

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, 8 NOVEMBER 2004
9.42 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Ms Adwoa Wiafe
Ms Bianca Suci

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

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

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams

1 Monday, 8 November 2004
2 [The three accused not present]
3 [Open session]
4 [Upon commencing at 9.42 a.m.]
09:44:07 5 PRESIDING JUDGE: Good morning, learned counsel. I hope you
6 all had a nice weekend and that we are prepared for the
7 marathon for the week. We are resuming our session this
8 morning and the Prosecution is being asked to call the
9 next witness.
09:44:37 10 MR KAMARA: Yes, Your Honour. Just before calling the next
11 witness, the Prosecution seeks to inform the Chamber that
12 we wish to rearrange the order of presentation of
13 witnesses.
14 PRESIDING JUDGE: Yes, just one question: have you discussed
09:44:58 15 this with the Defence?
16 MR KAMARA: Certainly, Your Honour, and we tried not --
17 PRESIDING JUDGE: Okay. Apparently we appear to be in closed
18 session and we're not supposed to be -- it is an open
19 session.
09:45:18 20 MR KAMARA: Yes, it is.
21 [Open session verified]
22 The Prosecution seeks to move the fourth witness in
23 the presentation order to the sixth position.
24 JUDGE BOUTET: You are talking of TF2-008?
09:46:01 25 MR KAMARA: Yes, Your Honour. And we will have 086 moved to
26 that position and 116 thereafter and then 008 will take
27 116's position, which will be sixth on the order of
28 presentation. Strong personal needs have mandated the
29 Prosecution to try to make ends meet by making the

1 necessary adjustment this morning.

2 PRESIDING JUDGE: I think, as far as the Chamber is concerned,
3 we are prepared to take the witnesses the way they come.
4 The concern is with the Defence, because if you have to
09:47:09 5 change the order, you must do that with the consent of
6 learned counsel on the Defence teams of the various
7 accused persons. They have heard your application.
8 I don't know if they have any observation.

9 MS WHITAKER: No, My Lord.

09:47:36 10 JUDGE BOUTET: Counsel for the section accused?

11 MR BOCKARIE: None, sir.

12 JUDGE BOUTET: Mr Margai?

13 MR MARGAI: No objection, My Lord.

14 JUDGE BOUTET: Thank you. You are ready to proceed with your
09:47:51 15 next witness, which is TF2-096, if I'm reading well.

16 MS WIAFE: Yes, the Prosecution calls TF2-096.

17 PRESIDING JUDGE: This would be your 20th witness?

18 MS WIAFE: I think it's the 21st.

19 MR MARGAI: 21st.

09:48:19 20 PRESIDING JUDGE: Yes, it is the 21st. The 20th was TF2-201.

21 [The witness entered Court]

22 WITNESS: TF2-096, sworn:

23 [Witness answered through interpretation]

24 EXAMINED BY MS WIAFE:

09:53:13 25 Q. Good morning, witness.

26 A. Good morning.

27 PRESIDING JUDGE: Learned counsel, may we have your full
28 names, please?

29 MS WIAFE: It's Adwoa, A-D-W-O-A, and the last name is Wiafe,

1 W-I-A-F-E.

2 PRESIDING JUDGE: Thank you.

3 MS WIAFE:

4 Q. Madam Witness, how old are you?

09:54:08 5 A. I'm 37 years old -- [correction by interpreter] --
6 36 years old.

7 Q. Are you married?

8 A. I no longer have a husband.

9 Q. Have you ever been married?

09:54:32 10 A. Yes.

11 Q. Do you have any children?

12 A. Yes.

13 Q. Madam Witness, can you speak up a little bit?

14 A. Okay.

09:54:49 15 Q. How many children do you have?

16 A. I have two children.

17 Q. Madam Witness, have you ever attended school?

18 A. Yes.

19 Q. How far did you go?

09:55:12 20 A. I stopped in form 2.

21 Q. What languages do you speak?

22 A. I speak Mende and Krio.

23 Q. What work do you do, Madam Witness?

24 A. I'm a businesswoman -- I do business in fish and palm
09:55:42 25 oil.

26 Q. Madam Witness, I'd like to take you to 1996. Do you
27 remember that time?

28 A. Yes.

29 Q. Where were you in 1996?

1 A. I was in Talia.
2 Q. Which chiefdom is Talia?
3 A. Yobehko Chiefdom.
4 Q. In which district?
09:56:33 5 A. Bonthe District.
6 Q. Did anything significant happen in Talia in 1996?
7 A. Very well.
8 Q. Madam Witness, can you speak up?
9 A. I'm speaking carefully.
09:57:07 10 JUDGE BOUTET: Maybe somebody can lower the microphone.
11 THE WITNESS: Okay.
12 MS WIAFE:
13 Q. Can you tell this Court what happened in Talia in 1996?
14 A. We were there in 1996 when the rebels came, and they
09:57:53 15 called us from the bush and they brought us to Talia.
16 Q. Madam Witness, who are these rebels?
17 A. Ever since I was born I didn't know who was a rebel, but
18 in 1991 I was able to see rebel and I heard the rebels
19 have come to this country. We saw them beating our
09:58:17 20 brothers and sisters, killing them for their property,
21 and from that time we called them rebels -- our fellow
22 humans.
23 Q. Madam Witness, where did the rebels take you?
24 A. They took me from the camp and they brought me to Talia.
09:58:56 25 Q. And when they brought you to Talia, can you tell this
26 Court --
27 MR MARGAI: My Lords, I'm sorry, just for sequence and
28 clarity, I'm not sure who in fact took her out of her
29 village to Talia. Were they the rebels or --

1 JUDGE BOUTET: The rebels.
2 MS WIAFE: She said she was at a camp in the bush and the
3 rebels took her to Talia.
4 JUDGE BOUTET: To Talia.
09:59:24 5 MR MARGAI: Very well, thank you.
6 MS WIAFE:
7 Q. Madam Witness, just to clarify, who took you from the
8 bush into Talia?
9 A. Rebels attacked us at 12.00 o'clock and they brought us
09:59:42 10 to Talia in the night.
11 MR MARGAI: That is still not clear. My understanding is that
12 there was an attack, wherever she was. Now, the question
13 is was she forced out of wherever she was by virtue of
14 this attack, or was it the rebels who took her there?
10:00:00 15 This is where I'm a bit confused.
16 PRESIDING JUDGE: And where was she living?
17 MR MARGAI: Precisely.
18 PRESIDING JUDGE: Where was she living? This is the problem.
19 JUDGE BOUTET: I think we're --
10:00:09 20 MS WIAFE: I wanted to move her testimony. She says she was
21 in the bush and then she was brought to Talia.
22 MR MARGAI: Bush where?
23 MS WIAFE:
24 Q. Madam Witness, where was this bush where you were?
10:00:24 25 A. A camp in one village, but -- a camp near one village,
26 but I don't want to name the camp.
27 Q. Which chiefdom was this camp?
28 A. Yobehko.
29 Q. Do you know how far this camp was from Talia?

1 A. Yes.

2 Q. How far was this camp?

3 A. It's about ~~XXXXXXXX~~ miles.

4 Q. Madam Witness, you said the rebels took you from the camp
10:01:32 5 to Talia.

6 A. Yes.

7 Q. What happened when you got to Talia?

8 A. What happened when we got to Talia, it was the rebels
9 that took us from the camp and brought us to Talia,
10:02:00 10 because they discovered that we had communication with
11 the rebels, so therefore they brought us there.

12 Q. Madam Witness, can you repeat your answer?

13 A. Yes.

14 Q. What happened when you got to Talia?

10:02:22 15 A. When I left the village and came to Talia, the rebels met
16 us in the camp and they said they have heard that we are
17 communicating with the rebels -- [correction by
18 interpreter] -- with the Kamajors.

19 JUDGE BOUTET: Now, are we in Talia, or are we back at the
10:02:45 20 camp?

21 MS WIAFE: We are supposed to be in Talia.

22 JUDGE BOUTET: But the answer was in the camp.

23 MS WIAFE: Yes, I was going to follow that up.

24 JUDGE BOUTET: Please ask the witness how they were taken from
10:02:54 25 the camp as such, if possible.

26 MS WIAFE:

27 Q. Madam Witness, how were you taken from the camp to Talia?

28 A. They tied us with ropes and then they put us in a
29 straight line and brought us to Talia.

1 Q. Who tied you with ropes?
2 A. The rebels.
3 Q. And how many of you were taken from the camp into Talia?
4 A. We were many -- we were over 200.
10:03:39 5 Q. Now, Madam Witness, when you got to Talia, tell us what
6 happened.
7 A. When we got to Talia, when they brought us that night, in
8 the morning we were all assembled under the Court Barri.
9 They told us that they heard that -- they said that since
10:04:24 10 they have learned that Kamajors were coming, they were
11 going to assemble us there and they will be ahead of us
12 protecting us. We spent the whole day to the evening
13 hours, around 5.00 o'clock. They called my husband and
14 told him that since we have heard that the Kamajors are
10:05:00 15 coming, you no longer -- [correction by interpreter] --
16 the rebels were coming, so you are going to stay here
17 while we take the lead so that we will protect you.
18 Q. What did the rebels do?
19 A. And when we assembled, they took the lead leaving us at
10:05:32 20 the back and we were never allowed to go to where they
21 were. The line of demarcation was laid down, that they
22 were protecting us, just because they wanted to stay
23 behind and then hide.
24 Q. Madam Witness, what did you do at this point?
10:06:14 25 A. [No interpretation]
26 JUDGE THOMPSON: Learned counsel, we may not have the evidence
27 properly.
28 THE WITNESS: We were there and all of a sudden --
29 JUDGE THOMPSON: This pace, it is really fast -- at least to

1 me.

2 MS WIAFE:

3 Q. Madam Witness, can you slow down a little bit?

4 A. Okay.

10:06:29 5 Q. Now, can you tell us what you did?

6 JUDGE BOUTET: We didn't get the translation of what the
7 witness said.

8 MS WIAFE: I just wanted to take her back so that the
9 translation would come back.

10:06:42 10 Q. Madam Witness, listen. You were saying that the rebels
11 said they were going to be in front of you and that you
12 were supposed to follow them.

13 A. Yes. We were in the old town while they were ahead of
14 us.

10:07:05 15 Q. Yes. Now, I want you to tell this Court what you did at
16 this point.

17 A. That is where I'm talking about now.

18 Q. Talk about it, but go slowly, because your evidence is
19 being transcribed.

10:07:26 20 A. Okay. We were there when the rebels appointed one man, a
21 secretary -- his name is Samuel Yomah. He told us to
22 hide, to sneak away. In the evening we sneaked away.
23 That meant that they, too, have sneaked -- have gone into
24 hiding. They were in the battle lines -- they were
10:08:10 25 there, then Kamajors came.

26 Q. Madam Witness, what year was this?

27 A. 1996 year -- it was in 1996.

28 Q. When the Kamajors arrived, what happened in Talia?

29 JUDGE BOUTET: Madam Prosecutor, I'm confused about the

1 evidence of this witness. I'm not sure -- they were
2 taken to Talia. Is it the same morning that they are
3 being attacked by the Kamajors, or after?
4 MS WIAFE: The following day.
10:08:46 5 JUDGE BOUTET: I don't know. You may know, but it does not
6 come out clearly from the evidence of this witness as
7 such. There is one appointed a secretary who tells them
8 to hide, but then all of a sudden the Kamajors come in.
9 I have difficulty following the logic of her evidence.
10:09:04 10 MS WIAFE: I'll go back, Your Honour.
11 JUDGE BOUTET: Thank you.
12 MS WIAFE:
13 Q. Madam Witness, you said you were taken to Talia by the
14 rebels.
10:09:16 15 A. Yes.
16 Q. And that the Kamajors came at some point?
17 A. When the rebels took us to Talia, the next day about
18 5.00 o'clock, so the rebels made a law that we should not
19 go close to them; we should be at the back. In the
10:09:43 20 evening of that day we sneaked away.
21 Q. Madam Witness, when did the Kamajors come into Talia?
22 Between the time that the rebels took you into Talia and
23 the time that the Kamajors arrived, how long did it take?
24 A. When they hid away, the day when we were asked to sneak
10:10:16 25 away, and they, too, had sneaked away, we hid and went to
26 the camp and it was the night that they came to the camp.
27 Q. Madam Witness, I want to know -- you said you were taken
28 into Talia by the rebels, and that the Kamajors arrived
29 in Talia some time after. What I want to know from you

1 is how long it took the Kamajors to arrive in Talia after
2 you were taken by the rebels to Talia.

3 A. How long it was -- it was not over six metres [sic] --
4 when the rebels left, it was not over six hours when the
10:11:08 5 Kamajors appeared.

6 Q. Was this the same day that you were taken from the bush
7 into Talia?

8 A. Yes, when the rebels came to Talia, the following morning
9 and in the night, we returned to the bush in the night.

10:11:30 10 Q. You returned to the bush?

11 A. Yes, that's where the Kamajors met us again.

12 Q. And why did you go back to the bush?

13 A. The secretary, Samuel Yomah, told us that those guys had
14 become angry, that we should hide away from them.

10:11:55 15 Q. Who are you referring to as "those guys"?

16 A. Pa Samuel told us to hide.

17 MS WHITAKER: Would you ask the question again?

18 MS WIAFE: Yes.

19 Q. Madam Witness, you said Pa Samuel told you that "those
10:12:22 20 guys were angry". I would like to know who you are
21 referring to as "those guys".

22 A. Pa Samuel said, because he was the secretary that gave us
23 the pass -- he was working for them -- he said that they
24 are angry, that the soldiers had attacked them, so they
10:12:45 25 are angry. It was Pa Samuel that told us.

26 Q. Madam Witness, listen to my question. Who are you
27 referring to as "them"? Who told Pa Samuel that "those
28 people are angry"; who are you referring to as "them"?

29 A. The rebels had become angry.

1 Q. Did you come back from the bush into Talia?
2 A. That's the same place I'm talking about. It's in the
3 night that they got us out of the bush and we settled in
4 Talia.
10:13:31 5 Q. Who got you out of the bush?
6 A. It was the Kamajors for the second time.
7 Q. Now, Madam Witness, who were these Kamajors? Who do you
8 refer to as the Kamajors?
9 A. Well, the way I saw them, they were our very brothers --
10:14:01 10 I saw them wearing this traditional dress with medals on
11 them. I knew some of them.
12 Q. Do you know where they were coming from?
13 A. They said they had come from Kalleh and Mena.
14 Q. Do you know where Kalleh and Mena are located?
10:14:39 15 A. I'm not able to show the district, but I did hear that it
16 was Moinina Fofana's home town -- Mr Moinina Fofana's
17 home town.
18 Q. And who do you refer to as Moinina Fofana?
19 PRESIDING JUDGE: Let me get the names of the two places they
10:15:04 20 said they were coming from. They said they were coming
21 from?
22 MS WIAFE: Mena, M-E-N-A.
23 THE WITNESS: Kalleh.
24 MS WIAFE: And Kalleh, K-A-L-L-E-H.
10:15:33 25 PRESIDING JUDGE: Then she says is it Mena -- is it Kalleh
26 which is Moinina Fofana's village?
27 MS WIAFE: I'll ask her.
28 Q. Madam Witness, I asked you where these places were
29 located.

1 A. I said I can't remember the chiefdom or the district, but
2 the Kamajors who came, and my brother was among them,
3 they were saying that it was Mr Moinina Fofana's home
4 town. I don't know whether it was the town that they --
10:16:12 5 that was the town that they gave pack to him.

6 Q. Which are the towns?

7 A. Those two towns, Kalleh and Mena, I don't know.

8 Q. Madam Witness, who do you refer to as Moinina Fofana?

9 A. Well, Mr Moinina Fofana, I did hear the name at first,
10:16:47 10 but I didn't know him.

11 Q. Did you later come to know him?

12 A. Yes, I knew him later in 1997.

13 Q. Madam Witness, we'll come to that later.

14 A. Okay.

10:17:08 15 Q. Now, Madam Witness, when the Kamajors came to Talia, did
16 they stay?

17 A. Yes, they settled there properly.

18 Q. And did you come to know why they came to Talia?

19 A. Yes, because when they came, they were fighting with the
10:17:43 20 rebels in order to protect us, the civilians, so when
21 they came, they settled there. But that settlement --
22 when the rebels had run out of favour, that's why they
23 were settled in the town.

24 Q. You say when the rebels were run out of favour. What do
10:18:14 25 you mean by that?

26 A. Yes, when they had run out of favour, they were taking
27 people and throwing them in the fire and Kamajors started
28 getting people out of the town and bringing them to Talia
29 in order to protect their lives. At the same time,

1 again, they were looking out for town commanders and
2 secretaries. I did see them bringing them.

3 Q. Madam Witness, who were these town commanders and town
4 secretaries?

10:19:09 5 A. Town commanders and secretaries --

6 Q. Madam Witness, would you take your time.

7 A. When the rebels were going in our direction, they were
8 going to Bap for salt. They were taking people's food,
9 so when they go to a town, they would appoint people.

10:19:41 10 They were appointing these men so that, when they come,
11 those things that they bring, civilians would carry them
12 for them. So when you are appointed town commander, you
13 would summon your people. Then they choose the people
14 they want, then they accompany them.

10:20:12 15 Q. Who were these town commanders working for?

16 A. They were working for the rebels, because they were
17 saying that they should give them people to help them
18 carry their loads. It was the same thing for the town
19 mothers. For the secretaries, they were given passes, if
10:20:41 20 you want to go to any village in order for them to know
21 where you were going.

22 Q. Madam --

23 A. Can I carry on?

24 Q. No.

10:21:00 25 A. Okay.

26 Q. Now, Madam Witness, how were these town commanders
27 appointed?

28 A. Because if they like you and they choose you -- when they
29 meet you in the bush, yes, they would appoint you, and

1 someone new, and they would say, "This is the person that
2 is leading you here. If we need you, we will get you
3 through him."
4 Q. [Microphone not activated] staying?
10:21:51 5 A. The rebels.
6 Q. Madam Witness, who were the leaders of the Kamajors who
7 first came into Talia?
8 A. At first, the ones I saw that were Kamajor leaders was
9 the late Ngobeh and the other was Joe Tamidey. They were
10:22:29 10 the ones that were there. But there were so many other
11 Kamajors.
12 Q. Madam Witness, apart from these two leaders that you've
13 mentioned, do you know of any Kamajor personality who
14 came to Talia around this time?
10:23:15 15 A. Yes.
16 Q. Can you tell us who this was?
17 A. When they came for those two weeks, it was Kondewa.
18 Q. Witness, I would like you to speak up.
19 A. I saw Kondewa, together with his priests.
10:23:39 20 Q. Who is this Kondewa you mention?
21 A. We saw Kondewa there, but I knew him at first, so I saw
22 him there as somebody who was leading the Kamajors there.
23 I saw him in that town.
24 Q. Madam Witness, you said you knew him at first. How did
10:24:11 25 you know him?
26 A. I knew him, that he was a herbalist.
27 Q. Do you know where he was practising as a herbalist?
28 A. You mean the year?
29 Q. Where -- location.

