

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

TUESDAY, 9 NOVEMBER 2004  
9.47 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 James C Johnson  
Mr Raimund Sauter  
Mr Kevin Tavener  
Ms Sharan Parmar  
Ms Leslie Murray (intern)  
Mr Alex El Jundi (intern)

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

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

For the Accused Moinina Fofana:

Mr Arrow Bockarie  
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Yada Williams

1 Tuesday, 9 November 2004  
2 [The witness entered court]  
3 [The three accused not present]  
4 [Open session]  
09:43:29 5 [Upon commencing at 9.47 a.m.]  
6 PRESIDING JUDGE: Good morning, learned counsel. We are  
7 resuming our session and we will be asking the  
8 Prosecution to call on the next witness.  
9 MR SAUTER: Your Honour, the Prosecution calls witness  
09:45:05 10 TF2-116.  
11 PRESIDING JUDGE: This will be your 22nd witness.  
12 MR SAUTER: To my knowledge, it is the 23rd witness.  
13 PRESIDING JUDGE: Am I mixing it up? 23rd? There is  
14 something wrong. Ah, yes, there was the 22nd yesterday.  
09:45:38 15 23rd, yes, you're right, please, you're right.  
16 JUDGE BOUTET: You did say that this is TF2-116?  
17 MR SAUTER: Yes.  
18 PRESIDING JUDGE: TF2-116.  
19 WITNESS: TF2-116 sworn  
09:46:47 20 JUDGE BOUTET: Please proceed.  
21 EXAMINED BY MR SAUTER:  
22 Q. Good morning, Mr Witness.  
23 A. Good morning.  
24 Q. Please let me ask some questions first to your personal  
09:47:02 25 data and please keep in mind to keep short answers --  
26 PRESIDING JUDGE: Please, please, may we have your name again.  
27 MR SAUTER: My name is Raimund, R-A-I-M-U-N-D and last name  
28 Sauter, S-A-U-T-E-R.  
29 PRESIDING JUDGE: Mr Sauter, that is right. Yes, you may

1 proceed.

2 MR SAUTER:

3 Q. So please, Mr Witness, keep in mind to make short  
4 sentences, to give the judges an opportunity to make  
09:47:52 5 notes, and to give the interpreters an opportunity to  
6 interpret what you're saying.

7 A. Yes, sir.

8 Q. Mr Witness, how old are you?

9 A. I'm 59.

09:48:04 10 Q. And where were you born?

11 A. I was born in ~~xxxxxxxx~~.

12 Q. Are you married?

13 A. Yes, sir.

14 Q. Do you have children?

09:48:15 15 A. Yes, sir, about eight.

16 Q. Did you attend school?

17 A. Yes, sir.

18 Q. For how many years you attended school?

19 A. Eleven years in total.

09:48:34 20 Q. Which languages do you speak?

21 A. I can speak English, Mende, Krio and some small Sherbro.

22 Q. Okay, thank you very much. What is your profession?

23 A. I'm tradesman.

24 Q. Okay, thank you very much. Mr Witness, let's now come --

09:48:59 25 PRESIDING JUDGE: You say you are a tradesman?

26 THE WITNESS: Um-hum.

27 PRESIDING JUDGE: You are a businessman?

28 THE WITNESS: A businessman.

29 MR SAUTER:

- 1 Q. Mr Witness, let's now come to the year 1997. Where did  
2 you live in the year 1997?
- 3 A. I was in Bonthe Town.
- 4 Q. There was a political event in 1997; do you remember?
- 09:49:30 5 A. Yes, sir.
- 6 Q. Which one was it?
- 7 A. That was the coup on the 25th of May 1997, which had sent  
8 the legitimate government into Guinea that year.
- 9 Q. Could you briefly explain to the Court how the situation  
09:49:54 10 in Bonthe was after the coup? Who was in control of  
11 Bonthe and who had the power in Bonthe after the coup?
- 12 A. Before the coup and after the coup we had the Sierra  
13 Leone military force division of the naval wing based in  
14 Bonthe at that time .
- 09:50:34 15 Q. Are you familiar with the term AFRC?
- 16 A. Yes, AFRC came in 1992, is that it?
- 17 Q. No, I don't think so.
- 18 A. AFRC, the junta that took power.
- 19 Q. Yes.
- 09:51:08 20 A. Yes, that was in 1997.
- 21 Q. So am I right that AFRC was joint forces of the army of  
22 Sierra Leone and the rebels?
- 23 A. I think so, yes.
- 24 Q. And had there been any rebels in Bonthe after the coup,  
09:51:30 25 after May 1997?
- 26 A. Rebels only went to Bonthe on the invitation of the naval  
27 wing military men, but they did not go there by  
28 themselves, per se.
- 29 Q. And did they stay in Bonthe for --

1 A. A longer period, no.

2 Q. For what time approximately they stayed in Bonthe, the  
3 rebels?

4 A. A very short time, between two and three days.

09:52:14 5 Q. Okay. So, how was the relationship between the  
6 population of Bonthe and the soldiers? I'm always  
7 speaking of the time after the coup?

8 A. Well, to my knowledge, not very cordial, not very  
9 cordial. It was much more better.

09:52:33 10 Q. Better than what?

11 A. When our so-called brothers entered.

12 Q. Whom you mean so-called brothers?

13 A. The militia, Kamajors.

14 Q. So we come to this point later.

09:52:53 15 PRESIDING JUDGE: Mr Sauter, you are going very, very fast.  
16 You're going too fast. Faster than you warned, you know,  
17 the witness to.

18 MR SAUTER: I apologise.

19 PRESIDING JUDGE: You know we're taking directly in English,  
09:53:14 20 so we need at least some time to take down a few points  
21 of his evidence.

22 MR SAUTER: Okay, I will try to do my very best to slow down.

23 JUDGE THOMPSON: Could he go over the evidence after the coup,  
24 the relationship between the AFRC and the -- was not very  
09:53:39 25 cordial, did he say?

26 THE WITNESS: Yes.

27 MR SAUTER: Yes, My Lord.

28 Q. So coming back to the relationship between the soldiers  
29 and the population of Bonthe after the coup, did the

1 soldiers arrest the population in any way?

2 A. Sometimes they do.

3 PRESIDING JUDGE: Put the question otherwise. I mean, when  
4 you say the relationships was not cordial, why was it not  
09:54:07 5 cordial? Don't talk of arrests. Yes.

6 MR SAUTER:

7 Q. Do you know why the relationship between the population  
8 and the army was not cordial?

9 A. Yes, sir.

09:54:24 10 Q. Could you describe, please.

11 A. Each time there was an attack by the Kamajor militia men,  
12 after they had been repaired, the civil populace remains  
13 to be suffer.

14 Q. Could you describe this, please, a little bit more in  
09:54:39 15 detail when you say the population suffered.

16 A. Yes. There was always rampant shooting in the air by the  
17 soldiers, perhaps throughout the night and part of the  
18 day.

19 Q. And did the soldiers do anything else apart from shooting  
09:55:04 20 in the night and sometimes during the day?

21 A. Yes, they looted some civilian shops, like, for instance,  
22 the late Pa Isaac William's shop was looted and  
23 vandalised.

24 Q. Did they do anything apart from shooting and looting?  
09:55:34 25 A. Except when sometimes they enter into the neighbouring  
26 chiefdoms. They go there and loot and when they bring  
27 their items to Bonthe, they perhaps they will exchange  
28 firing with the civil militia in the Sittia Chiefdom. We  
29 can see them bringing scores of Kamajors.

- 1 Q. You said this behaviour of the soldiers started after an  
2 attack of the -- I think you said militia was repelled?
- 3 A. Um-hum.
- 4 Q. Of what attack are you talking?
- 09:56:36 5 A. I beg your pardon?
- 6 Q. Of what attack of the militia are you talking?
- 7 A. The one I can remember now was on the 15th of September  
8 1997 when a whole lot of them entered Bonthe and  
9 wanted --
- 09:56:59 10 Q. Go slow, please. Slow down, please.
- 11 A. Okay.
- 12 Q. So what happened on the 15th of September 1997?
- 13 A. On the 15th of September the Kamajor militia men entered  
14 Bonthe with the aim of seizing the military gunboat, but  
09:57:32 15 they never succeeded. They were repelled.
- 16 Q. Had there been more attacks on the Kamajors on Bonthe  
17 apart from this one on 15th of September?
- 18 A. Yes, but sometimes they were not able to enter Bonthe.  
19 They can stay around Gbongboma, a village within the open  
09:58:09 20 area that shares a common boundary with Sittia Chiefdom.  
21 And when the soldiers hear about them, they went in  
22 advance to attack them, to repel them, but the 15th  
23 September was the one I saw with my naked eyes. That I  
24 can speak of.
- 09:58:34 25 Q. Do you remember until what time the soldiers stayed in --  
26 to be in Bonthe?
- 27 A. It was between 1998 and 1999.
- 28 Q. What happened between 1998 and 1999 with regard to the  
29 soldiers?

1 A. Well, it was a request by elders of Bonthe District that  
2 they should have the naval wing to cover Bonthe island,  
3 especially when the war was raging in other districts.  
4 So that gave the cause to the Sierra Leonean government  
09:59:30 5 to allow the naval wing to base in Bonthe to protect the  
6 territory there.

7 Q. Did you say that this happened in 1998/1999?

8 A. I cannot say precisely, but I think so.

9 Q. As far as I remember, you said earlier the soldiers were  
09:59:56 10 staying in Bonthe from 1992. I'm not sure whether I have  
11 it correct in my mind.

12 A. 1992, no, long before that time.

13 Q. So what do you mean by this decision of the government of  
14 Sierra Leone? I did not understand what you mean by  
10:00:22 15 that. The question I originally put was: When did the  
16 soldiers leave?

17 A. Oh, leave.

18 Q. Leave, not come, leave.

19 A. Okay. Oh, sorry, I did not get you clearly. They left  
10:00:40 20 on the 14th of February 1998, that was on Saturday.

21 Q. And did all of them leave that day, no soldier --

22 A. No one was left behind as far as my memory goes.

23 PRESIDING JUDGE: You say it was a Saturday?

24 THE WITNESS: Yes, sir.

10:01:03 25 MR SAUTER:

26 Q. And do you happen to know why they left Bonthe?

27 A. It was the time when ECOMOG took over Freetown,  
28 especially their headquarter here at Government Wharf  
29 that a message was sent to them in Bonthe that they have



1 now surrendered to ECOMOG, those in Freetown here. The  
2 soldiers decided to pull out.

3 Q. What happened -- did the soldiers do anything wrong while  
4 leaving Bonthe?

10:01:48 5 A. No, they only gave two shots in the air between 12.00 and  
6 1.00 in the morning and they left.

7 Q. Which way did they leave Bonthe?

8 A. By sea, by their gunboat.

9 Q. What happened in Bonthe after the soldiers had left  
10:02:10 10 Bonthe?

11 A. After the soldiers have left, the Kamajor -- a set of  
12 Kamajor group entered on the 15th of February. That was  
13 on a Sunday.

14 Q. You said a set of Kamajors entered Bonthe?

10:02:41 15 A. Yes, sir.

16 Q. What do you mean when you say "Kamajors"?

17 A. Civil militia men armed with guns and in their usual  
18 uniform, have mirrors, charms, all over their uniform.

19 Q. Had they been in Bonthe before this day, apart from this  
10:03:14 20 attack you spoke about, 15th of September?

21 A. Not to my knowledge, sir.

22 Q. Did you personally seen the Kamajors enter Bonthe?

23 A. Yes, sir.

24 Q. At what time they entered Bonthe on this 15th of  
10:03:31 25 February?

26 A. It was on a Sunday around -- between 10.00, 10.30 to  
27 11.00 in the morning.

28 Q. And could you tell us how many about enter Bonthe?

29 A. The number?

1 Q. Yes.

2 A. I cannot say precisely.

3 Q. Approximately?

4 A. There were more than 50, the force that entered.

10:04:12 5 Q. More than 50?

6 A. 50, yes.

7 Q. What did you personally do when you learned or when you

8 saw the Kamajors entering Bonthe?

9 A. The Saturday evening I was ill with Malaria, so I went to

10:04:39 10 a friend, a dispenser friend for treatment. Whilst I was

11 there --

12 PRESIDING JUDGE: Which Saturday was this?

13 THE WITNESS: The 14th February, sir.

14 PRESIDING JUDGE: 14th?

10:04:54 15 THE WITNESS: Yes, sir.

16 MR SAUTER:

17 Q. Go on.

18 A. Whilst I was receiving the treatment, we heard a gunshot

19 from Benbay Road [phonetic], that is toward the cemetery,

10:05:22 20 the Bonthe cemetery, shooting, singing and people were

21 advancing towards the township.

22 Q. You said people were advancing, could you be a little bit

23 more precise?

24 A. The militia. Men were now advancing to the town.

10:05:46 25 Q. Okay.

26 A. And they were -- they divided themselves into three

27 directions. Some took the northern part of Bonthe using

28 the Otto Street and Medina Street. Some took the middle

29 street of Bonthe, King Street. King Street is the

1 political boundary between the Bonthe south and Bonthe  
2 north constituencies. So the top group took the southern  
3 part which leads to the Muslim praying ground. All of  
4 them converged to the PZ -- old PZ compound which  
10:06:48 5 previously hosted the naval wing whilst they were in  
6 Bonthe.

7 Q. Mr Witness, my question was: What did you personally do  
8 when you saw the Kamajors enter Bonthe?

9 A. I sent some women, because -- we sent some women to  
10:07:21 10 receive them. We thought they were coming to save us  
11 from the suppression of the soldiers, but later it turned  
12 out to be the opposite.

13 Q. I have to come back to my question. What did you  
14 personally do? You said, "We sent out our women." Did  
10:07:50 15 you stay at home or at another place?

16 A. No, I was not at home at that time. I had earlier on  
17 said so. I was receiving treatment. I was -- whilst I  
18 was receiving treatment there, I heard this gunshot,  
19 singing and the militia men advance into town. I stayed  
10:08:12 20 there and I was informed that the Kamajors have arrived  
21 and they are now in town and, in fact, they have started  
22 killing. So from that time I was advised not to go home.

23 Q. Where did you go instead?

24 A. I went into hiding.

10:08:43 25 Q. And where did you go in hiding?

26 A. In the bush.

27 Q. And did only the information that the Kamajors started to  
28 kill people make you go in hiding or did you have any  
29 specific reason for yourself to go into hiding?

1 A. It was for fear of my life, because somebody told me he  
2 heard my name --

3 PRESIDING JUDGE: When you hear that people are killing and so  
4 on, what else will take you to the bush? You normally  
10:09:19 5 want to hide and save your life. Those are questions  
6 which responses are obvious. Please proceed.

7 THE WITNESS: Yes, somebody came and told me that the Kamajors  
8 were discussing about me.

9 MR SAUTER:

10:09:41 10 Q. Who was the person - don't mention the name - who  
11 informed you about this discussion?

12 A. My son.

13 Q. And did he give any details or what reasons the Kamajors  
14 discussed your person?

10:09:58 15 A. Well, no, he did not tell me anything, but he only heard  
16 them saying that they were looking out for me. And at  
17 that time, if I had ventured to come out, I would have  
18 been a dead man. So instead I had to save my life.  
19 I went in hiding.

