: As Your Lordship pleases.

16 JUDGE BOUTET: You may have something else that you want to

17 explore; I don't know.

18 MR JABBI: I just wanted to sum up on those reactions.

19 JUDGE BOUTET: Thank you.

09:58:28 20 MR JABBI: That's all.

21 Q. When the Kamajors, therefore, came and attacked the RUF,

22 you and the others must have been happy to be freed from

23 that captivity and bondage; were you?

24 A. Well, this is what they told us, and that we then -- when

09:58:52 25 we are captured, that we are now free.

26 Q. Were you, in particular, happy about it?

27 A. Yes, together with my friends we are happy, yes.

28 Q. What about the local population, what was their reaction

29 when the Kamajors drove away the RUF?

1 A. Well, we did not see -- they were not able to capture any
2 civilians except the three women together with us.

3 Q. How long did you stay in the Ngeihun-Pendembu area after
4 the Kamajors attacked the RUF and before you left for
09:59:41 5 Kenema? How long was it?

6 A. Well, after the attack we were given load and we were
7 brought to Kenema. We slept in one village near Kenema.

8 Q. Can you tell us if you stayed in the area for a few days
9 before you made that trip to Kenema, after they had
10:00:11 10 attacked the RUF?

11 A. Sorry, repeat yourself, sir.

12 Q. My question is did you stay in the Ngeihun-Pendembu area
13 for any number of days after the Kamajors had driven the
14 RUF away?

10:00:44 15 A. I still cannot get you clear, sir.

16 Q. When did you leave for Kenema after the RUF attacked -- I
17 mean, the Kamajor attack on the RUF? After how many days
18 did you leave?

19 A. Where I was, it was not the RUF that attacked the
10:01:17 20 Kamajors. It was the Kamajors that attacked the RUF. I
21 cannot get it through, sir.

22 JUDGE BOUTET: But when the Kamajors attacked the RUF where
23 you were, how long did you stay in that place after the
24 attack?

10:01:39 25 MR JABBI: And before leaving for Kenema?

26 THE WITNESS: When we are captured, they ask us to sit down
27 and they went in to search some of the houses. After
28 they put the houses at blaze, we were down on the floor
29 while the other Kamajors were over us. I cannot tell you

1 the hours we took there, but we were there for long.

2 MR JABBI:

3 Q. A few days?

4 A. No, the very day. The same day.

10:02:17 5 Q. The same day -- you had to leave the same day?

6 A. Yes, yes.

7 Q. Now, with you in particular, having lost your parents and
8 being by that time so young, were you relieved that the
9 Kamajors freed you from the RUF?

10:02:44 10 A. Yes, I felt that way, sir.

11 Q. I did not get the answer.

12 A. Yes, I felt that way sir. That is how I felt.

13 Q. Now, who was the Kamajor captor? The Kamajor who
14 captured you, who was he?

10:03:21 15 A. Well, I knew him at that time as a Kamajor.

16 Q. Can you repeat that, please?

17 A. That time I knew him as a Kamajor.

18 Q. I will ask the question again, if you don't mind. Who
19 was the Kamajor that captured you?

10:03:43 20 A. Well, he was German.

21 Q. German?

22 A. Yes.

23 Q. Now, is this the proper name of that name or some
24 nickname? Do you know any other name for him?

10:03:58 25 A. Yes, but I would not able to tell, sir.

26 Q. You cannot recall that name?

27 A. No.

28 Q. He had another name. Why can't you recall that name?

29 A. Because the time when he captured me, when we went to his

1 village, that's very name he -- the same name he give was
2 given to me. So, therefore, I was not able to call it.

3 Q. It was not the name German, it was a different name?

4 A. German name is a name used in wars. It's a name used in
10:04:36 5 war, in fighting.

6 Q. Well, what was his proper name, the name they usually
7 called him in his village, for instance?

8 MS PARMAR: Objection, Your Honour. The witness has explained
9 that the proper name for the fighter German is the very
10:04:50 10 name that was given to the witness by the fighter, and
11 that is why he is unable to give this name to the Court.

12 MR JABBI: My understanding of the witness was that he did
13 another name, but since this was the name he gave him as
14 a fighter, that is the name he would want to stick to.

10:05:12 15 JUDGE BOUTET: Objection overruled. Carry on, we'll see where
16 we go with this.

17 MR JABBI:

18 Q. So my question, again, is, although this man had this
19 nickname as a fighter, German, you have indicated you
10:05:25 20 knew his proper name. Can you tell the Court that proper
21 name of German?

22 MR TAVENER: Sorry. I may have misunderstood, but the witness
23 was saying the name he was given - the name he was given
24 - was German's real name. That can be clarified.

10:05:44 25 JUDGE BOUTET: Please, I've overruled the objection. I
26 overruled, too, because we'll let the cross-examiner ask
27 that question and we'll see. That is not my
28 understanding of the answer from the witness, so we'll
29 see from the witness what is the answer.

1 MR TAVENER: Perhaps if Mr Jabbi could just clarify before he
2 does ask that question.

3 JUDGE BOUTET: The witness has answered that German is the
4 fighter name that was given by this -- that this Kamajor
10:06:09 5 was being called by.

6 MR TAVENER: That's right.

7 JUDGE BOUTET: But he is pursuing that to see if there was any
8 other name that the witness knew of, and we don't know
9 the answer. I don't the answer.

10:06:18 10 JUDGE THOMPSON: And, indeed, the witness recognises, in his
11 response, that he did have another name.

12 MR TAVENER: Which was German's real name.

13 JUDGE THOMPSON: Yes.

14 MR TAVENER: That's what we're concerned about.

10:06:29 15 JUDGE THOMPSON: So what is your complaint?

16 MR TAVENER: If he gives German's real name, he'll be naming
17 himself. The witness will be naming himself.

18 JUDGE THOMPSON: Is that so?

19 MR TAVENER: That's how --

10:06:41 20 JUDGE THOMPSON: Is that your complaint?

21 MR TAVENER: That's my complaint -- not my complaint, but
22 that's my concern.

23 JUDGE THOMPSON: Yeah.

24 MR TAVENER: That German gave this witness his own name.
10:06:43 25 German gave this witness his own name.

26 JUDGE THOMPSON: I see.

27 MR TAVENER: So if he says German's name -- that's how I --

28 JUDGE BOUTET: I get you now. It's not for the question; it
29 is because it may reveal the identity of the witness.

1 MR TAVENER: Exactly.

2 JUDGE BOUTET: I did not understand the objection to be that
3 nature, I'm sorry. Dr Jabbi?

4 MR JABBI: Nor, My Lord, did I understand the witness meaning
10:07:08 5 that. I will try to see if that is what he meant, and
6 then I will --

7 JUDGE THOMPSON: But will you be very careful.

8 MR JABBI: Yes, indeed, My Lord.

9 Q. Now, Mr Witness, you were captured by German and,
10:07:25 10 according to you, German had a real name. Do you know
11 that real name -- don't say it, but do you know the real
12 name of German? Don't say the name yet.

13 A. Yes, he has a real name.

14 Q. German had a real name?

10:07:53 15 A. Yes.

16 Q. Are you in a position to give the name to this Court?

17 A. No, sir.

18 Q. Why?

19 A. The same name he has is the same name I have.

10:08:12 20 Q. I see. So what you are saying is that German gave you
21 his real name when he captured you -- his own real name?

22 A. Yes.

23 JUDGE BOUTET: So that answers your question at least.

24 MR JABBI: Yes, My Lord.

10:08:35 25 JUDGE BOUTET: You will not be pursuing this?

26 MR JABBI: No, no, no, My Lord.

27 JUDGE BOUTET: Thank you.

28 MR JABBI:

29 Q. Now, it seems to me that, with your loss of your parents,

1 you found a virtual substitute parent in German after
2 your capture?
3 A. Sorry, sir, go over that question again.
4 Q. It seems to me, after the loss of your parents for at
10:09:12 5 least two years before you were captured by German,
6 German, therefore, was a virtual substitute parent to you
7 when he captured you?
8 A. Well, that is the way I felt.
9 Q. Did you, yourself, take him as a sort of parent?
10:09:49 10 A. Yeah, I took him to be a brother.
11 Q. You took him as a brother. Did German ever ask you about
12 your family background?
13 A. Yes.
14 Q. And did you tell him?
10:10:10 15 A. Yes.
16 Q. What was his reaction?
17 A. He did not say anything.
18 Q. Was there any reflection in his attitude of what he felt?
19 A. Well, I don't know what he felt really.
10:10:34 20 Q. Did German behave to you as an elder brother or a parent?
21 PRESIDING JUDGE: But this witness has said German took him
22 like a brother, a parent and so on, and that he accepted
23 him as such. We're belabouring the point. May we
24 proceed, Dr Jabbi.
10:11:05 25 MR JABBI: My Lord, I'm sorry if certain issues are being
26 pressed a little bit by me, but it has been repeated to
27 me from time to time that this witness is not literate,
28 has not undergone certain types of upbringing or
29 training, and I need to be careful with the concepts I

1 try to put across to him. That is why it does appear
2 that occasionally I tend to repeat certain areas of the
3 questioning.

4 PRESIDING JUDGE: The position of the Chamber is that we are
10:11:41 5 losing time. It is not because you are cross-examining
6 that you'll go round and round one issue, you know,
7 killing time. I mean, we want you to proceed.