- 1 A. Yes, Jopowahun.
- 2 MS WIAFE: Your Honours, I'll attempt to spell that. It's
3 J-O-R-P-O-W-A-H-U-N [sic].
- 4 Q. Madam Witness, do you know Kondewa by any other names?
- 10:25:11 5 A. Yes.
- 6 Q. What other names do you know him as?
- 7 A. Mr Allieu Kondewa.
- 8 Q. Madam Witness, when Allieu Kondewa came, where did he
9 settle?
- 10:25:40 10 A. When he came, he settled in Mokusi. That's where he was
11 settled practising his trade -- doing his initiation.
- 12 Q. What chiefdom is Mokusi?
- 13 PRESIDING JUDGE: Mokusi spelt?
- 14 MS WIAFE: I think it's M-O-K-O-S-I [sic].
- 10:26:13 15 Q. Madam Witness, what chiefdom is Mokusi?
- 16 A. Yobehko.
- 17 Q. And how far is Mokusi from Talia?
- 18 A. Two and a half miles.
- 19 Q. Madam Witness, you also mentioned that Allieu Kondewa was
10:26:53 20 doing initiation. What did that entail?
- 21 A. I did see him initiating Kamajors.
- 22 Q. And do you know why he was initiating Kamajors?
- 23 A. Yes, a bit.
- 24 Q. Can you tell this Court?
- 10:27:33 25 A. They said that when they do this initiation, when
26 they fight -- so that when they fight the rebels they
27 would be able to protect our country. That was why they
28 had come.
- 29 Q. Madam Witness, as far as you know, did Kondewa ever leave

1 Mokusi?

2 A. He stayed in Mokusi for long and then he later came to
3 Nyandehun and he stayed for long at Nyandehun and then he
4 later came to Talia. And Talia and Nyandehun are almost
10:28:48 5 the same town -- they are separated by a few --

6 PRESIDING JUDGE: Can we have the sequence of that? He lived
7 in Mokusi for a long time and went to?

8 MS WIAFE: Nyandehun. I think it is N-Y-A-N-D-E-H-U-N.

9 PRESIDING JUDGE: And then from there?

10:29:11 10 MS WIAFE: To Talia.

11 Q. Madam Witness, can you tell us when Allieu Kondewa
12 settled in Talia?

13 A. The same, 1996.

14 Q. At this time was he still initiating Kamajors?

10:29:53 15 A. Yes, his priests were in Mokusi and they would come from
16 Talia to Mokusi.

17 Q. Apart from initiating Kamajors, was he doing anything
18 else?

19 A. That's the only thing I saw -- initiating people. When
10:30:15 20 there is a case or a quarrel, they would report to him.

21 Q. And who would report to him?

22 A. The civilians -- anything that happened, they would
23 report to him.

24 Q. Madam Witness, I would like to take you now to 1997.
10:30:40 25 Where were you at this time?

26 A. I was still in Talia.

27 Q. Did anything happen in Talia in 1997?

28 A. Yes.

29 Q. Can you tell this Court what happened?

1 A. In 1997, between the dry season and the rainy season
2 I took --
3 Q. Can you speak up?
4 A. I took a jug to go to the waterside to go and launder.
10:31:30 5 We were doing this laundering, then we heard the sound of
6 an aeroplane. Then it landed. Then we ran away, because
7 since the war we've never seen that kind of thing. So we
8 were in the bush, we heard somebody shouting. Then
9 I peeped. Then I saw somebody, but he was not very white
10:32:09 10 [sic] -- he was carrying a gun, running -- he was
11 running, running.
12 Q. Madam Witness, did you come to know who this was who had
13 arrived in Talia?
14 A. Yes.
10:32:29 15 Q. Can you tell us who?
16 A. When the Kamajors shouted that we should come out of the
17 bush, that Pa Norman had come, yes, we came out. We met
18 them -- they were standing under a kola nut tree nearer
19 the Court Barri with a large crowd -- women, men, with
10:33:04 20 the town elders -- chiefdom elders.
21 Q. Hold on a second.
22 A. Okay.
23 Q. And did anything happen when you got to that location?
24 A. Yes.
10:33:37 25 Q. Tell us what happened?
26 A. I met Pa Norman talking to people. What I met him
27 talking about, he pointed at one man -- his name was
28 Kohbe -- he said they were moving around together.
29 Q. Did he tell them where Kohbe was from -- did he tell the

1 crowd where Kohbe was from?

2 A. Yes, they said he was a Nigerian. They said that Papa
3 Kabbah had told them that they should fight the war
4 together. Then he pointed at another man and he said,
10:34:28 5 "He's called Moinina Fofana," and he said he was going to
6 organise the war. That was why his name is Director of
7 War, Moinina Fofana.

8 Q. Madam Witness, hold on for a second. Was anybody else
9 introduced at this meeting -- at this gathering?

10:35:17 10 A. Yes, he didn't stop on that -- on that man. He said,
11 "He's called Mr Hinga Norman," that he had been sent by
12 Pa Kabbah in order to open a training base so that they
13 could fight the war in order to bring peace into our
14 country.

10:35:48 15 Q. Just hold on -- just wait a second. Madam Witness, did
16 Hinga Norman say anything else about himself?

17 A. Yes, he said he was the Kamajor leader.

18 Q. Madam Witness, at the time when Hinga Norman came to
19 Talia, do you remember which government was in power?

10:36:54 20 A. At that time -- that was the time that I heard that Pa
21 Kabbah had been overthrown. That is why he said he was
22 fighting the war for Pa Kabbah and the country so that
23 there would be peace.

24 Q. Madam Witness, was anything else said at that meeting?

10:37:33 25 A. Yes.

26 Q. What else was said?

27 A. Pa Norman said that the Kamajors were coming from the
28 districts, so we, the women, and the town elders -- he
29 begged that those who were coming to do the training, if

- 1 we had any food, we should give them; if we have place to
2 lodge them, we should give it to them in order for us to
3 have peace.
- 4 Q. What happened after this meeting?
- 10:38:39 5 A. Well, we did see them carrying out the initiation --
6 Kamajors were coming from other chiefdoms -- many
7 chiefdoms. They were being initiated, the training was
8 going ahead.
- 9 Q. Madam Witness, you mentioned training. What did this
10:39:18 10 training involve?
- 11 A. They were training the Kamajors how to fight the war at
12 the field.
- 13 Q. Where was this field?
- 14 A. Talia, ahead of the street when you're going towards
10:39:57 15 Haahun.
- 16 Q. Madam Witness, to your knowledge what was the
17 relationship between Pa Norman and the Kamajors?
- 18 A. He was their boss. They were together.
- 19 [HN081104B 10.40 a.m.]
- 10:37:03 20 Q. And why do you say he was their boss?
- 21 A. Because he himself said so, that Pa Kabbah had sent him
22 that they should fight the war together -- in order for
23 them to fight war. And he said he was their leader.
- 24 Q. At the time when Hinga Norman came to Talia, were there
10:37:56 25 other leaders of the Kamajor in Talia?
- 26 A. Yes.
- 27 Q. Who were these leaders?
- 28 A. Pa Allieu Kondewa was there, Francis Gomo [phonetic] was
29 there, Joe Tamidey was there, Ngobeh was there, and the

- 1 paramount chiefs, then one journalist, Prince Brima.
- 2 Q. Madam Witness, can you go over the names again and go
3 over them slowly?
- 4 A. Kondewa, Francis Gomo, Joe Tamidey, Ngobeh, and paramount
10:39:11 5 chiefs who had come from the districts, and the chiefdom
6 elders, they were there.
- 7 Q. Did Hinga Norman stay in Talia when he came?
- 8 A. Yes, Pa Norman did come to Talia, but I never saw him
9 spend one week there. They did come and go. He would
10:39:58 10 bring food, clothing for his Kamajors.
- 11 Q. And did he go up and down with anybody?
- 12 A. Yes.
- 13 Q. Who did he move around with?
- 14 A. That man, his name is Mr Moinina Fofana - they were
10:40:19 15 calling him Director of War, and some Kamajors. They
16 were moving together.
- 17 Q. Madam Witness, and every time Hinga Norman left Talia, do
18 you know who would be in charge of the Kamajors?
- 19 A. Yes.
- 10:41:02 20 Q. And who would this be?
- 21 A. I did see Pa Konde; he was there. Because whatever
22 happened to civilians, writes a report. They will take
23 the report to him. At that time the chiefs were not
24 doing anything anymore.
- 10:41:37 25 Q. Why do you say the chiefs were no longer acting?
- 26 A. Because that man, I did see people going to him.
- 27 Q. Now, Madam Witness, after Hinga Norman arrived in Talia,
28 did you witness any particular event in Talia?
- 29 A. Yes.

- 1 Q. Can you tell this Court what you witnessed?
- 2 A. I was sitting down, I was serrating some cassava, I was
3 selling alcohol. It was by me. But at that time, when
4 they bring somebody -- a new person --
- 10:42:52 5 Q. When you say "they", who are you referring to?
- 6 A. The Kamajors. When they bring a strange person, like the
7 town commander -- when they bring them from the villages,
8 they would shout and say they've brought a new person.
9 So that's -- they shouted. There was -- Konde's
10:43:31 10 bodyguard was sitting by me, Amar Sengay [phonetic]. He
11 was drinking some alcohol. Then he saw one of his
12 friend. He, too, was Konde's bodyguard, Junisa. Then he
13 said, "Hey, man, what has happened there?" And he said,
14 "They have brought a soldier." That they brought him
10:44:01 15 from Koribundu. He'd come to surrender.
- 16 Q. Madam Witness, did anything happen to this soldier?
- 17 A. Yes.
- 18 Q. What happened to him?
- 19 A. I didn't see him myself, but when they shouted, the Amar
10:44:56 20 asked his friend that they've brought a soldier, that he
21 had come to surrender. But when they brought him, Pa
22 Norman was not there. Later we heard that Papa Norman
23 had come.
- 24 Q. Madam Witness, did anything happen to this soldier that
10:45:21 25 you know about?
- 26 A. Yes. We heard that they've killed him.
- 27 Q. And who killed him?
- 28 A. I can't tell the person who killed him, but the Kamajors
29 who were sleeping in our parlour, they were saying in

1 that night that the soldier whom they'd brought, Pa
2 Norman had said that he should be training -- that
3 they've done something, he has been killed.
4 MS WHITAKER: Sorry, could I just be clear about that answer.
10:46:19 5 That Pa Norman had said the soldier should be used for
6 training, but that he had been killed. Thank you.
7 MS WIAFE:
8 Q. Madam Witness, I asked you do you know -- or did you hear
9 about who did the killing, not the actual people?
10:46:46 10 MR MARGAI: My Lords, I believe that question has been amply
11 answered. She said she could not tell. Thank you.
12 JUDGE BOUTET: Madam Prosecutor?
13 MS WIAFE: Yes, Your Honour. She said she couldn't -- she
14 heard them talking about the killing. I wanted to know
10:47:10 15 if she also heard who they said had killed that soldier.
16 PRESIDING JUDGE: In other words, you're prompting the
17 witness.
18 MS WIAFE: No, she's already said that she heard that he had
19 been killed.
10:47:27 20 JUDGE BOUTET: And you're asking her if she knows by whom?
21 MS WIAFE: Yes.
22 JUDGE BOUTET: Proceed.
23 JUDGE THOMPSON: She had, in fact, indicated that this came to
24 her --
10:47:37 25 MS WIAFE: She didn't see.
26 JUDGE THOMPSON: -- through hearsay, and, of course, we're not
27 suggesting for one moment that hearsay evidence is
28 inadmissible, but if you want to stretch it --
29 MS WIAFE: Your Honour, she may or she may not know.

1 MR BOCKARIE: Yes, Your Honour, but the witness gave a vivid
2 account as to how she came to know about the death of the
3 soldier through Kamajors who were sleeping the living
4 room of the witness. A vivid account, Your Honour.

10:48:15 5 JUDGE THOMPSON: The difficulty is that we've had the
6 witness's honest - assuming honest - presentation of how
7 she came to that knowledge, and I don't know how far we
8 are stretching it now, since she does not claim to have
9 any direct knowledge, but I --

10:48:41 10 MS WIAFE: If Your Honours would rule on this objection, I
11 will proceed.

12 JUDGE BOUTET: Proceed ahead.

13 MS WIAFE: Your Honour, proceed in terms of asking the
14 question or just moving --

10:48:50 15 JUDGE BOUTET: Ask the question.

16 MS WIAFE:

17 Q. Madam Witness, did you come to know who killed this
18 soldier?

19 A. Yes.

10:49:07 20 Q. Who killed this soldier?

21 A. The Kamajors who are sleeping in our parlour said that
22 their companions had done that.

23 Q. Madam Witness, can you tell this Court when this killing
24 took place?

10:49:25 25 A. Yes.

26 Q. When did it take place?

27 A. In 1997.

28 Q. Which part of 1997?

29 A. When we are finishing the rainy session in order for it

1 to start the dry season.

2 Q. Madam Witness, apart from this killing, did you witness
3 any other events?

4 A. Yes.

10:50:12 5 Q. Can you tell this Court what you witnessed?

6 A. I saw something in 1996, but I didn't reach there when we
7 jumped into 1997.

8 Q. Madam Witness, apart from this killing, did you witness
9 any other killing?

10:50:44 10 PRESIDING JUDGE: You said "any other thing" -- "any other
11 thing". Remain with the "thing", please.

12 MS WIAFE: Thank you, Your Honour.

13 PRESIDING JUDGE: Yes.

14 MS WIAFE:

10:50:52 15 Q. Madam Witness, apart from the killing you just told us
16 about, did you witness any other event?

17 A. Yes.

18 Q. Can you tell this Court what you witnessed?

19 A. One morning when I went to fetch water, I was fetching
10:51:22 20 the water when I saw some Kamajors in a group. They were
21 dancing, coming towards me --

22 Q. Where's this river you're talking about -- where's it
23 located?

24 A. Repeat the question. I do not understand.

10:51:51 25 Q. You said you went to fetch water. Where did you go to
26 fetch water?

27 A. There was a water well in the centre of the town, at the
28 Chief's house -- the Chief that is there at the moment.

29 Q. Which town are you referring to?

- 1 A. The same Talia.
- 2 Q. Tell us what happened at the well?
- 3 A. I was fetching this water. I saw Pa Kondewa and others
4 and Kamoh Boni.
- 10:52:35 5 Q. Where were they coming from or where were they?
- 6 A. They were coming from the new town, coming towards the
7 old town. Can I speak?
- 8 Q. Yes.
- 9 A. They were leading this dance. Kamoh Boni was carrying
10:53:05 10 the gun. I saw two other people standing before Kondewa.
11 They made somebody into a stick; they were carrying it on
12 their head.
- 13 Q. Madam Witness, how many people did you see in this group?
- 14 A. Two people.
- 10:53:35 15 Q. And you know how many people were there?
- 16 A. The Kamajors were many.
- 17 Q. And who was carrying this effigy on their head?
- 18 A. [Inaudible] carrying it, after they had killed them,
19 that's the time that I knew them.
- 10:54:08 20 Q. Madam Witness, listen to the question. You said
21 somebody -- they had made -- somebody was carrying a
22 stick on their head -- on his head. Who was this who was
23 carrying this stick?
- 24 A. Those two people, they were town commanders. Can I
10:54:40 25 speak?
- 26 Q. Just hold on. And where were they in relation to this
27 group?
- 28 A. They are standing in front of the dance. They were
29 leading the dance.

1 PRESIDING JUDGE: Who was leading the dance?
2 MS WIAFE:
3 Q. Madam Witness, you're talking about seeing a number of
4 Kamajors coming towards you at the water well. Who were
10:55:16 5 these people coming towards you?
6 A. I said they were the Kamajors who were coming towards me.
7 Their boss, Kondewa, was in front of them. Then those
8 two people, too, were standing in front of Konde.
9 Q. Now, apart from Kondewa and these two people, was anybody
10:55:37 10 else in this group?
11 A. Yes, his priest was there, Kamoh Boni.
12 Q. Now, what happened?
13 A. When they passed the well where I was fetching the water,
14 then Konde stretched his arm and took the gun from Kamoh
10:56:14 15 Boni. I saw him shoot one of them; then he fell.
16 Q. Who do you refer to as "them" -- "One of them"?
17 A. The one that was carrying the stick on the head and was
18 dancing, this town commander. Then he fell down. I ran
19 away. I left the bucket in the well. I met --
10:56:51 20 Q. Now --
21 A. I met my --
22 Q. Madam Witness, how did you know this person who was
23 killed was a town commander?
24 A. When I run away, I met my mother-in-law outside. She was
10:57:16 25 -- she was in the outside. Then I asked her whether she
26 knew the people they come with. She said yes, said they
27 were our people, they brought them from the direction of
28 Kongo, they were our brothers. But rebels appointed them
29 as town commanders when the Kamajors came, but they run

1 -- they hid away. That is why they have caught them.
2 That is how I came to know them.
3 Q. Madam Witness, do you know what eventually happened to
4 this man that you saw being shot?
10:58:15 5 A. Yes. Next morning -- shall I talk?
6 Q. Yes.
7 A. The next morning I put my clothes into a trough. The
8 Kamajors who were going to the field, I was with them
9 where we went. When we got to the place, one of the
10:58:57 10 Kamajors told me that those people who were in the dance
11 yesterday, they're there lying. Then I turn round and I
12 look on my left-hand, but I saw -- and I saw two graves.
13 Q. And you said who were these graves -- who did these
14 graves belong to?
10:59:22 15 A. The Kamajors who were going to the field, they told me
16 that the two people who were dancing yesterday, they were
17 in those graves.
18 Q. And Madam Witness, when did this incident take place.
19 A. It was in 1997, when Pa Norman came, but he was not
11:00:11 20 there.
21 Q. What time of the year did it take place - the beginning,
22 the middle or the latter part of 1997; do you know?
23 A. It is the end of 1997.
24 Q. Madam Witness, apart from these incidents that you have
11:00:39 25 narrated, did anything happen in -- anything else happen
26 in Talia around this time?
27 A. It happened, yes.
28 Q. What happened?
29 A. In 1997 rebels caught my brother. Shall I talk?

1 Q. Yes.

2 A. What?

3 Q. What else happened in 1997?

4 A. I said rebels caught my brother.

11:01:34 5 Q. Your brother?

6 A. No, one of my sisters. Consider him [sic] to be my
7 sister, but she was really my friend.

8 Q. And what happened to this friend?

9 A. Rebels took him [sic] to Gendema, but she sneaked away
11:02:07 10 and came back. When she came, they found us selling
11 cassava. She joined us. One morning, the bodyguards of
12 Kondewa, they went there to buy the food. They were
13 four.

14 Q. Now, Witness, hold on a moment. Do you know the names of
11:02:47 15 these bodyguards?

16 A. Yes.

17 Q. What were the names?

18 A. Kafi Jini, Jahman --

19 Q. Madam Witness, go slowly. What's the first name again?

11:03:10 20 A. Kafi Jini.

21 MS WIAFE: Your Honours, I'll attempt to spell the name. It's
22 K-A-F-I J-I-N-I.

23 Q. The second?

24 A. Jahman.

11:03:32 25 MS WIAFE: Jahman is J-A-H-N-A-N [sic].

26 Q. Who else?

27 A. Junisa.

28 MS WIAFE: Junisa is J-U-N-I-S-A.

29 Q. Was there anybody else?

1 A. Yes.

2 Q. What was his name?

3 A. Bokindeh.

4 MS WIAFE: Bokindeh is B-O-K-I-N-D-E-H.

11:04:12 5 Q. Madam Witness, tell us what happened with your sister?

6 A. They bought some cassava from her. The three of them --

7 three of them paid, but Jahman said, "Let the girl add

8 some the sauce." If she doesn't add the beans on it, he

9 will not pay. Then she said, "I bought the beans with

11:04:58 10 money, I cannot make any addition." Then Jahman said,

11 "Since you came -- since you are a rebel and you've

12 returned, we've not done anything with you. Let me go

13 and put it to Pa Kondewa. We have to show you that we

14 are on the ground here."

11:05:26 15 Q. Madam Witness, where were you when this incident

16 happened?