10:10:20 20 Q. So you went to the bush, you said earlier. How long did  
21 you stay there in hiding?

22 A. For the whole of Sunday I was there, the 15th of  
23 September -- I mean, February, sorry.

24 Q. That means you left your hiding place in the evening?

10:10:46 25 A. Yes. I did not sleep in the bush. I came to town around  
26 8.00 and slept with a relative.

27 Q. You said earlier you were informed about Kamajors killed  
28 people.

29 A. Yes.

1 Q. Do you know any specific event?  
2 A. Specific?  
3 Q. Any specific killing?  
4 A. Yes, sir.  
10:11:15 5 Q. On this day?  
6 A. Yes, sir.  
7 Q. Would you please tell us?  
8 A. Yes. The 14th.  
9 Q. Yes. 14th or 15th?  
10:11:24 10 A. 15th February, it was a Sunday morning. The first victim  
11 was a one Kpana Manso.  
12 Q. Would you like me to spell it?  
13 JUDGE BOUTET: Please.  
14 MR SAUTER: It is K-P-A-N-A, last name M-A-N-S-O.  
10:11:53 15 THE WITNESS: Kpana Manso, that's a Sherbro name.  
16 MR SAUTER:  
17 Q. So what did you learn about the killing of Kpana Manso?  
18 A. When the Kamajors entered, people were rejoicing here and  
19 there and because of the shooting, some people went back  
10:12:23 20 to their homes, but some made sure that they went  
21 together with them. And when they went, unfortunately  
22 for Kpana Manso, he was among those who went to see the  
23 militia men at the old PZ compound, known as the billet.  
24 There was one by there --  
10:12:56 25 PRESIDING JUDGE: Please, I would like you to use one  
26 consistent term. Militia men, Kamajors and so on, are  
27 they the same people you're referring to?  
28 THE WITNESS: Yes, sir.  
29 PRESIDING JUDGE: Then use one name, use the name Kamajors,

1           please. You understand?

2   THE WITNESS: Yes, sir.

3   PRESIDING JUDGE: Yes.

4   MR SAUTER:

10:13:20 5   Q. So please go ahead describing what happened to Kpana

6           Manso?

7   A. Unfortunately for Kpana Manso, so he was among those who

8           went to see the Kamajors at the billet, and when one of

9           the commanders by the name of Baigeh caught sight of him,

10:13:55 10   he asked him to come forward and there he ordered his men

11           to shoot him on his legs.

12   PRESIDING JUDGE: What was the name of this commander.

13   THE WITNESS: Commander Baigeh.

14   MR SAUTER: It's B-A-I-G-E-H.

10:14:13 15   PRESIDING JUDGE: B-A-I-G-E-H.

16   MR SAUTER:

17   Q. Go ahead, please.

18   A. He was shot on his legs down on the ground struggling to

19           die for some time whilst the others went dancing in town.

10:14:48 20   That was on Sunday now. Now then Monday --

21   Q. Did you personally see this happen?

22   A. No, that first day I did not witness the killing, but

23           I saw his remains the next day.

24   Q. And how did you learn about the way he was killed?

10:15:11 25   A. He was shot at.

26   Q. Who told you that?

27   A. My son.

28   Q. Do you happened to know for what reasons he was killed?

29   A. Yes, I was told. As I said, I was not present. The

1 remarks the commander made was Kpana Manso was his uncle.  
2 At one time all of them stayed at Gbampoh Vullahun a  
3 fishing village in Bendu Cha Chiefdom. And the wife of  
4 Kpana Manso had two sons in the naval wing in Bonthe, and  
10:16:16 5 because of the conflict between the soldiers and the  
6 Kamajors, Baigeh got Kpana Manso in mind. He said the  
7 soldiers were the father of Kpana Manso, but it was not  
8 so. The soldiers were sons of one lady who was in love  
9 of Kpana Manso at that time, but Kpana Manso was not the  
10:16:55 10 biological father of the soldiers.

11 Q. What you're saying is that Kpana Manso was killed because  
12 he was blamed to be the father -- wrongly blamed to be  
13 father of the soldiers; is that right?

14 A. Yes, yes.

10:17:17 15 Q. So you said earlier you left your hiding place on Sunday  
16 evening, went to one relative of you and spent the night  
17 there?

18 A. Yes, sir.

19 Q. Did anything in this regard -- did the attack of the  
10:17:33 20 Kamajors happen the next day? Now we're on Monday.

21 A. It's, yes, the next day, Monday the 16th February.

22 Q. Yes.

23 A. Whilst I was in my hiding place --

24 PRESIDING JUDGE: February what year again?

10:17:58 25 THE WITNESS: 1998, sir.

26 PRESIDING JUDGE: 1998?

27 THE WITNESS: Yes, sir.

28 MR SAUTER:

29 Q. Go ahead, please.

1 A. Whilst I was in my hiding place I saw and heard an  
2 announcement by the Kamajors who seized the government  
3 hospital ambulance. They were announcing about a meeting  
4 at the St. Patrick's parish compound. Before then,  
10:18:48 5 another set of Kamajors from various chiefdoms, like  
6 Bendu Cha, Nongoba Bullom, Dema, Sittia few other  
7 chiefdoms entered on Monday to Bonthe, so later -- it was  
8 later that the district commander himself arrived in  
9 Bonthe and it was during this period that a meeting -- a  
10:19:36 10 meeting was scheduled at the St. Patrick's parish  
11 compound to meet them, all Bonthenians, those interested  
12 to meet them.

13 Q. You just mentioned district commander.

14 A. Yes, sir.

10:19:55 15 PRESIDING JUDGE: Just a minute. We were at the seizure of a  
16 government ambulance.

17 THE WITNESS: Yes, sir.

18 PRESIDING JUDGE: The Kamajors seized it and they were using  
19 it to make announcements?

10:20:12 20 THE WITNESS: Yes, sir.

21 PRESIDING JUDGE: What were the announcements for, the  
22 meeting, this meeting?

23 THE WITNESS: Yes, sir.

24 PRESIDING JUDGE: A meeting to be held in which place?

10:20:29 25 THE WITNESS: St. Patrick's parish compound.

26 MR SAUTER:

27 Q. You've just mention a Kamajor commander, district  
28 commander do you happen to know his name?

29 A. He was Morie Jusu.



1 Q. It is M-O-R-R-I-S?  
2 A. M-O-R.  
3 PRESIDING JUDGE: [Microphone not activated] What did he do.  
4 THE WITNESS: He extended invitation for that meeting,  
10:21:07 5 extended invitation to the people of Bonthe for that  
6 meeting at the parish compound.  
7 PRESIDING JUDGE: Morris?  
8 THE WITNESS: Morie, Morie, M-O-R-R-Y J-U-S-U. Morry Jusu.  
9 MR SAUTER:  
10:21:50 10 Q. Did you attend this meeting?  
11 A. Yes, later. I later attended.  
12 Q. What do you mean when you say later?  
13 A. At that time when the meeting was called to order, I was  
14 still in my hiding place and when one of the Kamajor  
10:22:14 15 commanders by the name of Julius Squire, he was the  
16 secretary and spokesman for the meeting. He looked  
17 through those in attendance and when he could not see me,  
18 he made a pronouncement to the elders that if I am not  
19 produced -- well, there were three of us but I was a  
10:23:01 20 target. He said if I am not produced, he will order his  
21 men to go in search of me.  
22 Q. How did you learn of this, since you were not present?  
23 A. I -- that's true, I wasn't present, but those present  
24 were all my brothers and friends that told me later.  
10:23:25 25 That, in fact, gave cause to one of my brothers to inform  
26 Reverend Father John Garrick that I was in ill and in  
27 hiding for fear of my life because Julius was threatening  
28 to kill me.  
29 Q. You said you were one of the targets?

1 A. Yes.

2 Q. What does that mean, one of the targets?

3 A. Well, specifically -- I mean, going to be dealt with.

4 There were three of us, but I was number one.

10:24:12 5 Q. Do you know why you were one of the targets?

6 A. Well, according to them, they said I supported the junta

7 forces; I was a collaborator, which I never did.

8 Q. And you mentioned the name of Father Garrick?

9 A. Yes, sir.

10:24:38 10 Q. Who is Father Garrick?

11 A. By then he was the priest in charge of the Roman Catholic

12 parish in Bonthe.

13 Q. On whose compound the meeting took place?

14 A. Took place, yes, sir.

10:24:55 15 Q. Do you know whether or not Father Garrick was present

16 when the meeting took place?

17 A. Yes, sir.

18 Q. So I understood that you being in your hiding place were

19 informed that you should be produced at this meeting; is

10:25:13 20 that right?

21 A. Yes, sir. Yes, sir.

22 Q. So what did you do?

23 A. One of my bothers informed Father about my sickness and

24 my hiding place. Father took permission from them --

10:25:37 25 from the Kamajors and requested use of the ambulance to

26 go in search of me. They went -- whilst we were coming

27 to the meeting, we saw the body of one young man.

28 Q. Go slow. So people came to you to inform you and you

29 decided to go to the meeting?

1 A. Yes, father sent somebody to call me.  
2 Q. And you decided to go?  
3 A. Yes, I went.  
4 Q. And you went to the meeting?  
10:26:13 5 A. I went, sir.  
6 Q. Okay. So please go ahead.  
7 A. Whilst we were getting to the meeting, along Medina  
8 Street we found the corpse of one Abu Samukah Mampoh  
9 [phonetic]. His body was lying at the junction of Medina  
10:26:45 10 Street and Lime Street. And I cannot say precisely which  
11 of the arms was cut off, but one arm was cut off.  
12 Q. Do you know --  
13 JUDGE BOUTET: Could you repeat that, please, the last part of  
14 your answer. You said you didn't know who killed him  
10:27:13 15 but --  
16 THE WITNESS: I cannot tell who killed him, but he was shot at  
17 and one of his arms were cut off -- I mean, was cut  
18 off -- sorry.  
19 JUDGE BOUTET: Thank you.  
10:27:26 20 THE WITNESS: Yes, sir.  
21 MR SAUTER:  
22 Q. So what happened after you arrived at the meeting?  
23 A. When we got to the meeting, I was placed in a circle.  
24 Q. Placed by whom?  
10:27:43 25 A. By the Kamajors, which is the normal way -- their normal  
26 way of condemning people to death.  
27 Q. What happened when being inside the circle?  
28 A. A lot of questioning. A lot of questions were posed to  
29 me, especially by Commander Julius Squire who was the

1 spokesman and the secretary in the meeting.

2 JUDGE BOUTET: Can you spell that name, please.

3 THE WITNESS: Julius, J-U-L-I-U-S Squire S-Q-U-I-R-E.

4 JUDGE BOUTET: Thank you.

10:28:36 5 MR SAUTER:

6 Q. What kind of questions did he put to you?

7 A. He said we are small boys. We have taken the

8 responsibility of Bonthe. We do everything without

9 conferring with the elders and, in fact, we have been

10:28:59 10 leading a group that worked with the juntas.

11 Q. What kind of group was this? Would you please explain?

12 PRESIDING JUDGE: He was accusing you --

13 THE WITNESS: Yes, sir.

14 PRESIDING JUDGE: -- of leading a group.

10:29:14 15 THE WITNESS: Yes, sir.

16 PRESIDING JUDGE: -- that was working with the juntas.

17 THE WITNESS: Yes, sir.

18 MR SAUTER:

19 Q. Could you please tell us what kind of group was meant?

10:29:32 20 A. Yes, after the May 25, 1997 coup that send President

21 Kabbah and the Sierra Leonean government to Guinea, there

22 was a pronouncement by government for all and sundry to

23 observe a civil disobedience period. We in Bonthe --

24 when you considered the situation of Bonthe, it is all

10:30:14 25 sandy and our people of old in their wisdom planted

26 grasses all over the compound, the streets and all over

27 the place for erosion. During this civil disobedience

28 period, it took us over four months without brushing the

29 streets, so at that time a few of us came together,

1 citizens of Bonthe, and decided to go and meet the  
2 military men who were in charge of powers at that time.  
3 And plead --  
4 Q. Did you say militia men?  
10:31:01 5 A. Military, military men.  
6 Q. Okay.  
7 A. And pleaded with them for us to allow us, mobilise our  
8 youths for the general cleaning of the township and the  
9 organisation was called the Bonthe Working Committee.  
10:31:19 10 There were 14 of us and we made sure all elders -- all  
11 authorities in Bonthe knew about what we were doing.  
12 PRESIDING JUDGE: You said the organisation was called Bonthe?  
13 THE WITNESS: Working Committee.  
14 MR SAUTER:  
10:31:48 15 Q. So to summarise, Julius Squire blamed you to have been a  
16 member of this once working committee?  
17 A. Yes, sir.  
18 Q. And that this working committee cooperated with the junta  
19 forces?  
10:31:59 20 A. Junta forces, yes.  
21 Q. Okay. What was going on?  
22 A. They said they should kill me. I should be killed.  
23 Q. And you obviously have been not been killed?  
24 A. Sir.  
10:32:19 25 Q. You obviously have not been killed?  
26 A. Not at all, sir.  
27 Q. What happened to prevent you from being killed?  
28 A. In that meeting after I had explained myself to some  
29 extent, or the operation of the Bonthe Working Committee,

1 the -- one of the commanders from Imperi by the name of  
2 Conteh, alias Rambo insisted that I should be killed.

3 Q. Did anyone intervene?

4 A. Yes, I'm coming to that, sir. There the district  
10:33:19 5 commander came in and said, "No, no more killings. All  
6 the allegations against the Bonthe Working Committee with  
7 special reference to ~~xxxxxxx~~.

8 Q. Go ahead, please. Go ahead.

9 A. "Special reference to the man before us, is" -- "I found  
10:33:48 10 no truth in it, so therefore I declare a ceasefire." But  
11 still, Rambo insisted that if the district commander had  
12 stopped him from killing me, he will surely kill somebody  
13 else so that it will go on record that he has spilled  
14 human blood on the soil of Bonthe.

10:34:25 15 Q. This was what Rambo?

16 A. Rambo, Conteh.

17 Q. Insisted on?

18 A. Yes, said that. He was from Imperi. Immediately after  
19 that there was a boy who was brought into that meeting by  
10:34:49 20 a set of Kamajors alleging that he too was a  
21 collaborator. He was neatly trapped under the feet of  
22 Mr Alfred Bobby to be killed. In fact, at one point,  
23 Rambo attempted to shoot him under the Barri where the  
24 meeting was taking place.

10:35:18 25 Q. Do you remember the name of this boy?

26 A. Yeah.

27 Q. Who was it?

28 A. Battiamia, Bendehe Battiamia.

29 Q.

1 JUDGE BOUTET: Can you spell it out, please?

2 Q. May I just clear the first name?

3 JUDGE BOUTET: Yes.

4 Q. Was it Bendehe Battiamia? What about Kondoh Battiamia?

10:35:49 5 A. Kondoh, Kondoh Battiamia.