8 JUDGE THOMPSON: Well, what question are you asking now --
9 sorry. What question are you asking now? Because I have
10:11:58 10 on record here that, "I agreed that German was a
11 substitute parent to me. I took him as a brother."

12 MR JABBI: Yeah, well, that was indeed the question I asked --

13 JUDGE THOMPSON: That he took him as brother.

14 MR JABBI: Yes, My Lord.

10:12:13 15 JUDGE THOMPSON: So what was your following-up question?

16 MR JABBI: No, I have not followed up yet. But that is the
17 question to which the Presiding Judge --
18 [Overlapping speakers]

19 JUDGE THOMPSON: But he said, "I took him as a brother."

10:12:23 20 MR JABBI: Yes.

21 PRESIDING JUDGE: [Microphone not activated]

22 JUDGE THOMPSON: I wanted to know what question you were
23 asking after that.

24 MR JABBI: No, I have not posed a question after that.

10:12:29 25 JUDGE THOMPSON: Okay, all right. Thank you.

26 MR JABBI: Thank you, My Lord.

27 Q. Now, finally you were taken by the Kamajors across Moa
28 River. At Moa River -- you had arrived at Moa River with
29 three women who were captured together with you,

1 according to you; is that correct?

2 A. Yes.

3 Q. Now, as a little boy, at that time at any rate, I put it
4 to you that you did not see with your own eyes everything
10:13:33 5 that happened around the river site?

6 A. I saw everything then. It was nowhere but in my
7 presence.

8 Q. I also put it to you --

9 PRESIDING JUDGE: Please wait.

10:14:23 10 MR JABBI:

11 Q. I also put it to you that one of the boats capsized
12 whilst they were trying to cross the river?

13 A. Sorry, please go over that again.

14 Q. One of the boats capsized whilst you people were trying
10:14:45 15 to cross the river; is that so?

16 A. No, sir.

17 Q. How many boats were used in crossing the river on that
18 occasion?

19 A. It was only one boat we met at the riverside.

10:15:03 20 Q. How many times did that boat have to cross over to take
21 people across the river?

22 A. Anyway, I can't remember exactly, but it will take a long
23 time before you cross.

24 Q. So the boat took a few people at a time across the river
10:15:31 25 and came back; is that so?

26 A. Yes, there is somebody rowing the boat.

27 Q. Whether the boat went with a few people on one occasion,
28 there where others staying and he came back for a few
29 others; is that so?

- 1 A. Yes.
- 2 Q. Did you cross with the first party -- the first time the
3 boat was going? Is that when you personally crossed?
- 4 A. No.
- 10:16:11 5 Q. When did you cross - number two, number three, number
6 four?
- 7 A. After they've crossed with the other batches, and after
8 the killing of the three women, before we crossed.
- 9 Q. You were in the last party to cross?
- 10:16:37 10 A. Well, no. There were many Kamajors standing.
- 11 Q. [Overlapping speakers] after you crossed?
- 12 A. Sorry I don't get you clear.
- 13 Q. [Overlapping speakers] crossed even after you had gone
14 across?
- 10:16:58 15 A. Yes.
- 16 Q. [Overlapping speakers]
- 17 A. Yes.
- 18 Q. Now, you narrated your initiation into the Kamajor
19 society. Did you complete the society ceremony up to
10:17:44 20 graduation the first time you joined it?
- 21 A. Well, as best as I know I completed it.
- 22 Q. So when you joined it, you went right up to graduation on
23 that first occasion?
- 24 A. Yes.
- 10:18:04 25 Q. Now, you explained one incident about the grave site --
26 the cemetery, where, according to you, whilst you were in
27 the initiation bush you were taken to a cemetery around
28 2.00 a.m. according to you, and you stayed there up to
29 just after 4.00 a.m.; do you remember that?

1 A. Yes.

2 Q. Now, how many days did it take, after that incident, for
3 you to graduate or to be taken out from the society? How
4 many days after the graveside ceremony?

10:18:55 5 A. Well, there was no specific time. Depending on the
6 number of initiates.

7 Q. So the question is a specific question. For your group
8 that got initiated on that occasion, how long after the
9 cemetery incident did you do your graduation?

10:19:27 10 JUDGE THOMPSON: Just a minute. I'm a little intrigued here.
11 Is there any evidence that the graduation follows the
12 cemetery incident? I mean, that connection has not yet
13 been made, because as far as I can recollect the
14 evidence, unless that premise has been established, it
10:19:50 15 would seem that the question is probably a little
16 premature. Don't you want that foundation? I mean, if
17 your line of cross-examination is along those issues, why
18 don't you want to establish that first? Or do you have
19 contrary instructions?

10:20:14 20 MR JABBI: No, My Lord.

21 JUDGE THOMPSON: But I could rest -- I could say nothing more
22 and let you proceed.

23 MR JABBI: Yes. My Lord, the point is that by the nature of
24 things, he got initiated in this society, and he has the
10:20:30 25 outing ceremony, the graduation ceremony inevitably
26 follows.

27 JUDGE THOMPSON: Yes, quite.

28 MR JABBI: But he explained the cemetery incident as part of
29 the incidents in the initiation bush.

1 JUDGE THOMPSON: Yes, but I'm not sure whether the record
2 reveals - I mean, I stand to be corrected - that the
3 cemetery incident was immediately antecedent to the
4 graduation.

10:20:59 5 MR JABBI: I was not implying that, My Lord.
6 JUDGE THOMPSON: Okay.
7 MR JABBI: I was, however, implying that it was antecedent,
8 but not necessarily immediately.
9 JUDGE THOMPSON: All right, okay.

10:21:05 10 MR JABBI: And I wanted him to give me this time span.
11 JUDGE THOMPSON: Well, I'll say nothing more.
12 MR JABBI: Thank you, My Lord.

13 Q. Now, the cemetery incident during your initiation
14 process, did it come before your graduation or after your
10:21:26 15 graduation?
16 A. Well, it was after we came from the graveyard.
17 Q. [Overlapping speakers]
18 A. Yes.
19 Q. Now, how many days roughly did it take after the
10:21:45 20 graveyard incident for the graduation to take place?
21 A. Well, the following day, the same day.
22 Q. Now, you also said in your evidence-in-chief that after
23 your graduation your first mission was to Masiaka; is
24 that correct?
10:22:38 25 A. Yes.
26 Q. And after the Masiaka incident you went back to Base
27 Zero; is that correct?
28 A. Yes, sir.
29 Q. How long after the Masiaka incident -- I'll be coming

1 back to that particular incident as a war exercise, but
2 for now, how long after the Masiaka incident did you
3 arrive back in Base Zero? How long did it take you?
4 A. One day.
10:24:11 5 Q. It took you one day to walk from Masiaka to Base Zero;
6 did it?
7 A. Not one day from Masiaka to Base Zero, sir. When we left
8 Masiaka, we bypass Moyamba. There is one village where
9 we slept. In the morning we entered Base Zero.
10:24:38 10 Q. So it is fair to say that it took you roughly two days?
11 A. Well, I can't say it was two days. It was one day and
12 half.
13 Q. On arrival at Base Zero, after Masiaka -- on arrival at
14 Base Zero, you found a Kamajor initiation ceremony in
10:25:30 15 progress; is that correct?
16 A. Sorry, go over the question again.
17 Q. When you left Masiaka and went to Base Zero, you found an
18 initiation session in progress; is that correct?
19 A. Well, by the time we left Masiaka, we didn't meet anybody
10:26:04 20 in the bush to be initiated.
21 Q. Okay. Now, I will take you to the Brookfields incident,
22 when you were brought in a helicopter and landed there.
23 Do you recollect that?
24 A. The helicopter, but was -- we didn't alight at
10:26:49 25 Brookfields. We were alighted at Cockerill.
26 Q. [Overlapping speakers]
27 A. Yes.
28 Q. Now, after the Brookfields incident, you went back to
29 Base Zero; is that correct?

1 A. No.

2 Q. Where did you go to?

3 A. Well, we went to Bumpe Tabe.

4 Q. Now, just to establish the time scales, can you tell the
10:27:36 5 Court briefly the time span -- how long it took between
6 the Masiaka incident and the Brookfields incident -- the
7 period between that, how long it was?

8 A. Sorry, sir, I don't understand the question.

9 Q. After your initiation into the society, your first
10:28:00 10 mission was to Masiaka?

11 A. Yes.

12 Q. After that -- not necessarily immediately, but some time
13 after that, you also had the Brookfields encounter?

14 A. No, sir.

10:28:22 15 Q. Was the Brookfields encounter before the Masiaka
16 incident? Did the Brookfields encounter take place
17 before the Masiaka incident?

18 A. No.

19 Q. Did the Brookfields encounter take place after the
10:28:45 20 Masiaka incident?

21 A. No.

22 Q. I do not mean immediately after, but if one came before
23 other -- which of them came before -- happened before the
24 other? The Brookfields encounter and the Masiaka
10:29:09 25 incident, which came before the other?

26 A. The Masiaka.

27 Q. [Overlapping speakers] before Brookfields happened?

28 A. Yes, sir.

29 Q. So the question is how long was it between the two

1 incidents?

2 A. Are you asking for the year?

3 Q. No, not the year. How long -- how many weeks, how many
4 days, how many months, as you may know?

10:29:36 5 A. Well, it take some time, it take years -- it took years.