17 A. I was at home in Talia in the verandah.

18 Q. Now, tell us what happened from there?

19 A. Jahman went away. He went straight away to Konde in

11:06:23 20 Nyandehun. He went and told the Pa --

21 MR MARGAI: Objection, My Lord, objection. She said Jahman

22 left and went straight to Konde, and told Konde. We're

23 not sure whether she accompanied Jahman went Jahman

24 supposedly went to Konde. There is definitely a gap

11:06:48 25 somewhere.

26 MS WIAFE: Your Honours, I was going to lay the foundation for

27 that piece of evidence later.

28 JUDGE BOUTET: Please proceed ahead.

29 MS WIAFE: Thank you, Your Honour.

1 Q. Madam Witness, can you carry on?
2 A. She went to Konde in Nyandehun --
3 MR MARGAI: Your Honour, I'm still objecting. I mean going to
4 lay the foundation later on, after the evidence would
11:07:21 5 have gone in?
6 JUDGE BOUTET: Foundation for what? I'm trying to follow --
7 as my brother Judge Thompson has said, hearsay evidence
8 is admissible. I'm trying to understand why you're
9 objecting to this. Obviously she's in
11:07:37 10 examination-in-chief. If matters are not clear to you,
11 you can explore that in cross-examination at your will at
12 that particular time.
13 MR MARGAI: My Lord, I accept that in international tribunals
14 the rules are relaxed to accommodate hearsay, but not
11:07:50 15 every hearsay. I mean, let us follow the train of the
16 evidence. Jahman threatened to take certain actions;
17 Jahman, according to her, left to go to Kondewa.
18 JUDGE BOUTET: Yes.
19 MR MARGAI: There is no evidence as to what she did
11:08:10 20 thereafter, and now she's about to tell us what Jahman
21 went and told Kondewa. Where was she?
22 JUDGE BOUTET: Madam Prosecutor, you've heard the objection.
23 Do you have any comments?
24 MS WIAFE: Your Honour, as you have pointed out, hearsay
11:08:36 25 evidence is admissible before these courts, and the
26 witness is narrating an incident. I will come later on
27 to establish the basis of her knowledge that Jahman,
28 indeed, went to Kondewa to report this incident to him.
29 And if my learned friend would just be patient, we would

1 come to that.

2 MR MARGAI: My Lord, that is not the purport of my objection.

3 The purport of my objection is that the gap that has been

4 left out and unaddressed is not a question of "I shall

11:09:04 5 come later on." After the damage would have been done?

6 Why couldn't she address the issue now? Let us know

7 where this lady was at the material time.

8 JUDGE BOUTET: Thank you, Mr Margai.

9 MR MARGAI: As My Lord pleases.

11:09:21 10 MS WIAFE: Your Honours, I will go ahead and ask the question.

11 JUDGE BOUTET: Clarify the issue, please.

12 MS WIAFE: Thank you.

13 Q. Madam Witness, how did you get to know that Jahman went

14 to report this incident to Kondewa?

11:09:37 15 A. After eating the cassava, then he said he was going and

16 he will make the girl realise that they were on the

17 ground. We were there, and the people came for her.

18 They went with her to Nyandehun.

19 JUDGE BOUTET: It is not clear to me. I just heard "we were

11:09:58 20 there," but I would like to know where the witness is at

21 that particular moment. It is not clear to me. I just

22 heard "we were there."

23 MS WIAFE:

24 Q. Madam Witness, where were you at this particular moment?

11:10:09 25 A. I was in my verandah during the issue.

26 Q. Where did this incident take place?

27 A. Talia.

28 Q. In relation to your verandah, where did it take place?

29 MR MARGAI: My Lord, again if I may make the situation

1 clearer. I'm sure Your Lordship wants to know where the
2 witness when Jahman went to Kondewa. That is the issue.
3 JUDGE BOUTET: I agree with you.
4 MR MARGAI: As My Lord pleases.
11:10:49 5 MS WIAFE: Your Honours, that's what I'm trying to elicit from
6 the witness and the witness keeps going back.
7 JUDGE BOUTET: Well, ask the witness where she was if she was
8 there, because she appeared to be saying she was there,
9 wherever it is --
11:10:49 10 MS WIAFE: Exactly.
11 JUDGE BOUTET: -- at one given time. I do not understand what
12 she means.
13 MS WIAFE:
14 Q. Madam Witness, I would like you to tell this Court where
11:10:59 15 you were when this incident took place?
16 MR MARGAI: Again, I'm sorry, she's just compounding the
17 confusion. Not "the incident". Let us be specific.
18 Where she was when Jahman left to go to Kondewa, because
19 when she's saying that "I was there", my understanding is
11:11:19 20 she is talking about being present where the cassava
21 transaction took place.
22 MS WIAFE: As counsel pleases.
23 Q. Madam Witness, where were you when Jahman said he was
24 going to report the incident to Kondewa?
11:11:39 25 MR MARGAI: That, again, with respect, is not the point. I'm
26 sure learned counsel appreciates the objection that has
27 been taken. Where she was when Jahman left for Kondewa,
28 that is the issue.
29 MS WIAFE: Your Honour, the witness has said she heard Jahman

1 say he was going to report there incident to Kondewa.
2 JUDGE BOUTET: I think it would be important to know if she
3 is, as she says, on the verandah. Where is the verandah
4 by position in relation to wherever this is taking place?
11:12:08 5 MS WIAFE: That's what I asked and learned counsel
6 interrupted. I wanted to know where the incident took
7 place in relation to her location.
8 Q. Madam Witness, listen to the question and answer it. You
9 said you were on your verandah?
11:12:29 10 A. Yes.
11 Q. In relation to that verandah, where were you when Jahman
12 said he was going to report the incident to Kondewa?
13 A. Listen, we were selling the cassava in the verandah.
14 Q. Who were you selling the cassava with?
11:13:10 15 A. I was selling, likewise my friend; she too was selling.
16 Q. And where were you -- I want a specific answer from you.
17 Where were you -- so listen to question. Where were you
18 when Jahman said he was going to report to Kondewa? That
19 is what I want you to answer. I don't want you to tell
11:13:33 20 me the whole story.
21 A. I was in the verandah.
22 Q. And where was your friend?
23 A. She, too, prepared her cassava and brought it to our
24 verandah.
11:13:57 25 Q. And where was Jahman when he said he was going to report
26 the incident to Kondewa?
27 A. They came to our verandah and that is the place where
28 they ate the cassava.
29 Q. And was that where he said that he was going to report to

1 Kondewa?

2 A. Yes, when he refused to pay the girl.

3 Q. Now, could you tell this Court what happened after this?

4 A. Yes. Shall I talk?

11:14:40 5 Q. Yes.

6 A. After that -- after he had said this, he left the
7 verandah and went to Nyandehun. We are still there when
8 the Kamajors came back. They ask for the girl's name.
9 Then she said, "Here am I." They said, "Well, the Pa has
11:15:07 10 something -- business with you," which Pa --

11 Q. Which Pa are you referring to?

12 A. Kondewa. Then they went.

13 Q. Where did they go?

14 A. That time he was in Nyandehun.

11:15:29 15 Q. And where did they take that girl -- your friend?

16 A. Nyandehun.

17 Q. How do you know that they took her to Nyandehun?

18 A. While they were going, we also followed them.

19 Q. Yes, and what happened? Did they get to Nyandehun?

11:16:02 20 A. Yes.

21 Q. What happened in Nyandehun?

22 A. When they went -- they were ahead of us. So by the time
23 they got there, they were already in the cage -- she was
24 already in the cage. Shall I talk?

11:16:25 25 Q. No, wait.

26 PRESIDING JUDGE: By the time they got where?

27 MS WIAFE: I was going to ask her that.

28 Q. Witness, where are you referring to when you said "by the
29 time we got there"?

1 A. Nyandehun.

2 Q. You also said that your friend was in a cage. How did
3 the cage look like?

4 A. They had used palms -- some palm stick to -- they cut it
11:17:23 5 and they used it to make the cage, with some thongs.
6 That's what they used to make the cage. That's where we
7 met her, but --

8 Q. Okay, hold on. Who else was present at this time?

9 A. Kamajors and Mr Konde.

11:18:03 10 Q. What happened to the girl -- to your friend?

11 A. She was in the cage, but we didn't go closer to them. We
12 are standing at the other house, because at that time if
13 you go -- if you reach there, something would happen. We
14 stood the for long, then we return to Talia. In the
11:18:30 15 evening my husband came. Then the girl's mother --
16 grandmother went to her. Then she went to her.

17 Q. Who did the witness's grandmother go to -- your friend's
18 grandmother go to?

19 A. She went to my husband.

11:19:10 20 Q. And then what happened?

21 A. She told him that, "They've cut your [sic] child, so I
22 beg you to go and plead on her behalf." Then he went
23 there. At that time we had come back to the house. We
24 were at the house. Then he came and said, "We have gone,
11:19:47 25 we've inquired, that the cassava that the girl was
26 selling" -- in fact, we didn't talk about the cassava.
27 He just said that, "The girl was a rebel, but we've
28 arranged it and Pa said -- Pa Konde, that because the
29 girl was carried away by rebels, he wouldn't let her go

1 just like that." Then she gave them money. They
2 requested money, about 40,000 Leones.
3 Q. Who requested money?
4 A. My husband said it was Pa Konde. That he came to the
11:20:39 5 house, then we contributed money. Then he took it along.
6 It was not long, he came together with the girl. That's
7 what I know.
8 MS WIAFE: Your Honours, can I have a minute?
9 PRESIDING JUDGE: To who did she give this money.
11:21:32 10 MS WIAFE:
11 Q. Madam Witness, to whom was the money given?
12 A. My husband said the money was given to Mr Allieu Kondewa.
13 Q. And what happened --
14 PRESIDING JUDGE: I thought she said "Pa Konde". Is it the
11:21:56 15 same person?
16 MS WIAFE:
17 Q. Madam Witness, who is this Pa Konde you are referring to?
18 [HN081104C 11.35 a.m.]
19 A. He's a Kamajor. He is chief -- high priest.
11:22:10 20 Q. Do you know him by any other name?
21 A. That is the name I have called.
22 PRESIDING JUDGE: So Pa Konde is Allieu Kondewa; is that what
23 she is saying?
24 THE WITNESS: Yes, that is his name.
11:22:59 25 MS WIAFE: If Your Honours have no questions, the Prosecution
26 has no further questions for this witness.
27 PRESIDING JUDGE: Well, it is your witness. If you're
28 through, all I will be asking for is that we take a break
29 before we come in for the beginning of the

1 cross-examination. The Court will break for some minutes
2 and when we come back, we will resume with the
3 cross-examination.
4 [Recess taken at 11.30 a.m.]
11:50:18 5 [On resuming at 11.53 a.m.]
6 PRESIDING JUDGE: Well, we're resuming the session.
7 Cross-examination by the first accused. Ms Whitaker.
8 MS WHITAKER: Thank you, Your Honour.
9 PRESIDING JUDGE: Let me change my notes, please. I've
11:51:20 10 written Dr Jabbi. Yes, please.
11 CROSS-EXAMINATION BY MS WHITAKER:
12 Q. Madam Witness, I'm going to ask you a few --
13 PRESIDING JUDGE: Madam -- Madam Witness --
14 THE WITNESS: Yes, yes.
11:51:44 15 PRESIDING JUDGE: The lawyer here is Mr Hinga Norman's lawyer.
16 THE WITNESS: Yes.
17 PRESIDING JUDGE: She will ask you some questions and you will
18 answer the questions, if you know the reply.
19 THE WITNESS: Okay.
11:52:07 20 PRESIDING JUDGE: After that another lawyer for Mr Moinina
21 Fofana will ask you questions and after that
22 Mr Kondewa's, you know, the man you call Pa Konde, his
23 lawyer is here, too. So we're starting with Mr Norman's
24 lawyer, okay.
11:52:32 25 THE WITNESS: Okay.
26 PRESIDING JUDGE: Ms Whitaker, please, you may proceed.
27 MS WHITAKER: Thank you Your Honour.
28 Q. Madam Witness, I'm just going ask you a few questions
29 about your evidence this morning, okay.

1 A. Um-hum.

2 Q. Now, is it right that before the Kamajors came to Talia
3 in 1997 -- I'm pausing for the translation. I don't know
4 if that's helpful -- that the rebels were harassing and
11:53:09 5 killing civilians and taking property in the area where
6 you were?

7 A. Yes.

8 Q. Thank you. Did these rebels --

9 PRESIDING JUDGE: Please, please, hold on.

11:53:36 10 MS WHITAKER: So sorry.

11 PRESIDING JUDGE: That the rebels were harassing --

12 MS WHITAKER: And killing civilians and looting property.

13 Q. When you were taken by the rebels, was that against your
14 will? Was that something you didn't want to do?

11:54:26 15 A. Can I speak?

16 Q. Please, please.

17 A. No, I was discouraged.

18 Q. Perhaps I'll ask again. Did you want to go with the
19 rebels and when they came and took you and you tied you
11:54:46 20 up in the rope? Did they take you even though you didn't
21 want to go?

22 A. At first I was not even happy for us to stand together,
23 so they used force on us.

24 Q. So they abducted you, effectively?

11:55:13 25 A. Yes.

26 Q. Thank you. Were all of you tied together in a rope?

27 A. Yes, they tied us on our hands.

28 Q. Thank you. Did these rebels wear a uniform?

29 PRESIDING JUDGE: Ms Whitaker, I think she wanted to say

1 something. Can we --

2 MS WHITAKER: Oh, I'm sorry.

3 Q. Did you want to say anything else, Madam Witness, or had
4 you finished?

11:55:55 5 A. I was going to say something concerning the tying -- the
6 tying, the tying that was done. I was going to say
7 something concerning that.

8 MS WHITAKER: Well, she had answered my question, but if Your
9 Honour wants --

11:56:15 10 PRESIDING JUDGE: If she wants to expand on that, I think --
11 yes, yes, tell us something about the tying, Madam.

12 THE WITNESS: The way they tied us, when they tie you -- when
13 they tie you people, they will put one rebel in between
14 you. That is what I wanted to say. That is to prevent
11:56:42 15 you from escaping.

16 MS WHITAKER:

17 Q. Thank you, that is very helpful. Can I ask you then, did
18 the rebels wear a uniform? Did they all wear the same
19 clothes, like the army or --

11:57:05 20 A. They weren't wearing uniforms. They wore different
21 clothes, except that they had gun. They carried guns.

22 Q. Were they all wearing normal civilians clothes, but just
23 carrying guns then?

24 A. Yes.

11:57:23 25 Q. No signs on them saying they're on the RUF side, no
26 badge, RUF badges or --

27 A. Well, there was one amongst them; his name was simple.
28 It was written on his forehead "RUF", but for all the
29 others I didn't see such marks on them.

1 Q. Thank you.

2 PRESIDING JUDGE: His name was simple?

3 MS WHITAKER: And I believe he had RUF written on his
4 forehead.

11:58:11 5 THE WITNESS: Yes, yes, that's --

6 MS WHITAKER: But the others didn't have such a sign.

7 JUDGE THOMPSON: Yes.

8 MS WHITAKER:

9 Q. These town commanders that you described earlier, is it
11:58:31 10 right their role was to organise civilians to provide
11 assistance to the rebels; have I got that clear?

12 A. No. They too carried guns, but they were not happy about
13 it. They were under threat. They were being forced.

14 Q. Yes, that's fine. But were they being forced to organise
11:59:07 15 civilians to provide assistance to the rebels? Was that
16 their job that they were being forced to do?

17 A. Very well, very, very well the rebels forced them.

18 Q. To do that job, to organise civilians to provide
19 assistance; yes?

11:59:28 20 A. Yes.

21 Q. Thank you. And you've said they carried guns. Did they
22 wear any sign saying they were RUF people?

23 A. Except only that one who carried the mark on his
24 forehead.

11:59:54 25 JUDGE BOUTET: Ms Whitaker, I'm a bit confused, if I may. Are
26 we still talking of the rebels or are we talking here of
27 the town commanders, as such?

28 MS WHITAKER: The town commanders who were appointed by the
29 rebels.

1 JUDGE BOUTET: Yes.

2 MS WHITAKER: I was asking whether they wore any sign
3 identifying themselves as RUF.

4 JUDGE BOUTET: That was my understanding. I'm not sure
12:00:12 5 whether the witness was answering the question. If you
6 wouldn't mind clarifying.

7 MS WHITAKER: Certainly. I think she was doing them all
8 together again.

9 Q. So the town commanders you didn't see them wearing any
12:00:26 10 sign saying they were RUF?

11 A. No, they were our very brothers.

12 Q. Thank you. And the town secretaries that you've
13 described, is this right, it was their role to assist in
14 the movement of rebel fighters to help rebel fighters
12:00:49 15 move in different places by granting passes?

16 A. Yes, it was their duty by force. If you hide the way,
17 they will catch you and --

18 Q. Yes, thank you, but they were being forced to assist in
19 the movement of rebel fighters, is that -- that's their
12:01:23 20 role that they were being forced to do?

21 A. They work -- it was not their usual work, but when the
22 rebels came, that was what they did to them.

23 Q. Thank you. Moving on to when Chief Norman, Pa Norman
24 came to Talia with a man Nigerian man called Khobe. Do
12:02:03 25 you know his full name?

26 A. Myself?

27 Q. Yes, have you heard his full name?

28 A. No. That was the only name that we were told about, that
29 he was called Khobe, Maxwell Khobe.

- 1 Q. Thank you. Maxwell was what I was asking for.
- 2 A. Okay.
- 3 Q. Have you heard of ECOMOG?
- 4 A. Yes.
- 12:02:39 5 Q. And Maxwell Khobe was an ECOMOG -- senior ECOMOG soldier;
6 is that right?
- 7 A. Well, I don't know that one.
- 8 Q. Did you know he was an ECOMOG soldier?
- 9 A. I didn't know that.
- 12:03:03 10 Q. You knew he was an Nigerian soldier, did you?
- 11 A. That is -- it was Pa Norman who said he was a Nigerian.
- 12 JUDGE BOUTET: I don't think she has said that he was
13 described as a Nigerian soldier. She has said in her
14 evidence-in-chief "a Nigerian" -- has been introduced as
12:03:40 15 a Nigerian, but you can clarify that too.
- 16 MS WHITAKER: Yes, I was asking her that.
- 17 Q. And was he a soldier, as far as you could see?
- 18 A. I didn't see him in uniform, so I couldn't tell whether
19 he was a soldier.
- 12:03:53 20 Q. Okay. Pa Norman told you that they were -- he was to
21 fight the war with the Nigerian man; is that right?
- 22 A. Yes. He said it was Pa Kabbah who had designated him to
23 fight the war with him and that the Nigerian government
24 was providing assistance.
- 12:04:32 25 Q. Thank you. So you understood that Mr Khobe, the
26 Nigerian, was there as part of the Nigerian government's
27 attempt to help in the war with Chief Norman; is that
28 correct?
- 29 A. Yes, that was what Pa Norman said.