6 Q. Could you please spell it?

7 A. K-O-N-D-O, B-A-T-T-I-A-M-A.

8 Q. So what happened to --

9 PRESIDING JUDGE: You say Rambo even attempted to shoot him?

10:36:21 10 THE WITNESS: Yes, under the Barri, sir. But Father Garrick

11 immediately intervened and said, "No, you are not going

12 to kill him here. We have all pleaded to save this boy,

13 but you are not going to kill him here. This is a church

14 compound." So his boys drag the young man to the streets

10:37:00 15 up to Heddy Road [phonetic] and when they got to the

16 marine workshop along Heddy road, we heard two gunshots.

17 Q. Did you see the killing of Kondoh Battiamia?

18 A. No, we were still at the meeting.

19 Q. You just heard the gunshot?

10:37:32 20 A. We only heard the gunshot. It was later after the

21 meeting that we went and saw his body. Rambo came back

22 to the meeting and said he was not satisfied but at least

23 he has spilled a human blood on the soil of Bonthe so we

24 can now talk.

10:38:00 25 Q. That means you were informed by Rambo that this boy has

26 been killed by the Kamajors; is that right? You have

27 been informed by Rambo during this meeting that this boy

28 has been killed by the Kamajors?

29 A. It was Rambo himself who killed him, not another Kamajor,

- 1 but Rambo himself.
- 2 Q. This is what Rambo admitted during the meeting?
- 3 A. Yes, openly in the presence of Reverend Father Garrick  
4 and others.
- 10:38:36 5 Q. So what happened after the return of Rambo to the  
6 meeting?
- 7 A. After the return of Rambo, the district commander said,  
8 "Now nobody is going to kill you people, but you have to  
9 pay us money." And we are asked to pay 100,000 each.
- 10:39:06 10 Q. When you say 100,000 each, how many people you were on  
11 the meeting on your side, so from how many people he  
12 asked 100,000 each?
- 13 A. There were 14 of us, but not all in the meeting at that  
14 time, but a few of us were in the meeting.
- 10:39:30 15 Q. So he asked for 100,000 Leones each?
- 16 A. Yes, sir.
- 17 JUDGE BOUTET: And this is the Bonthe Working Committee?
- 18 THE WITNESS: Yes, sir. Yes, sir.
- 19 MR SAUTER:
- 10:39:40 20 Q. Did you pay this money?
- 21 A. No, but somebody stood guarantee for us, Reverend Father,  
22 and paid some -- his sum of money. I don't know the  
23 quantum, but he paid the money.
- 24 Q. You said father?
- 10:39:55 25 A. John Garrick.
- 26 Q. So Father John Garrick guaranteed for you and paid some  
27 money?
- 28 A. Yes, sir.
- 29 Q. What happened after the money was paid by Father Garrick?



1 A. We were temporarily on bail in care of Father Garrick.  
2 [HN081104B 10.45 a.m.]  
3 Q. What do you mean when you say you were on bail?  
4 A. We were entrusted in his care until the following day.  
10:43:41 5 Q. Did you get any orders what to do on the following day?  
6 A. Yes, we were requested to report at the late Pa Isaac  
7 Williams' place the next morning.  
8 Q. Did you follow this order?  
9 A. Yes, sir. We went there and started the meeting for that  
10:44:08 10 day. Whilst they were talking --  
11 PRESIDING JUDGE: What meeting was this -- let's get it right.  
12 You went to -- what's this man's name again? You went to  
13 somebody's house?  
14 THE WITNESS: Pa Isaac Williams.  
10:44:41 15 PRESIDING JUDGE: You went there. What meeting was this?  
16 THE WITNESS: The Kamajors -- it was in continuation with the  
17 meeting at the St Patrick Parish.  
18 MR SAUTER:  
19 Q. You said the money was already paid the day before by  
10:45:10 20 Father Garrick?  
21 A. Yes, sir.  
22 Q. For what purpose was this meeting held, the continuation  
23 meeting?  
24 A. Yes. We were still continuing to -- the elders of Bonthe  
10:45:19 25 were still continuing to talk to them to resolve the  
26 whole issue, and we were asked to report at Pa Isaac  
27 Williams' place the next morning.  
28 Q. What issues?  
29 A. The Bonthe Working Committee issue.

1 Q. The Bonthe Working Committee issue?

2 A. Yes, sir.

3 Q. So what was going on during the meeting in Pa Isaac

4 Williams' home?

10:45:47 5 A. Pa Isaac - in blessed memory - started explaining the

6 work of the Bonthe Working Committee to some point when

7 the Kamajors intervened and started using obscene

8 languages against the elders of Bonthe. So that got

9 Pa Isaac offended, and he asked us out of his house.

10:46:23 10 Q. You say "us" --

11 A. Everybody.

12 Q. -- that means as well the Kamajors as you, too?

13 A. Yes, sir.

14 Q. Did you follow Pa Isaac's request and leave his house?

10:46:42 15 A. Of course. That's his house. We have no alternative but

16 to leave. But whilst we were getting ready to leave, we

17 heard a gunshot along Otto Street, and the district

18 commander sent some of his men around at that time to

19 investigate who did the shooting. They came back with

10:47:17 20 the word that some of their colleagues have shot dead one

21 Mr Conteh. Mr Conteh was a tailor by trade in Bonthe, so

22 we left that night and went to our different homes.

23 Whilst we are going home, we came across some Kamajors

24 who requested the money that we were requested to pay at

10:48:13 25 the St Patrick Parish. But somebody said to them,

26 "Father Garrick is in charge of that now. These people

27 have nothing to do with that, so leave them alone," and

28 they said they were going to ask their bosses. If they

29 are not satisfied, they will visit our homes to collect

1           their money. That was the 100,000 which we were asked to  
2           pay each, so we went home, and nothing went wrong  
3           throughout that night. The next morning --  
4    Q.    Let me just interrupt you at this point. Did you go to  
10:49:01 5           your house?  
6    A.    Yes, sir.  
7    Q.    What did you observe when you returned to your house?  
8    A.    My place was looted -- vandalised, everything.  
9    Q.    So you say everything was looted --  
10:49:22 10   PRESIDING JUDGE: Please wait.  
11   MR SAUTER:  
12   Q.    Could you give us details of what was taken away from  
13           your house?  
14   A.    When I arrived at home I do not know really how I can  
10:50:08 15           express the feeling I got at that time, because all I had  
16           worked for for my old age and for the education of my  
17           children, everything went. I was told Julius Squire --  
18           Commander Squire of Bendu Cha -- led his troop to my  
19           house.  
10:50:41 20   Q.    On this day?  
21   A.    Monday, yes -- it was on the Monday -- Monday. I had an  
22           inmate -- he was there, fortunately for them. They got  
23           rid of him, looted all what he had in his bedroom,  
24           including government property. They asked him about me.  
10:51:23 25           He said he don't know my whereabouts. They further asked  
26           about the location of my bedroom. He showed them, and  
27           Commander Squire commanded his men to use axe to damage  
28           the main steel door, which they did. They entered and  
29           took everything away, including money. The sooner I was

1 told, the sooner they gave him the money, he went to the  
2 house and directed his men to transfer the looted items  
3 to his house. His house was just a few yards from our  
4 own compound along Nathan Street, so he took everything  
10:52:28 5 away.

6 Q. Could you give us the total sum of money which was taken  
7 away from your house?

8 A. Yeah, sir. I had 17 and 900, because when I left the  
9 Marketing Board --

10:52:52 10 Q. What do you mean when you say 17 --

11 A. 17,900,000.

12 Q. 17,900,000?

13 A. Yes. I was a businessman, and when the SFMB closed  
14 operations -- SFMB -- I was working for the SFM for many  
10:53:12 15 years. When they paid me my benefit, I invested in  
16 business. I was a rice dealer -- everybody knows that in  
17 Bonthe -- and we had no banking system in Bonthe. I had  
18 to keep this money in my workshop under lock and key.  
19 The damage they done -- and cleared -- even my window  
10:53:33 20 curtain, all went, so I was left desolate.

21 Q. And you said they brought the items to his house. Who do  
22 you mean when you say "his house"?

23 A. Julius Squire.

24 Q. Julius Squire's house?

10:53:53 25 A. Yes, sir.

26 Q. Which was close to yours?

27 A. Yes, sir.

28 Q. And you also said earlier you did not observe this by  
29 yourself; you were told about this.

1 A. Yes, I was not present.  
2 Q. Who told you?  
3 A. My sons.  
4 Q. Did they personally observe what happened?  
10:54:14 5 A. They were there -- in fact, they wanted to go, you know,  
6 physically, to challenge them, but some people stopped  
7 them.  
8 Q. So before --  
9 PRESIDING JUDGE: Just a minute. Julius Squire, was he a  
10:54:28 10 native of Bonthe as well?  
11 THE WITNESS: Yes, sir.  
12 PRESIDING JUDGE: You say he was living by you?  
13 THE WITNESS: Yes, sir.  
14 PRESIDING JUDGE: Is it in his personal house, or --  
10:54:38 15 THE WITNESS: That house was acquired -- his parents, who are  
16 dead now, left that house. It's not something that he  
17 built for himself.  
18 PRESIDING JUDGE: So Julius Squire is a native of Bonthe?  
19 THE WITNESS: Yes, sir. Well, he was born in Bendu Cha, but  
10:54:58 20 he attended school in Bonthe.  
21 MR SAUTER: May I proceed? Thank you.  
22 Q. You were now at the point that you went home on Monday  
23 evening seeing all this disaster --  
24 A. Yes, sir.  
10:56:02 25 Q. -- at home. Did you get any orders what to do on the  
26 next day from the Kamajors?  
27 A. Yes. We were asked -- after the late Pa Williams had  
28 driven us from his house, we were asked to report at  
29 Mr JP Koroma's place along the same Medina Street.

1 Q. When you say "us", it's the same group, the members of  
2 the Bonthe Working Committee?

3 A. Yes, sir.

4 Q. Did you go to JP Koroma's house?

10:56:37 5 A. We got there, yes, sir.

6 Q. What happened?

7 A. Before we got there, there was already an old woman by  
8 the name of Cecilia Caulker.

9 Q. Was she a member of the working committee as well?

10:57:00 10 A. No, sir; no, sir. She went ahead that morning to give a  
11 testimony about the Bonthe Working Committee, and the  
12 district commander and his men were convinced that they  
13 have wronged us, because of what they did to us -- their  
14 men have wronged us because of what they did to us as  
10:57:38 15 innocent people. We never cooperated with the junta  
16 forces, we are working in the best interests of the  
17 Bonthe people, because when the grass grew up, snakes  
18 started biting people -- that is what we saw and went to  
19 the commander, and asked him to allow us brush the  
10:58:02 20 township.

21 So when we got there that same morning, the district  
22 commander and his men apologised to us and they were  
23 sorry, because they were misled by some people who have  
24 hatred minds for us in Bonthe. They were pleading that  
10:58:30 25 forgive them, and in fact they requested us to join  
26 forces with them to handle other matters in Bonthe.  
27 Well, at that time, we had no option. They were the  
28 powers of the day. We accepted, and that was what we did  
29 for that day.

1 Q. After that, did anything else happen to you, or was this  
2 the end of the harassment?  
3 A. I think nothing else happened again. I did not  
4 experience any other pressure or humiliation.  
10:59:31 5 Q. Do you know who the leaders of the Kamajors were at this  
6 time?  
7 A. The leaders?  
8 Q. Yes.  
9 A. Apart from the commanders?  
10:59:46 10 Q. The high-level leaders.  
11 A. Okay. Even the high priest?  
12 Q. For example, yes.  
13 A. Okay. I saw him once in Bonthe. The high priest Allieu  
14 Kondewa -- is that not the name? I saw him once in  
11:00:08 15 Bonthe. After that incident he visited Bonthe.  
16 Q. What incident do you mean?  
17 A. When the Kamajors looted and vandalised us -- the  
18 killings and so on.  
19 Q. That means you are speaking of the incident in February  
11:00:32 20 1998?  
21 A. Yeah - yes, sir -- sorry -- yes, sir.  
22 Q. So what did he do in Bonthe?  
23 A. He called a public meeting at the town hall, and the  
24 meeting was well attended. A lot of people spoke,  
11:00:54 25 complaints were made. For him, finally he said he did  
26 not allow his men to enter Bonthe; it was unfortunate,  
27 but they did not listen to his advice, they have now  
28 entered and done all what they did, therefore he was  
29 sorry.

1 He went further to say we should forget about ECOMOG  
2 at that time. I mean, he said ECOMOG was not in charge  
3 of Bonthe -- was not responsible to cover Bonthe; they,  
4 the Kamajors, were responsible to cover Bonthe  
11:01:54 5 security-wise.

6 Q. What time after the conquering, or however you would call  
7 it, of Bonthe by the Kamajors did Mr Kondewa come to  
8 Bonthe -- was it weeks, months, years?

9 A. Not too long; not too long.

11:02:18 10 Q. What is "not too long"?

11 A. Well, I cannot precisely say how many weeks, how many  
12 months or how many days it took for him to visit Bonthe,  
13 but it was not too long after that incident when he  
14 visited Bonthe.

11:02:35 15 Q. And did you see anyone else of the leaders of the  
16 Kamajors in Bonthe around this time?

17 A. Again, yes.

18 Q. Who did you see?

19 A. I saw once Chief Hinga Norman. That was in fact at the  
11:03:03 20 Bonthe airfield. He was accompanied by, I think, two  
21 ECOMOG officers at that time. I cannot tell precisely  
22 whether he travelled by plane or helicopter, but it was  
23 by air. At that time we are in a situation of receiving  
24 ECOMOG, so any time we hear the sound of a plane or  
11:03:46 25 helicopter, almost half of Bonthe would run to the  
26 airstrip to see whether ECOMOG had arrived, but this time  
27 when we went -- I went there personally, because we were  
28 all eager to receive ECOMOG -- we only saw Chief Hinga  
29 Norman and the two ECOMOG officers.



1 He came down and said to us we should not be used to  
2 that practice of rushing to the airfield whenever we hear  
3 a plane or a helicopter. At that time we are in a war  
4 situation. It could have been an enemy plane, and when  
11:04:39 5 they landed, they just spray all of us. So he said to  
6 us, "With effect from today, if you want to see the plane  
7 or the helicopter that's coming down to Bonthe, you keep  
8 off and watch first and see who's coming down before you  
9 come in closer." That was the advice Chief Hinga Norman  
11:05:05 10 gave us. He later held a short indoors, so to speak,  
11 meeting with his men, but I cannot tell you what they  
12 discussed.

13 MR SAUTER: Okay. Thank you, Mr Witness, for your testimony.

14 That is all. I have no more questions of this witness.

11:05:29 15 Thank you very much.

16 THE WITNESS: Thank you.

17 JUDGE BOUTET: Thank you.

18 PRESIDING JUDGE: There is this Julius Squire. Yes?

19 THE WITNESS: May I ease myself, sir?

11:06:00 20 PRESIDING JUDGE: Yes, please. The Court will rise for five  
21 minutes to enable the witness to ease himself.

22 [Break taken at 11.06 a.m.]

23 [On resuming at 11.18 a.m.]

24 PRESIDING JUDGE: We are resuming the session, but before we  
11:18:37 25 rose, I was asking a question about Julius Squire. Is he  
26 still in Bonthe?