6 Q. [Overlapping speakers]

7 A. Yes.

8 Q. Fine. And it was after the Brookfields incident that you
9 went to Bumpe Tabe and found the Avondo group in session;
10:29:55 10 is that correct?

11 A. Yes.

12 Q. By the time the Avondo group was initiated, you had been
13 a Kamajor for some years -- an initiated Kamajor for some
14 years; is that correct?

10:30:25 15 A. Yes.

16 Q. In your evidence-in-chief yesterday you said the Avondo
17 ceremony was in 1999; is that correct?

18 A. Yes.

19 Q. You were not an initiate yourself in the Avondo group --
10:31:14 20 you were not initiated with the Avondo group?

21 A. Please go over the question again.

22 Q. When the Avondo group was initiated at Bumpe Tabe, you
23 were not an initiate there -- you were not initiated with
24 them. You were already a Kamajor for some years?

10:31:42 25 A. Well, by the time they were in the bush, because they
26 were civilians, those initiated in the Kamajor society,
27 and we are the old Kamajors, and this is a new society.
28 So we cannot join them in the bush until after, when they
29 were ready to take us to the cemetery. Then we later

- 1 joined them, then we went.
- 2 Q. What you are calling the burial ground incident, was that
3 always part of the Kamajor initiation ceremonies -- every
4 ceremony?
- 10:32:44 5 A. Anyway, yes.
- 6 Q. Every ceremony would have that -- [Overlapping speakers]
7 A. Yes.
8 Q. [Overlapping speaker]
9 A. Yes.
- 10:32:51 10 Q. When you joined the Avondo group to go to the ceremony --
11 I mean, to the cemetery during their own initiation
12 process, you joined them as an old Kamajor, not as a new
13 initiate; is that correct?
14 A. Yes.
- 10:33:28 15 MR JABBI: Can I have Exhibit 18, please.
- 16 Q. Apart from the name by which you are known to this Court,
17 and which name we are obliged not to disclose -- apart
18 from that name - that name that is being protected - were
19 you known at any stage in your life by any other name?
- 10:35:10 20 A. Go over the question.
21 Q. There is a name under which you have been interviewed for
22 the evidence you are coming to give in this Court. You
23 were interviewed under a certain name; not so?
24 A. Yes, yes, yes.
- 10:35:38 25 Q. Apart from that name, have you ever been known by another
26 name in your life?
27 A. Yes.
28 Q. Before or after you joined the Kamajor society? When?
29 A. When I joined the Kamajor society.

1 Q. When you joined the Kamajor society you were known by
2 another name different from what we now know; is that
3 correct -- the one that the Court is protecting?
4 A. Sorry, go over the question.

10:36:21 5 Q. Do you know the name which goes as your name, which the
6 Court is trying to protect so that we don't disclose it?
7 Do you know that name?
8 A. That is the other name.

10:36:48 9 Q. Answer the question directly, please. My question is
10 whether you knew the name that the Court doesn't want us
11 to disclose to the public as your name? Do you know that
12 name? I don't want you to call it, but I just want to
13 know whether it's the same thing I have with you. The
14 name that the Court is trying to protect, so that we
10:37:10 15 don't disclose it to the public as your name, do you know
16 it?
17 A. Yes.

18 Q. [Overlapping speakers] name we should not call to the
19 public; not so. Now, apart from that name, have you ever
10:37:25 20 been known by another name in your life?
21 A. Yes.

22 Q. Furthermore, the name the Court is trying to protect, is
23 that a name that German gave you?
24 A. Well, no.

10:38:00 25 JUDGE BOUTET: Maybe, if it is important and you want to
26 pursue that - because you're going to cause confusion
27 everywhere with these kind of questions, and we're
28 confused and I'm sure the witness is getting confused --
29 PRESIDING JUDGE: Very confused.

1 JUDGE BOUTET: -- we might wish to go in a closed session.
2 Because if you're pursuing this and it is important for
3 you - I don't know - I think the best way, to protect the
4 identity of the witness, is to go in a closed session for
10:38:22 5 a short period of time and we'll clarify that. Otherwise
6 we're going in circles here we're. I know you're trying
7 to progress, -- but
8 MR JABBI: I agree, My Lord. Maybe yes, if we can have about
9 five minutes of closed session to clear this, My Lord.
10:39:22 10 PRESIDING JUDGE: Well, the Court will be moving in a closed
11 session for five minutes - for five minutes - in order to
12 adduce some evidence which, if adduced in an open
13 session, could reveal the identity of the witness. And
14 for purposes of protecting his identity from any
10:39:53 15 disclosure, we'll go into a closed session for just five
16 minutes, please. And, Dr Jabbi, please take just five
17 minutes.
18 MR JABBI: Probably less, My Lord.
19 JUDGE BOUTET: Mr Walker, we need not to close the curtain.
10:40:21 20 It is simply to make sure that the technicians do close
21 the loud speaker in the public gallery for that purpose
22 for that period of time.
23 MR PESTMAN: May I ask a question? I saw a recent order by
24 the Trial Chamber that some people were allowed to attend
10:40:39 25 even closed sessions.
26 JUDGE BOUTET: Yes.
27 MR PESTMAN: How are they going to follow the closed session
28 if the microphone is turned off? Are they in this Court
29 room or are they going to stay in the public gallery?

1 JUDGE BOUTET: That's a good question.

2 MR PESTMAN: We would like to encourage as many people as
3 possible to attend closed sessions.

4 PRESIDING JUDGE: We wouldn't want to encourage as many people
10:41:04 5 to attend closed sessions. We wouldn't. The modalities
6 for the application of that decision will be looked into
7 by the Court Management, and we expect that the Court
8 Management, or the Registrar and the Court Management,
9 will see how to implement that particular decision, yes.

10:41:22 10 JUDGE BOUTET: Obviously if the public is excluded from the
11 gallery and only these people can stay there, then they
12 can hear what is going on. But at this juncture,
13 especially for this one where it is only for five
14 minutes, I don't know the modality of it, to answer your
10:41:37 15 question. But, as Presiding Judge has just stated, we
16 will make sure that the order is indeed being applied
17 properly and that modalities are put in place to make it
18 happen properly.

19 PRESIDING JUDGE: Because in that order, Mr Pestman, you would
10:41:53 20 see that there are eight names, and not all of them are
21 supposed to be in Court at the same time. It is a
22 question of working out modalities as to two being in at
23 the same time and maybe ensuring a rotation, and for the
24 information gathered by those monitors to be shared with
10:42:19 25 others of that same category. But certainly we cannot go
26 into -- a procedure for a closed session is not to
27 encourage a whole gallery to attend, or we don't intend,
28 you know, to open the doors too wide. So we will have to
29 address that issue, I think, now that you've raised it.

1 I know we had signed the decision, but I didn't know that
2 it had been communicated to the parties.

3 JUDGE BOUTET: Mr Walker, are we ready?

4 MR WALKER: Not yet, Your Honour.

10:43:00 5 JUDGE BOUTET: Not yet.

6 [At this point in the proceedings, a portion of the
7 transcript, pages 26 to 34, was extracted and sealed
8 under separate cover, as the session was heard in camera]

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1 [Open session]

2 MR WALKER: We're ready.

3 PRESIDING JUDGE: Right. We're now in an open session. Is

4 the gallery with us? All right. Dr Jabbi, you may

11:04:05 5 proceed, please.

6 MR JABBI:

7 Q. My Lord, the questions I posed have shown clearly that

8 Exhibit 18 has no connection at all with the witness and

9 I will explain why.

11:04:36 10 JUDGE BOUTET: What are you making arguments about now?

11 I just want to know if you're trying --

12 MR JABBI: My Lord, the document ought not be given any

13 credence.

14 JUDGE BOUTET: But this is not the time to argue about the

11:04:52 15 weight that you attach to exhibits.

16 [OVERLAPPING SPEAKERS - TRANSCRIPT INCOMPLETE]

17 JUDGE THOMPSON: I associate myself with that. You will

18 address us later on that.

19 MR JABBI: Yes, but I just want to summarise a few points

11:05:06 20 about it without naming details, My Lord.

21 MR TAVENER: If that's the case, Your Honour, we would also

22 seek to respond, because --

23 JUDGE THOMPSON: Yes.

24 MR TAVENER: And therefore that takes us nowhere. We're under

11:05:17 25 the understanding that Dr Jabbi may not have entirely

26 understood the evidence of this witness and this may not

27 be the appropriate time to explain it to him.

28 JUDGE THOMPSON: Yes, I'm a little intrigued about the novelty

29 of your procedure. I would have thought that any

1 submissions of law and fact on the exhibit would await
2 the proper time for addresses.

3 MR JABBI: Yes, indeed.

4 JUDGE THOMPSON: And, clearly, at this stage, therefore, it
11:05:51 5 would be my own humble opinion here that even a summary
6 would not be appropriate, because a summary would be the
7 preface for a proper address.

8 MR JABBI: As Your Lordship pleases. I just wanted to make a
9 factual --

11:06:05 10 JUDGE THOMPSON: The records will reflect your intention.

11 MR JABBI: Can you hand the document back, please.

12 Q. Now, let us go back briefly --

13 MS PARMAR: Excuse me. Your Honours, before we leave the
14 matter of the exhibit, the Prosecution would like to
11:06:33 15 request that the exhibit be tendered, as it has been
16 tendered, confidentially since it has a photograph and
17 name of the witness on the exhibit.