- 1 Q. Thank you. And the Pa Kabbah that you have said that Pa
2 Norman said had been sent to fight the war by, is that
3 Tejan Kabbah, the President of Sierra Leone?
- 4 A. Yes, the President of Sierra Leone.
- 12:05:19 5 Q. And did -- was it also the President who Pa Norman said
6 had sent in to open Base Zero in Talia?
- 7 PRESIDING JUDGE: What?
- 8 THE WITNESS: Yes.
- 9 MS WHITAKER:
- 12:05:44 10 Q. Thank you. And I think you told the investigators that
11 when the Kamajors would ask for ammunition from Chief
12 Norman, he would say he would have to ask the president;
13 is that correct?
- 14 A. Yes, that "I can't give you guns if Pa Kabbah did not
12:06:25 15 sign."
- 16 Q. Thank you, Madam Witness. The soldier that you told the
17 court about that you've heard was killed, is it right
18 that you heard that he had been killed after Chief Norman
19 had left for Freetown?
- 12:07:43 20 A. Yes. Even Pa Norman's bodyguard said that.
- 21 Q. And you heard that he said that the soldier should be
22 used for training, training the Kamajors, is that it?
- 23 A. Yes, that he would join the other two soldiers who were
24 at the field.
- 12:08:14 25 Q. Now, Madam Witness, you've made, I think, three
26 statements to the Prosecution investigators; is that
27 correct?
- 28 A. Yes.
- 29 Q. One quite long statement last year, in June last year on

1 Bonthé. Do you remember that?

2 A. Yes, it was in the rainy season 2003.

3 Q. Thank you. And then one later statement in early this
4 year, February of this year?

12:08:57 5 A. Well, they were just going around asking questions so
6 I wouldn't forget.

7 Q. Right. And a further statement last Monday; is that
8 right?

9 A. Yes, because there were certain things that they wrote
12:09:26 10 that I didn't say, so my lawyer went and corrected it.

11 Q. You had a lawyer with you, did you, Madam Witness?

12 A. Yes, the lawyer, yes, they asked me questions.

13 Q. Oh, the Prosecution's lawyer, do you mean?

14 A. Oh, I can't know that now.

12:09:49 15 Q. So they went through your first two statements and you
16 corrected everything that you didn't agree with; is that
17 right?

18 A. Yes. Those I said I accepted and those that I did not
19 say but was written, I denied.

12:10:18 20 Q. And so everything that you haven't corrected, you still
21 say is correct?

22 MR KAMARA: Objection, Your Honour. That question is overly
23 ambiguous. Everything that you say you've not denied,
24 that means everything else is correct. It is overly
12:10:37 25 ambiguous and very, very unclear. I'm still on my legs,
26 I'm sorry. If my learned friend could make the question
27 a bit more clear and if she wants to take it step by step
28 by each statement, and let us know --

29 MS WHITAKER: Certainly, I will.

1 JUDGE BOUTET: Ms Whitaker, please wait until he's finished
2 and after that we'll ask you speak, please!

3 MR KAMARA: Thank you, Your Honour,

4 PRESIDING JUDGE: We can't have two lawyers on their feet at
12:11:02 5 the same time in a decent proceeding.

6 MS WHITAKER: I was simply agreeing.

7 PRESIDING JUDGE: No, no, no. Ms Whitaker, you're quite
8 experienced. I mean, you know what the practices are in
9 England and you should, please, abide by them. He is on
12:11:13 10 his feet and we can't have two lawyers on their feet at
11 the same time. Yes, please.

12 MR KAMARA: Thank you, Your Honour. My objection is the
13 question is overly ambiguous and if my learned friend
14 could break this question or make it clear for the Court,
12:11:29 15 and if she is specifically referring to a statement, then
16 let us know which statement and what portions of that
17 statement that she wants to confront this witness with.

18 JUDGE BOUTET: Thank you. Ms Whitaker.

19 MS WHITAKER: I'm sorry. I was only trying to go speed things
12:11:40 20 up. I was agreeing if he wanted to me to make it
21 clearer, I would make it clearer. I wasn't intending any
22 discourtesy.

23 JUDGE BOUTET: Well, it is not for the Prosecution to agree or
24 disagree. It is for the Court to make that
12:11:50 25 determination. If there's an objection, then we are
26 asking you if you agree or disagree with him. If you
27 disagree, fine. If you agree, fine, let's proceed to
28 clarify the matter.

29 MS WHITAKER: Yes, grateful.

1 Q. The Prosecutors went through your previous two
2 statements, is that right, to see if you agreed with
3 everything?
4 A. Yes. This last one what I said I agreed to, yes.
12:12:30 5 Q. And did you tell them all the things that you didn't
6 agree with in your previous statements?
7 A. Well, the statements that I made there were certain
8 portions that were removed -- few, few of them.
9 Q. And the portions, therefore, that weren't removed or
12:12:57 10 changed, do you still say they are correct, the rest of
11 the statement?
12 A. Yes.
13 Q. Thank you.
14 JUDGE BOUTET: Which statements are we talking about
12:13:22 15 Ms Whitaker, because if I'm not mistaken, you have stated
16 that -- you have asked the witness if she made three
17 statements. She said yes and described, presumably, the
18 last one as the one that you're focusing on to say -- the
19 last one is the one last Monday where she corrected - in
12:13:38 20 your words - everything, so corrected the statements, the
21 second statement and the first statement. I'm trying
22 to -- I don't know if -- you mentioned that one was many
23 pages. Presumably this is only the first one.
24 MS WHITAKER: Yes.
12:13:54 25 JUDGE BOUTET: That is the one written in Bonthe.
26 MS WHITAKER: Yes, I believe so.
27 JUDGE BOUTET: May I ask you what is you're intending to do?
28 Presumably you're asking this question to ask the witness
29 if after some given time she has said whatever it may be

1 in the statement. Is that where you're leading to or is
2 this not the case?

3 MS WHITAKER: I wanted to ascertain whether there were any
4 other matters she wanted to retract now. To give her an
12:14:21 5 opportunity to retract any other matters in her statement
6 other than those she retracted in her statement on
7 Monday.

8 JUDGE BOUTET: Well, I'm just trying to follow if you are
9 trying to determine that this witness, at some given
12:14:31 10 time, would have said certain things and contradict the
11 witness with a previous inconsistent statement. That's
12 why I am asking the question. I'm just trying to be
13 informed as to what is you're intending to do.

14 PRESIDING JUDGE: In fact, what I understand you to be wanting
12:14:46 15 to be doing is that, you know, there are some
16 inconsistencies between her oral testimony and those
17 parts of the statement which she did not change or
18 contradict. Is that what you're driving at, Ms Whitaker?

19 MS WHITAKER: No, Your Honour. There is no inconsistency.
12:15:02 20 I'm interested in other relevant evidence that is in her
21 statement that hasn't been brought out. And I just
22 wonder if she still -- if those matters are correct if
23 they weren't corrected by the later statement, or
24 whether --

12:15:12 25 JUDGE BOUTET: You're taking it quite broadly, so --

26 MS WHITAKER: Yes, Your Honour.

27 JUDGE BOUTET: We'll see. Please, proceed.

28 MS WHITAKER: I think, I think --

29 Q. Madam, witness, you stayed in Talia until the close of

1 Base Zero; is that correct?

2 A. Yes, yes, I left there in 2000. I was there until they
3 closed Base Zero.

4 PRESIDING JUDGE: Is she saying that she left Talia in the
12:16:13 5 year 2000?

6 MS WHITAKER: Yes, at the close of Base Zero.

7 Q. Do you remember telling the investigators that during
8 that whole time you only heard of one looting incident
9 at, I think, Gbangbatoke by Kamajors. Forgive my
12:16:42 10 pronunciation?

11 A. Gbangbatoke, Gbangbatoke.

12 JUDGE BOUTET: Would you spell this out for us, please,
13 Ms Whitaker.

14 MS WHITAKER: According to the statement it is
12:17:04 15 G-B-A-N-G-B-A-T-O-K-E.

16 PRESIDING JUDGE: Please take that again, Gbangbatoke.

17 MS WHITAKER: Again, G-B-A-N-G-B-A-T-O-K-E.

18 PRESIDING JUDGE: That is a separate --

19 MS WHITAKER: One word.

12:17:32 20 PRESIDING JUDGE: A?

21 MS WHITAKER: A-T-O-K-E.

22 PRESIDING JUDGE: Gbangbatokay.

23 MS WHITAKER: How is it pronounced, Madam Witness?

24 THE WITNESS: It is not Gbangbatokay, but Gbangbatoke.

12:18:04 25 PRESIDING JUDGE: Gbangbatoke, okay.

26 MS WHITAKER: Thank you for the assistance, Madam Witness.

27 Q. Do you remember telling the witnesses [sic] that you only
28 ever heard of one looting incident by the Kamajors at
29 Gbangbatoke?

1 MR KAMARA: Your Honours, I'm constrained to complicate my
2 learned friend's cross-examination here, if only we could
3 know which statement is she referring to? We have -- she
4 has mentioned three. Which of the three and of which
12:18:33 5 date, that would be of assistance to the Court and to the
6 witness as well.

7 MS WHITAKER: I can ask the witness --

8 JUDGE BOUTET: That is fine. The objection is denied. Carry
9 on, Ms Whitaker. At this particular moment there seems
12:18:45 10 to be certainly no confusion in the mind of the witness.
11 If there is, we'll clarify that. Please proceed.

12 MS WHITAKER: Grateful, Your Honour.

13 Q. Madam Witness, do you remember telling the investigators
14 that?

12:19:08 15 A. The Gbangbatoke incident?

16 Q. That you only heard of one looting incident by the
17 Kamajors in that time?

18 A. From Gbangbatoke and Gbomu.

19 Q. Do you remember saying -- telling the investigators that
12:19:29 20 you had only heard of one looting incident by the
21 Kamajors at Gbangbatoke?

22 A. Yes, in Gbangbatoke, yes.

23 JUDGE THOMPSON: Learned counsel, did you say witnessed one or
24 heard about?

12:19:55 25 MS WHITAKER: Heard, she had only heard of one looting
26 incident.

27 JUDGE THOMPSON: Yes, I thought so.

28 MS WHITAKER:

29 Q. And was that the truth that you told them?

1 A. Yes, in Gbangbatoke.

2 Q. Okay.

3 MS WHITAKER: Thank you, I have nothing further.

4 JUDGE BOUTET: Thank you. Counsel for second accused.

12:20:35 5 CROSS-EXAMINATION BY MR BOCKARIE:

6 Q. Madam Witness, which chiefdom do you hale from?

7 A. As I'm here now?

8 Q. No.

9 JUDGE THOMPSON: Perhaps you want to simplify, use another

12:21:06 10 word than "hale from".

11 MR BOCKARIE: Yes.

12 Q. Madam Witness, which chiefdom is your hometown?

13 A. ~~XXXXXXXX~~ chiefdom.

14 Q. Was that chiefdom ever occupied by rebels?

12:21:33 15 A. Well, the rebels were scattered all over the place.

16 Q. My question is very specific. I mean ~~XXXXXXXX~~ chiefdom, was

17 it ever occupied by rebels; yes or no?

18 A. Yes, yes.

19 Q. You will agree with me that during the occupation of the

12:22:16 20 town by the rebels they did a lot of bad things; am

21 I correct?

22 A. Yes.

23 Q. Can you give an instance of some of the bad things they

24 did?

12:22:37 25 A. Yes, yes.

26 Q. Like what?

27 A. When the soldiers drove away the rebels from Mattru, when

28 they were coming to us Jimmi Bagbo, they came to Jong

29 Chiefdom, Kpanda Kemo, Sogbini, they removed civilians

1 from that place -- those places and took them to Bauya.
2 They acted like soldiers. And they said that, Now that
3 you've come here, we said we're soldiers. We've heard
4 that rebels were killing you. So we want to get you out
12:23:35 5 of here and take you to Mattru in order to protect your
6 lives." Not knowing that it was a very big ambush, about
7 3 miles between Bauya and Motheau. That is where they
8 gathered the people, at Bauya, and they told them -- they
9 asked them that "When you were together with the rebels,
12:24:07 10 are they doing bad things to you?" And they answered
11 "Yes". And they asked them to sing and they were singing
12 not knowing that, in fact -- the noise from the music the
13 others at the back didn't know, not knowing that they are
14 killing them at the edge of the road. Along the road, it
12:24:36 15 was in the evening that people realised it. Then people
16 started skipping.

17 Q. Thank you. Now, your chiefdom was it ever liberated?
18 JUDGE BOUTET: Mr Bockarie you opened a door to a lot of
19 information that is certainly new to me. I know the
12:25:00 20 question you've asked and the answer you got, but I'm not
21 sure of the time frame of that.

22 MR BOCKARIE: Okay, well I'll come it to that now.

23 Q. Can you give us an indication so as to when, which year
24 the incident you've just narrated?

12:25:19 25 A. Yes.

26 Q. What year?

27 A. 1996.

28 Q. Was it the beginning of 1996 or towards the end of 1996?

29 A. At the end of 1996.

- 1 Q. Thank you. Madam Witness, this chiefdom, ~~XXXXXXXX~~ Chiefdom,
2 was it ever liberated?
- 3 A. Repeat the question.
- 4 Q. Earlier on you told this Court that your chiefdom was
12:25:56 5 occupied by the rebels.
- 6 A. They were in all of those chiefdoms.
- 7 Q. I want to be specific about your chiefdom, ~~XXXXXXXX~~ Chiefdom.
- 8 A. Yes.
- 9 Q. Thank you. Now, my question is: Was it ever liberated?
- 12:26:26 10 A. What free are you talking about?
- 11 Q. Were the rebels flushed out of your chiefdom?
- 12 A. Yes.
- 13 Q. Did the Kamajors play any role in flushing out the rebels
14 from your chiefdom?
- 12:26:47 15 A. Yes.
- 16 Q. You're grateful for that venture, aren't you?
- 17 A. Yes, because when they were killing those people, they
18 went and liberated Jong, Kamoh Bomie and took them to
19 their hometown.
- 12:27:12 20 Q. So thereafter the killing stopped?
- 21 JUDGE THOMPSON: What is the response to your question whether
22 she is grateful?
- 23 MR BOCKARIE: Yes, I am sorry, My Lord.
- 24 Q. Are you grateful for that venture undertaken by the
12:27:27 25 Kamajor?
- 26 A. Yes, when they got these people out of the village, yes,
27 I was happy that those they left behind, they took them
28 to Talia. I was happy for that.
- 29 Q. Thank you. And thereafter the killing stopped whilst the

1 Kamajors were in control of town; am I correct?

2 A. When they killed those people, yes, they did kill
3 somebody at Talia.

4 Q. Now -- now, Madam Witness, you said you -- you went to
12:28:24 5 Talia Yobehko. Was Talia Yobehko ever occupied by the
6 rebels?

7 A. At first they would just come and go and it came to a
8 time when they settled there.

9 Q. Now, for how long?

12:28:49 10 PRESIDING JUDGE: What is the question?

11 MR BOCKARIE: She said they used to come intermittently until
12 a time came when they settled there.

13 PRESIDING JUDGE: So they occupied the place?

14 MR BOCKARIE: Yes, that is what I'm coming to.

12:29:08 15 Q. So, Madam Witness, for how long were the rebels in
16 occupation of Talia; do you know?

17 PRESIDING JUDGE: Did they occupy at all?

18 MR BOCKARIE:

19 Q. No, sorry. Did they occupy Talia?

12:29:23 20 A. Yes, they were -- they were -- they occupied there.

21 Q. For how long, if you know, did they occupy Talia?

22 A. They were there for up to two months.

23 Q. Can you tell us the time. When was this?

24 A. Yes.

12:29:51 25 Q. When?

26 A. In December 1995.

27 Q. December 1995?

28 A. Yes, they occupied there.

29 Q. Was Talia ever liberated by the Kamajors?

1 A. Yes. When they occupied there, that is the time they
2 were coming and attacking them there.

3 PRESIDING JUDGE: Let her answer the question directly.

4 MR BOCKARIE:

12:30:29 5 Q. Now, was Talia ever liberated by the Kamajors?
6 A. Yes.
7 Q. Can you please tell this Court when the liberation took
8 place?
9 A. The -- the -- yes, when the rebels came -- when the
12:31:01 10 Kamajors came, the rebels had already pulled out. They
11 met an empty town, but the place they went to, they
12 caught some civilians who took their loots along --
13 around Congo area. So they showed them there. When they
14 went they went there. They went and fought.

12:31:30 15 Q. How far is Congo from Talia?
16 A. On foot it is about 5 miles to Blama. Then you go -- you
17 use the canoe. By the sea I can't tell.
18 Q. So will I be correct to say that when the Kamajors took
19 over Talia, they ensured that all the surrounding
12:32:02 20 villages were free of rebels. That's why they took the
21 venture; am I correct?
22 A. Yes.
23 Q. Thank you. Now, Madam Witness, you in your
24 evidence-in-chief you've been stressing when Hinga Norman
12:32:31 25 went he stressed that he had been sent by Pa Kabbah to
26 open a training base; am I correct?
27 A. Yes, very well.
28 Q. And just to reiterate what you've already said, when you
29 said Pa Kabbah, I guess you mean His Excellency Ahmad

1 Tejan Kabbah?

2 JUDGE BOUTET: I don't think it is disputed. It has been
3 asked by the Prosecutor and she said yes.

4 MR BOCKARIE: Yes, Your Honour. I said just to reiterate,
12:33:11 5 Your Honour.

6 JUDGE BOUTET: Fine.

7 MR BOCKARIE:

8 Q. Now, also, Madam Witness, in line with that, you also
9 said -- now, in your statement of the 4th of November you
12:33:32 10 had this to say: "When the Kamajors asked for
11 ammunition, Hinga Norman told them that he needed the
12 approval of the President. About three weeks after this,
13 witness, you saw a helicopter with ammunition arrive in
14 Talia."

12:33:46 15 THE INTERPRETER: That was too fast, Mr Bockarie.

16 MR BOCKARIE: I'm sorry, my apologies.

17 JUDGE BOUTET: So go step by step, because it has to be
18 translated to the witness and after that we will get the
19 response.

12:33:58 20 MR BOCKARIE: I will.

21 Q. Madam Witness?

22 A. Yes.

23 Q. You had this to say: "When the Kamajors asked for
24 ammunition, Hinga Norman told them that he needed the
12:34:19 25 approval of the president for that."

26 A. Yes.

27 Q. "After three" -- "about three weeks after this, witness
28 saw a helicopter with ammunition" --

29 A. Yes.

- 1 Q. -- "arrival in Talia."
2 A. Yes.
3 Q. That is correct, isn't it?
4 A. That is true.
12:35:00 5 Q. Now, Madam Witness, you stayed in Talia throughout, until
6 the end of Base Zero; am I correct?
7 A. Yes, completely.
8 Q. Whilst you were in Talia, how many times did you see the
9 helicopter arrive?
12:35:31 10 A. So many times.
11 Q. Can you give us an estimation? Will I be correct to say
12 it arrived over 20 times?
13 A. It would be up to 20, because it did take food or the
14 Kamajors.
12:35:50 15 Q. Will be I further correct to say that upon each arrival
16 you saw ammunition being delivered from this helicopter?
17 A. No, except for that time, after three weeks when they
18 were clamouring for bullets. That is when I saw them
19 bring ammunition, once.
12:36:18 20 Q. Now, upon the arrival of some of the supplies you saw
21 delivered from the helicopter?
22 A. I was not at the field, but when they brought the
23 ammunition, I had come from selling soda and I met them
24 packing the ammunition at the Court Barri. There were
12:36:51 25 two rooms, very large boxes.
26 Q. It is okay. Now, you said this helicopter came to Talia
27 20 time. Upon each arrival were you at Talia?
28 A. Since I went to Talia I only left in 2000. I was there.
29 Q. Upon each arrival were you present when items were being

1 offloaded from this helicopter?

2 A. I wouldn't see that, but I would see Kamajors bringing
3 the things in town, but that was after the helicopter
4 comes back.

12:37:57 5 MR BOCKARIE: Madam, witness, thank you, very much.

6 JUDGE BOUTET: Thank you, Mr Defence counsel.

7 Mr Margai, are you prepared to proceed with your
8 cross-examination?

9 MR MARGAI: I am prepared, but let me say that I will be some
12:38:19 10 time with this witness, because she happens to be my
11 witness, if you know what I mean.