27 THE WITNESS: Unfortunately, he's dead.

28 PRESIDING JUDGE: Mmm?

29 THE WITNESS: He's dead, sir.

1 PRESIDING JUDGE: Was he ill?  
2 THE WITNESS: No, he died by an accident in Freetown here.  
3 PRESIDING JUDGE: Mmm?  
4 THE WITNESS: He died by accident in Freetown here.  
11:19:06 5 PRESIDING JUDGE: In Freetown?  
6 THE WITNESS: Yes, sir, some time last year.  
7 JUDGE BOUTET: Are you ready to proceed, first accused?  
8 MS WHITAKER: Thank you, Your Honour. Could I just say, for  
9 the record, that we haven't in fact received the witness  
11:20:08 10 payments for this witness, although I don't intend to  
11 delay my cross-examination in this case, but if I could  
12 make my regular complaint in that regard.  
13 PRESIDING JUDGE: You've not received the payments, also?  
14 MS WHITAKER: No, I don't need --  
11:20:21 15 PRESIDING JUDGE: What is happening, the Witness Protection  
16 Unit? Please, we would like to see Mr Vahidy here some  
17 time this afternoon, because we have to put this matter  
18 to rest somewhere. We can't continue coming here and  
19 talking about the same things every day. Can the Court  
11:20:39 20 Management please ask Mr Vahidy to come here this  
21 afternoon when the session resumes, please. Yes,  
22 Ms Whitaker.  
23 MS WHITAKER: I'm grateful, My Lord, thank you.  
24 CROSS-EXAMINED BY MS WHITAKER:  
11:20:53 25 Q. Mr Witness, I just want to ask you a few questions on  
26 behalf of Chief Hinga Norman.  
27 A. You're welcome.  
28 Q. Thank you. You described in your evidence the period  
29 before the Kamajors arrived, when the soldiers were in

1 Bonthé.

2 A. Yes.

3 Q. And is it correct that you were describing the commission  
4 of reprisals by the soldiers on civilians after an  
11:21:20 5 attack? When the Kamajors attacked Bonthé and they were  
6 repelled, is it right that the soldiers committed  
7 reprisals -- punishments -- on the civilians?

8 A. All the punishment we got from them was the  
9 indiscriminate shooting --

11:21:49 10 Q. Thank you.

11 A. -- throughout the night, which gave us cause -- gave  
12 cause to some of us to develop hypertension.

13 Q. Was there also -- I think you said the civilians would  
14 suffer after the Kamajors had been repelled.

11:22:09 15 A. That's the way they used to treat us.

16 Q. So would there be beatings of civilians, shootings?

17 A. No, no. The only -- the shooting was what we suffered.

18 Q. You suffered shootings. And looting, I think, of  
19 civilian --

11:22:29 20 A. Yes, they did that.

21 JUDGE BOUTET: But, Mr Witness, when you are talking of  
22 shooting, you're not talking of shooting of civilians;  
23 you're talking of shooting in the air during the night?

24 THE WITNESS: Yes. That got us confused -- you have a  
11:22:41 25 sleepless night.

26 JUDGE BOUTET: Yes, as a result you and others suffered  
27 hypertension?

28 THE WITNESS: Yes, sir.

29 JUDGE BOUTET: But, to your knowledge, the shooting was not at

1 anybody?

2 THE WITNESS: At anybody -- yeah, they don't kill anybody as  
3 far as I know.

4 JUDGE BOUTET: Thank you.

11:22:54 5 MS WHITAKER:

6 Q. But, nonetheless, they would undertake looting of  
7 property, the soldiers?

8 A. Yes.

9 Q. If I can turn to the very nasty incident when your life  
11:23:09 10 was being threatened by Commander Rambo --

11 A. Mmm-hmm.

12 Q. -- is it right that Commander Rambo said that effectively  
13 they were acting on their own without conferring with the  
14 elders; that they were taking action off their own  
11:23:24 15 back -- I don't know that you know what that means.

16 A. As far as my memory goes, the thing was in two-fold. You  
17 had the command responsibility and the individual  
18 responsibility. I cannot tell on which of these two they  
19 were acting.

11:23:44 20 Q. Did they say, "We're doing everything without..."

21 PRESIDING JUDGE: Just a minute.

22 MS WHITAKER: Sorry.

23 PRESIDING JUDGE: Just a minute. Yes, please.

24 MS WHITAKER:

11:24:37 25 Q. Did Commander Rambo say to you, "We do everything without  
26 conferring with the elders" -- I'd understood that to be  
27 your evidence?

28 A. I never heard that from him.

29 Q. I thought you said in your evidence just now this

1 morning, and it may be my mistake, that -- I beg your  
2 pardon, Julius Squire -- Julius Squire said, "We've taken  
3 Bonthe and we do everything without conferring with the  
4 elders"; is that the case?

11:25:05 5 A. They were referring to us.

6 PRESIDING JUDGE: Yes, that's right.

7 THE WITNESS: Yes. They were referring to us.

8 MS WHITAKER:

9 Q. Yes.

11:25:11 10 A. That we assuming do everything without conferring with  
11 the elders.

12 Q. That you do everything, or that they do everything?

13 A. I beg your pardon.

14 Q. That you do everything without conferring or --

11:25:22 15 A. With the elders of Bonthe, yes.

16 Q. Yes, but it was you or they -- that you hadn't conferred  
17 with the elders?

18 A. Yes.

19 Q. That's what they were saying?

11:25:31 20 A. Yes.

21 Q. Right.

22 JUDGE THOMPSON: In other words, you civilians.

23 THE WITNESS: Yes, sir.

24 JUDGE THOMPSON: Not they [microphone not activated].

11:25:39 25 THE WITNESS: Yeah, at all -- yeah, we civilian citizens.

26 JUDGE THOMPSON: The witness's answer about individual command  
27 and responsibility, does it stand, because your previous  
28 answer, witness, was that it wasn't quite clear whether  
29 they were acting on the individual responsibility or

1 command responsibility. Does that answer still stand,  
2 because it would seem as if learned counsel's question  
3 was predicated upon that.

4 MS WHITAKER: Well, Your Honour, I would suggest the answer  
11:26:09 5 clearly still stands. This man is saying he cannot say  
6 whether the man was individually responsible or command  
7 responsibility. In any event, I would submit it's not  
8 appropriate for a witness to determine [overlapping  
9 speakers]

11:26:22 10 JUDGE THOMPSON: Yes, that's why I was worried when he's now  
11 regularised the position that in fact he wasn't referring  
12 to Rambo and his group but referring to the civilians.

13 MS WHITAKER: Yes.

14 JUDGE THOMPSON: As a matter of fact, he's talking about  
11:26:36 15 civilians who did everything without consulting elders.

16 MS WHITAKER: Yes. So he can't say whether this commander was  
17 acting individually responsible, or had been ordered to  
18 do that.

19 JUDGE THOMPSON: Quite right, I thought so in fact.

11:26:50 20 MS WHITAKER:

21 Q. But is this correct, the district commander -- is he more  
22 senior than Commander Rambo is?

23 A. Yeah, he's the overall.

24 Q. He's the overall commander?

11:27:02 25 A. Mmm-hmm.

26 Q. And is it right that Commander Rambo was trying to kill  
27 you because he had this desire to spill blood in Bonthe?

28 A. Yes.

29 Q. Some blood lust?

1 A. Yes.

2 Q. Some personal desire?

3 A. Mmm-hmm.

4 Q. And the senior officer stopped him from doing that?

11:27:17 5 A. Yes.

6 Q. Commander Rambo didn't say, for instance, that he was  
7 going to kill you because he'd got orders to that effect  
8 or anything like that?

9 A. Not at all, no.

11:27:25 10 Q. Thank you. And the terrible looting that you suffered,  
11 did I understand correctly that those items were taken  
12 and put in the house of the commander Julius Squire --

13 A. Yes.

14 Q. -- for his enjoyment, to his benefit?

11:28:00 15 A. Yes, sir -- sorry, yes, ma'am.

16 Q. Thank you. And the meetings you've described concerning  
17 the Bonthe Working Committee, was that effectively a  
18 trial going on; were they investigating like a trial?  
19 I know it wasn't a courtroom like this, but was it like a  
11:28:44 20 trial where people would give testimony and then they  
21 made a decision at the end?

22 A. I cannot call it a trial.

23 Q. Was it an investigation into whether you were assisting  
24 the junta?

11:28:59 25 A. It was an accusation.

26 Q. An accusation that was investigated by the district  
27 commander?

28 A. Yes.

29 Q. The woman came to give evidence that you, for instance --

1 or came to say what had happened?

2 A. Yeah -- not at the meeting on that day; it was the  
3 previous day.

4 Q. I mean the series of meetings -- the whole process I'm  
11:29:21 5 talking about --

6 A. Okay.

7 Q. -- was effectively an investigation into how much  
8 assistance you provided to the junta or not -- that's  
9 what they were investigating; is that fair?

11:29:31 10 A. Yes.

11 Q. And at the end of the process you were found to be  
12 innocent?

13 A. Exactly.

14 Q. Finally, Mr Witness, if I could just ask you about your  
11:30:08 15 last evidence concerning Chief Hinga Norman arriving on  
16 the helicopter. When approximately did that occur, can  
17 you help us?

18 A. I cannot tell precisely -- it's quite some time now. You  
19 see, we're getting on to seven years now.

11:30:26 20 Q. Yes.

21 A. So I cannot easily tell you. It was in 1998, the same  
22 year.

23 Q. 1998?

24 A. Yes.

11:30:32 25 Q. But not at the time when you witnessed these incidents  
26 that you've described?

27 A. I can't tell you.

28 Q. You didn't see Chief Hinga Norman during that time, did  
29 you? I think you said in your statement, if this



1 assists, "I did not see neither Hinga Norman nor Moinina  
2 Fofana in Bonthe during this period" and that's a  
3 statement you wrote -- you gave a bit nearer the time.  
4 Does that help at all?

11:30:56 5 A. What period are you referring to?

6 Q. It's your statement. It seems to me the statement  
7 dealing with these incidents --

8 JUDGE BOUTET: Go slowly, Ms Whitaker, because you're going  
9 too fast, and it's confusing. The question you're asking  
11:31:09 10 now is confusing to me and the witness, because --

11 MS WHITAKER: I do apologise.

12 JUDGE BOUTET: -- you referred to the statement. The witness  
13 may have written a statement. We have not seen it and  
14 we're not sure -- but I know what you're trying to aim  
11:31:20 15 at. If you don't mind going back and just to sit with  
16 the witness time-wise in 1998, that's what you're trying  
17 to do.

18 MS WHITAKER: Certainly.

19 Q. Mr Witness, you've described this incident on 14 February  
11:31:31 20 and 15 February, and is that the time also when you were  
21 being -- your life was being threatened?

22 A. The 14th?

23 Q. Around that period -- is it all in February?

24 A. It was between the 14th and the 17th.

11:31:46 25 Q. Right. And that is the period that -- the events you've  
26 been describing in Court took place over that period?

27 A. Yeah.

28 Q. These killings and lootings?

29 A. Yes, that's right.

1 Q. And it's correct, isn't it --

2 JUDGE THOMPSON: Learned counsel, could we have the record of

3 this answer really? You're going at a very fast pace.

4 MS WHITAKER: I'm sorry, Your Honour. It's a common complaint

11:32:11 5 to me.

6 JUDGE THOMPSON: What is the answer to that -- the killings

7 that he's --

8 MS WHITAKER: The answer is yes, it all took place over this

9 period.

11:32:18 10 JUDGE BOUTET: The period being between 14 and 17 February

11 1998.

12 MS WHITAKER: Yes, that's right.

13 JUDGE THOMPSON: The killings and other incidents took place

14 between the 14th and 17th February. Thank you.

11:32:54 15 MS WHITAKER:

16 Q. Mr Witness, I'm going to suggest to you that you didn't

17 see Mr Hinga Norman during that period in Bonthe, and

18 that comes from your statement -- I'm not trying to catch

19 you out.

11:33:11 20 A. No.

21 Q. Thank you. So it wasn't during that period when this

22 helicopter -- he came on the helicopter, it wasn't during

23 this period in February 1998?

24 A. No, it was after.

11:33:20 25 Q. After?

26 A. Yes.

27 Q. Can you say how many months after -- six months --

28 A. I cannot quite remember now.

29 Q. But he was with ECOMOG officers, so presumably when

1 ECOMOG was involved?

2 A. He went with two ECOMOG officers.

3 Q. Yes. And it's some time after February that you see him  
4 in Bonthe?

11:33:48 5 A. I --

6 Q. A period of some months?

7 A. I cannot say precisely when.

8 Q. I am not talking about being --

9 PRESIDING JUDGE: I think, Ms Whitaker -- well, I don't  
11:33:58 10 know how you -- the witness says that Mr Hinga Norman was  
11 not there at the time between the 14th and the 17th of  
12 February 1998. Does that not serve your purpose?  
13 Because he came afterwards, I mean, when the dust had  
14 settled.

11:34:15 15 MS WHITAKER: So be it. If Your Honours --

16 PRESIDING JUDGE: That's the point you want to make,  
17 I suppose.

18 MS WHITAKER: If Your Honour has the point I need not press  
19 it.

11:34:22 20 Q. Could I just ask then, what you described Chief Norman  
21 doing, was he showing concern for civilians that they  
22 might be hurt by enemy fire or something? He was  
23 advising people not to go --

24 A. Yeah, that was what he advised.

11:34:36 25 Q. So that the civilians wouldn't be hurt?

26 A. Yeah.

27 Q. Thank you.

28 JUDGE BOUTET: That concludes your cross-examination?

29 MS WHITAKER: Yes, sorry.

1 JUDGE BOUTET: Thank you. Counsel for the second accused?  
2 CROSS-EXAMINED BY MR BOCKARIE:  
3 Q. Mr Witness --  
4 A. Yes, sir.  
11:34:58 5 Q. -- all the incidents you've just narrated relating to  
6 these killings were not personally observed by you; am  
7 I correct?  
8 A. Yes.  
9 Q. Mr Witness --  
11:35:39 10 A. Yes, sir.  
11 Q. -- during the occupation of Bonthe by the juntas, the  
12 civilian population were very uncomfortable; am  
13 I correct -- as you've just said?  
14 A. Uncomfortable? Well, I said earlier that our  
11:36:03 15 relationship was not very cordial.  
16 Q. Yes. And that stance didn't change at all during the  
17 occupation of Bonthe, did it?  
18 A. No, it was on and off -- something.  
19 Q. Mr Witness --  
11:36:37 20 A. Yes, sir.  
21 Q. -- were you personally scared by the presence of the  
22 Kamajors when they came to Bonthe -- yes or no?  
23 A. Well, no, but to explain.  
24 Q. So you're telling this Court that you were not personally  
11:37:03 25 scared of their presence?  
26 JUDGE BOUTET: Subject to an explanation.  
27 THE WITNESS: That's right.  
28 MR BOCKARIE:  
29 Q. Can you go on?

1 A. Yes. In the first instance, the first day of their  
2 entry, I was not afraid, but when later I was reliably  
3 informed that I was on their list, I became afraid.