18 JUDGE BOUTET: The record will take -- obviously this part of
19 the -- any information that leads to disclose the
11:06:58 20 identity of the witness needs to be protected, according
21 to the orders of the Court, so if that is the case, then
22 obviously it will have to be reviewed in this regard.
23 Thank you.

24 Please proceed, Dr Jabbi.

11:07:20 25 MR JABBI:

26 Q. Now let's go back to Masiaka very briefly. In your
27 evidence about that encounter, you did say that at one
28 stage you saw a woman running towards you; do you
29 remember that?

- 1 A. Yes, sir.
- 2 Q. And you fired her and she fell down; do you remember
3 that?
- 4 A. Yes.
- 11:07:58 5 Q. Were you under any immediate supervision at this point?
- 6 A. I was with my companions.
- 7 Q. Your fellow little children?
- 8 A. Yes.
- 9 Q. Did they see you do that?
- 11:08:24 10 A. Yes.
- 11 Q. Why did you shoot the woman?
- 12 A. When we were firing, the man that was next to me he went
13 near me and he fell down and I turned him over. By then
14 he was struggling. I decided to leave the place. As I
11:09:05 15 was going, I met the woman, so I fired her. It is
16 because they killed my friend that was by me that's why
17 before I died, but I will not die. That was what made me
18 to fire at the woman.
- 19 Q. Was she armed?
- 11:09:33 20 A. Yes.
- 21 Q. The woman was armed?
- 22 A. No, no, she didn't have any arm.
- 23 Q. Was she fighting? Was she a fighter?
- 24 A. No, I can't tell if she was a fighter.
- 11:09:56 25 Q. Did you take her as a fighter when you shot?
- 26 A. Yes, I took her as an enemy. Yes.
- 27 Q. Did your colleagues who saw you do that make any report
28 of it to your superiors?
- 29 A. Well, no.

1 Q. No report was made?
2 A. No.
3 Q. Did you yourself ever repeat that to German?
4 A. No, the only thing I said was that I killed a woman.
11:11:06 5 JUDGE THOMPSON: Did he say that to German? Is that what he
6 said?
7 MR JABBI: I was asking whether he reported that incident to
8 German.
9 JUDGE THOMPSON: Was his answer that [overlapping speakers] --
11:11:18 10 I thought I heard him say, "I told German."
11 MR JABBI: My Lord, I will ask it again. I don't think he
12 said that.
13 Q. Okay, I will ask you the last question again. Did you
14 report to German your killing of this woman?
11:11:35 15 A. No.
16 MR JABBI: He says he did not report it to German.
17 PRESIDING JUDGE: But I got him here to say that he reported
18 to German.
19 MR JABBI: My Lord, I got it the contrary when he said it the
11:11:50 20 first time. I thought I clearly hear that he did not.
21 JUDGE BOUTET: Mr Witness, you added in your answer that, "I
22 said to him", meaning German, "that I killed a woman".
23 Did you say that to him?
24 MR JABBI: Maybe the interpretation, My Lord. I heard it from
11:12:01 25 his mouth.
26 JUDGE BOUTET: Well, let's see what the witness will answer to
27 that question. Did you say that to German?
28 THE WITNESS: At that particular mission I -- German was not
29 there, so when I came back to Base Zero, that was the

1 time I told him that.

2 JUDGE BOUTET: And you told him once you got back to Base Zero
3 that you had killed the woman?

4 THE WITNESS: Yes.

11:12:35 5 MR JABBI:

6 Q. Did you explain to him the circumstances of killing that
7 woman?

8 A. Yes.

9 Q. What did you tell him?

11:12:45 10 JUDGE THOMPSON: Slowly, learned counsel.

11 MR JABBI: Pardon me, My Lord.

12 JUDGE THOMPSON: Slowly, slowly.

13 THE INTERPRETER: Your Honours, would the witness please speak
14 out clearly so that the interpreter can do his job.

11:13:01 15 JUDGE BOUTET: Mr Witness, can you pull down your microphone a
16 bit so -- thank you.

17 THE WITNESS: Yes, sir.

18 MR JABBI:

19 Q. What did you tell German in reporting about the killing
11:13:20 20 of this woman? What did you tell German at Base Zero?

21 A. Well, I said when we went to fight, the fellow who was by
22 me was fired and he fell by me, so I turned and looked at
23 him. I saw him struggling. That is why I took position
24 and when I took this position and I saw a woman coming to
11:13:54 25 me, I decide within myself -- decided within myself that
26 if I were to die, before I died I would also kill. That
27 was the time I fired the woman.

28 Q. So did you, in fact, fear that the woman was coming to
29 attack you? You said "before me die", did you fear that

1 she was coming to attack you?

2 A. Yes, that was the impression that I had. I took her as
3 an enemy.

4 Q. A fighting enemy who might kill you; is that so?

11:14:34 5 A. Yes, that is the way I took it.

6 Q. What did German say when you made that report? Did you
7 hear the question?

8 A. No, sir.

9 Q. When you made that report to German at Base Zero, that
11:15:22 10 you saw this woman coming; you took her as an enemy
11 fighter; you feared that you might be killed, and since
12 your colleague had just been killed, you decided to kill
13 the woman. That was your report to German; not so?

14 A. Yes. Yes.

11:15:42 15 Q. So what did German say when you made that report?

16 A. He asked me whether the woman had a gun. I told him that
17 she did not have a gun but she was running towards me;
18 that was why I fired at her. I took her for an enemy.

19 Q. Did German do anything else?

11:16:44 20 A. No, he didn't do anything. He only told me that I should
21 be very careful when I go to the front.

22 Q. Did you explain what you meant by protected?

23 A. Well, it is for my safety.

24 Q. Okay. Now, I take you to Kenema.

11:17:51 25 PRESIDING JUDGE: Dr Jabbi, how much more time do we have to
26 spend on your cross-examination? Can you give us an
27 indication, please.

28 MR JABBI: I will be finished before 11.30 by the wall clock.

29 PRESIDING JUDGE: Okay.

1 MR JABBI:
2 Q. So I take you to Kenema. Just before you left for
3 Kenema, according to you, Kamoh Brima gave you some
4 instructions. That is when you were going to set BS
11:18:57 5 Massaquoi free and you referred to Kamoh talking to you
6 about the capture of young men who were rebels. Do you
7 remember that?
8 A. Sorry, sir, I don't understand the question well.
9 Q. At one stage in your evidence-in-chief you referred to
11:19:31 10 Kamoh Brima giving you certain instructions when you were
11 supposed to go to Kenema and release BS Massaquoi and you
12 mentioned certain things you say he said about your --
13 what you should do when you captured young men who were
14 rebels. Do you remember that incident?
11:20:02 15 A. Yes.
16 Q. Can you tell the Court what Kamoh Brima actually told
17 you?
18 A. Yes.
19 Q. Carry on.
11:20:15 20 A. First he came to Kenema.
21 Q. I don't want you to narrate the whole Kenema incident.
22 I just want you to tell us what you say Kamoh Brima told
23 you about capturing young rebels. Just that bit, please.
24 I want to respect my time left.
11:20:43 25 A. Well, Kamoh Brima told us that when we come into Kenema,
26 all the young men, be you a collaborator, if they're
27 captured, let us don't have pity for them. Let us kill
28 all of them. If we failed to do that, we will die by
29 bullet. That was what he told us.

1 Q. Now, I put it to you that that instruction related to
2 rebel fighters who would have guns to shoot at you?
3 A. Sir, go over it again.
4 Q. I put it to you that the reference to rebel -- young
11:21:45 5 rebels was to young rebels who had guns to shoot at you
6 in the fight. That is why he said "Otherwise a bullet
7 will kill you", according to you.
8 A. Well, it was not only for rebels.
9 Q. How otherwise -- if a rebel did not have a gun, or let's
11:22:16 10 say a collaborator did not have a gun, how otherwise
11 would a gun shoot you if you don't take the preemptive
12 action?
13 A. Sorry, sir, I don't understand.
14 Q. Now, you have said Kamoh Brima had said, "If you don't
11:22:40 15 do, so and so and so, a bullet will shoot you."
16 PRESIDING JUDGE: What I got him to say, that you will die by
17 the bullet yourself if you don't obey these instructions.
18 What do you understand, Dr Jabbi, as "You will die by the
19 bullet yourself"?
11:22:56 20 MR JABBI: That is what I'm putting to him, My Lord. That
21 what Kamoh Brima meant there was -- he was referring to a
22 rebel who already had a gun you were confronting.
23 JUDGE BOUTET: He hasn't said to you -- it was not only the
24 rebels.
11:23:13 25 MR JABBI: Yes, I know he has said that, but I'm putting to
26 him that the reference to "na rebel na gun go shut yu",
27 was because Kamoh Brima was talking about a rebel with a
28 fighting instrument, like a gun.
29 JUDGE THOMPSON: That is argumentative, because the whole