12 JUDGE BOUTET: As you know, we break normally at about 1.00.
13 You will not be finished by 1.00.

14 MR MARGAI: No, definitely not. I would not have even gone
12:38:38 15 one-fifth of the way.

16 JUDGE BOUTET: Thank you.

17 THE WITNESS: Let's proceed.

18 PRESIDING JUDGE: Mr Margai.

19 MR MARGAI: Yes, My Lord.

12:38:59 20 PRESIDING JUDGE: I think we should start and be able to
21 finish rather than starting and breaking. So we would
22 do -- we would take on your cross-examination when we
23 resume at 2.30.

24 MR MARGAI: As My Lords please.

12:39:15 25 PRESIDING JUDGE: I'm sure that gives enough time to prepare
26 for your witness.

27 MR MARGAI: I'm always, ready, My Lord, ever ready.

28 PRESIDING JUDGE: Well, learned counsel the Court will rise
29 we'll resume at 2.30.

1 [Luncheon recess taken at 12.43 p.m.]
2 [On resuming at 2.38 p.m.]
3 [HN081104C]
4 PRESIDING JUDGE: Good afternoon, learned counsel. We are
14:39:28 5 resuming the proceedings. Madam Witness --
6 THE WITNESS: Yes.
7 PRESIDING JUDGE: Now it is Mr Kondewa's lawyer who will be
8 asking you questions -- Pa Konde's lawyer.
9 THE WITNESS: Okay.
14:39:54 10 PRESIDING JUDGE: He's the one who will ask you questions now,
11 and he's Mr Margai. Mr Margai, you have your witness at
12 your disposal.
13 MR MARGAI: Thank you, My Lord. I shall make the most of the
14 witness.
14:40:08 15 PRESIDING JUDGE: Mr Margai, will you be very long?
16 MR MARGAI: Well, it's not my practice -- I believe, at the
17 outside, 30 to 45 minutes.
18 PRESIDING JUDGE: Right. Thank you very much. You may
19 proceed, please.
14:40:24 20 CROSS-EXAMINED BY MR MARGAI:
21 Q. Madam Witness --
22 A. Yes.
23 Q. -- you hail from xxxxxxxx Chiefdom; is that correct?
24 A. Good.
14:40:40 25 PRESIDING JUDGE: Sorry, sorry.
26 MR MARGAI: She hails from xxxxxxxxChiefdom, xxxxxxxxchiefdom.
27 Q. Now, when did you leave xxxxxxxx Chiefdom for Talia in the
28 Yobehko Chiefdom?
29 A. 1989.

1 Q. And when did you return to Jong Chiefdom?
2 A. 2000.
3 PRESIDING JUDGE: She returned to Jong in 2000?
4 MR MARGAI: In 2000, My Lord.
14:41:46 5 Q. Now, towards the latter part of 1996, where were you?
6 A. I was all that time in Talia.
7 Q. And how safe, if at all, was Talia towards the end of
8 1996, security-wise?
9 A. Go back on to that again.
14:42:34 10 Q. How safe, if at all, was Talia, security-wise, towards
11 the --
12 JUDGE THOMPSON: I think you had better leave the
13 "security-wise". Why do you want to bother her with that
14 kind of concept? Why not just leave it at "safe"?
14:42:50 15 Security seems to be -- we can be controversial about
16 security as a concept.
17 MR MARGAI: If it pleases, Your Lordship, but I would have
18 thought that would have --
19 JUDGE THOMPSON: An ordinary witness, counsel, security-wise?
14:43:02 20 MR MARGAI: Well, I mean --
21 JUDGE THOMPSON: The term "safe" seems to me quite --
22 MR MARGAI: If Your Lordship feels comfortable with that.
23 Q. How safe was Talia towards the end of 1996?
24 A. Thanks be to God. Go back to that again -- go back to
14:43:41 25 that again.
26 Q. I said how safe was Talia towards the end of 1996, if at
27 all?
28 A. 1996 -- it was not safe during 1996.
29 Q. Why was it not safe?

1 A. That was the time when they arrested the town
2 commanders -- town mothers and secretaries -- so that
3 place was not safe, because they were caught and killed.

4 Q. Talia, I take it, was occupied at one time in 1996 by the
14:44:40 5 rebels; is that correct?

6 A. At the beginning, yes.

7 Q. At the beginning of what?

8 A. 1996.

9 Q. When did the rebels leave Talia in 1996?

14:45:11 10 A. In January.

11 Q. Do you want, or are you saying to this Court that since
12 January of 1996 there were no rebels in Talia?

13 A. Not at all, except the Kamajors.

14 Q. Thank you. Now, in answer to a question from my learned
14:45:46 15 friend Whitaker you admitted making three statements.

16 A. How did I give the statements?

17 Q. You made the first statement to the investigator in June
18 of 2003; is that correct?

19 A. Which investigators?

14:46:38 20 Q. From the Prosecution?

21 A. What did I do?

22 Q. Did you make a statement to them as a result of which you
23 are now giving evidence; that's what I'm saying.

24 A. Yes.

14:47:10 25 Q. And would that be in June of 2003 -- to be precise, on
26 29 June 2003?

27 A. Yes.

28 Q. Was that statement read over to you?

29 A. They used to ask me.

- 1 Q. The question was: was the statement you made read over
2 to you?
- 3 A. No, up to the time I came here.
- 4 Q. And was that statement ever explained to you after you
14:48:09 5 had made it?
- 6 A. No.
- 7 Q. After making that statement, did you make a subsequent
8 statement on 6 February 2004?
- 9 A. They asked me, and I made another.
- 14:48:50 10 Q. Do you know why you made a subsequent statement?
- 11 A. The first people who obtained the first statement were
12 not the ones. The second group -- it was the second
13 group that asked me whether I could remember.
- 14 Q. Do you know why you made the second statement; in other
14:49:23 15 words, why was it necessary for you to make another
16 statement?
- 17 A. Well, they asked me to go over so that when I come to
18 Court I will not be able to forget.
- 19 Q. Having said that to you, did they read the statement you
14:49:57 20 made, meaning your earlier statement -- the very first
21 statement?
- 22 A. No.
- 23 Q. Now, do you remember in the second statement saying that
24 certain things you said in the first statement were not
14:50:35 25 in fact said by you?
- 26 A. Yes, and when I came here.
- 27 Q. My Lords, I'm referring to the second statement made on
28 6 February 2004. Now, did you in that second statement
29 say -- please listen attentively -- that, "The last

1 sentence on page 7 of her statement read that at the
2 relevant time Kondewa was in charge of the Kamajors" --
3 THE INTERPRETER: My Lords, it is too fast for the
4 interpreter. Can he take it again, please?

14:51:30 5 MR MARGAI: I'll say it again.
6 Q. "That the last sentence on page 7..."
7 JUDGE BOUTET: What you are reading now, Mr Margai, when you
8 say the last sentence on page 7, this is what's written
9 in that statement of 6 February.

14:51:45 10 MR MARGAI: Of 6 February 2004.
11 Q. That, "The last sentence on page 7 of her statement
12 should read that at the relevant time Kondewa was in
13 charge of the Kamajors when Samuel Yomah, ex police
14 officer, was killed, and not as earlier recorded that
14:52:39 15 Kondewa gave the orders for the execution of the said
16 Samuel Yomah." Did you say that in your second
17 statement?
18 A. When I came here, it was that time that they read the
19 statement to me and then I said no, and what I said I'll
14:53:10 20 answer to it.
21 Q. And do I take it that in this statement you corrected
22 what in fact was misrepresented as having been said by
23 you?
24 A. Yes.

14:53:36 25 Q. Now, you also made another statement on 1 November 2004;
26 is that correct?
27 A. What statement?
28 Q. A statement to the investigators again.
29 A. What I said, it was not at that time that I said it. It

1 was in 2003, but the way I said it, when I came here,
2 they asked me -- it was not the same as the one I said.
3 Q. Thank you very much. And because it was not what you
4 said, that you offered to make additional statements.
14:55:19 5 A. Yes, the first one that I was asked, which was not
6 correct, is the one that I corrected here.
7 Q. Thank you very much.
8 JUDGE BOUTET: The additional statements were a statement to
9 modify or correct the first statement?
14:55:33 10 MR MARGAI: To correct the first statement. The two
11 subsequent statements attempted to correct --
12 JUDGE BOUTET: The one of June 2003.
13 MR MARGAI: Of 29 June 2003.
14 JUDGE THOMPSON: In other words, they were corrigendas, so to
14:55:48 15 speak.
16 MR MARGAI: So to speak.
17 JUDGE THOMPSON: The controlling statement was the first one.
18 MR MARGAI: It was the first one. And from her testimony it
19 would appear that she made these two subsequent
14:56:00 20 statements to correct what in fact was represented to
21 having been said by her, which was not the case.
22 JUDGE THOMPSON: Not separate independent statements.
23 MR MARGAI: Yes, My Lord.
24 JUDGE BOUTET: And do I understand as well that on those
14:56:15 25 occasions -- that is, on 1 September as well as
26 February 2004 -- she was read the statement of June 2003?
27 MR MARGAI: Yes. She said before she made the subsequent
28 statements, the original statement of 29 June was read to
29 her, and then she realised that certain contents were not

1 hers.

2 JUDGE BOUTET: Was not as she has described them.

3 MR MARGAI: As My Lords please.

4 JUDGE BOUTET: I understand, thank you.

14:57:04 5 PRESIDING JUDGE: Let me get it clearly. The statement of

6 1 November 2004 was correcting which one?

7 MR MARGAI: It was correcting --

8 PRESIDING JUDGE: Is it only the first, or the first and the

9 second?

14:57:16 10 MR MARGAI: The first statement -- both were correcting the

11 first statement.

12 JUDGE THOMPSON: The controlling statement.

13 MR MARGAI: The controlling statement.

14 JUDGE THOMPSON: Which is the one for -- the date again is?

14:57:26 15 MR MARGAI: That is 29 June 2004.

16 JUDGE BOUTET: May I suggest, Mr Margai, that you put one of

17 these questions to the witness, because I'm not sure she

18 fully understands that question. In other words, it

19 didn't come out clearly from the witness that on that

14:57:42 20 occasion when she made those corrections it was because

21 they read over to her whatever had been done --

22 MR MARGAI: I'll put that to her.

23 JUDGE BOUTET: If you would not mind, yes.

24 MR MARGAI:

14:57:49 25 Q. Now, please listen very carefully, Madam Witness.

26 A. Okay.

27 Q. The first statement was in 2003; that was the main

28 statement you made.

29 A. Yes.

1 Q. And you later made two additional statements.
2 A. What type of statement?
3 JUDGE BOUTET: I thought "the type of statement" may be what
4 is a bit misleading to her.
14:58:34 5 MR MARGAI:
6 Q. What I'm saying is you talked to the investigators from
7 the Prosecutor's Office in June of 2003.
8 JUDGE BOUTET: And that was in Bonthe, I think.
9 MR MARGAI: Yes, My Lord, it was in Bonthe.
14:58:58 10 JUDGE BOUTET: I'm just going by my own recollection, but it's
11 Bonthe.
12 MR MARGAI: To be precise, this was in Mattru Jong.
13 Q. The investigator spoke to you in Mattru Jong in June of
14 2003; not so?
14:59:22 15 A. Well --
16 Q. When you spoke to the investigators, they wrote down what
17 you said -- we're still in Mattru Jong.
18 A. They wrote it down --
19 [Mr Margai interrupts interpretation -
14:59:36 20 interpretation incomplete]
21 Q. No, I am coming to that. At the end of this exercise,
22 they read and interpreted to you what you had said, still
23 at Mattru Jong?
24 PRESIDING JUDGE: She has said that [microphone not activated]
15:00:11 25 THE WITNESS: When I came, you asked me; I said they did not
26 read it to me.
27 PRESIDING JUDGE: [Microphone not activated]
28 MR MARGAI: Yes, My Lord, in Mattru Jong.
29 THE WITNESS: That was the first statement. I was in my house

1 when they went to me and asked me to give that statement.
2 I gave the statement, but they did not read it to me.
3 MR MARGAI: Thank you.
4 PRESIDING JUDGE: I was drawing your attention to that,
15:00:34 5 because she had said so.
6 MR MARGAI: Thank you.
7 Q. Now was this statement at any time read to you -- at any
8 time?
9 A. They used to read some of them, but there was a point
15:00:51 10 that they did not really read to me until I came here.
11 Q. Okay. Now, did you talk to the investigators at Bauya
12 Junction in the Sogbini Chiefdom in February -- on
13 6 February 2004?
14 A. Yes, they asked me.
15:01:30 15 Q. Now, before you spoke to them, did they read the earlier
16 statement you had made in Mattru Jong?
17 A. They asked me whether I could remember the statements
18 I made before, and I told them that there is no problem
19 that I could remember. They read some to me.
15:02:08 20 Q. Only some, or all of the statement?
21 A. Well, the way they read it to me, when I came here and
22 the statement they read to me, I mean, there was
23 something really left out.
24 Q. I accept that, but before we get to leaving out
15:02:33 25 something, did they read the statement you had earlier
26 made in Mattru Jong? You said "parts" and I asked you,
27 "Only parts, or was the whole read?" That's what we want
28 to know.
29 A. Yes, yes; they read some to me. I told them that I could

1 remember.

2 Q. So they only read bits and pieces of the statement of
3 June 2003 -- that's the statement at Mattru Jong?

4 A. Yes. I told them that, "Let them, don't worry, because
15:03:21 5 I cannot forget what I said." Then they stopped reading
6 it.

7 Q. Okay. Now, after they had read some parts of the
8 statement of June 2003, did you say to them that some of
9 the parts they had read were not things you said?

15:03:54 10 A. They did not read all -- the one they read to me is what
11 I had said -- it was all that I said and I will not
12 forget the rest.

13 Q. Did you at any time tell the investigator that some parts
14 of your statement were not what you said?

15:04:13 15 A. When we came here, there were two points which I said
16 they were not right; they did not write them the way
17 I said them.

18 Q. That you are now referring to the statement of 1 November
19 2003 [sic], the location of the interview being the
15:04:46 20 Special Court -- when you say when you came here, meaning
21 here, the Special Court; not so?

22 A. That is where really I explained myself clearly. He used
23 to ask me. I answered, and I saw that he reached a
24 certain point and I said "no". Then I explained that
15:05:24 25 area; I clarified that area.

26 Q. Now, in the statement you made here in Freetown -- I'm
27 now referring, My Lords, to the statement of 1 November
28 2004 -- did you say to the investigator that, and
29 I quote, "She also did not say that after Hinga Norman's

1 return to Freetown Fofana and Kondewa continued to kill
2 civilians and loot, as stated at page 4 of her
3 statement," meaning the statement of June 2003. Did you
4 say that to the investigator -- did you?

15:06:35 5 A. I shall clarify that.

6 Q. Before clarifying, did you say so, or did you not?

7 A. Could you please go back to that?

8 Q. Did you, in other words, say to the investigator that you
9 did not say in your principal statement that when Norman
15:06:56 10 returned to Freetown Fofana and Kondewa continued to kill
11 civilians --

12 A. I did not say that.

13 Q. Thank you.

14 A. I told the lawyer that.

15:07:21 15 Q. Now, Madam Witness --

16 A. Yes.

17 Q. -- you talked about your husband taking 40,000 Leones to
18 Kondewa to set free your friend, whom you had earlier
19 referred to as your sister.

15:08:05 20 A. Yes. Because my husband, too, was a Kamajor at that
21 time.

22 Q. Did you go with your husband to Kondewa with this money?

23 A. I did not go with him --

24 Q. Thank you.

15:08:29 25 A. -- but I can say it.

26 Q. And you are therefore in no position to say, with any
27 degree of certainty, that that money was handed over to
28 Kondewa?

29 A. Shall I talk?

- 1 Q. Yes, please.
- 2 A. I can say that he gave that money -- I can give you the
3 reason for that.
- 4 Q. Yes, give the reason.
- 15:09:10 5 A. By the time my husband had not returned, that girl was
6 with him [sic]. When he came and the message was
7 explained to him, when he went there, on his return he
8 told me that we should give 40,000 Leones before that
9 girl could be released. After we have subscribed --
- 15:09:38 10 [correction by interpreter] -- contributed and he went
11 with the money, then he returned with the girl. I asked
12 the girl herself that my husband really gave the money.
- 13 Q. Is this girl alive, do you know?
- 14 A. Very well, if you are ready to --
- 15:09:59 15 [Mr Margai interrupts interpretation -
16 interpretation incomplete]
- 17 Q. I just want to know if she's alive. That is for the
18 Prosecution. I'm putting it to you that if that money
19 was given to your husband at all, it was pocketed by your
15:10:17 20 husband; it was never given to Kondewa.
- 21 A. No, no, no. The very girl came and she explained that
22 the money was given to him.
- 23 Q. Let the girl come and we shall deal with it. For now, my
24 instructions are that your husband, if at all that money
15:10:37 25 was given to him, he pocketed it; it never reached
26 Kondewa.
- 27 A. Well, I am here. I'm ready to show where the girl is so
28 that you can go and bring her here. I'll remain here.
- 29 Q. I'm sure the Prosecution has taken note of that. Let's

1 make progress. Madam Witness --

2 A. Yes.

3 Q. -- you also told this Court that whilst at the stream --

4 A. Yes.

15:11:16 5 Q. -- you saw a helicopter land.

6 A. We were at the river -- by the side of the river, we

7 heard the noise of the helicopter and we really -- it

8 landed there and we ran away.

9 Q. I appreciate that. I'm concerned about what you actually

15:11:38 10 saw or heard, okay? Now, you were at the stream when you

11 saw this helicopter land.

12 A. We heard the noise and it landed.

13 Q. You told this Court that you were at first afraid and you

14 hid yourself.

15:12:09 15 A. Very well.

16 Q. Later, you came out from hiding and you saw that on

17 board -- some of the passengers on board the helicopter

18 were Norman and Khobe.

19 A. I can explain that.

15:12:50 20 Q. It needs no explanation, just answer. I want to put the

21 question. That was just a premise.

22 A. They were the people saying that, "Come out of the bush,

23 Pa Norman has come." That is the time we came out of the

24 bush.

15:13:08 25 Q. You came out of the bush and saw that it was Norman and

26 Khobe. Later on Khobe was introduced to you people?

27 A. Yes, he was the man that introduced him to us.

28 Q. Again, you were at this same stream when you saw Kondewa,

29 Boni and others coming with two people -- amongst others.

1 MS WIAFE: Objection, Your Honour. The witness has said she
2 was at a water well.
3 THE WITNESS: That was not the stream -- it was the well.
4 JUDGE BOUTET: It was in the centre of the town.
15:13:46 5 MR MARGAI: This was in the centre of the town -- thank you,
6 My Lord.
7 THE WITNESS: Yes, at the chief's compound.
8 PRESIDING JUDGE: Where the well is located.
9 MR MARGAI: Where the well's located, much obliged.
15:14:01 10 Q. And you said you saw Kondewa remove a gun from Boni?
11 A. Very well.
12 Q. And he shot one of the town commanders?
13 A. Very well.
14 Q. I'm putting it to you, Madam Witness, that that is a
15:14:27 15 figment of your imagination; it never happened.
16 A. I know that it's not -- I'm saying the truth.
17 MR KAMARA: Objection.
18 THE WITNESS: And what happened is what I'm saying here.
19 JUDGE BOUTET: What's your objection?
15:14:43 20 MR KAMARA: It is the language of my learned friend accusing
21 the witness that it's a figment of her imagination.
22 PRESIDING JUDGE: Why not; what's wrong with that?
23 MR KAMARA: I'm developing my point, Your Honour.
24 PRESIDING JUDGE: No, no; "it's a figment of your imagination"
15:14:59 25 is perfectly admissible in cross-examination.
26 JUDGE THOMPSON: What's objectionable in that?
27 MR KAMARA: It is against the pattern of my learned friend's
28 cross-examination, because initially he had already
29 accosted the witness and basically my point here is that

1 inasmuch as, with due respect to my learned friend,
2 I wouldn't interrupt in his manner of cross-examination,
3 is the fact that the witness is not here to be ridiculed
4 and the manner of speech in which -- the words in
15:15:25 5 themselves may not sound offensive.