4 Q. Thank you. Mr Witness, would I be correct to say that  
11:37:48 5 you were afraid and went into hiding, because you were  
6 considered to have collaborated with the juntas?

7 PRESIDING JUDGE: That is what he has said -- he has said so.

8 THE WITNESS: Yes.

9 MR BOCKARIE: Thank you, sir. Good.

11:38:02 10 Q. Now, you've mentioned Morie Jusu.

11 A. Yes.

12 Q. I guess Morie Jusu was the district administrator of the  
13 Kamajors in Bonthe?

14 A. Yes, sir, Bonthe District.

11:38:20 15 Q. Bonthe District?

16 A. Yes.

17 Q. Thank you. And you said you were about to be executed  
18 and he intervened to save your life; am I correct?

19 A. Yes, yes.

11:38:31 20 Q. I guess you've --

21 PRESIDING JUDGE: Let me get the name again.

22 MR BOCKARIE: Morie Jusu.

23 PRESIDING JUDGE: How are you spelling "Morie"?

24 THE WITNESS: M-O-R-R-Y [sic].

11:38:59 25 MR BOCKARIE: I thought it was M-O-R-R-I-E. It doesn't  
26 matter.

27 PRESIDING JUDGE: Jusu?

28 THE WITNESS: J-U-S-U.

29 PRESIDING JUDGE: was that the district commander?

1 THE WITNESS: Yes, sir.

2 JUDGE BOUTET: I meant to ask you the question. You've used a  
3 term was he the Bonthe District administrator --

4 MR BOCKARIE: Administrator of the CDF.

11:39:18 5 JUDGE BOUTET: Is there any difference between district  
6 administrator and commander?

7 MR BOCKARIE: The district administrator is the overall boss.

8 Q. So he was the district administrator of the Kamajors in  
9 Bonthe District?

11:39:31 10 A. That was not the name I knew. I know him to be the  
11 district commander.

12 Q. Thank you, he was the district commander.

13 A. Yeah.

14 JUDGE THOMPSON: Learned counsel, I was a little intrigued  
11:39:42 15 when you said that he -- the witness has said that he  
16 intervened when he was about to be executed. I don't  
17 remember that evidence -- "executed". I thought he  
18 intervened on some suggestion of killing or something.

19 MR BOCKARIE: Sorry, yes.

11:40:05 20 JUDGE THOMPSON: I mean, am I missing something?

21 MR BOCKARIE: No, you're correct, Your Honour. I mean in his  
22 evidence he said he was about to be singled out to be  
23 killed.

24 JUDGE THOMPSON: I see.

11:40:20 25 JUDGE BOUTET: Yes, but he was not about to be executed.

26 JUDGE THOMPSON: As a lawyer I thought you probably would not  
27 want to make that kind of --

28 MR BOCKARIE: Yes.

29 Q. Now, Mr Witness, in your evidence-in-chief you said you

1 were about to be singled out and killed, and Mr Morie  
2 Jusu intervened; am I correct?  
3 A. Yes, yes.  
4 Q. Mr Witness, would I be correct if Mr Morie Jusu could be  
11:41:02 5 described as a disciplinarian?  
6 A. In his own right.  
7 Q. Thank you. Somebody who would check on the excesses of  
8 his boys and bring them to book?  
9 JUDGE THOMPSON: What's the question?  
11:41:46 10 MR BOCKARIE: I'm saying would I be correct if he would be  
11 described as a disciplinarian and he said "in his own  
12 right". I asked further somebody who ensures that his  
13 Kamajors behave properly.  
14 MR JOHNSON: Objection, Your Honour. I'm not sure if there's  
11:42:04 15 a foundation for that. It's certainly seeking opinion  
16 evidence.  
17 JUDGE BOUTET: Mr Bockarie?  
18 MR BOCKARIE: Yes, Your Honour.  
19 Q. Now, you've described --  
11:42:20 20 JUDGE BOUTET: You agree that that's what you're doing?  
21 MR BOCKARIE: No, Your Honour. Yes, I do not -- I totally  
22 disagree -- he's not given his opinion.  
23 JUDGE THOMPSON: But --  
24 JUDGE BOUTET: Ask him if he knows. You're asking now that  
11:42:38 25 the witness has stated in answer to your question that in  
26 his own right he was a disciplinarian.  
27 MR BOCKARIE: Yes.  
28 JUDGE BOUTET: Now you're asking him if he was somebody who  
29 will ensure that the Kamajors will be disciplined.

1 MR BOCKARIE: Yes.

2 JUDGE THOMPSON: And I --

3 JUDGE BOUTET: If he knows.

4 JUDGE THOMPSON: Yes, go ahead. I would like to add that the  
11:43:00 5 question is very hypothetical. If it's pinned down to  
6 specifics, I mean, why ask someone is this someone who  
7 would discipline his soldiers if they commit excesses?  
8 That's hypothetical.

9 MR BOCKARIE: Your Honour, what I'm saying it's a statement of  
11:43:21 10 fact.

11 JUDGE THOMPSON: Let's have it in a factual way, but not in  
12 the form of a hypothesis.

13 MR BOCKARIE: Yes.

14 Q. Now, Mr Witness, did you see Morie Jusu punishing his  
11:43:48 15 Kamajors - yes or no?

16 A. No.

17 PRESIDING JUDGE: When you insist on answers, at times it can  
18 backfire, you know.

19 MR BOCKARIE:

11:44:10 20 Q. Now, you recall, Mr Witness, you wrote a letter to the  
21 Prosecution?

22 A. Yes.

23 Q. You recall that?

24 A. Yes, sir.

11:44:23 25 Q. Yes. And that letter -- that complaint was specifically  
26 addressed "Julius Squire"; am I correct - and others?

27 A. Thank you, Julius Squire and others.

28 Q. Thank you.

29 JUDGE BOUTET: What's the issue? You said the witness wrote a



1 letter to the Prosecutor?

2 THE WITNESS: A report.

3 MR BOCKARIE: Yes, Your Honour, a report.

4 JUDGE THOMPSON: In connection with what?

11:44:45 5 MR BOCKARIE: In connection with the incident he has just  
6 narrated.

7 JUDGE THOMPSON: Counsel, again, forgive my insistence here,  
8 in connection with -- because he narrated a number of  
9 incidents --

11:45:10 10 MR BOCKARIE: Yes, Your Honour.

11 JUDGE THOMPSON: Perhaps again I'm insisting here on  
12 specificity, because to evaluate evidence one needs to  
13 have some specificity.

14 MR BOCKARIE: My Lord, the letter more or less narrates all  
11:45:24 15 what he has just told this Court.

16 JUDGE THOMPSON: I see; all the incidents.

17 MR BOCKARIE: Yes.

18 JUDGE THOMPSON: Let's be that specific here.

19 MR BOCKARIE: Thank you.

11:45:32 20 JUDGE THOMPSON: Quite.

21 MR BOCKARIE:

22 Q. Now, Mr Witness --

23 A. Yes, sir.

24 Q. -- at the time when you wrote this letter, did you know  
11:45:47 25 the existence of other Kamajor bosses?

26 A. You mean commanders or --

27 Q. Yes, the bosses.

28 A. The top men?

29 Q. Yes.

1 A. Like the coordinator?  
2 Q. Yes.  
3 A. And the high priest?  
4 Q. Yes.  
11:46:04 5 A. Of course, yes.  
6 Q. Thank you. Mr Witness --  
7 A. Yes, sir.  
8 Q. -- did you write any other letter of this nature to those  
9 bosses making similar complaints?  
11:46:33 10 JUDGE BOUTET: It was not a letter that he said -- first it's  
11 a report that he has --  
12 MR BOCKARIE: Yes.  
13 Q. Did you make any report of a similar nature contained in  
14 a letter addressed to the bosses you've just mentioned?  
11:46:45 15 A. No.  
16 MR BOCKARIE: That will be all for him.  
17 JUDGE BOUTET: Thank you, Mr Bockarie. Counsel for the third  
18 accused.  
19 CROSS-EXAMINED BY MR WILLIAMS:  
11:47:01 20 Q. Mr Witness, did you say Kondewa was one of the leaders of  
21 the Kamajors?  
22 A. That is what I was made to understand.  
23 Q. Where did you get that information from?  
24 A. In Bonthe District.  
11:47:43 25 Q. From? I want you to name the person or persons who gave  
26 you that information.  
27 PRESIDING JUDGE: Sorry, I didn't quite get the information  
28 you're referring to.  
29 MR WILLIAMS: That Kondewa was one of the big men of the

1 Kamajor Movement.

2 Q. Yes, could you --

3 A. A whole lot of people, especially those who went and  
4 joined the Kamajor Society.

11:48:22 5 Q. Are you au fait with the hierarchy of the leadership of  
6 the Kamajor Movement or the CDF movement?

7 A. I can give three names.

8 Q. I'm not talking about names; I'm talking about hierarchy.  
9 Are you au fait with the way the leadership of the  
11:49:03 10 Kamajor Movement is structured?

11 A. No.

12 Q. You're not?

13 A. At all, because I am not part of them.

14 Q. You know a lot of things that you're not a part of. Do  
11:49:28 15 you know, for example, that there was a War Council of  
16 the CDF?

17 A. I heard about that.

18 Q. And do you know, or were you told that Kondewa was never  
19 a member of that War Council?

11:50:02 20 A. Not to my knowledge.

21 Q. You were never told that?

22 A. I don't know.

23 Q. Is that your answer?

24 A. I don't know.

11:50:08 25 Q. What don't you know?

26 A. About his being a member of the War Council.

27 Q. You mentioned Cecilia Tucker.

28 A. Caulker.

29 Q. Sorry, Caulker.

1 A. Yes.

2 Q. In 1998 she was in her 80s; is that correct -- she was a  
3 very old lady?

4 A. Indeed, she's old, but I don't know her age.

11:50:40 5 Q. Yes, but a very old lady?

6 A. Yes.

7 Q. And do you know of any -- I mean, something terrible was  
8 done to her family by the soldiers; right?

9 A. Yes.

11:50:59 10 Q. And specifically to her son.

11 A. Yes.

12 Q. Was that son older than you?

13 A. I don't know his age up to the time of his death.

14 Q. You mentioned a number of things that you said happened  
11:52:13 15 in Bonthe in February of 19 --

16 PRESIDING JUDGE: What was the terrible thing that happened to  
17 the son? Can you follow that up? Let's close that  
18 chapter -- or you're not interested in that?

19 MR WILLIAMS: I could pursue it, but --

11:52:31 20 PRESIDING JUDGE: That's all right, it's your case.

21 JUDGE BOUTET: If it's not relevant, please --

22 PRESIDING JUDGE: It's your case.

23 MR WILLIAMS: All right.

24 Q. Could you tell the Court what happened to Cecilia  
11:52:45 25 Caulker's son?

26 A. She had more than a son. Which of the sons are you  
27 referring to?

28 Q. The terrible thing that happened to one of her sons?

29 A. There was one Raymond Caulker that was working for our --

1 overseas -- America -- Raymond, who died by accident and  
2 his body was brought to Bonthe.  
3 Q. We spoke about a terrible thing that the soldiers did to  
4 one of her sons.  
11:53:18 5 A. Her sons.  
6 Q. Sons. That is what I'm referring to.  
7 A. Okay, you're referring to --  
8 PRESIDING JUDGE: Did you say "her son" or "her sons"?  
9 THE WITNESS: A terrible thing that happened to one of her  
11:53:28 10 sons.  
11 PRESIDING JUDGE: Yes, that's right. That's what we have on  
12 record.  
13 THE WITNESS: That is what I'm saying.  
14 MR WILLIAMS: Yes, just one of --  
11:53:33 15 THE WITNESS: One of her sons.  
16 MR WILLIAMS: That terrible thing is what I want to know.  
17 JUDGE THOMPSON: Terrible thing that had been done by  
18 soldiers.  
19 THE WITNESS: Yes.  
11:53:42 20 MR WILLIAMS:  
21 Q. That was during the junta period?  
22 A. Mmm-hmm.  
23 Q. Correct?  
24 A. Yes.  
11:53:46 25 Q. Tell the Court what happened.  
26 A. In the first place, Victor Raymond Banya Caulker was,  
27 before his death, the secretary-general of the Sierra  
28 Leone People's Party Bongey Street Executive. When the  
29 military took over -- the coup took over in 1977, Victor

1 was always in problem with the military guys -- he was my  
2 brother.

3 [HN091104C 11.55 a.m.]

4 A. All of us came together and advised him to leave Bonthe.  
11:51:39 5 He went in to Sittia.

6 Q. Where did he go?

7 A. Sittia.

8 Q. How do you spell that?

9 A. That's a chiefdom -- S-I-T-T-I-A. That was a village --  
11:51:51 10 a chiefdom sharing common boundary with the urban area.  
11 He was there for some time and later we heard that he has  
12 crossed over to the mainland to join the Kamajor society.  
13 We were told that when he came back to Sittia, it was a  
14 head of a planning that the Kamajor group develops to  
11:52:35 15 attack the soldiers in Bonthe. And when they came, on  
16 the 15th of September, finally, to seize the military  
17 gunboat, they were not able -- they were impaired, and  
18 some of them were killed. There's a mass grave and the  
19 SLP in the compound, where about 12 to 14 of those were  
11:53:12 20 killed -- the Kamajors were killed. Not incidents, but  
21 buried. Others were buried in other locations. During  
22 this attack he was shot at, either his left or right leg,  
23 but, fortunately for him, the bullet never got to his  
24 bones.

11:53:40 25 According to information, when they got to  
26 Gbongboma, after they have mobilised themselves from  
27 Sittia, crossed -- there's a small river between  
28 Gbongboma and Molakaika. Gbongboma is within the Sittia  
29 Chiefdom -- I mean, sorry, Molakaika is within the Sittia

1 Chiefdom, and Gbongboma is within the Bonthe urban area.  
2 So when the tide is up, you can use canoe to cross, but  
3 when it's down, you can walk on foot and cross over to  
4 Bonthe or cross over to the main island of Sittia.

11:54:28 5 When they crossed and were able to overcome the  
6 soldiers, few of them were captured, you know, live.  
7 And, fortunately for him, he escaped and went to his  
8 mother - few people saw him - around 5.00, 6.00 o'clock  
9 in the morning, because the Kamajors have threatened to  
11:55:05 10 kill him, that he has disappointed them. He give them  
11 the assurance, according to my information, that they  
12 were coming to succeed to get the soldiers out of Bonthe,  
13 but when they got to Bonthe, there was no way for them.  
14 So he had a fear and his life was threatened, that if he  
11:55:30 15 goes back from where he came from, the Kamajors were  
16 going to kill him. So, instead, he decided to stay.

17 He came to the house along Klafin [phon] Lane,  
18 junction of Dumbaca [phon] Road and knocked on his  
19 mother's window. The mother came out and saw him, and he  
11:56:02 20 fell on the ground and apologised to her [sic] mother,  
21 that the mother should accept her [sic]. Okay, being a  
22 mother, she accepted. Victor went inside. He was there  
23 up to the 14th of October.