1 thing must, with respect, counsel, be seen in context.
2 "He told me that when we came to Kenema, all young men,
3 be they collaborators", a wider group of people and that
4 is what he said. And then, if they did not kill any of
11:23:54 5 those, then they would die by bullet, and I don't see how
6 you can disengage that part of it from what had gone
7 before, otherwise if you do that, it would be clearly
8 meaningless. That's one way of looking at it.
9 MR JABBI: I'm not taking it for granted that the first bit is
11:24:16 10 correct.
11 JUDGE THOMPSON: Nor am I doing that either.
12 MR JABBI: Thank you, My Lord. And I think within the context
13 there is evidence that the first bit is over wide.
14 JUDGE THOMPSON: All right. But then you cannot really
11:24:33 15 understand the second bit without a full appreciation of
16 the first bit whether it is broad or not. It is like the
17 first part of two -- if we don't do that -- if we don't
18 kill, I can understand condition A without understanding --
19 or condition B without appreciating condition A. So if
11:25:01 20 you're now saying that what the speaker meant was
21 restricting certain aspects of condition A, it is a bit
22 argumentative for him except that you might ask him what
23 he understands by that. [Overlapping speakers]
24 MR JABBI: Yes, I understand that, but at the same time I also
11:25:23 25 want to raise the possibility of his over-interpretation
26 of the first part.
27 JUDGE THOMPSON: All right, counsel. I just wanted to make
28 that point.
29 PRESIDING JUDGE: [Overlapping microphones] -- interpreting,

1 or these are instructions which were given to him. These
2 were direct instructions. This young man had direct
3 instructions from his boss, from Kamoh Brima. You go to
4 that, please. Get to Kenema. Whoever he sees there, you
11:25:51 5 know, the young people and so on, collaborators, you kill
6 all of they will. Kill all of them. If you do not do
7 that, you yourself will die by bullet. What if that is
8 interpreted, you know, somehow it is a possible
9 interpretation that he too -- why not, if he doesn't
11:26:10 10 execute those instructions, he can be killed as well?

11 MR JABBI: It is also quite possible that the actual
12 instruction was when you confront the rebels, do
13 everything to kill them, otherwise you will die by their
14 own bullet.

11:26:26 15 PRESIDING JUDGE: He has said here that the instructions were
16 not limited to only rebels.

17 MR JABBI: Yes, indeed, that is what he has said, but I also
18 have to duty to see whether I can raise sufficient doubt
19 as to what was actually said.

11:26:38 20 JUDGE BOUTET: Please, please --

21 **[MULTIPLE SPEAKERS - TRANSCRIPT INCOMPLETE]**

22 JUDGE THOMPSON: But I would like to make the point that what
23 Dr Jabbi has, in fact, said in his further submissions,
24 reinforce our own appreciation that this is an
11:26:55 25 argumentative question. It is for the Court. It is
26 interpretation.

27 **[MULTIPLE SPEAKERS - TRANSCRIPT INCOMPLETE]**

28 JUDGE BOUTET: Well, please, Dr Jabbi, ask the question! If
29 you need clarification, ask further questions of the

1 witness for clarification, but don't argue, please, with
2 the witness. He has answered your questions up to now.
3 You may not like the answers he has given you, but ask
4 him a question.

11:27:23 5 JUDGE THOMPSON: And in future, address us on that.
6 MR JABBI:
7 Q. Young man -- witness, now in the actual encounter in
8 Kenema, when you were there, according to you, "We
9 entered the town" -- sorry. "We walked from Ngegbema to
11:28:06 10 Kenema. We then started shooting them in Kenema with
11 heavy firing and the rebels had to withdraw." Do you
12 remember that part of the evidence?
13 A. I said some of the rebels ran away and the others entered
14 into houses.

11:28:25 15 Q. Thank you. Did you, in fact, have any crossfire with the
16 rebels when you were shooting at them? Were they
17 shooting in return?
18 A. Yes.

19 Q. And according to you, some run away when you overpowered
11:29:16 20 them but others hid. Did those who went into hiding also
21 have weapons?
22 A. Well, some that we captured had weapons, yes.

23 Q. You said some of those who were taken out had weapons.
24 Do you mean some of those that were in hiding?

11:29:44 25 PRESIDING JUDGE: Dr. Jabbi, you referred me to the clock in
26 front of you.
27 MR JABBI: Indeed, My Lord. This is the last bit --
28 PRESIDING JUDGE: It is always the last bit.
29 MR JABBI: It is, it is, My Lord.

1 PRESIDING JUDGE: We would --

2 MR JABBI: The five minutes gave was not to be engaged, for
3 example, by the argument about the argumentative
4 question.

11:30:03 5 PRESIDING JUDGE: About your argumentative question.

6 MR JABBI: Yes, indeed, My Lord. That's what I'm saying. My
7 Lord, when the long hand reaches seven, I will stop.

8 PRESIDING JUDGE: I very much hope so.

9 MR JABBI:

11:30:17 10 Q. Yes, my last question was whether some of those people
11 you were retrieving out of hiding had weapons?

12 A. Some do have.

13 Q. [Counsel interrupts answer]

14 A. Yes, some had combat.

11:30:35 15 Q. [Counsel interrupts answer]

16 A. Combat. Come again, sir.

17 Q. [Counsel interrupts answer] -- uniform after that
18 encounter. If somebody is wearing combat uniform, what
19 did you take that to mean?

11:31:00 20 A. Well, to mean I took them to be enemies.

21 Q. Fighting enemy; not so?

22 A. Yes.

23 Q. What you have said is that some of these people in hiding
24 were in combat uniform and some actually had guns; not
11:31:22 25 so?

26 A. Yes.

27 Q. So by all accounts you took them as enemy fighters; is
28 that correct?

29 A. Yes.

1 MR JABBI: Thank you. That is all for this witness, My Lord.
2 PRESIDING JUDGE: Learned counsel, the Court will recess for
3 ten minutes, please. Court rises, please.
4 [Recess taken at 11.35 a.m.]
11:45:30 5 [On resuming at 11.59 a.m.]
6 [HN031104C]
7 MR WILLIAMS: May it please Your Lordships, I would wish to
8 make an application that I cross-examine before my
9 learned friend Mr Pestman. I have spoken with the
11:59:52 10 Prosecution and other members of the various Defence
11 teams. They do not have any objections to the
12 application. The reason is that I will not be in Court
13 tomorrow, and it is Mr Margai who is covering tomorrow.
14 By all indications from my learned friend, he might have
12:00:13 15 a long while to go, whilst I would be able to complete
16 before the break.
17 PRESIDING JUDGE: That's okay.
18 MR WILLIAMS: I'm most grateful, Your Honour.
19 CROSS-EXAMINED BY MR WILLIAMS:
12:00:45 20 Q. Mr Witness, could you tell the Court who a Kamajor is?
21 A. Yes. A Kamajor is a particular society which people
22 join.
23 Q. Yes, go on.
24 A. They put on a ronko -- what you call a ronko.
12:01:19 25 Q. I mean, would you agree with me that being a Kamajor is
26 not synonymous to being a combatant?
27 A. Go over that again, sir.
28 Q. Being a Kamajor is not one and the same as a fighter.
29 You can be a Kamajor and not a fighter.

1 PRESIDING JUDGE: Have you heard the question?
2 THE WITNESS: Yes, sir.
3 PRESIDING JUDGE: That is, not all Kamajors are fighters --
4 are combat people; that is what the lawyer is saying. Is
12:02:15 5 that true?
6 THE WITNESS: The particular Kamajor into which I was
7 initiated for people to fight.
8 MR WILLIAMS:
9 Q. What's the answer?
12:02:36 10 JUDGE BOUTET: He said the Kamajor society in which he was
11 initiated were fighters.
12 MR WILLIAMS: What --
13 JUDGE THOMPSON: Just a minute, counsel, let's have that
14 answer. Yes, continue.
12:03:12 15 MR WILLIAMS:
16 Q. You know of Kamajors who were not fighters; is that
17 correct?
18 A. Well, I don't know of a Kamajor who doesn't fight.
19 Q. Do you know anybody called Joe Demby?
12:03:36 20 A. No.
21 Q. [Microphone not activated] of Sierra Leone; do you know
22 him?
23 A. I used to hear his name.
24 Q. And you know he was a Kamajor; right? He was a big man
12:03:47 25 in the Kamajor society?
26 JUDGE THOMPSON: We won't get the evidence if you're going to
27 go at that breakneck speed -- pace.
28 MR WILLIAMS: I'm sorry, My Lord.
29 JUDGE THOMPSON: He said he'd heard the name Joe Demby.

1 MR WILLIAMS: Yes.

2 JUDGE THOMPSON: Or he used to hear the name Joe Demby.

3 MR WILLIAMS:

4 Q. And you knew he was a Kamajor; correct?

12:04:12 5 A. Well, I don't know about that.

6 Q. You said your type of Kamajor was -- the type of Kamajor
7 you belonged to was synonymous to being a fighter; is
8 that what you said?

9 A. Yes.

12:04:39 10 Q. What type of Kamajor were you?

11 A. The type of Kamajor that I was is the one into which
12 I was initiated, the Kamajor society.

13 Q. Were there different types of Kamajors?

14 A. Yes.

12:04:57 15 Q. Name them?

16 A. You have Kamoh Brima's Kamajors, Munda's Kamajors,
17 Kondewa's Kamajors --

18 JUDGE THOMPSON: Witness, slowly. Could you begin again --
19 the first category.

12:05:22 20 MR WILLIAMS:

21 Q. Yes, the first category, what is it?

22 A. Kamoh Brima's, Kondewa's, Mammy Munda's -- Kondewa's, and
23 Kamoh Muniru's.

24 Q. You said you went through a second initiation, Avondo.
12:06:55 25 What does Avondo mean?

26 A. Well, what Avondo means, when you go to the warfront, as
27 you sweat, at the same time the medicine enters your
28 body. That is why they call the society Avondo.