6 PRESIDING JUDGE: When we see him ridiculing this witness, we
7 shall intervene. We have always protected witnesses
8 here.

9 MR KAMARA: I take your point, Your Honour.

10 MR MARGAI: I am a living witness to that. Thank you, My
11 Lords.

12 PRESIDING JUDGE: The lady is equal to the task. The witness
13 is responding to the questions.

14 JUDGE BOUTET: We didn't get the answer. So, witness, the
15:15:58 15 question that was put to you was that this that you were
16 telling about, Kondewa was a figment of your
17 imagination -- we did not get the response you gave to
18 that. Would you please repeat that?

19 THE WITNESS: I cannot do -- I cannot imagine it. What I saw
15:16:25 20 is what I'm saying here. Why didn't I say that, "This is
21 what the rebels did," or, "This is what Pa Norman did"?
22 But that is what I saw him do.

23 MR MARGAI: Thank you. Questions are not to be directed to
24 counsel, anyway.

15:16:44 25 Q. Madam Witness --

26 A. Yes.

27 Q. -- were there senior Kamajor commanders at Talia on the
28 day of this alleged incident?

29 A. Those Kamajors, yes -- yes.

1 Q. Who were these senior Kamajor commanders who were in
2 Talia at the time you saw Kondewa shoot this town
3 commander?
4 A. The first -- Kondewa was there together with Ngobeh and
15:17:42 5 Joe Tamidey. They were there in that town -- and Kamoh
6 Boni.
7 Q. Do you know whether Kamoh Boni is alive?
8 A. He's very well.
9 JUDGE BOUTET: Could you spell that last name?
15:18:03 10 MR MARGAI: B-O-N-I.
11 PRESIDING JUDGE: Is that the same man that's called Kamoh
12 Boni?
13 MR MARGAI: It is the same person.
14 PRESIDING JUDGE: Then you start on the first name. She
15:18:18 15 mentioned three names.
16 MR MARGAI: Joe Tamidey was there.
17 PRESIDING JUDGE: Joe Tamidey was the second name; there was a
18 first name she mentioned.
19 MR MARGAI: She said Kondewa and Ngobeh, N-G-O-B-E-H
15:18:43 20 Q. Madam Witness, on the day of this alleged incident, were
21 there paramount chiefs at Talia?
22 A. At that time they were in Talia, but they were not in the
23 ceremony on that occasion.
24 Q. My question is: were there paramount chiefs in Talia
15:19:12 25 Yobehko?
26 A. Very well.
27 Q. Thank you. Were there other chiefdom elders in Talia
28 Yobehko when this alleged incident occurred?
29 A. At that time paramount chiefs were there. Many people

1 were in there. They were in that town.

2 Q. Now, did you at any time report this incident to any of

3 the commanders you have named?

4 A. Shall I talk?

15:20:07 5 PRESIDING JUDGE: Yes, talk.

6 THE WITNESS: On that day a woman was not in fact allowed to

7 join them.

8 MR MARGAI:

9 Q. My question is not whether you joined them. You have

15:20:22 10 told this Court of a gruesome murder which you witnessed.

11 Did you tell any of the authorities that it had happened,

12 assuming it happened?

13 A. How could I make a report? These people were in control

14 of the place. No, I wouldn't be able to make that

15:20:51 15 complaint, because I'm a woman. Why did the Kamajors who

16 saw it happen not report? I am just a woman.

17 Q. Thank you for your statement. Please answer the

18 question. Did you or did you not make a report?

19 PRESIDING JUDGE: Mr Margai --

15:21:08 20 THE WITNESS: No, no, no.

21 MR MARGAI: She did not, My Lord. She has answered.

22 PRESIDING JUDGE: She did not.

23 MR MARGAI: She did not.

24 PRESIDING JUDGE: She was a woman. She was not even supposed

15:21:15 25 to be there and, you know, the Kamajors themselves were

26 those who should have made the report.

27 MR MARGAI: My Lord, she was not supposed to be there, but

28 either by some stroke of luck or otherwise, she was

29 there.

1 PRESIDING JUDGE: You know that she's testified that her
2 husband was a Kamajor.

3 MR MARGAI: I heard her say that, but when we get to that
4 bridge, we shall attempt to cross it, but for now those
15:21:37 5 are my instructions. She did not report.

6 PRESIDING JUDGE: All right, okay.

7 MR MARGAI: And that will be all for her, My Lords.

8 PRESIDING JUDGE: Thank you.

9 MR MARGAI: My Lords, before I wind up, I'm sorry, just two
15:21:54 10 things.

11 PRESIDING JUDGE: Please, go ahead.

12 MR MARGAI: Before I wind up, just two things, and this may be
13 of some assistance not only to both sides but to the
14 Court in your evaluation of the evidence. I'm applying,
15:22:06 15 if need be in closed session, to get two names -- the
16 name of this friend and the name of the husband.

17 JUDGE BOUTET: In fact, these are questions you want to ask
18 the witness.

19 MR MARGAI: Yes.

15:22:40 20 JUDGE BOUTET: Because, obviously, if you ask these questions,
21 it may disclose the identity of the witness. That's why
22 you're saying, if need be in closed session.

23 MR MARGAI: Especially the latter, the name of the husband, so
24 out of an abundance of caution -- just those two, to tidy
15:22:58 25 up the cross-examination. But so as not to be unkind to
26 the people over there, I'm not sure whether she can read
27 or write, because if she can write, then she could write
28 the names for us. I'm sure my learned friends will have
29 no objection. It was done here before.

1 MS WIAFE: Your Honours, we have no objection to any course
2 of -- what action you might decide to take.
3 JUDGE BOUTET: Maybe you could ask her if she can write.
4 MR MARGAI: Yes, My Lord.

15:23:49 5 Q. Now, you told this Court earlier, in answer to my learned
6 friend the Prosecutor, that you went up to form 2.
7 A. Very well.
8 Q. Would you be in a position to write out the name of this,
9 your friend?

15:24:23 10 A. I cannot say now, because there are people out there.
11 I wouldn't tell you my husband's name, but later, if you
12 meet me in secret, I will tell you.

13 PRESIDING JUDGE: Madam, the Court will give you a paper -- a
14 paper there. You write the name of your friend -- you
15:24:46 15 won't talk on the microphone -- you write the name of
16 your friend and the name of your husband.
17 MR MARGAI: As My Lord pleases.
18 PRESIDING JUDGE: Okay, and that's secret enough. Nobody
19 will --

15:24:57 20 THE WITNESS: Well, you can get me somebody who can come close
21 to me so that I can write the name down.
22 PRESIDING JUDGE: Learned counsel, and --
23 MR MARGAI: I have no objection. Mr Walker could --
24 PRESIDING JUDGE: No, Mr Margai, please, go there and let
15:25:17 25 Ms Waife also go there. She will talk to both of you and
26 you'll put the things on paper, please.
27 JUDGE BOUTET: Madam Witness, this information will not be
28 disclosed to the public --
29 PRESIDING JUDGE: It will not be disclosed, Madam; you don't

1 question in re-examination?

2 MS WIAFE: The Prosecution has no further questions for this
3 witness.

4 PRESIDING JUDGE: So, madam --

15:29:02 5 THE WITNESS: That's very fine. Even if you have questions,
6 I know I would answer them. If you have 10 questions,
7 I will answer them.

8 PRESIDING JUDGE: Thank you very much. You are very
9 cooperative indeed. Well, there are no more questions
15:29:17 10 for now. Madam, we thank you very much for coming.
11 Thank you very much for coming to assist the Tribunal,
12 and we have finished with you for now, but we never know,
13 the necessity may arise for us to have you again some
14 time, because these cases are not over yet. If the
15:29:41 15 necessity arises, we shall send for you to come and
16 answer maybe more than 10 questions that you might be
17 prepared to answer.

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: So --

15:29:54 20 THE WITNESS: Even 20.

21 PRESIDING JUDGE: Even 20, that's good, okay. You are a very
22 nice witness indeed. You are full of a lot of humour.
23 Thank you very much.

24 THE WITNESS: That's very fine. Yeah, that's what is fine,
15:30:11 25 that is what is interesting.

26 PRESIDING JUDGE: Okay, thank you very much. I think we shall
27 rise.

28 JUDGE BOUTET: Yes, yes --

29 PRESIDING JUDGE: She said there was no re-examination.

1 JUDGE BOUTET: I know. I was just going to ask about the
2 witness. The next witness is witness 22, which is
3 TF2-086, and that witness will testify in Mende as well?
4 MS WIAFE: Yes, Your Honour.

15:31:12 5 PRESIDING JUDGE: Madam, have a safe journey. We shall rise
6 and we shall resume when the other witness is ready.
7 [The witness withdrew]
8 [Break taken at 3.32 p.m.]
9 [The witness entered Court]

15:36:04 10 [On resuming at 3.46 p.m.]
11 PRESIDING JUDGE: Yes, we are resuming the session.
12 MR BANGURA: The Prosecution calls witness TF2-086. The
13 witness is a Muslim and will testify in Mende.
14 WITNESS: TF2-086, sworn:
15:49:08 15 [Witness answered through interpretation]
16 EXAMINED BY MR BANGURA:
17 JUDGE BOUTET: Please proceed.
18 MR BANGURA:
19 Q. Good afternoon, Madam Witness.

15:49:59 20 A. Yes, good afternoon.
21 Q. I will be asking you questions, Madam Witness.
22 PRESIDING JUDGE: Mr Bangura?
23 MR BANGURA: Yes, My Lord.
24 PRESIDING JUDGE: We tend to mix up the names at times. I was
15:50:27 25 going to call you Mr Kamara, but Mr Kamara just exited.
26 MR BANGURA:
27 Q. Madam Witness, you will endeavour to answer the questions
28 as best as you can.
29 A. Okay.

1 Q. And you will try to speak not too fast.
2 A. Okay.
3 Q. Because the answers you give are being recorded.
4 PRESIDING JUDGE: Counsel, too, should endeavour to go not too
15:51:05 5 fast.
6 MR BANGURA: I shall, My Lord.
7 Q. Madam Witness, how old are you?
8 A. I don't know my age.
9 Q. Madam Witness, is there any way you can help us to
15:51:25 10 estimate your age?
11 A. Yes, yes.
12 Q. Please let us know.
13 A. When I was 15 years, that's when I gave birth to my first
14 child. That was during the independence period -- that's
15:51:58 15 when I gave birth to my first child.
16 Q. And you say you were 15 years old at that time; is that
17 right?
18 A. Yes.
19 Q. Do you remember who was the leader of this country at
15:52:16 20 that time?
21 PRESIDING JUDGE: She said that was during independence?
22 MR BANGURA: Yes.
23 THE WITNESS: Yes.
24 MR BANGURA:
15:52:29 25 Q. Who was it?
26 A. Margai, the first one.
27 MR BANGURA: Your Honours, by our reckoning, she should be
28 about 58 years old. She was 15 in 1961. Independence
29 was in 1961. I don't know whether Defence has any

1 objection -- that's our estimation.

2 PRESIDING JUDGE: You're talking of 57, you say?

3 MR BANGURA: 58, My Lord.

4 Q. Madam Witness, when were you born?

15:53:38 5 A. I was born in Bonthe.

6 Q. When you say Bonthe the district, where exactly in

7 Bonthe?

8 A. Bonthe, right inside the town -- that's where they gave

9 birth to me.

15:54:05 10 Q. Madam Witness, where do you presently reside?

11 A. Yes, I am staying at XXXXXXXX.

12 Q. Is it the same place as XXXXXXXX?

13 A. Yes.

14 JUDGE BOUTET: Would you spell that out, please?

15:54:25 15 MR BANGURA: Your Honour, it XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX

16 Q. How long have you been living in XXXXXXXX?

17 A. Seven years -- I've been there for seven years now.

18 Q. Madam Witness, will you try to speak a bit louder,

19 please?

15:55:07 20 A. Okay. I've been there for seven years now.

21 Q. Madam Witness, are you married?

22 A. No. I did have a husband, but he's died. At present

23 I don't have any husband.

24 Q. Do you have children?

15:55:29 25 A. Yes.

26 Q. How many?

27 A. Seven children.

28 Q. What do you do for a living, Madam Witness?

29 A. Well, I'm a gardener; I plant potato leaves, pepper,

- 1 krain-krain, okra, onions. Myself and my children
2 survive on that. They work for me.
- 3 Q. You do gardening. What languages do you speak, Madam
4 Witness?
- 15:56:14 5 A. I speak Mende, I speak Temne. I can't speak Krio very
6 well, because I was not brought up there.
- 7 Q. Madam Witness, I would like to take your memory back to a
8 period not so long ago in this country. Do you recall
9 the time when there was war in this country recently?
- 15:56:58 10 A. Yes.
- 11 Q. If you recall that time, where were you living when that
12 war -- when you first heard about that war?
- 13 A. I was at xxxxxxxx.
- 14 Q. Where is xxxxxxxx?
- 15:57:37 15 A. At xxxxxxxx, Gbanda Kemoh.
- 16 Q. Let me help spell xxxxxxxx xxxxxxxx. Did you
17 say in Gbanda Kemoh?
- 18 A. Yes, the chiefdom -- Gbanda Kemoh is a chiefdom.
- 19 Q. G-B-A-N-D-A and K-E-M-O-H. Madam Witness, at this time
15:58:16 20 in Gbanda Kemoh how did you first get to know about the
21 war?
- 22 A. I heard it from the Pujehun end.
- 23 Q. Now, with whom were you living in Bongor Junction at this
24 time?
- 15:58:52 25 A. My children and my sibling.
- 26 Q. Madam Witness, did you at any time have cause to leave
27 xxxxxxxx during the course of the war?
- 28 A. Yes.
- 29 Q. Do you remember why you left xxxxxxxx?

1 A. Yes.

2 Q. What was the reason?

3 A. The rebels attacked at night.

4 Q. Do you remember when was this?

16:00:07 5 A. The rebels attacked us at night.

6 Q. I mean, from the time you first heard about the war to

7 this time that the rebels attacked you in xxxxxxxx

8 Jxxxxxxx, do you remember roughly how long it was?

9 A. Yes, two years -- one and a half years -- one and a half

16:00:46 10 years, that's when they reached us.

11 Q. Madam Witness, as a result of this attack, did you do

12 anything?

13 [HN081104E 4.00 p.m.]

14 A. If I did anything? Yes, I went into the bush when they

15:57:59 15 attacked us. I entered into the bush at night.

16 Q. Did you go alone?

17 A. Together with my children. All of us went together. I

18 didn't leave them behind. My sibling, my children, all

19 of us went.

15:58:20 20 Q. And how long were you in the bush?

21 A. We spent three days there. On the fourth day we

22 returned. We walked on foot.

23 Q. Did you say you returned on the fourth day?

24 A. Where?

15:58:45 25 Q. Where did you go? You were in the bush for three days

26 and on the fourth day -- did you go anywhere?

27 A. I went to Bonthe. We crossed the river and we went

28 Bonthe. We went to Momaya and we crossed the river.

29 Q. Madam Witness, when you got to Bonthe, where did you

- 1 stay?
- 2 A. I stayed with my child.
- 3 Q. A male child or female?
- 4 A. Male.
- 15:59:39 5 Q. How did you survive when you got to Bonthe? How did you
6 meet your day-to-day needs?
- 7 A. I took some money from my child -- a loan. Then I went
8 to my friend and she said we should be going to buy palm
9 oil for sale. That is how we survived myself, my husband
16:00:14 10 and my children.
- 11 Q. Madam Witness, at this time that you came to Bonthe, do
12 you remember what the security situation was like there?
- 13 A. Yes.
- 14 Q. What was the situation there?
- 16:00:36 15 A. When I came there, I met some soldiers there.
- 16 Q. Now, what were the soldiers doing there?
- 17 A. I didn't know. They only said that they were government
18 soldiers.
- 19 Q. They were in the town, occupying the town; is that right?
- 16:01:12 20 A. Yes, we were all in the town together.
- 21 Q. Madam Witness, apart from soldiers whom you said were in
22 Bonthe Town, did you hear of any other forces within that
23 area, within Bonthe area at that time?
- 24 A. Yes.
- 16:01:40 25 Q. Who were they, which force was this?
- 26 A. Kamajors.
- 27 Q. To your knowledge, Madam Witness, where were these
28 Kamajors at this time?
- 29 A. We heard about them in some of the towns around Bonthe,

1 in the other villages, surrounding villages.

2 Q. In effect, Madam Witness, the soldiers were in control of
3 Bonthe Town while Kamajors were in surrounding towns
4 around Bonthe; is that right?

16:02:29 5 A. Sorry? No, because -- because when the soldiers were
6 there, the Kamajors were not there. I didn't see them.
7 I only heard about them.

8 Q. You're saying that the Kamajors were outside Bonthe Town;
9 is that right?

16:03:07 10 A. Yes. At that time we were with the Kamajors -- the
11 soldiers in town.

12 Q. Madam Witness, did these soldiers continue to stay in
13 Bonthe for long?

14 A. Yes. When I came from ~~XXXXXXXX~~, I met them
16:03:31 15 there.

16 Q. Did they leave Bonthe Town at any time?

17 A. They were -- it was the Kamajors who attacked them.

18 Q. The question, Madam Witness, was did the soldiers leave
19 Bonthe Town at any time?

16:03:52 20 A. Yes.

21 Q. Do you remember when was this -- when this happened?

22 A. Yes. They left there on Thursday in the evening and on
23 the Friday we spent the whole day on Thursday [sic].

24 Q. Now, do you remember about what time this happened since
16:04:28 25 you came to Bonthe? How long since the time you got to
26 Bonthe that the soldiers left?

27 A. No, I can't remember that one.

28 Q. Madam Witness, before the soldiers left, you've said that
29 the Kamajors were in surrounding towns around Bonthe.

1 Can you describe what you -- can you say anything about
2 the relationship between the soldiers then and the
3 Kamajors, if you can?

4 A. Yes, they were not united. No, two fighters cannot think
16:05:35 5 the same or they cannot be united.

6 Q. Do you have any reason for saying that they were not
7 united?

8 A. Yes.

9 Q. Please tell the Court.

16:06:00 10 PRESIDING JUDGE: "Were not united", what does that mean? Is
11 it in good terms, or so?

12 MR BANGURA: I will elicit that. I will get the witness to
13 expand on that, Your Honour.

14 Q. Madam Witness, when you say they were not united, the
16:06:15 15 soldiers and the Kamajors, and you've said that two
16 fighters cannot be together in the same place, what do
17 you mean?

18 A. Because we were in the town when they said the soldiers
19 were going. That they had received message that their
16:06:46 20 master said they should go. On that day that they went,
21 it was in the night that the Kamajors came into the town.
22 That is what I said, that it was the Kamajors who drove
23 them away, because the two fighters cannot be in the same
24 place.

16:07:05 25 Q. Madam Witness, even before the soldiers left town, can
26 you remember any situation or any incident in which you
27 know of these two forces having an encounter?

28 A. I wouldn't know that. Repeat the question.

29 Q. I'm saying, Madam Witness, you have said that the two --

1 the soldiers and the Kamajors were not united and that
2 the two fighters they cannot work together. Do you know
3 of any situation where you could tell -- you would tell
4 that they were not working as one. They were not -- they
16:08:24 5 were opposed to each other? Can you tell?