24 PRESIDING JUDGE: Cut the story short, please.

11:56:30 25 THE WITNESS: Yes, sir. He was in that house up to the 14th  
26 of October, when -- I don't know who gave the information  
27 that he was in that house. We only saw soldiers on the  
28 18th - that was on a Saturday - surrounding the house,  
29 getting the mother under gunpoint, asking her to show --

1 asking her about Victor. She said Victor was not around.  
2 Well, said they are -- they came to search the house; she  
3 gave them the okay. They search all the other rooms,  
4 they could not find him. But when they came to his own  
11:57:11 5 room, they got -- they found him under the bed, got him  
6 out and cuffed him together with the mother, took him off  
7 to the village.

8 On Saturday they brought him to the UMC field and  
9 cuffed. Now, said he was a prisoner of war, something  
11:57:42 10 like that. He was a Kamajor, so they have to execute  
11 him. The mother -- they set the mother free. That is  
12 truth, according to my information. But then, the place  
13 was just too gloomy. I was experience something in my  
14 system like high fever; I could not come out. It was  
11:58:09 15 when they brought him to the UMC field - the field is  
16 very close to the house - that one of my brothers - he's  
17 dead now - went around to tell me they have brought our  
18 brother to the field, about to --

19 MR WILLIAMS:

11:58:29 20 Q. Can you cut it short, please. What did they do to him?

21 A. Okay, very well. They killed him, cut his body into  
22 pieces.

23 Q. Those soldiers?

24 A. Yes, soldiers. But by the time I came to the field, his  
11:58:40 25 body was mutilated. The legs going with the head, the  
26 belly going with this part; you know, something like  
27 that. And they took the intestines, displaying them in  
28 town. Like, for instance, they will come to you to give  
29 them money. If you don't give them money, they will



1 throw it at you. And then that was the money they got at  
2 - I don't know why they do it - finally. The remains  
3 were there up to about two, three days, when one of our  
4 brothers went and reported the matter to the commander of  
11:59:19 5 the military at that time.

6 PRESIDING JUDGE: Okay, that's okay.

7 THE WITNESS: He was later buried.

8 MR WILLIAMS:

9 Q. Is it correct that you were the person who gave the lead  
11:59:33 10 to the soldiers to go in search of him?

11 A. Myself?

12 Q. Yes.

13 A. Impossible, sir.

14 Q. And you never came out to the field?

11:59:45 15 A. No, I came later.

16 Q. You came later?

17 A. Yes.

18 Q. I'm putting it to you that you were the person who gave  
19 the lead to the soldiers to go in search of that  
11:59:57 20 gentleman?

21 A. No, no.

22 Q. You mentioned that Kondewa came to Bonthe on one  
23 occasion?

24 A. Yes.

12:00:08 25 Q. And you were present?

26 A. Yes.

27 Q. Did you make any complaints to him -- you personally, did  
28 you?

29 A. I did not talk. I was not allowed -- my uncle said I

1 should not say anything.

2 Q. But other people spoke?

3 A. Yes.

4 Q. How long after the 15th of February did this meeting take  
12:00:51 5 place?

6 A. Within two weeks. I cannot say precisely the time, but  
7 it was within 14 days.

8 Q. Within 14 days. That was in -- between February and  
9 March?

12:01:05 10 A. The date from the 15th.

11 Q. Within two weeks, you say?

12 A. Yes.

13 Q. And when did the last atrocity in Bonthe take place,  
14 after the 15th of February?

12:01:35 15 A. By --

16 Q. I mean, after the 15th of February, the Kamajors, you  
17 said, were in control, so I'm referring to the Kamajors.

18 A. The last atrocity?

19 Q. Yes.

12:01:49 20 A. It was on the 17th --

21 Q. Was the last?

22 A. -- I think so. The 17th.

23 Q. Yes. That was the last?

24 A. To my knowledge. It's quite some time now.

12:02:06 25 Q. So, I mean, does it follow that after Kondewa left, no  
26 further atrocity took place -- after the meeting Kondewa  
27 had at the -- does it follow?

28 JUDGE THOMPSON: Isn't it a very broad question?

29 MR WILLIAMS: Which one, My Lord?

1 JUDGE THOMPSON: The one about "when did the last atrocity".  
2 MR WILLIAMS: It is broad, My Lord, but --  
3 JUDGE THOMPSON: What is it designed to elicit?  
4 MR WILLIAMS: But the witness has capably answered that  
12:02:39 5 question, My Lord.  
6 JUDGE THOMPSON: You mean, the very question you're asking?  
7 MR WILLIAMS: Yes, the very --  
8 JUDGE THOMPSON: Well, why are you repeating it?  
9 MR WILLIAMS: Sorry, My Lord?  
12:02:47 10 THE WITNESS: Why are you repeating it?  
11 MR WILLIAMS: Why am I repeating it, My Lord?  
12 JUDGE THOMPSON: Yes. To have him confirm.  
13 MR WILLIAMS: No, no, he answered before Your Lordship  
14 commented.  
12:02:57 15 JUDGE THOMPSON: Is that so. Because I thought it was very  
16 broad.  
17 MR WILLIAMS: Yes, it is, My Lord. And -- [Overlapping  
18 speakers]  
19 JUDGE THOMPSON: When did the last atrocity --  
12:03:00 20 MR WILLIAMS: Sorry?  
21 JUDGE THOMPSON: Deliberately vague.  
22 MR WILLIAMS: No, it's not vague, My Lord; it's very specific.  
23 JUDGE THOMPSON: I see.  
24 MR WILLIAMS: Yes, but he's answered adequately.  
12:03:08 25 JUDGE THOMPSON: All right.  
26 MR WILLIAMS:  
27 Q. Does it follow that after Kondewa left, no further  
28 atrocities took place?  
29 A. Well, I am not almost all the time in Bonthe. It might

1           have happened in my absence.

2   MR WILLIAMS: No further questions, My Lord.

3   JUDGE BOUTET: Thank you. Re-examination?

4   MR JOHNSON: One moment, please, Your Honour.

12:04:16 5   MR SAUTER: Prosecution doesn't have any more questions, thank

6           you.

7   JUDGE BOUTET: Thank you.

8   PRESIDING JUDGE: Thank you. Well, Mr Witness?

9   THE WITNESS: Yes, sir.

12:04:35 10   PRESIDING JUDGE: Thank you very much for coming to assist the

11           Court in arriving at the truth of what happened in this

12           matter.

13   THE WITNESS: Yes, sir.

14   PRESIDING JUDGE: We thank you very much for coming. We are

12:04:55 15           finished with you, but necessity could well arise for you

16           to be called back here at a later date. I'm not saying

17           it will happen, but it could happen.

18   THE WITNESS: Yes, sir.

19   PRESIDING JUDGE: If it does happen, we will get in touch with

12:05:13 20           you and I hope that you wouldn't mind coming, like you've

21           come today.

22   THE WITNESS: Yes, sir.

23   PRESIDING JUDGE: To assist the cause of justice. Well, this

24           said, we thank you very much and we wish you all the

12:05:25 25           best.

26   THE WITNESS: Thank you.

27   PRESIDING JUDGE: The Court will rise to enable this witness

28           to retire and for the Prosecution to call the next

29           witness. So the Court will rise and when everything is

1 set please call us in, thank you.  
2 [Break taken at 12.09 p.m.]  
3 [The witness withdrew]  
4 [The witness entered Court]  
12:25:55 5 [Upon resuming at 12.29 p.m.]  
6 PRESIDING JUDGE: Yes, Mr Tavener, I see you are surfacing  
7 once more for the Prosecution.  
8 MR TAVENER: Thank you, Your Honour.  
9 PRESIDING JUDGE: You may call your next witness, please.  
12:26:50 10 MR TAVENER: The witness in the Court now is TF2-004. He is  
11 the 24th witness.  
12 PRESIDING JUDGE: 24th, yes.  
13 MR TAVENER: He will testify in Mende. He is a Muslim.  
14 Initially it was thought that he was younger than we  
12:27:08 15 later found out he was. There was some misunderstanding  
16 at an early stage as to his age. So he only requires the  
17 basic protective measures now in place.  
18 JUDGE BOUTET: So this is the witness that was listed as 25,  
19 is it, on the list? It's TF2-004, is it?  
12:27:28 20 MR TAVENER: That's correct; 25, yes. He was to be a  
21 category B, but that's now unnecessary in the light of  
22 further inquiries.  
23 PRESIDING JUDGE: What's his number again?  
24 JUDGE BOUTET: TF2-004.  
12:27:42 25 PRESIDING JUDGE: TF2-004?  
26 JUDGE BOUTET: Yes.  
27 WITNESS: TF2-004 sworn  
28 [The witness answered through interpreter]  
29 PRESIDING JUDGE: Yes, Mr Tavener, you can proceed.

1 MR TAVENER: Thank you.

2 EXAMINED BY MR TAVENER:

3 Q. Mr Witness, I'll be asking you questions over the next at  
4 least half an hour or so before the break. When you  
12:28:38 5 answer those questions, can you speak slowly because  
6 they're being recorded. At the same time I'll be  
7 speaking slowly as well. So together we can help the  
8 Court record, okay?

9 A. Okay.

12:28:57 10 Q. Firstly, how old are you?

11 A. I'm 20 years old.

12 Q. And how do you know how old you are?

13 A. Well, my father told me.

14 Q. Have you always known how old you are or when did you  
12:29:25 15 first become aware of your age?

16 A. It was not too long I've known my age. Very recently  
17 I've known my age, when my father told me, because I  
18 asked him.

19 Q. Where were you born -- what district?

12:29:59 20 A. Pujehun District.

21 Q. And when you were a young boy, did you grow up in the  
22 same village that you were born in?

23 A. Well, the question you've asked, go back to it. Repeat  
24 the question.

12:30:33 25 Q. You were born in a village in the Pujehun District; is  
26 that right?

27 A. Yes.

28 Q. Did you grow up in that village, say, when you were a  
29 young boy, five or six -- did you stay in that village?

1 A. No, I didn't stay in that village and grow up.  
2 Q. Where did you grow up?  
3 PRESIDING JUDGE: Mr Tavener --  
4 MR TAVENER: Sorry, Your Honour.  
12:31:12 5 PRESIDING JUDGE: -- may we have the name of this village?  
6 MR TAVENER: Certainly.  
7 PRESIDING JUDGE: Just said it's in Pujehun District. Let's  
8 have the name of the village.  
9 MR TAVENER:  
12:31:16 10 Q. Where were you born -- what is the name of the village?  
11 A. Where I was born, they call there xxxxxxxx.  
12 MR TAVENER: xxxxxxxx.  
13 JUDGE BOUTET: Can you repeat that again?  
14 MR TAVENER: xxxxxxxx is my spelling.  
12:31:40 15 Q. You were born in that village. You grew up somewhere  
16 else, you say?  
17 PRESIDING JUDGE: You say it's xxxxxxxx --  
18 MR TAVENER: xxxxxxxx xxxxxxxx xxxxxxxx.  
19 JUDGE BOUTET: This is your spelling?  
12:32:00 20 MR TAVENER: That's as I have it recorded.  
21 JUDGE BOUTET: That's okay.  
22 MR TAVENER: Thank you.  
23 Q. You were born in that village. Did you grow up somewhere  
24 else?  
12:32:08 25 A. I was born in that village, but I didn't grow up there.  
26 Q. When you were growing up -- I will come back to that.  
27 When you were growing up, were you with your parents?  
28 A. Yes, I stayed there, but I didn't stay with them to grow  
29 up much older like I am.

1 Q. Who did you grow up with if it wasn't your parents?  
2 A. Well, I stayed with my boss man, xxxxxxxx, until I'm now  
3 matured.  
4 Q. We'll stop there. There was a time, and we'll come on to  
12:33:10 5 that, where you were with the rebels. Can we talk about  
6 the time before you joined the rebels. I will go back  
7 over that in more detail later. Do you understand? Can  
8 we talk about the time before you were with the rebels.  
9 Do you understand?  
12:33:34 10 A. Okay. Say it again for me to understand properly.  
11 Q. At one time you were with the rebel forces; is that  
12 right?  
13 A. Yes, very well.  
14 Q. Before you were with the rebels, where were you living?  
12:33:56 15 A. I was in xxxxxxxx. I was in xxxxxxxx -- I was in xxxxxxxx when  
16 the rebels captured me. I was there with my father and  
17 my brothers -- relatives.  
18 Q. Had you lived anywhere else besides xxxxxxxx?  
19 JUDGE THOMPSON: Learned counsel, you promised that you would,  
12:34:23 20 in fact, go at a measured pace.  
21 MR TAVENER: Thank you.  
22 JUDGE THOMPSON: "I was in xxxxxxxx with my father and brother  
23 when the rebels captured me."  
24 MR TAVENER: Thank you, Your Honour.  
12:34:37 25 Q. Had you lived anywhere else besides xxxxxxxx before the  
26 rebels came?  
27 A. It was in xxxxxxxx the rebels captured me. There I was.  
28 Q. Okay. Had you had any education before the rebels came?  
29 A. No.



- 1 Q. What did your father do?
- 2 A. Well, my father is a farmer.
- 3 Q. Was he also a hunter?
- 4 A. Yes, he was a hunter.
- 12:35:37 5 Q. Did he teach you anything about hunting?
- 6 A. He didn't taught me that one, but I was always with him.
- 7 Q. When he was out hunting?
- 8 A. I didn't understand you properly. Yes, I'm always -- I
- 9 was always with him, because we go around together.
- 12:36:19 10 Q. So you were with your father when he was farming; is that
- 11 right?
- 12 A. Very well.
- 13 Q. And were you with your father when he was hunting?
- 14 A. Yes, I was with him.
- 12:36:43 15 Q. Before the rebels came, could you use a gun?
- 16 A. No, I didn't fire gun.
- 17 Q. Did your father have a gun?
- 18 A. Yes, single barrel, the one he used to hunt with.
- 19 Q. Was your father a member of the Kamajors?
- 12:37:20 20 A. What sort of Kamajor are you talking about?
- 21 MR TAVENER: Withdraw the question.
- 22 Q. I've mentioned that the rebels came to your village; is
- 23 that right?
- 24 A. Very well.
- 12:37:43 25 Q. How old were you when the rebels came to your village?
- 26 A. I cannot exactly say.
- 27 Q. I've used the word "rebel". What do you mean by the word
- 28 "rebel"?
- 29 A. The rebel is a person that has a gun, who is an enemy.

1 Q. When the rebels came to your village, did anything happen  
2 to your family?  
3 A. At that time they captured us - myself, my father and my  
4 sister, then my mother.  
12:38:44 5 Q. What happened to your sister?  
6 A. Well, my sister, they captured her because they said --  
7 because they said my father had escaped.  
8 Q. Did your father escape from the rebels?  
9 A. Yes, he escaped from them.  
12:39:13 10 Q. Was your sister older or younger than you?  
11 A. She is my elder sister.  
12 Q. What happened to your mother?  
13 A. Well, my mother, when they asked her about my father, she  
14 was killed.  
12:39:44 15 Q. Who killed your mother?  
16 A. The rebels, because they said he [sic] had made my father  
17 to escape -- she had made my father to escape.  
18 Q. Did they do anything to your sister?  
19 JUDGE THOMPSON: Learned counsel, I'm going to hold you to  
12:40:04 20 your promise.  
21 MR TAVENER: Sorry, Your Honour, pardon me.  
22 JUDGE THOMPSON: The rebels killed her because they alleged  
23 that he made -- or she made him escape. Yeah, quite.  
24 "Rebels killed her because they alleged that she made him  
12:40:33 25 to escape."  
26 MR TAVENER: Thank you.  
27 Q. Did anything happen to your sister?  
28 A. Yes, they captured her, they used to take her to the bush  
29 and rape her.