29 Q. When you were initiated the first time, were you told the

1 laws of the Kamajor society?

2 A. Yes.

3 Q. Could you tell the Court what those laws were?

4 A. Yes. First, you don't eat nut oil; second, you should
12:08:08 5 not see the peel of a banana; the third, you should not
6 see a corpse.

7 Q. Is that all?

8 A. Well, there are other laws which I cannot tell now.
9 These are the only ones that I can remember.

12:08:29 10 Q. Why can't you recall them?

11 JUDGE THOMPSON: Counsel, please give us a chance to record
12 the evidence.

13 MR WILLIAMS: Sorry, My Lord.

14 Q. Yes, why can't you recall the others? Why can't you
12:09:05 15 mention the others?

16 A. Because the laws are many -- there are many.

17 Q. Why can't you recall the others; why can't you mention
18 every one of them. Why?

19 A. Well, before I go to war, I should not have any affair
12:09:19 20 with a woman.

21 Q. Yes, go on.

22 A. Then I should not talk to a woman. Those are the laws.

23 Q. Were you also told that you should not take properties
24 that do not belong to you?

12:10:09 25 A. No, sir, I was not told that at all.

26 Q. Were you told that you should not kill people -- I mean
27 innocent people?

28 A. No, sir.

29 Q. Were you told that you should not have sexual intercourse

1 with a woman in the warfront?
2 A. Well, that is one of our laws, that we should not tamper
3 with a woman.
4 Q. Were you told what the consequences would be if you
12:11:53 5 breached any of those laws?
6 A. Yes.
7 Q. Tell the Court.
8 A. Yes.
9 Q. Tell the Court, please.
12:12:09 10 A. Well, they said that if we spoil any of those laws, we'll
11 be killed by a bullet.
12 Q. It means that you'll die if you breach any of those laws;
13 is that correct?
14 PRESIDING JUDGE: Dying by bullets. He said "bullets", not
12:12:32 15 just dying -- precisely the nature of the source of the
16 death.
17 MR WILLIAMS:
18 Q. That you'll be killed by a bullet if you breach any of
19 those laws.
12:12:44 20 A. Yes, that is what they told us.
21 Q. Mr Witness, whilst you were fighting, did you take drugs?
22 A. The only drug I took was marijuana.
23 Q. And did that affect you in any way?
24 A. Well, I only smoked it when we were ready to go on the
12:13:41 25 mission.
26 Q. Yes, but I mean did it affect you in any way?
27 A. Yes.
28 Q. How?
29 A. After the drug has left, then I'll be hungry.

1 Q. Did you take any drugs that affected your power of
2 recollection?
3 A. Go over that again, sir.
4 Q. I mean, did you take any drugs that affected your
12:14:34 5 perception of things?
6 A. Yes.
7 Q. Which drug was that?
8 A. That is brown-brown.
9 Q. Did you ever take cocaine?
12:15:10 10 A. Cocaine is what they call brown-brown.
11 Q. Apart from brown-brown, did you take any other hard
12 substance?
13 A. Well, the other thing I was supposed to take, I did not
14 take it.
12:15:31 15 Q. Which was that?
16 A. The one which you have just called, because I knew that
17 when I take it I'll go crazy.
18 Q. So how often did you take brown-brown?
19 A. I only took it once.
12:15:50 20 Q. Where was that?
21 A. At Base Zero.
22 Q. I'm putting it to you that you're not speaking the truth.
23 I'm putting it to you that that is not the truth; that
24 you took brown-brown quite often.
12:16:47 25 JUDGE BOUTET: Are you asking him a question?
26 MR WILLIAMS: Yes, My Lord.
27 THE WITNESS: Yes, go over it again, sir.
28 MR WILLIAMS:
29 Q. I'm putting it to you that you took brown-brown quite

1 often whilst you were a combatant.

2 A. No, sir.

3 Q. So you want the Court to believe that it was only at Base
4 Zero that you took brown-brown once?

12:17:20 5 A. Yes.

6 Q. In your statement to the investigator or investigators
7 made on 4 February 2003 you were narrating something that
8 happened at Kailahun, and you had this to say:
9 "On our way we did very bad things to people.
12:17:54 10 I cannot remember, because I was under the influence of
11 drugs, but if you take me to Kailahun and I see the place
12 again, I think I will remember."

13 A. It is not so, sir.

14 Q. You did not tell the Prosecutors that -- or the
12:18:35 15 investigators, you never told them that?

16 A. I told them about marijuana, but I did not tell them
17 about drugs.

18 Q. By the time you joined the Kamajors, you were already a
19 combatant; you were already fighting and operating
12:19:08 20 weapons - is that correct?

21 A. By then I did not carry guns.

22 Q. Whilst you were with the RUF, you never carried a gun?

23 A. No, I didn't carry guns.

24 Q. Were you trained to fight whilst you were RUF?

12:19:59 25 A. No.

26 Q. I'll refer you again to a portion of your statement made
27 on 4 February 2003. You said:
28 "By this time I had been trained by CO Mohamed and
29 I had a gun for myself. CO Mohamed gave me the gun.

1 I don't know where he got the gun from." Did you tell
2 the investigators that; did you tell the Prosecutors
3 that?
4 A. Well, I did not tell them about CO Mohamed giving me a
12:20:54 5 gun.
6 Q. I'm putting it to you that you're not a truthful person.
7 A. Well, I don't know about anything except the truth.
8 Q. So you never operated or carried a gun whilst you were
9 with the RUF?
12:21:36 10 A. I did not carry a gun. I used to carry loads for them.
11 Q. Did you ever see Foday Sankoh in person?
12 A. Yes.
13 Q. When was this?
14 A. By the time when we were captured by the rebels.
12:22:10 15 Q. Where was that?
16 A. The very place where I was captured.
17 Q. Name the place for me.
18 A. Pendembu.
19 Q. That was the only time you saw Foday Sankoh?
12:22:24 20 A. Well, that was the time when I saw him.
21 Q. Was that the only time you saw Foday Sankoh?
22 A. Yes.
23 Q. I'll also refer you to a portion of your statement. You
24 said, "Foday Sankoh addressed us in Kailahun where I was
12:22:42 25 captured." Did you tell the investigators that?
26 A. I told them I only saw Foday Sankoh where I was captured.
27 Q. Did you tell the investigators that Foday Sankoh
28 addressed you in Kailahun?
29 A. No.

- 1 Q. And did you tell them that Foday Sankoh addressed you
2 where you were captured?
- 3 A. No.
- 4 Q. Did you ever meet with SAJ Musa?
- 12:23:46 5 A. No.
- 6 Q. You've never seen SAJ Musa in your life?
- 7 A. This SAJ Musa, no.
- 8 Q. I refer you to a portion of your statement again. Do you
9 know anybody called Savage?
- 12:24:33 10 A. Yes.
- 11 Q. What was he?
- 12 A. Well, he was with CO Mohamed.
- 13 Q. That was in the RUF?
- 14 A. I knew him to be in the RUF.
- 12:24:48 15 Q. Did you tell the investigators this: that CO Mohamed --
16 sorry, that Savage shot an old woman, even though his
17 boss, SAJ Musa, had told him not to do so?
- 18 A. Go over it again, sir; I don't understand.
- 19 Q. Did you tell the investigators that Savage shot an old
12:25:28 20 woman, even though his boss, SAJ Musa, had told him not
21 to do so?
- 22 A. No, I did not tell them then -- that's not my statement.
- 23 Q. I'm putting it to you, Mr Witness, that you came here to
24 tell a pack of lies.
- 12:26:07 25 A. No, I don't know how to lie. I only know how to speak
26 the truth.
- 27 Q. Did you personally eat human beings?
- 28 A. Yes.
- 29 Q. And where was this?

- 1 A. When I was with the Kamajors.
- 2 Q. Where was this?
- 3 A. Well, in Kenema.
- 4 Q. When did you become a member of the Yamorto squad, or
12:26:43 5 were you a member of the Yamorto squad?
- 6 A. I joined them later.
- 7 Q. Where?
- 8 A. In Kenema.
- 9 Q. Did you see -- you know the bicycle field at Kenema?
- 12:27:12 10 A. Yes.
- 11 Q. Whilst at Kenema, did you -- I mean, when Kenema was
12 taken over by Kamajors, did you go to the bicycle field?
- 13 A. Yes, we went there. It was not I alone.
- 14 Q. I'm asking, you yourself.
- 12:27:37 15 A. Yes.
- 16 Q. Did you go there?
- 17 A. Yes.
- 18 Q. How many times?
- 19 A. Well, I --
- 12:27:45 20 Q. Sorry.
- 21 A. Well, I went there several times, not once.
- 22 Q. You went there several times?
- 23 A. Yes.
- 24 Q. Where else did you go whilst you were at Kenema? Where
12:27:58 25 else did you go; where else did you frequent?
- 26 A. When I was in Kenema I went to Joru. From Joru, Daru.
- 27 Q. How many times did you go there?
- 28 A. Joru?
- 29 Q. Yes.