6 A. Yes.

7 Q. Can you tell the Court, please?

8 A. Yes.

9 Q. Please go on.

16:09:14 10 A. I was at the water well. We were there when we heard
11 that one soldier had passed by. Then he said -- I don't
12 know whether it's his family member or not. I don't
13 know, but I was still fetching the water when he said
14 that their master had asked them to go. On that day when

16:09:43 15 they came -- when they left on Thursday, the next
16 morning, that was on Friday, that's when the Kamajors
17 entered the town. At that time the soldiers had left.

18 Q. Okay, Madam Witness, when the soldiers left, the Kamajors
19 got into town; is that right?

16:10:06 20 A. Yes.

21 Q. Now, you yourself, as a business person, you were doing
22 your business in palm oil. Did you continue to do your
23 business after the Kamajors came into town?

24 A. Yes, we were in the town together. I was still selling
16:10:43 25 the palm oil. There was only one road. There was no
26 other way to search for wares. In fact, I had children
27 with me.

28 Q. Do you remember at any time -- Madam Witness, you have
29 said that the Kamajors came to Bonthe after the soldiers

1 left. How did you know they were Kamajors?

2 A. They had mirrors on the caps that they wore. They had
3 talisman. They were so many things hanging on them, on
4 their clothes.

16:11:26 5 Q. Now, you heard that the Kamajors were now in town; they
6 were now in Bonthe. Do you remember any time that you
7 went on a business trip outside Bonthe Town?

8 A. Yes.

9 Q. Do you remember when this happened? What time was it?
16:11:57 10 How long after the Kamajors came into town?

11 A. It took about two weeks.

12 Q. Where did you go to? Where did you go to on this
13 occasion?

14 A. I went to Sebongie together with my sibling.

16:12:37 15 Q. Your Honours, the spelling of Sebongie S-E-B-O-N-G-I-E.
16 What did you go to do in Sebongie.

17 A. I went to buy palm oil together with my partner.

18 Q. Apart from your, you say sibling, is this a male, female?

19 A. Female. We went together

16:13:22 20 Q. Now, apart from your sister, did you go along with
21 anybody else on that trip to Sebongie?

22 A. Yes, we went together. She's called Jitta.

23 Q. Now, can you tell this Court what happened when you got
24 to Sebongie?

16:13:54 25 A. Yes.

26 Q. Yes, please, go on.

27 A. I went to buy palm oil in Sebongie. The palm oil that
28 I went to buy it was smelly. I couldn't buy it, so
29 I returned. Then I told my sister that we should go,

1 then my companion told me that I should accompany her.
2 Then I did.
3 Q. You will have to speak a bit slower.
4 A. Yes, I'm speaking slower.
16:14:35 5 Q. Yes. You went to buy palm oil. The palm oil was smelly;
6 you did not buy it. What happened after that?
7 A. When my companion Jitta said I should accompany her
8 across the water. Then I asked her to whom. Then she
9 said "Mr Kpana". Then I said: "For what reason?" Then
16:15:04 10 she said she was going to buy alcohol. I but told her
11 that I was not drinking alcohol. "Now you're asking me
12 to go and buy alcohol."
13 Q. Slow down, please. Now, you say your friend -- your
14 companion Jitta asked you to accompany her across the
16:15:21 15 water. Where was this water that you're talking about?
16 Was it within Sebongie or outside Sebongie?
17 A. Beyond the town, but it was at a farm hut. We went to a
18 farm hut. That man was a palm oil tapper. We went to
19 him at the farm hut.
16:15:57 20 Q. Can you tell us what happened when you got to this farm
21 hut?
22 PRESIDING JUDGE: She gave the name of the man. What is the
23 name?
24 Q. Madam Witness, what is the name of the man to whom you
16:16:08 25 went to buy alcohol?
26 A. He is called Kpana.
27 Q. It's K-P-A-N-A, Your Honour. Now, you said earlier that
28 he went to Sebongie with your sister and Jitta, your
29 companion. Did your sister come along with you to

1 Kpana's place?

2 A. No. She said we should return immediately, but we went
3 across the water. If we go there -- if they give us the
4 alcohol, they would return. She was waiting for us, so
16:17:18 5 we returned to Bonthe.

6 Q. Now, can you tell us what happened when you got to
7 Kpana's place?

8 A. Yes.

9 Q. Go on, please.

16:17:33 10 A. When we went across the river and we got to Kpana and
11 I asked Kpana that, "The person you've come to, is that
12 the person?" And she said yes. Then I asked her to go
13 and talk to him so that they would talk and return. They
14 were talking together. The moment we crossed I heard the
16:17:55 15 sound of a gun. When I heard the sound of a gun, then
16 I said "Kpana" --

17 Q. Madam Witness you have to slow down. You're being
18 recorded. You said as soon as you crossed over, you
19 heard the sound of a gun; is that right?

16:18:24 20 A. Yes. Then I asked her -- I asked Kpana. I said, "The
21 sound of this gun, is it because of the Kamajors?" They
22 said "Oh, wait for us." And I said, "No, don't say
23 'wait'." Then I said whether they were soldiers, then
24 they said no. They said, "Wait for us." And I said, "I
16:18:55 25 am not really happy."

26 Q. Okay. Did Jitta, eventually get the alcohol -- what kind
27 of alcohol was it?

28 A. The man is a palm wine tapper. That is what Jitta goes
29 for and returns to Bonthe.

- 1 Q. [Previous translation continued] -- ask Jitta to get the
2 palm wine?
- 3 A. No, she didn't get it.
- 4 Q. Did you have any cause to leave Kpana's place?
- 16:19:45 5 A. Yes.
- 6 Q. Why did you leave Kpana's place?
- 7 A. When we went there, we did not get what we went for.
8 Then I told her: "Now that you've come, you have not got
9 the thing that you have come for. Let us go back and I
16:20:14 10 know that my sister will be waiting for me."
- 11 Q. So you decided to go back where?
- 12 A. Yes, and I told her to return.
- 13 Q. Where did you --
- 14 A. Bonthe.
- 16:20:27 15 Q. How did you decide to proceed to Bonthe?
- 16 A. We've come and we've not been able to get the article
17 we came for, and I did not get the article we came for
18 and my sister was waiting for me. That is why I asked
19 her to return.
- 16:20:50 20 Q. Did you go back to Sebongie where your sister was
21 waiting?
- 22 A. No.
- 23 Q. Which way did you go?
- 24 A. The route I had to passed through to reach my sister and
16:21:12 25 she said she was not going across the sea -- the water.
26 She said, "Let us go by the main road", and so we
27 returned by the main road. There is another road that
28 leads to Bonthe.
- 29 Q. Now, as you were returning to Bonthe, did anything happen

1 on the way?

2 A. Yes.

3 Q. What happened?

4 A. After I returned from Kpana's hut, we went in the middle
16:21:55 5 of road and then we heard people saying, "Catch them.
6 Catch them." Then we saw people at our back and those in
7 front of us.

8 Q. What kind of people were they?

9 A. They were Kamajors.

16:22:29 10 Q. Now, you say you heard them shouting "Catch them. Catch
11 them." How many of them did you see?

12 A. I saw five people, not knowing that there were others in
13 the bush.

14 Q. Now did others come out from the bush?

16:22:54 15 A. Yes, they all came together in one place.

16 Q. And were they many?

17 A. Yes, they were many. They were many.

18 Q. Up to one number, can you say?

19 A. I cannot tell their number, because they were many. They
16:23:29 20 were coming, just coming out of the bush. The first
21 group they were many. I cannot tell their number.

22 Q. Were they carrying anything?

23 A. Yes.

24 Q. What were they carrying?

16:23:46 25 A. They had machetes.

26 Q. And so you said you talked about five of them and then
27 you said others came from the bush. Now, who were those
28 five?

29 PRESIDING JUDGE: She said they were carrying machetes. Is

- 1 that all they were carrying? She said they were carrying
2 machetes. Did you want to stop there? Okay, you can
3 proceed. Go ahead.
- 4 MR BANGURA:
- 16:24:19 5 Q. Madam Witness, apart from machetes that you saw with the
6 Kamajors, were they carrying anything else?
7 A. Yes.
8 Q. What else were they carrying?
9 A. They had guns, guns. All those who were in Bonthe
16:24:42 10 carried guns.
11 Q. Back again, Madam Witness, you said there were five of
12 them and then you talked about others who came from the
13 bush. These five, what were they doing?
14 A. After we were caught, then I was wounded.
- 16:25:20 15 Q. Thank you, Madam Witness. So who caught you?
16 A. Abu Jakineh.
17 Q. Was he one of the five?
18 A. Yes. They were together.
19 Q. Now did you -- you've mentioned --
- 16:25:46 20 PRESIDING JUDGE: It was Abu Jakineh who cut her?
21 MR BANGURA: Yes.
22 Q. You have mentioned Abu Jakineh. How did you know his
23 name?
24 A. I used to go there together with a friend, together with
16:26:08 25 a friend. We went there to buy oil. After some time we
26 left there. We used to buy oil from them, and that is
27 how I knew him. And we used to buy oil from them. That
28 is how I got to know their names.
29 Q. You said you used to go there, where, Madam Witness?

- 1 A. To them.
- 2 Q. Where -- where did you used to meet them?
- 3 A. Motombo, they were in the Motombo. The others were in
4 Gondama. Another was in Mosebay, anothers was -- they
16:27:00 5 were -- there were three in Motombo.
- 6 Q. Madam Witness, apart from Abu who you clearly recognised,
7 did you also recognise all the other four Kamajors?
- 8 A. Yes.
- 9 Q. Who were they?
- 16:27:24 10 A. Borbor, Motombo, Abu, Gondoma.
- 11 Q. Go on, please.
- 12 A. Jitta Mosebay, Baigeh Mu.
- 13 Q. Baigeh Mu? Now, these names that come after their first
14 names, is it their surnames?
- 16:28:14 15 A. I don't know their surnames. I don't know their
16 surnames. I only knew them by their villages where we
17 used to buy oil and that is what I know.
- 18 Q. So the names which come after each of these first names
19 are the names of the villages where they come from?
- 16:28:40 20 A. Yes, yes, because we used to go there to get palm oil.
- 21 Q. So you said these five people caught you, and can you
22 tell the Court what happened when they caught you?
- 23 A. Very well.
- 24 Q. Please go on.
- 16:29:11 25 A. Abu caught me. He wounded me here, on the wrist. He
26 wounded me on the wrist, on my wrist.
- 27 Q. How did it happen?
- 28 A. Abu -- Abu wounded me. After he got me, he held the
29 cutlass and I raised my hand over my head. He wanted to

1 wound me on the head. And so when the machete came down,
2 the machete came down on my wrist and I was wounded on my
3 wrist.

4 Q. This is Abu Jakineh?

16:29:53 5 A. Yes, Abu Jakineh. He is the one who wounded me on my
6 wrist.

7 Q. And then after that can you say what happened next?

8 A. He asked me, "Where is Lahai Ndokui"? Then I told them
9 that I did not go to him.

16:30:15 10 Q. Who did he ask you for?

11 A. Abu Jakineh.

12 Q. Who did he ask you about? He asked you about somebody.

13 A. He asked me for Lahai Ndokui. I don't know what is
14 really between them.

16:30:39 15 Q. And what did you say?

16 A. I said, "Oh, I did not go to him. I do not know him.
17 I did not go to him." I -- why? I said, "I did not go
18 to him and now the time that you've wounded me is now the
19 time that you asked me?"

16:31:00 20 Q. Now, did they say anything else to you?

21 A. Yes.

22 Q. Please say.

23 A. And I told them after they have asked me for Lahai
24 Ndokui. I told them -- I say, "Borbor, we are all people
16:31:25 25 of this country. Don't do anything with us. Leave us.
26 We beg you, leave us. Leave us. Let us go." Then he
27 said, "Look how dead you are. Look how filthy. You are
28 a rebels. All these people in Bonthe are rebels. They
29 are very dirty, filthy people."

- 1 Q. Can you slow down, please.
- 2 A. Yes.
- 3 Q. And what was your response to that charge?
- 4 A. Then I told them that I was not a rebel. We are not
- 16:31:58 5 rebels. We are not rebels. Then he drove his stick into
- 6 my stomach.
- 7 Q. Who did?
- 8 A. Baigeh Mu. Baigeh pierced me with a stick.
- 9 Q. On your stomach? And after that did anything happen?
- 16:32:26 10 A. Yes.
- 11 Q. Please say.
- 12 A. When they pierced it with that stick and they asked us to
- 13 bring money. We begged for them to let us go. "Even if
- 14 you said we should work for you, we can work for you.
- 16:32:51 15 Even if you fetch palm fruit, we can do the work for you
- 16 so that you don't do anything bad with us. Please don't
- 17 kill us. We beg you. Everything that I have been
- 18 begging you, please try to respond. Please hear our
- 19 plea."
- 16:33:08 20 Q. Did they hear you?
- 21 A. They did not accept. They said they would not accept.
- 22 Q. What did else did they do to you?
- 23 A. He asked us to bring money. They took money from Jitta.
- 24 They asked Jitta to bring money.
- 16:33:26 25 Q. And what about you, were you asked to bring them money as
- 26 well?
- 27 A. Myself, they took money from me and they said --
- 28 Q. How much money did they take from you?
- 29 A. Wait. I'm bringing out something. And they said after

1 they have taken the money -- they took 100,000 from me --
2 1,200. I don't know the money they took from Jitta. I
3 don't know how much they took from Jitta, because we were
4 not close together. They took 140,000 from me.

16:34:23 5 Q. Now, when you say 140,000, what is it? Leones?
6 A. Yes.
7 Q. Yes, so did they do anything else to you, Madam Witness?
8 A. Yes. After I have gone through all this, then they
9 said -- they asked one of us to bow down and count the
16:35:03 10 money. They took us and then they went on a meeting, a
11 special meeting. They were in special groups. We were
12 far off and then they went having a meeting and I really
13 didn't know what they discussed when they were together
14 meeting and the others were gathered in another place.
16:35:25 15 They were there.

16 Q. Before you get to the meeting -- earlier on you said Abu
17 Jakineh struck you with a machete and he wounded you on a
18 your wrist. Apart from that, did you suffer any other
19 wound by -- from anybody else --

16:35:46 20 A. Yes.
21 Q. -- before you went to the meeting?
22 A. Yes. I was wounded in two areas before they went to
23 meet.
24 Q. Who caused these wounds?

16:36:02 25 A. Abuja Kanneh. He wounded me on my wrist. He raised up
26 the machete and I held -- and I raised up my wrist and he
27 wounded me on my wrist. After awhile when they said that
28 we were rebels and I said we were not rebels, he held up
29 the cutlass and then he wounded me again on the same

- 1 area, on the elbow. I was all the time begging,
2 pleading, but they were wounding me. I told them that,
3 "Now they've wounded me, please leave me or take us to
4 work for you."
- 16:36:43 5 Q. Madam Witness, you said they went and had a meeting.
6 What happened after that?
7 A. The meeting they held, they held grass -- I mean,
8 branches and they laid them. The leaves, they got leaves
9 and then they put them in a heap after getting the pills
16:37:12 10 and then they asked Jitta to come.
11 Q. Madam Witness, please take your time. When you say they
12 got branches --
13 A. I'm saying it.
14 PRESIDING JUDGE: They said leaves, not branches. We are
16:37:23 15 hearing leaves.
16 MR BANGURA: I heard branches first and then leaves, Your
17 Honour.
18 PRESIDING JUDGE: Clarify that.
19 MR BANGURA:
16:37:29 20 Q. Can you explain that again, Madam Witness?
21 A. They picked the leaves and they took Jitta in the corner.
22 They called her there and I -- the only noise I heard was
23 "mmm" and I did not here anything. And she was killed
24 there. I only heard her cry. I did not see her again.
- 16:37:59 25 Q. Okay, Madam Witness, please. Now, you need to clarify
26 the point again. You said they got leaves, and where did
27 they take these leaves to?
28 A. Yes. They got the leaves from the bush.
29 Q. And where did they take them to?

- 1 A. Along the road, along the Lili Mile Road. They
2 negotiated a cove and where we used to rest along the
3 Lili Mile Road. They went into the cove after I have
4 given the money.
- 16:38:38 5 Q. You said they took Jitta away. Where did they take Jitta
6 to?
- 7 A. They took her from me in the cove. We were separated.
8 We were separated. They separated us and I knew really
9 that they were going to kill us. We did not do anything
16:39:04 10 with them.
- 11 Q. When they took her away, what happened there? Did you
12 see what was going on when they took her away?
- 13 A. I was not able to see there. I did not see there.
- 14 Q. Did you hear anything?
- 16:39:25 15 A. Yes.
- 16 Q. What did you hear?
- 17 A. I heard a humming and after that that was the end of it.
- 18 PRESIDING JUDGE: She heard --
- 19 MR BANGURA: Heard her hum --
- 16:39:42 20 THE INTERPRETER: Groaning, groaning.
- 21 MR BANGURA:
- 22 Q. That sound that came, what was it like? How would you
23 describe it? Was it the sound of happiness or pain or
24 sorrow?
- 16:40:12 25 A. I really cannot tell. I cannot tell, because we were
26 separated.
- 27 Q. What was your reaction when you heard this sound?
- 28 A. I prayed. I prayed and I said "La ilaha ilala mohamadura
29 Sulilah", and Jitta said, "What have you seen? You have

1 not seen much."

2 Q. When you heard the sound you said: "La ilaha ilala
3 mohamadura Sulilah; is that right?

4 THE INTERPRETER: Can you take the question, again, please.

16:40:56 5 MR BANGURA:

6 Q. When you heard this sound, this groaning sound, what did
7 you say?

8 A. I recited the Koran, that's what I did. "La ilaha ilala
9 mohamadura Sulilah".

16:41:11 10 Q. After you said those words, did anybody say anything to
11 you?

12 A. Then I said, in my mind that -- that, "Jitta. Oh,
13 they've killed Jitta. Now, it is has all gone quiet,"
14 and I said, "Eh, leave me alone so that I should be
16:41:41 15 working for you." They disagreed. Then Abu returned and
16 wounded me on my head -- wounded me on my head. The
17 wound is there.

18 Q. How did Abu wound you on your head?

19 A. He used the cutlass to wound me.

16:41:58 20 JUDGE BOUTET: For the record, the witness was indicating on
21 the side of her head on the left-hand side.

22 MR BANGURA: Yes, Your Honour. I intend to get to a point
23 where she might be able to show the Court scars.

24 JUDGE BOUTET: Just for the record, too, previously she
16:42:15 25 indicated she had been injured on her arm and wrist, her
26 right arm and wrist, just for the record.

27 MR BANGURA: As Your Honour pleases.

28 JUDGE BOUTET: Thank you.

29 MR BANGURA:

- 1 Q. Yes. So you said Abu took his machete and wounded you
2 again?
- 3 A. Yes. On my head.
- 4 Q. On your head. And then did anything happen after that?
- 16:42:48 5 A. Yes. After he had wounded me on my head, I begged them
6 for a long time. I begged them, but they refused. Then
7 Jitta said, "These rebels, you wait, you've wasted a lot
8 of time with them. These rebels you have wasted a lot of
9 time with them. These people are from Bonthe. They're
16:43:11 10 rebels. You are wasting time with them. If it were me,
11 I would have finished with them."
- 12 Q. Did they do anything more to you?
- 13 A. After he had said that, after he had pierced me with the
14 stick with my belly, again they returned and pierced my
16:43:33 15 belly with the stick.
- 16 Q. Who did that?
- 17 A. Baigeh. Baigeh shoved the stick in my belly.
- 18 Q. Did anything else happen, Madam Witness?
- 19 A. Yes.
- 16:43:59 20 Q. What?
- 21 A. After they removed the money from me, then Baigeh wounded
22 me on my neck, on my neck here.
- 23 Q. How did he do that? How did he wound you on your neck?
- 24 A. He used the machete to wound me on my neck and then
16:44:20 25 I fell down.
- 26 Q. And then what happened?
- 27 PRESIDING JUDGE: Who was that?
- 28 MR BANGURA: Baigeh, Baigeh, one of five names she mentioned
29 earlier.