- 1 Q. What happened to you?
- 2 A. Well, for myself, nothing else happened to me at that  
3 time.
- 4 Q. Did the rebels stay in your village or did they leave?
- 12:41:59 5 A. When they attacked our village and captured us, they  
6 burnt the town, then they left.
- 7 Q. When they left, did you stay in the village or did you go  
8 with them?
- 9 A. They took me along; we went together.
- 12:42:39 10 Q. Did you want to go with the rebels?
- 11 A. Well, I wasn't happy with that, because there was no  
12 way -- I was captured.
- 13 Q. Did the rebels take anyone else -- besides yourself, did  
14 they take anyone else from your village?
- 12:43:34 15 A. Besides me, yes.
- 16 Q. Who did they take besides you?
- 17 A. Besides me, they took -- even I had a rank like me, we  
18 were all in the town.
- 19 Q. Sorry, I missed that. Who did --
- 12:44:12 20 A. One of my age group.
- 21 Q. One of your age group. A boy or a girl?
- 22 A. It was a male.
- 23 Q. Where did the rebels take you?
- 24 A. They call there Maka.
- 12:44:44 25 MR TAVENER: I have that spelling as M-A-K-A.
- 26 Q. Did anything happen at Maka?
- 27 A. When they took me there that time?
- 28 Q. Yes.
- 29 A. Well, when they took me there, nothing happened.

1 Q. Did something happen after some time?

2 A. When we went there, something happened. We saw some  
3 people with combats, they call them Kamajors. We saw  
4 them came to the place and attack there.

12:45:39 5 Q. The people you called Kamajors, they attacked the rebels  
6 at Maka; is that right?

7 A. Yes.

8 Q. What happened to the town Maka when the fighting occurred  
9 between the Kamajors and the rebels?

12:46:30 10 A. When they fought -- when the fighting occurred between  
11 the rebels and the Kamajors, we saw them burning houses,  
12 killing people. Those that God said they will die, died.  
13 Those that God said will not die, run away out of the  
14 town.

12:47:05 15 PRESIDING JUDGE: He said he saw them killing. Who were --  
16 who?

17 MR TAVENER:

18 Q. Who did you see killing people? Who was killing people?

19 A. The Kamajors.

12:47:21 20 Q. And who were they killing?

21 A. They were killing rebels, collaborators.

22 Q. Were the rebels fighting back? Were the rebels shooting  
23 at the Kamajors?

24 A. Very, very well -- very, very well. They were shooting  
12:47:59 25 at them, but they -- it never got them.

26 PRESIDING JUDGE: Mean the rebels were shooting at the  
27 Kamajors?

28 MR TAVENER: Kamajors, but they weren't being touched.

29 Q. What happened to you? At the end of that attack, what

1           happened to you?

2    A.   Well, after that attack, they captured us that time.

3    PRESIDING JUDGE:  The who again?

4    MR TAVENER:  Sorry, I'm just trying to pace.

12:48:53 5    Q.   Who captured you?

6    A.   The Kamajors.  The Kamajors captured me.

7    Q.   And when you say "us", were there other people they

8           captured besides you?

9    A.   Yes, together with me, yes.

12:49:25 10   Q.   How many others, besides yourself, were captured by the

11           Kamajors?

12   A.   Well, we are five -- there were five people captured

13           together; including me, six.

14   Q.   And at that time, do you know how old you were?

12:49:51 15   A.   Well, I cannot exactly know.  By then I was a small boy.

16   Q.   The other people caught with you, were they small boys or

17           were they other types -- were they older, younger?

18   A.   15 years was there, 10 years, 16 years.

19   Q.   Did you go anywhere with the Kamajors from Maka?

12:50:48 20   PRESIDING JUDGE:  Did he talk of 10 years as well?

21   JUDGE THOMPSON:  Yes.

22   PRESIDING JUDGE:  10 years.

23   MR TAVENER:  I will ask that question again.

24   THE WITNESS:  Yes, there was somebody there at the age of 10.

12:51:01 25   MR TAVENER:  Thank you.

26   Q.   Did the Kamajors take you somewhere?

27   A.   Well, when they took me from Maka, they carried me --

28           they took me to Liya.

29   MR TAVENER:  I have that as L-I-Y-A.  Lima, India, Yankee,

1 apple.

2 Q. Did you want to go with the Kamajors?

3 A. Yeah, I was not happy with it by then -- I was not happy  
4 with it.

12:51:58 5 Q. Why did you go with the Kamajors?

6 A. Well, I didn't go with them; they took me along.

7 Q. They took you to Liya?

8 A. Yes.

9 Q. Which district is Liya in?

12:52:27 10 A. Pujehun District, Kpaka.

11 PRESIDING JUDGE: Mr Tavener, you have just about five minutes  
12 to go, because we should --

13 THE WITNESS: Kpaka Chiefdom.

14 MR TAVENER: I'm going on to another topic.

12:52:47 15 PRESIDING JUDGE: Another topic, yes.

16 MR TAVENER: So this might be a suitable time, Your Honour.

17 PRESIDING JUDGE: You want to stop here?

18 MR TAVENER: Yes, please.

19 PRESIDING JUDGE: Right, yes. Well, learned counsel, the  
12:54:01 20 Court will rise and resume sitting at 2.30. The Court  
21 rises, please.

22 [Luncheon recess taken at 12.58 p.m.]

23 [On resuming at 2.40 p.m.]

24 [HN091104D]

14:30:14 25 [The witness entered court]

26 [The three accused not present]

27 PRESIDING JUDGE: Good afternoon learned counsel. Yes,  
28 Mr Tavener, we're resuming the session. You can proceed  
29 with your examination-in-chief of this witness.

1 MR TAVENER: Thank you, Your Honour.

2 Q. Mr Witness, we were at Liya before the break.

3 [Technical difficulties]

4 MR TAVENER: Thank you.

14:38:09 5 Q. At the break we were at Liya, so we'll move forward from  
6 there very shortly. Before I do, I just want to --

7 PRESIDING JUDGE: Please, please, I'm sorry. Before you  
8 proceed, we did ask Mr Vahidy, you know, to come and give  
9 us some explanations. Ms. Whitaker can you rise to  
14:38:40 10 reiterate what you said this morning, please.

11 MS WHITAKER: Your Honour, that we hadn't received the details  
12 to the payments to the previous witness to this one and  
13 we weren't getting the witness payments in advance,  
14 certainly not weekly in advance that Your Honour had  
14:38:56 15 suggested was appropriate.

16 PRESIDING JUDGE: Yes.

17 JUDGE BOUTET: In fact, that we had ordered, not only  
18 suggested, but ordered. It was more than a suggestion  
19 I would say to you.

14:39:12 20 MS WHITAKER: Indeed.

21 MR VAHIDY: Your Honours, I must confess, I have a bit fallen  
22 behind in the compliance of the orders. Generally the  
23 procedure I tried to adopt was that we try and give right  
24 up to the date payments we have made. So since payments  
14:39:32 25 are made on a weekly basis, whatever medical and any  
26 other things -- clothes are procured at the last minute,  
27 so to speak, just before witnesses is confirmed to  
28 testify, so normally we can do it in advance and, in  
29 fact, we will do it in advance, as ordered. Then we'll

1 have to give a supplementary expenses as well, which  
2 might include the clothing, which might include any other  
3 medical expenses and the latest for the week the witness  
4 payment allowance. So I really crave your indulgence on  
14:40:08 5 accepting the explanation that I did fall behind and  
6 I intend to make sure it doesn't happen again.

7 A bit of clarification, that if we give it, do we  
8 need to then yet again give an up-to-date payment just  
9 the moment -- up-to-date list of expenses, whatever,  
14:40:27 10 until the moment the witness testifies, or is the  
11 previous one week, or two weeks in advance sufficient for  
12 the purposes of the Defence?

13 JUDGE BOUTET: As you will appreciate, it is not for us to  
14 answer that question. Ms Whitaker.

14:40:43 15 MS WHITAKER: For my purposes if the information could  
16 indicate that the payment would continue at a certain  
17 rate thereafter and the form was dated, then we can  
18 broadly have an understanding of how much money they have  
19 received. If there are very exceptional payments, large  
14:41:00 20 medical bills in that period, I would expect that  
21 information to be provided.

22 JUDGE BOUTET: Mr Vahidy, I would suggest on this, indeed,  
23 that you provide an up-to-date report to the week  
24 preceding the evidence to be given and, as indicated by  
14:41:18 25 Defence counsel, when you know what rate they are being  
26 paid for that upcoming week, they will know what it is,  
27 but with the caveat that if there is an additional  
28 expense, whether a medical bill and so on, that you will  
29 provide the information. So short of that, it appears



1 that it would satisfy the requirement of the Defence and  
2 what they need for the purpose of their  
3 cross-examination. But we would appreciate if you can do  
4 that certainly before the week where they are called to  
14:41:47 5 testify.

6 MR VAHIDY: Certainly, sir. In future I will make sure that  
7 this is done a week in advance, except the clothing is  
8 also a fixed almost amount. It varies between 60,000 and  
9 70,000 Leones. We get it literally the day before the  
14:42:07 10 witness is to testify, for obvious reasons, just so it  
11 remains reasonably clean and smart. And any other  
12 payments are made strictly in accordance with the  
13 practice direction and it never varies. It is 16,000  
14 Leones a day and that is it. But in future I shall  
14:42:21 15 ensure that this is done. Thank you.

16 PRESIDING JUDGE: Does that satisfy Ms. Whitaker and other  
17 members of the Defence team?

18 MS WHITAKER: I'm grateful to Mr Vahidy.

19 PRESIDING JUDGE: All right. Mr Vahidy, thank you for coming.  
14:42:44 20 You may retire to your office.

21 MR VAHIDY: Thank you, Your Honour. Thank you.

22 PRESIDING JUDGE: Thank you.

23 Yes, Mr Tavener, I think we can proceed with your  
24 witness.

14:42:56 25 MR TAVENER: Thank you, Your Honour.

26 Q. Mr Witness, as I said, we are at Liya at the break before  
27 we broke for lunch. There is one or two questions I want  
28 to ask you, then we'll come back to that time. How long  
29 were you with the rebels; do you know?

1 A. I don't know the time, how long it took.  
2 Q. When you were with the rebels, did you have to do  
3 anything, any work, any training?  
4 A. Very well.  
14:43:57 5 Q. Did you have to do work when you were with the rebels?  
6 A. Yes.  
7 Q. What sort of work did you have to do?  
8 A. When we were there, we would go around for food-finding.  
9 We would loot and bring it back to them.  
14:44:14 10 Q. When you were with the rebels, were you given any  
11 training as to how to fight, how to use a gun?  
12 A. Yes.  
13 Q. Did you do any fighting when you were with the rebels?  
14 A. No.  
14:44:49 15 Q. And now from Liya -- we're now back to when you're with  
16 the Kamajors -- from Liya, where did you go to?  
17 A. Well, we left Liya. We went straight off to Telu Bongor.  
18 Q. What happened at Telu Bongor?  
19 PRESIDING JUDGE: Can you spell that for us, please Telu  
14:45:27 20 Bongor?  
21 MR TAVENER: T-E-L-U, I have it as B-O-N-G-O-R.  
22 Q. What happened at Telu Bongor?  
23 A. Rebels attacked there.  
24 Q. Who did the rebels attack?  
14:46:01 25 A. They attacked the Kamajors.  
26 PRESIDING JUDGE: We're getting translations in Krio as well.  
27 What is happening?  
28 MR TAVENER: I don't have problem, but I will keep going until  
29 there is a problem.

1 Q. Were you involved in the fighting at Telu Bongor?  
2 A. Yes, we went there, yes.  
3 Q. Did you have a gun at that time?  
4 A. No.  
14:46:47 5 Q. Did you have a weapon of any sort?  
6 A. I was having a machete with me. We were fighting with  
7 cutlass, machetes. We had few guns by then.  
8 Q. Who gave you the machete or the cutlass?  
9 A. My boss man, CO Small.  
14:47:46 10 Q. Do you know how to spell that name? I'll withdraw that  
11 question. Do you know another way to pronounce your  
12 commanding officer's name?  
13 A. Small.  
14 MR TAVENER: I have two variations of the spelling of that.  
14:48:15 15 One is S-M-A-L-L, and the other is S-U-M-A-H. I'm not  
16 quite sure the best spelling of it.  
17 Q. Did you use your machete in the fight at Telu Bongor?  
18 A. Yes, I fought with it.  
19 Q. Did the Kamajors win the fight or did the rebels win the  
14:48:57 20 fight at Telu Bongor?  
21 A. The Kamajors won the fight.  
22 Q. Did you stay there or did you go somewhere else after the  
23 fight?  
24 A. What we went for as soon as it was completed, we returned  
14:49:23 25 where we came from.  
26 Q. And was that back to Liya?  
27 A. Straight off.  
28 Q. Did you want to fight the rebels with a machete at Telu  
29 Bongor?

1 A. Yes, there was no gun. They gave us a knife. That was  
2 what we used to fight with.

3 Q. Back at Liya, did anything happen to you?

4 A. Liya Town?

14:50:17 5 Q. Yes, did something happen to you?

6 A. The time something happened to us, it was the time we  
7 came from Maka, because they tied us there.

8 Q. Okay. Who tied you? Sorry, I'll start again. Did  
9 someone tie you up; is that what you're saying?

14:50:53 10 A. Yes, they tied me.

11 Q. Who tied you?

12 A. Well, his name is Brima Jannah. They are Small's  
13 children.

14 Q. Were you a member of the Kamajor society?

14:51:19 15 A. Yes.

16 Q. When did you become a member of the Kamajor society?

17 A. I've said I don't know the year.

18 Q. Where were you when you became a member?

19 A. I was in Liya. There they initiated us.

14:51:48 20 Q. Was that after the fight at Telu Bongor?

21 A. What happened?

22 Q. Were you initiated as a Kamajor before or after the  
23 battle, the fight at Telu Bongor?

24 A. I came first -- after I came from Telu Bongor. It was in  
14:52:30 25 Telu Bongor I fought my very first fight.

26 Q. That was your first fight and did you become a Kamajor  
27 after that fight or were you a Kamajor before that fight?