1 A. Well, I went there once, but we spent some time there.
2 Q. Where else did you go?
3 A. Daru.
4 Q. How many times did you go there?
12:28:36 5 A. It was only the time that we went -- once?
6 Q. What else did you do whilst you were at Kenema?
7 A. When I was in Kenema I was with the Yamorto group. We
8 used to capture people that were collaborators, took them
9 to the base -- we ate them.
12:29:12 10 Q. What else did you do?
11 A. Well, we used to go on capturing them in other places.
12 There are times when we burnt them with tyres. That is
13 what you used to do.
14 Q. Did you tell the investigators that whilst you were at
12:29:36 15 Kenema you spent almost all of the time indoors, because
16 you were afraid of being identified as a former RUF
17 member?
18 A. I did not tell him that.
19 Q. It appears you're denying every bit of your statement.
12:30:03 20 I'll refer you to a portion which reflects what I've just
21 said. This is your statement made on 13 January 2003.
22 JUDGE BOUTET: How many statements has the witness made?
23 MR WILLIAMS: He made three statements, My Lord. I've
24 referred him to two.
12:30:38 25 JUDGE BOUTET: You've never put that to the witness. You've
26 asked him, "You made a statement," but it's not clear -
27 certainly not to me - which statement you were making
28 reference to.
29 MR WILLIAMS: No, I specified the dates, My Lord. I specified

1 the dates on each occasion, My Lord.

2 JUDGE BOUTET: Then I missed it.

3 MR WILLIAMS: As My Lord pleases.

4 Q. You made a statement to the investigators on
12:31:05 5 13 January 2003; do you recall that?

6 A. I know that it was in 2003, but I couldn't remember the
7 date.

8 Q. You said, and I will quote you:
9 "During that time I always stayed indoors, because
12:31:29 10 I did not want my previous association with the RUF to be
11 revealed."
12 That is on page 9417 of your statement. Did you tell the
13 investigators that?

14 A. I did not tell them that I was hiding in the house, no.

12:31:59 15 Q. So it's absolutely incorrect that you were indoors most
16 of the time?

17 A. It wasn't correct; I was not in the house.

18 Q. And in your evidence-in-chief, if I recollect it
19 properly, you said you went from house to house searching
12:32:57 20 for police officers. Did you say that?

21 A. Yes, I told him that.

22 Q. And that you personally killed police officers?

23 A. Yes, I said when we were searching the houses -- so were
24 three -- so everybody would just bang at the doors and
12:33:33 25 some would fire beneath the beds, some would fire above
26 the roofs. The particular house that we went into, when
27 the other man banged at the door -- you see, I was the
28 one that was firing beneath the bed and the others had
29 been firing above the roof. So after that we set a

1 search and we saw a policeman that was dead under the
2 bed. That is what I told you.

3 Q. Was it you that killed the policeman?

4 A. Yes, it was I, because it was I that shot under the bed.

12:34:16 5 Q. And did you see other Kamajors killing police officers?

6 A. Yes.

7 Q. Did you tell the investigators that the time you arrived
8 at Kenema all the police officers had been killed? Did
9 you tell any of the investigators that -- I mean, at the
12:35:02 10 time you went to Kenema, all the killings of police
11 officers had taken place?

12 A. No.

13 Q. Thank you. I will continue --

14 A. Not at all.

12:35:17 15 Q. -- with your statement. It is page 9416 of your
16 statement of 13 January. You said, and I quote the
17 portion of your statement:
18 "When I got to Kenema the policemen had already been
19 killed."
12:36:19 20 That is contained in your statement of 13 January 2003.
21 Did you tell the investigators that?

22 A. Well, I did not tell them that all the policemen had been
23 killed before we arrived.

24 Q. But are you surprised that that is contained in your
12:36:47 25 statement -- are you surprised?

26 A. Perhaps it was the man who was taking the notes that made
27 the mistake.

28 Q. Do you recall who took that statement from you?

29 A. Yes, I know him, but I do not know his name.

1 Q. Do you know that there was a war council of the CDF? Did
2 you know that the CDF had a war council?
3 A. Yes, I knew that.
4 Q. What were its responsibilities?
12:37:46 5 A. Well, their job was, when we went to the collaborator, if
6 they were there at that moment, they would not allow us
7 to kill him. They will take him away from us. That is
8 what I knew that they would do.
9 Q. Thank you very much. You know the members of the war
12:38:14 10 council?
11 A. Well, I would not be able to recall all their names.
12 Q. I'll put one particular name to you, and you are at
13 liberty to agree or disagree with me. I put it to you
14 that Allieu Kondewa was not a member of that body.
12:38:48 15 A. I only knew Kondewa to be a sowe.
16 Q. [Microphone not activated] initiator; right?
17 A. Yes, yes.
18 PRESIDING JUDGE: What is he saying yes, yes?
19 MR WILLIAMS: That he only knew Kondewa to be an initiator, My
12:39:12 20 Lord.
21 PRESIDING JUDGE: And not a member of the war council?
22 MR WILLIAMS: I don't know whether I would go that far.
23 PRESIDING JUDGE: That was how you started -- that is what you
24 put to him.
12:39:24 25 MR WILLIAMS: Very well, My Lord, that he was not a member of
26 the war council.
27 JUDGE BOUTET: But he did not say so in his answer. All he
28 said to you was, "I only knew him to be an initiator."
29 PRESIDING JUDGE: Yes. That's how you started.

1 MR WILLIAMS: Yes, My Lord.

2 Q. Whilst you fought as a Kamajor, you were under the
3 command of ECOMOG most of the time; is that correct?

4 A. When all of us go to fight together.

12:40:11 5 Q. Is that a question?

6 A. When we go to war --

7 Q. When you went to war with the ECOMOG, you were under
8 their command; is that what you're saying?

9 JUDGE BOUTET: Maybe you should ask him if he went to war with
12:40:30 10 ECOMOG. This is a new concept to me with this witness.

11 MR WILLIAMS: As My Lord pleases, but I'm basing my question
12 on his statements that were disclosed.

13 Q. It's quite clear that you went to war with ECOMOG most of
14 the time; is that correct?

12:40:47 15 A. Sometimes, yes.

16 Q. And on those occasions you were under their command.

17 A. Well, I did not take command there from the ECOMOG, only
18 my own commander.

19 Q. And your commander was taking command from ECOMOG?

12:41:12 20 A. Well, I was not in a position to tell; I don't know.

21 Q. I'm putting it to you, Mr Witness, that in 1997 Kai-Samba
22 Terrace did not exist in Kenema. I'll qualify that --
23 that Kai-Samba Terrace did not exist as the office of the
24 CDF in 1997.

12:42:31 25 JUDGE THOMPSON: Mr Williams, repeat your question.

26 MR WILLIAMS:

27 Q. I'm putting it to you, Mr Witness, that in 1997 Kai-Samba
28 Terrace -- I mean, a CDF office was not based at
29 Kai-Samba Terrace.

1 JUDGE THOMPSON: I thought that that was what you wanted to
2 ask.

3 MR WILLIAMS: As My Lord pleases.

4 JUDGE THOMPSON: Yes.

12:43:16 5 THE WITNESS: Well, the man who captured me and came with me
6 to that place, that is what he told me.

7 MR WILLIAMS: Your Lordships, apart from seeking to tender the
8 two statements -- the portions of the two statements I've
9 mentioned to the witness -- I do not have any further
12:43:54 10 questions. I don't know whether a proper foundation has
11 been laid.

12 JUDGE THOMPSON: I was going to ask you to jog your
13 recollection and tell us at what stage you laid the
14 proper legal foundation, if you are intending the
12:44:16 15 documents to be received in evidence, because I was
16 carefully listening to that part and I do not remember
17 you going through the familiar legal ritual. He did
18 answer questions, but I think they were just randomly
19 thrown at him.

12:44:38 20 PRESIDING JUDGE: In fact, Mr Williams is putting the cart
21 before the horse. He has got in everything he wants on
22 the statement before now coming to -- I was going to
23 caution; it was just that you continued. You know the
24 procedure and how we start at least extracting evidence
12:45:05 25 from witness statements which are the subject matter of
26 litigation before us. Ordinarily -- I mean, I didn't
27 hear you asking the witness whether he made a statement,
28 and so on and so forth, and was it read to him and so on
29 and so forth; you just went ahead.

1 MR WILLIAMS: I take the cue, Your Honours.

2 Q. How many statements did you make to the Prosecutors?

3 A. Three.

4 Q. The dates of those three statements are -- the first one
12:46:01 5 was on 13 January 2003; is that correct?

6 A. I told you that I was not able to remember the month --
7 I said 2003.

8 Q. All those three statements were made in 2003 -- that was
9 last year; is that correct?

12:46:22 10 A. Two.

11 Q. Two, so all the statements were made last year --

12 A. 2003, yes.

13 Q. On each occasion you would tell the investigators your
14 story and they would put it in writing; is that correct?

12:46:52 15 A. Yes, I used to see them writing.

16 Q. And on each occasion they would read over your statement
17 to you when they were finished; is that correct?

18 A. Yes, yes.

19 Q. And on each occasion they would ask you to put your
12:47:17 20 thumbprint on each of the pages of those statements;
21 correct?

22 A. Yes, yes.

23 MR WILLIAMS: I would seek to tender --

24 JUDGE THOMPSON: Have you elicited what language he made the
12:47:41 25 statement in and whether in fact this witness -- if he
26 put his thumbprint, one is assuming that also he couldn't
27 write. Did he speak directly to the Prosecutor or the
28 interviewer in the language in which the interviewer
29 spoke?