1 PRESIDING JUDGE: Wounded on the neck with what?
2 MR BANGURA: With a machete.
3 Q. And then what happened?
4 PRESIDING JUDGE: And then who took the money from her? After
16:44:44 5 they had taken the money, they had wounded her with a
6 machete. Who took the money?
7 MR BANGURA:
8 Q. Madam Witness, can you tell this Court who took the money
9 from you?
16:44:55 10 A. Jitta took the money from me. It was Baigeh who wounded
11 me. He killed me, because that is not wounding. As I am
12 sitting down here I am sick. I couldn't do anything. I
13 cannot bow my head and blood will be oozing from my
14 nostril.
16:45:25 15 Q. Madam Witness, you were struck on the neck with a
16 machete, and what happened next? You fell down, you say?
17 A. Yes, after I had fallen down, I lay down there 'til the
18 night and through God's power I was able to get up. And
19 I saw my jaw wounded, my leg was wounded and my waist was
16:45:55 20 wounded, and even my shoulder was wounded as well.
21 Q. Hold on. You said you were able to get up. When did you
22 get up? When did you get up after you had fallen down
23 there?
24 A. At night. I knew -- night had already fallen, but I
16:46:18 25 didn't know. It was God that roused me, but I didn't
26 know what he did that I got up, but I didn't know
27 where -- I knew where I was suffering wounds.
28 Q. You've just mentioned that you had wounds in different
29 parts of your body. Were all those wounds inflicted on

1 you before you fell down?

2 JUDGE BOUTET: There is a problem with a mic somewhere. Thank

3 you. There is -- there is this noise in the background.

4 MR BANGURA: Yes, I can hear it.

16:47:10 5 JUDGE BOUTET: Is this in the translation office?

6 THE INTERPRETER: Yes, it is. It is here too.

7 JUDGE BOUTET: Have you fixed the problem?

8 THE INTERPRETER: It is not a problem from us, My Lord.

9 JUDGE BOUTET: Maybe yours -- let's try. We'll see.

16:47:37 10 MR BANGURA:

11 Q. Madam Witness, you say you got up at some point. Do you

12 know how long you had been lying there after you fell

13 down?

14 A. I can't know that one, because I had no sense of the

16:48:06 15 time. I had no way. I was just there like a mad person.

16 Q. Now, when you got up, you said you noticed wounds all

17 over your body. Now, were all these wounds -- had all

18 these wounds been inflicted on you before you fell down?

19 A. Yes, the first wound -- yes, I knew that wound. The

16:48:34 20 first wound, I knew that one. The one on my neck, I knew

21 it, but the one on my leg, on my side and my shoulder, I

22 didn't know anything.

23 Q. When you woke up, did you see Jitta at all?

24 A. Before I could see Jitta I was in the bush for two days.

16:49:07 25 On the third day I left Jitta lying down there. I left

26 her lying down there and I came and I spent the night

27 there and, in fact, there was a heavy rain that day.

28 Q. Madam Witness, the question was: Did you see Jitta at

29 all when you woke up?

1 A. Yes. When I rose up, I saw Jitta lying down there,
2 because they laid me by her.
3 Q. What did you see?
4 A. When I held her, she was dead.
16:50:03 5 Q. Did you -- were you able to find -- to get assistance
6 after you got up?
7 A. When I went into the bush, I went into the town. I slept
8 at Motombo. In the morning I went to Bonthe. I kept
9 falling down on the way until I reached at Gembey. Then
16:50:30 10 I met one of my friends, then she took me and carried me
11 to Bonthe.
12 Q. Okay. Madam Witness, you have mentioned that you were
13 wounded in different -- several parts of your body. Do
14 you still bear the scars of these wounds?
16:50:49 15 A. Yes.
16 Q. Would you like the Court to see some of those scars, as
17 much as it is possible?
18 A. Yes, Your Honours.
19 Q. Your Honour, at this point I will just point -- I don't
16:51:15 20 know how it can be worked, but I invite the Bench to take
21 cognisance -- take notice of these scars. It is
22 difficult to get the witness moving from her present
23 position, but she's got scars from all the wounds she has
24 suffered. And --
16:51:35 25 PRESIDING JUDGE: And since she is as fair as myself, we can't
26 even see her from afar.
27 JUDGE BOUTET: In a previous testimony, we had a witness come
28 closer to the Bench. But if she does that, we'll have to
29 close the drapes, so --

1 MR BANGURA: Your Honour, in that case, may I ask that the
2 necessary steps be taken to ensure that she is protected?
3 JUDGE BOUTET: Yes.
4 PRESIDING JUDGE: I don't know.

16:52:05 5 MR MARGAI: We on this side are not disputing the scars any
6 way. I don't know about my colleagues, but we are not --
7 MS WHITAKER: Nor are we.
8 PRESIDING JUDGE: For the record --
9 MR BANGURA:

16:52:20 10 Q. Madam Witness, just point out for the Court the parts of
11 your body that still bear the scars that you've talked
12 about?
13 A. This is it on my wrist, my right wrist. My arm, my elbow
14 here. My shoulder.

16:52:41 15 MR BANGURA: Left shoulder.
16 THE WITNESS: On my head.
17 MR BANGURA: Hold on.
18 PRESIDING JUDGE: After the wrist, which one.
19 MR BANGURA: It was right wrist, right hand, left shoulder.

16:52:58 20 Q. Where else, Madam Witness?
21 A. My jaw.
22 Q. The right jaw. What else?
23 A. And on my head. I have holes on my head -- on my head,
24 all over.

16:53:21 25 Q. And where else?
26 A. And on my neck here.
27 JUDGE BOUTET: Mr Counsel, I would ask you, please, I don't
28 think it is a laughable situation. I don't know what
29 you're laughing about. I would ask you to restrain from

1 doing that, please.

2 THE WITNESS: This is not a laughing matter. Yes, I have been
3 mutilated all over.

4 MR BANGURA:

16:53:52 5 Q. Where else, Madam Witness?

6 A. In between my legs.

7 Q. Which one of your legs?

8 MR WILLIAMS: My Lord, the problem is the witness had narrated
9 all the parts of her body that were mutilated, and what
16:54:12 10 my learned friend is now seeking to do is to have the
11 witness show those parts to the Court. And -- yes, that
12 is what he is seeking to do, but I think -- my learned
13 friend --

14 PRESIDING JUDGE: How can he do it when, you know, we said
16:54:28 15 that the lady should sit there and just indicate, because
16 you say you are not contesting the wounds, or the scars?

17 MR WILLIAMS: Those parts which are exposed, My Lord. I mean,
18 he wanted to let the Court have a look --

19 PRESIDING JUDGE: That is what you are contesting? Because if
16:54:40 20 you are contesting --

21 MR WILLIAMS: I don't think my learned friend should go into
22 them. I mean, the witness has said, you know -- I mean,
23 exhaustively the parts of her body that were wounded;
24 we're not contesting that. But what he is now seeking to
16:54:55 25 do is to show the court, and those parts that are
26 exposed, we can understand. I mean, we can see, but, I
27 mean, I do not think he should go beyond that.

28 JUDGE BOUTET: Are you suggesting that he cannot ask the
29 witness to describe the wounds she has sustained?

1 PRESIDING JUDGE: If you want to verify the wounds, it is very
2 triable. We can do it right now. Do you want to verify
3 the wounds?
4 MR WILLIAMS: My Lord, that is why we said we are not
16:55:19 5 contesting that the witness --
6 PRESIDING JUDGE: That is why you should not contest learned
7 counsel either.
8 MR WILLIAMS: No, but he is repeating the evidence, because
9 the witness has mentioned all those parts of her body.
16:55:29 10 JUDGE BOUTET: No, no, no, she is now describing the
11 injuring -- [OVERLAPPING SPEAKERS]
12 PRESIDING JUDGE: For the record the scars.
13 MR BANGURA: Your Honour, what I understand them as saying is
14 that "We do not object to the witness sitting there and
16:55:44 15 indicating the parts of her body where she sustained
16 these injuries.
17 PRESIDING JUDGE: Yes, and they are not contesting these
18 injuries, I'm sure. This is what I got from learned
19 counsel Margai, you know, when he said they're not
16:55:56 20 contesting.
21 MR BANGURA: Unless they want to say that they do not even
22 want the witness to go further to indicate these scars,
23 then that should be all right. Otherwise, Your Honour,
24 we wish to have the witness show. This is a court, Your
16:56:12 25 Honour.
26 JUDGE THOMPSON: I'm interested in some elucidation from
27 learned counsel Williams. What is the gravamen of your
28 position? In other words, how do you -- what is
29 objectionable from your perspective?

1 THE WITNESS: Basically the -- my learned friend is allowing
2 this witness to go over what she has already said.
3 I mean, my learned friend asked her the injuries she
4 sustained before she became unconscious and those that
16:56:52 5 she realised after she gained consciousness. The last --
6 the bit of the evidence my learned friend is now seeking
7 to get, is for the witness to actually pinpoint or expose
8 those scars on her body for the Court.

9 JUDGE THOMPSON: And is this impermissible --

16:57:16 10 MR WILLIAMS: Um --

11 JUDGE THOMPSON: -- from the perspective of the
12 examination-in-chief? Is there any rule being violated
13 there?

14 MR WILLIAMS: I mean -- what I'm -- what we're saying, My
16:57:28 15 Lord, is that she can raise her arm -- a limb and say
16 I got --

17 JUDGE THOMPSON: Yes, yes.

18 MR WILLIAMS: I got this and this.

19 JUDGE THOMPSON: What can she do?

16:57:41 20 MR WILLIAMS: My Lord, those are parts of her body that are
21 cove art. We cannot see, and I believe my learned
22 friend --

23 JUDGE THOMPSON: All right. We can't see those, but if you're
24 not contesting that she may have, in fact, suffered
16:57:56 25 injuries on those parts of her body which cannot now be
26 exposed, what is the prejudice? What is the complaint?
27 Why is this exercise a disadvantage, if that is the
28 presumption to your side?

29 MR WILLIAMS: My Lord, the --

1 JUDGE THOMPSON: I just want to be enlightened on this.

2 MR WILLIAMS: That the evidence is being duplicated.

3 JUDGE THOMPSON: Well, what is the difficulty if here, because

4 of protective measures, we cannot display the full

16:58:32 5 panoply of the technology, cannot allow us to do the

6 necessary inspection? What prejudice does it do, or does

7 it cause, having to do with the overall interests of

8 justice? I would like to know, because we are limited

9 here in terms of what we can view or what we cannot view.

16:58:58 10 And so how does this really jeopardise the integrity of

11 the proceedings?

12 MR WILLIAMS: I'm note alluding to that, My Lord.

13 JUDGE THOMPSON: Yes.

14 MR WILLIAMS: That prejudice will be caused -- or, I mean, the

16:59:11 15 integrity of the proceedings.

16 JUDGE THOMPSON: Will be compromised.

17 MR WILLIAMS: Yes, I am not saying that.

18 JUDGE THOMPSON: Because really, quite frankly, if it is just

19 repeating the evidence, I learnt at law school that

16:59:24 20 surpluses don't vitiate. I don't know whether you're

21 familiar with that maxim. I don't see -- unless there is

22 something objectionable in the procedure being adopted, I

23 am at a loss to know why you wouldn't make this

24 concession to the limitation of the technology to assist

16:59:47 25 us here to do, perhaps, what we would have done in the

26 traditional way. I just wanted to be enlightened, that's

27 all.

28 JUDGE BOUTET: I would like to pursue some of these objections

29 as well. I seem to understand from one of your

1 objections that you don't have any problem to anything
2 that is visible by you, or even visible by us directly.
3 But you are objecting to the fact -- you would be
4 objecting to the fact that the witness, or the
17:00:11 5 Prosecution is asking the witness to disclose other
6 injuries that she could not expose, even if the curtains
7 were closed at this time, because of these specific parts
8 of her body that may have been injured.

9 [HN801104F 5.03 p.m.]

17:03:33 10 If this is your submission, I would like to know based on
11 what authority you are suggesting that -- because it is
12 an injury that she cannot overtly expose today, she could
13 not speak about it, I would like to hear. I may be
14 misunderstanding your objection and, if that is the case,
17:03:50 15 please tell me. If not, I'd like to hear based on what
16 authority you are so suggesting

17 MR WILLIAMS: I withdraw the objection, My Lord.

18 JUDGE BOUTET: Thank you.

19 MR BANGURA: I'm grateful, My Lord. Obviously I would not
17:04:05 20 have gone that far to ask the witness to indicate the
21 scar s on parts of her body which she would consider very
22 private.

23 JUDGE BOUTET: I was not suggesting you should.

24 JUDGE THOMPSON: This Court is very sensitive to the
17:04:20 25 preservation of the concept of human dignity.

26 MR BANGURA: As Your Honour pleases.

27 PRESIDING JUDGE: The dignity of the witnesses should be
28 maintained and upheld at all times. They have not been
29 brought here to testify and to be humiliated in

1 addition -- not at all -- not in the least.

2 MR BANGURA: May I confer for a moment, Your Honour? Your
3 Honour, that will be all for this witness. Thank you,
4 Madam Witness.

17:05:09 5 CROSS-EXAMINED BY MR JABBI:

6 Q. Madam Witness, you say that the rebels, with the
7 Kamajors, entered Bonthe on a Friday; not so?

8 A. Yes, that's what I saw, because on that day I was not
9 even able to go for prayers. After they had injured me,
17:05:41 10 I was afraid of them. I couldn't even go for prayers.

11 Q. After that Friday, how long did it take for this incident
12 to happen, the one you have just explained?

13 A. I said they came in the morning. They reached us in the
14 morning. It was difficult for us to observe the Friday
17:06:10 15 prayers, because there was killers in the town.

16 Q. My question was: how long after the Friday the Kamajors
17 entered did this incident take place where you received
18 those wounds -- how long after that Friday?

19 A. At that time we had known that we were in the town with
17:06:54 20 the Kamajors. When the soldiers had gone, we were there
21 with the Kamajors. That was the same thing that happened
22 when I met those people there. So when they came into
23 the town, we had a feeling that we would be on good terms
24 together.

17:07:14 25 Q. Were you with them for a number of days or weeks before
26 this incident happened?

27 JUDGE THOMPSON: Learned counsel, why not expand on
28 "incident"? The translation may not be giving the right
29 kind of lead, because from her answer it seems as if she

1 does not really -- she's not following your line of
2 cross-inquiry. I mean, perhaps you might want to expand
3 and give some specifics.

4 MR JABBI:

17:07:49 5 Q. So how long after that Friday did it take for this
6 encounter with the five Kamajors, according to you, who
7 wounded you and even killed your colleague -- how long
8 after that Friday?

9 A. It was about two weeks. Apart from that -- to the other
17:08:32 10 Friday it was two weeks, and the third week, that's when
11 my sister came and told me that they had shown her palm
12 oil and we should go there and buy it. I asked her if
13 she looked at the palm oil, and she said no. Then
14 we went there and I saw the palm oil, but it was smelly.
17:08:50 15 When I was crossed that stream, I was not going there any
16 longer; I would only stop at the farm hut and return.

17 Q. And obviously you knew these five Kamajors well; not so?

18 A. Yes, I knew them. If they stand here right now, I will
19 know -- I will identify them, because they had spent a
17:09:21 20 long time in that town and that's where I was born.
21 I was not settled there, but when I went there my
22 companions were going to buy wares from outside. When we
23 go there, if we see somebody whom we knew, we would
24 identify the person. Now I've seen you standing there,
17:09:38 25 wherever I see you now, I could identify you.

26 Q. Did you know them before the attack on you by the five
27 Kamajors?

28 A. Yes. At first when the soldiers were in Bonthe we were
29 going there to buy palm oil. We were going there to buy

1 palm oil. But when we go there, I wouldn't sleep
2 there -- we just go and return, because at that time my
3 child was sick and I had children, so we would never
4 sleep there; we would go there and return. Sometimes we
17:10:10 5 would get palm oil and sometimes we would not, and we
6 would return. That's what we were doing till the attack
7 took place, so the soldiers that we were in town with,
8 yes, I would be able to know them. I can't tell lies.

9 Q. Did you make a report of that attack?

17:10:41 10 A. Report? Report to where -- except in the hospital,
11 because nobody was there. To whom would you report?
12 There were no policemen.

13 MR JABBI: That will be all for the witness.

14 THE WITNESS: Except for the hospital where they would give
17:10:58 15 you a secret report, because that's where I was admitted,
16 but even that, I don't know.

17 JUDGE BOUTET: Thank you, Dr Jabbi. Counsel for the second
18 accused.

19 CROSS-EXAMINED BY MR BOCKARIE:

17:11:10 20 MR BOCKARIE: Madam Witness --

21 THE WITNESS: Let them just ask.

22 MR BOCKARIE:

23 Q. At the time when the incident occurred there were Kamajor
24 bosses in Bonthe; am I correct?

17:11:33 25 A. Yes.

26 Q. This incident, was it ever reported to them -- yes or no?

27 A. Even my husband was afraid of them. No, he was not able
28 to go there -- he had the sense to do that.

29 Q. So it was never reported to them, am I correct?

1 A. I don't know, because I was wounded, whether he went and
2 made the report or not -- I don't know.
3 MR BOCKARIE: And that will be all for her.
4 JUDGE BOUTET: Thank you.
17:12:31 5 MR WILLIAMS: I do not have any questions for this witness.
6 JUDGE BOUTET: Thank you, Mr Witness. Any re-examination?
7 MR BANGURA: None, Your Honour.
8 THE WITNESS: If you continue asking me and something happens
9 to me and I fall -- I can't sit for long, because if
17:12:49 10 I sit here for long, I'll go dizzy and I'll fall.
11 PRESIDING JUDGE: Madam, we're sorry about that. Fortunately,
12 we have finished with you, so we won't ask you any more
13 questions. Is there no re-examination?
14 MR BANGURA: None, Your Honour.
17:13:36 15 PRESIDING JUDGE: This looks like the shortest witness we've
16 had in this trial. Madam Witness, thank you --
17 THE WITNESS: Yes.
18 PRESIDING JUDGE: Thank you very much. As I said, we won't
19 ask you any more questions again. We've finished with
17:13:56 20 you -- for now. But if tomorrow, or if some time to come
21 we would need you to come back here, we will get in touch
22 with you. Have you understood?
23 THE WITNESS: Yes.
24 PRESIDING JUDGE: For now, we thank you for coming. We wish
17:14:18 25 you a safe journey back home.
26 THE WITNESS: Amen.
27 PRESIDING JUDGE: Thank you. Learned counsel, we've had an
28 early day today, so I think we would rise and resume
29 tomorrow at 9.30. The Court rises, please.

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[The witness withdrew]

[Whereupon the hearing adjourned at 5.15 p.m. to be reconvened on Tuesday, the 9th day of November 2004, at 9.30 a.m.]

EXHIBITS:

Exhibit No. 21 under seal 77

WITNESSES FOR THE PROSECUTION:

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CROSS-EXAMINED BY MR BOCKARIE 113

C E R T I F I C A T E

We, Maureen P Dunn, Ella K Drury and Roni Kerekes,
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.

Maureen P Dunn

Ella K Drury

Roni Kerekes