1 MR WILLIAMS: I'm most grateful, My Lord.
2 JUDGE BOUTET: The statements you say he put his thumbprint on
3 are they typewritten statements, handwritten statements?
4 MR WILLIAMS: He stated that when he spoke, they wrote, My
12:48:14 5 Lord.
6 JUDGE BOUTET: I heard that, but the ones that you have in
7 your hands are the handwritten ones?
8 MR WILLIAMS: They are handwritten ones, My Lord.
9 JUDGE BOUTET: I don't know; I haven't seen them.
12:48:24 10 MR WILLIAMS:
11 Q. In which language did you talk to the investigators?
12 A. It was in Krio -- I spoke to them in Krio.
13 Q. And did they have interpreters?
14 A. Yes.
12:48:43 15 Q. And the statements were handwritten; is that correct --
16 they were writing it manually?
17 A. Yes.
18 MR WILLIAMS: My Lord, I have --
19 JUDGE BOUTET: Did they tell you that the statements were
12:49:07 20 written in English? I presume they are written in
21 English, Mr Williams?
22 MR WILLIAMS: Yes, My Lord.
23 JUDGE BOUTET: And when you put your thumbprint on that piece
24 of paper, could you read what was on it?
12:49:23 25 THE WITNESS: No.
26 JUDGE BOUTET: How many people were there during this
27 interview with you - one, two, three, more than that?
28 One was speaking Krio, you say?
29 THE WITNESS: There were two.

1 JUDGE BOUTET: So the one that was asking you questions or
2 talking to you in Krio would then speak to the other one
3 in English. How was that done, can you tell us; do you
4 remember?

12:49:56 5 THE WITNESS: Yes, I used talk to the man who spoke Krio.
6 Then he would translate that into English to the man who
7 was writing.

8 JUDGE BOUTET: And this is the same process that was done for
9 all the statements you've made -- the three?

12:50:14 10 THE WITNESS: Yes.

11 JUDGE BOUTET: And you talked always to the same individuals?

12 THE WITNESS: If it was the same people?

13 JUDGE BOUTET: Yes.

14 THE WITNESS: It was the same people that took the three
12:50:33 15 statements?

16 JUDGE BOUTET: Yes, was it?

17 THE WITNESS: Well, no.

18 JUDGE BOUTET: Where is the difference?

19 THE WITNESS: When I came here again, I gave another
12:50:51 20 statement.

21 JUDGE BOUTET: And these were different persons than the other
22 statements?

23 THE WITNESS: Well, they were the same people that went to me.

24 JUDGE BOUTET: But it was always done in the same way; you
12:51:14 25 would be questioned in Krio, you answered in Krio, and it
26 was translated in English?

27 THE WITNESS: Yes.

28 JUDGE BOUTET: And at the end the one that had written your
29 statement in English would read it in English -- it would

1 be translated then in Krio to you and then you would be
2 asked if it was okay; is that the way it was done?
3 THE WITNESS: Yes, he would ask me in Krio if everything was
4 correct; that was what I said.

12:51:46 5 JUDGE BOUTET: Yes, thank you.

6 JUDGE THOMPSON: Learned counsel, does he recognise his
7 thumbprint on each of those statements? I think it ought
8 to be done. This is a witness who could not read or
9 write, so let us make sure that all the proper
12:52:06 10 protections afforded him under the law have been complied
11 with.

12 [Statements shown to witness]

13 MR WILLIAMS:
14 Q. So do you see your thumbprint on those documents?
12:53:03 15 A. Yes.

16 Q. Do you see your thumbprint on those documents?
17 JUDGE THOMPSON: [Microphone not activated]
18 PRESIDING JUDGE: How does he recognise his thumbprint?
19 MR WILLIAMS: My Lord --

12:53:31 20 JUDGE BOUTET: Would you be able to recognise your own
21 thumbprint on a piece of paper?
22 MR WILLIAMS: My Lord, I would not be able to, but I took the
23 cue from --

24 PRESIDING JUDGE: If you had done some -- if you have gone
12:53:46 25 into the depths of criminology, you would see that no two
26 thumbprints are the same, but there is a
27 whole geographical lesson here. You have regions and
28 spores and valleys and gullies and so on and so forth,
29 and the configuration of those geographical features are

1 not the same for every human being -- everybody has his
2 own configuration of the thumb. But looking at a
3 thumbprint, if I put it here now and I looked at it,
4 I wouldn't, unless it went to an analyst. So that's it,
12:54:18 5 you know.

6 MR WILLIAMS: My Lord, I agree with Your Lordship.
7 I conferred with my learned friends -- I was taking the
8 cue but I found some difficulty -- but if I put my
9 thumbprint on a particular document --

12:54:35 10 JUDGE THOMPSON: You will know.

11 MR WILLIAMS: I would know that.

12 JUDGE THOMPSON: Yes.

13 MR WILLIAMS: That that was the document --

14 JUDGE THOMPSON: That I put my thumbprint on.

12:54:43 15 MR WILLIAMS: Yes, exactly.

16 JUDGE THOMPSON: Unless it had been interfered with.

17 MR WILLIAMS: Yes.

18 JUDGE THOMPSON: I remember putting my thumbprint on my
19 permanent resident alien card in America, and every time
12:54:51 20 I pick it up I know, because it's not been interfered
21 with.

22 MR WILLIAMS: Exactly. So I now seek to tender these two
23 statements and I will refer to the portions that I want
24 to go in when it is admitted, My Lord.

12:55:08 25 JUDGE BOUTET: So you have clearly indicated -- I know you've
26 mentioned the pages as you were moving through, but now
27 that you are tendering that, I will ask you to give more
28 precision. I have noted some of the pages, but which
29 paragraph, line, or what have you on page --

1 MR WILLIAMS: Page 9402 --
2 JUDGE BOUTET: Which is the statement of which date?
3 MR WILLIAMS: The statement of 4 February, My Lord.
4 Page 9402, lines 2 to 4 -- lines 2 to 5, My Lord.
12:56:37 5 JUDGE BOUTET: You are still talking about page 9402?
6 MR WILLIAMS: 9402, yes, lines 2 to 5.
7 JUDGE BOUTET: Lines 2 to 5 rather than 2 to 4?
8 MR WILLIAMS: Yes, My Lord, and 7 to 10; and page 9403,
9 lines 5 to 7, lines 10 and 11 on the same page, and
12:58:46 10 lines 13 through 18; page 9411, line 8; page 9416,
11 lines 10 and 11; page 9417, pages 4 to 8. That is all,
12 My Lord.
13 JUDGE BOUTET: Prosecution, any comment?
14 MR TAVENER: No, thank you, Your Honour, there is no
13:01:19 15 objection. There is only one small point, Your Honour.
16 If those statements could be marked individually, so one
17 exhibit but --
18 JUDGE BOUTET: That is what we are intending to do now.
19 Mr Walker, if we proceed, we were wondering how in the
13:01:40 20 past we marked them. I think in this case it would be
21 exhibit 19, but A for the first, and B and C. Is that
22 the way we described them in the past?
23 MR WALKER: We have described some exhibits that way, yes.
24 JUDGE BOUTET: Let's do it that way. So statement of
13:01:56 25 4 February will be Exhibit No. 19A.
26 [Exhibit No. 19A was admitted]
27 JUDGE BOUTET: I got the pages from you, Mr Williams, but
28 after that you were just giving me -- I had the statement
29 of 4 February and you gave me pages 9402, 9403, and then

1 you moved on with other pages, but you didn't give
2 necessarily the dates, so could you give me the dates?
3 You are asking that the three statements be marked,
4 I think?

13:02:37 5 MR WILLIAMS: Two statements.
6 JUDGE BOUTET: The statement of 4 February, these are pages
7 9402, 9403?
8 MR WILLIAMS: Yes, and pages 9411 --
9 JUDGE BOUTET: And 9416 and 9417.

13:02:54 10 MR WILLIAMS: -- are on the statement of 13 January.
11 JUDGE BOUTET: So that will be Exhibit No. 19B.
12 [Exhibit No. 19B was admitted]
13 JUDGE BOUTET: And for the purpose that the witness has, on
14 some occasion --

13:03:18 15 MR WILLIAMS: Contradicted.
16 JUDGE BOUTET: -- said things that are different from what he
17 says now --
18 MR WILLIAMS: Inconsistent.
19 JUDGE BOUTET: For that very purpose.

13:03:25 20 MR WILLIAMS: Yes, My Lord.
21 JUDGE BOUTET: Okay. So it is well understood. Thank you.
22 MR WILLIAMS: No further questions for this witness, My Lord.
23 PRESIDING JUDGE: Learned counsel, as we indicated yesterday,
24 we are not sitting this afternoon, as is customary,
13:07:41 25 unless of course there is a contrary indication. So we
26 shall rise and resume the session tomorrow at 9.30 with
27 the cross-examination of the witness by the Defence team
28 of the second accused person. So we will rise and resume
29 tomorrow at 9.30 a.m.

1 [Whereupon the hearing adjourned at 1.08 p.m. to be
2 reconvened on Thursday, the 4th day of November 2004, at
3 9.30 a.m.]
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C E R T I F I C A T E

We, Ella K Drury, Roni Kerekes, 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.

Ella K Drury

Roni Kerekes

Maureen P Dunn

EXHIBITS:

Exhibit No. 19A	68
Exhibit No. 19B	69

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-021	1
CROSS-EXAMINED BY MR JABBI	1
CROSS-EXAMINED BY MR WILLIAMS	47