28 A. It was after the fight from Telu Bongor. From there when  
29 we returned, it was then they initiated us.

1 Q. And that was when you returned to Liya?  
2 A. Yes.  
3 Q. Do you know the name of the person who initiated you?  
4 A. Very well.  
14:53:27 5 Q. And what was his name?  
6 A. His name is Muniro Sherrif.  
7 Q. Sherrif, thank you. When you were initiated, were you  
8 initiated by yourself or with others?  
9 PRESIDING JUDGE: Sherrif. What is the other name?  
14:53:50 10 MR TAVENER: M-U-N-I-R-O, Muniro.  
11 PRESIDING JUDGE: Sherrif?  
12 MR TAVENER: Yes, S-H-E-R-R-I-F.  
13 Q. When you were initiated, were you initiated by yourself  
14 or with others?  
14:54:11 15 A. We were many; I was not alone. We were many, but I don't  
16 know the number exactly.  
17 Q. How old were the people? What were the ages of the  
18 people who were initiated with you?  
19 A. There were some I was older than them. There were others  
14:54:44 20 that were more older than I do. Some are ten years were  
21 there.  
22 Q. I won't ask you about the details of the ceremony, but  
23 where did it take place? Whereabouts in the town did it  
24 take place?  
14:55:03 25 A. It was in Liya.  
26 Q. What part of Liya?  
27 A. Liya Kpaka, in the Liya Kpaka area.  
28 Q. Thank you. Were you told the purpose of the initiation?  
29 A. It was to fight that they initiated us. It was to fight

- 1 the war.
- 2 Q. Did you gain any protection by being initiated?
- 3 A. Very well.
- 4 Q. What protection did you gain?
- 14:56:08 5 A. They gave me a sieve. They gave me a controller. They  
6 gave me a clothes, country clothes with mirrors on it to  
7 protect me.
- 8 Q. The clothes with mirrors on it and the controller, is  
9 there another -- is there one name for the clothes? What  
14:56:40 10 did you call the clothes with mirrors?
- 11 A. There is no other name for it that I know to call it  
12 except ronko.
- 13 Q. After you were initiated as a Kamajor, did you go  
14 somewhere else?
- 14:57:13 15 A. Yes, I went some other place. I went to some other  
16 place.
- 17 Q. Do you remember where you went?
- 18 A. The day we were initiated we went straight off to Zimmi.
- 19 Q. When you went to Zimmi, did you have a weapon?
- 14:57:40 20 A. Very, very well.
- 21 Q. And what type of weapon was that?
- 22 A. A gun, 58.
- 23 Q. Who gave you the gun?
- 24 A. Small, my boss.
- 14:58:10 25 Q. Were you trained in how to use the gun?
- 26 A. Very, very well.
- 27 Q. Who trained you how to use the gun?
- 28 A. My boss.
- 29 Q. Did anyone show you how to fight?

1 A. Well, yes, he told me how to fight with it.  
2 Q. And who's he who showed you how to fight with it?  
3 A. Small told me.  
4 Q. Okay. Now, you say you went to Zimmi?  
14:58:59 5 A. Yes, Zimmi.  
6 Q. Were you involved in the attack on Zimmi?  
7 MR WILLIAMS: I take an objection to that. It is leading.  
8 MR TAVENER: I withdraw. I didn't want to go too slowly, but  
9 will start again. Thank you.  
14:59:22 10 Q. Why did you go to Zimmi?  
11 A. We went there to fight.  
12 Q. Did you fight at Zimmi?  
13 A. Yes.  
14 Q. Who did you fight at Zimmi?  
14:59:38 15 A. The rebels.  
16 Q. Did you fire your gun at Zimmi when you were at Zimmi?  
17 MR WILLIAMS: Again, My Lord, I take an objection. My Lord,  
18 the appropriate question what did -- I mean, were you  
19 engaging in combat or what did you do? My learned friend  
15:00:05 20 is leading. That is a leading question.  
21 JUDGE BOUTET: Objection sustained.  
22 MR WILLIAMS: As My Lord pleases.  
23 MR TAVENER: I accept the Court's ruling, but I don't agree  
24 that I accept it, Your Honour.  
15:00:27 25 Q. When you were at Zimmi, did you do anything?  
26 A. Like what?  
27 Q. You say you were fighting the rebels. Did you do  
28 anything to the rebels?  
29 PRESIDING JUDGE: How were you fighting?

1 THE WITNESS: Very well.

2 JUDGE BOUTET: How was that done?

3 THE WITNESS: Well, I was really fighting. They shoot at us.

4 We too shoot at them. We kill them. We --

15:01:02 5 MR TAVENER:

6 Q. Thank you. Before the attack on the Zimmi, did you see

7 an incident, something unusual? Perhaps I'll ask you a

8 slightly leading question. Did you see a person killed

9 before the battle at Zimmi?

15:01:36 10 A. Zimmi?

11 Q. Yes.

12 A. In the Zimmi.

13 Q. The beginning of the battle, did you see anyone killed?

14 A. Yes.

15:01:43 15 MR BOCKARIE: My Lord, we objection to this. With the

16 greatest respect to our learned colleague, this is a

17 leading question. One would simply suggest an answer

18 with a yes or no. Did you see a person killed? Yes. It

19 is leading, My Lord. What did you see at the battle

15:01:59 20 field?

21 MR TAVENER: In response to that, Your Honour, I would

22 certainly say that it doesn't presume a fact. It doesn't

23 suggest an answer. It has some degree specificity to it,

24 but it is not a leading question.

15:02:10 25 JUDGE BOUTET: Objection overruled. Carry on.

26 MR TAVENER:

27 Q. At the beginning of the fight at Zimmi, did you see

28 anyone killed?

29 A. Yes.



1 Q. Who did you see killed?  
2 A. A collaborator was killed.  
3 Q. Can you describe the collaborator who was killed?  
4 A. That I will able to tell the collaborator killed? I have  
15:02:50 5 not understood you properly.  
6 Q. You said you saw a collaborator killed. Can you describe  
7 that collaborator: Young, old, male, female? Can you  
8 describe how that collaborator looked?  
9 A. He was a man -- a male.  
15:03:13 10 Q. Were you present when he was killed?  
11 A. Yeah, it happened right in front of me.  
12 Q. Who killed him?  
13 A. Commander Small.  
14 Q. Was the person killed - you said he was a collaborator -  
15:03:38 15 was he armed? Did he have a weapon?  
16 A. No, he was not having an arm.  
17 Q. Did anyone say anything as to why he was killed?  
18 A. Well, yes.  
19 Q. Who said something?  
15:04:16 20 A. On that day we were going on an attack, so he came from  
21 Zimmi. When he was coming, we met with him. We were  
22 about to arrange ourselves to go for battle. As soon as  
23 he saw us, then he ran back. When he saw with us, he ran  
24 back. He went and told the rebels that the Kamajors have  
15:05:01 25 come and they are coming. So when we went back, we  
26 captured him, then he explained the same thing to us,  
27 that he went and relayed that message. That was the  
28 reason why he was killed.  
29 Q. Okay. Did you see anyone else kill at Zimmi?

1 A. Oh, yes.

2 Q. Who did you see kill at Zimmi besides the person you have  
3 now described?

4 A. Well, the people -- the Kamajor -- the Kamoh that did the  
15:05:55 5 work in Zimmi, we killed him.

6 Q. Did you capture anyone in Zimmi, capture any rebels?

7 A. We captured two rebels, one commander.

8 Q. What did you do with them? What did you do with those  
9 people?

15:06:22 10 A. We killed them.

11 Q. Why did you kill them?

12 A. They are rebels. They are our enemies.

13 Q. Did the Kamajors win the battle at Zimmi?

14 A. Yes, we won the war. We won.

15:06:52 15 Q. When you were in Zimmi, did you see -- did you see what  
16 the Kamajors were doing?

17 A. Like what?

18 Q. Were they doing anything to houses?

19 MR TAVENER: I will withdraw that question. There appears to  
15:07:20 20 be a difficulty.

21 Q. I'll start again, sorry. When the Kamajors were in  
22 Zimmi, they were fighting; isn't that correct?

23 A. The Kamajors.

24 Q. Yes, they were fighting?

15:07:39 25 A. Yes.

26 Q. Were the Kamajors doing anything else in Zimmi?

27 A. Yes, they burnt a house. They burnt houses.

28 Q. How did they burn the houses?

29 A. There was a -- petrol was there that they sprinkled on a

1 house. They lit a house with a match.

2 Q. When you were in -- when you were a member of the  
3 Kamajors, were you paid? Were you paid money or wages?

4 A. No. Well, for me I was not paid.

15:08:34 5 Q. How did you survive? How did you eat?

6 A. Well, the time I was in the war?

7 Q. Yes.

8 A. Well, we used to go out for food-finding, like banana.  
9 If we go to fight, we went to Zimmi for 24 hours. We are  
10 fighting. Some towns around there they used to go around  
11 there for food-finding.

12 Q. You looked for food in the towns? Did you look for  
13 anything else when you were in the towns?

14 A. Like what?

15:09:35 15 Q. Besides food - you said you looked for food - were you  
16 given anything by the Kamajors to help you survive?

17 A. No. I don't understand you well.

18 Q. Where did you get your clothing? Where did that come  
19 from when you were fighting?

15:10:20 20 MR JABBI: Objection, My Lord. My Lord, this question has  
21 been answered before.

22 THE WITNESS: We looted.

23 MR JABBI: It was answered.

24 MR TAVENER: It has now.

15:10:32 25 JUDGE BOUTET: Mr Prosecutor?

26 MR TAVENER: I'm simply going through where he got food,  
27 clothing and the like when he was a Kamajor. He just  
28 answered the question now.

29 JUDGE BOUTET: You have asked that question before, indeed.

1 He had been provided after his initiation with some  
2 clothing, with ronkos and so on.

3 MR TAVENER: Perhaps I can ask one more question. Did he get  
4 other clothing besides ronko?

15:11:06 5 Q. Mr Witness, did you have any other clothing besides the  
6 ronko clothing?

7 A. Yes.

8 Q. And where did you get that clothing?

9 A. We used to get them from other people. We used to loot  
15:11:31 10 them.

11 Q. After the battle at Zimmi, where did you go?

12 A. When the Zimmi fight finished?

13 Q. Yes, where did you go after that?

14 A. I straight away returned to Liya.

15:12:05 15 Q. Thank you. Were you involved in any other fighting with  
16 the Kamajors, any other battles?

17 A. Yes.

18 Q. How long were you with the Kamajors?

19 A. I don't know the number of years. I don't know the  
15:12:37 20 month. I don't know the dates. It was a long time.

21 Q. You had a commander you described, Commander Small, did  
22 he give you orders?

23 A. Yes. He was my boss. Whatever I did, he instructed me  
24 to do it.

15:13:11 25 Q. Did you always follow his orders?

26 A. That is exactly what I did.

27 Q. Do you know who Commander Small -- CO Small's boss was?  
28 Do you know who was in charge of CO Small?

29 A. The only boss I know for CO Small is Eddie MansallaY.

1 Q. And how do you know Eddie Massallay?  
2 A. Eddie Massallay was a commander. He was a commander.  
3 Q. Was he the same level as Commander Small? Was he higher?  
4 Do you know that, where he was in the scheme of the  
15:14:20 5 Kamajors?  
6 A. He was not a small commander, but a big commander.  
7 PRESIDING JUDGE: He was even bigger than CO Small.  
8 MR TAVENER: Yes, that is the correct answer.  
9 Q. Did you ever meet Eddie Massallay?  
15:14:56 10 PRESIDING JUDGE: Did you ever what?  
11 MR TAVENER: Did you ever meet Eddie Massallay?  
12 Q. Did you ever meet him? Did you ever meet any of the big  
13 bosses of the Kamajors?  
14 A. Big bosses in the Kamajors, yes.  
15:15:31 15 Q. Who did you meet?  
16 A. Well, I met Papay. I even met Papay Norman.  
17 Q. Where were you when you met Papay Norman?  
18 A. At that time we were in Pujehun.  
19 Q. Did Papay Norman speak to you?  
15:16:05 20 A. To us?  
21 Q. To you personally? Did he speak to you personally or did  
22 he speak to others?  
23 A. To me he did not speak -- he did not speak to me  
24 personally, because these are big people, so he did not  
15:16:24 25 speak to me personally .  
26 Q. Do you remember making a statement, being asked about  
27 these events in January of last year, early last year?  
28 A. I cannot remember witness, because they did not read it  
29 to me.

1 Q. After the war have you met up with any of your family?  
2 A. Yes, we have met. I have met with them.  
3 MR TAVENER: Yes, thank you. Nothing further at this stage.  
4 JUDGE BOUTET: Cross-examination.  
15:18:17 5 MS WHITAKER: Thank you, My Lord.  
6 CROSS-EXAMINED BY MS WHITAKER:  
7 Q. Mr Witness, when did your father first tell you how old  
8 you were -- you are?  
9 A. That time it was in 2003, because I came from Kenema by  
15:18:50 10 then. I went to him so that for me to know my age. He  
11 too was guessing, because -- because my birth  
12 certificates were all with him, but he missed them, but  
13 he guessed.  
14 Q. All right. So he was guessing and what age did he tell  
15:19:14 15 you you were in 2003 when you asked him?  
16 A. This 2004 makes me 20 years.  
17 Q. What age did he tell you in 2003 that you were?  
18 A. It was not -- I did not ask him for 2003.  
19 Q. All right. You asked him in 2004. When in 2004?  
15:20:11 20 A. Please take that question again.  
21 Q. When in 2004 did you ask your father your age?  
22 A. I cannot get this question correctly.  
23 Q. You've told us that your father told you your age in  
24 2004, not 2003, as you first said. When in 2004?  
15:21:12 25 A. I asked him for my age in 2003, because I am getting  
26 bigger. I want to know my age. The 2004 coming will  
27 make me 20 years, I wanted to get me.  
28 Q. What age did your father tell you you were when you asked  
29 him?

1 A. He said I was 20 years.  
2 Q. And was that in 2003 or 2004?  
3 A. 2004.  
4 Q. What age did you think you were before your father told  
15:22:11 5 you that?  
6 PRESIDING JUDGE: What a question.  
7 THE WITNESS: Could you please go over that again.  
8 PRESIDING JUDGE: Ms Whitaker, what a question.  
9 MS WHITAKER: Well, Your Honour, he's given an age to the  
15:22:27 10 investigators. He must have got his information from  
11 somewhere. Prior to this 20, Your Honour, he gave a  
12 different age on his statement.  
13 PRESIDING JUDGE: Well, proceed.  
14 MS WHITAKER: So he had an idea of an age prior.  
15:22:39 15 PRESIDING JUDGE: If he had one, he wouldn't be going to his  
16 father.  
17 MS WHITAKER: Well, Your Honour, he's asserted an age on this  
18 statement.  
19 PRESIDING JUDGE: You can proceed.  
15:22:47 20 MS WHITAKER: Thank you.  
21 Q. What age did you think you were before you asked your  
22 father?  
23 A. I had no idea, because he is my father, and so I went to  
24 him. I don't know my age, so I went to him.  
15:23:13 25 Q. So when you gave your statement to the investigators, you  
26 had no idea what your age was; is that correct? Your  
27 first statement.  
28 A. No, because I did not give my age.  
29 Q. So you didn't know what age you were when you gave your

1 statement to the investigators?

2 A. I didn't know my age.

3 Q. And you told us your father was guessing when he told you  
4 your age. Do you know what he based his guesswork on?

15:24:10 5 A. He was telling the truth. He was telling the truth,  
6 because the man says -- I mean, there are times when in  
7 your memory you lose your memory, so until after some  
8 time you will get it, so he told me the right age.

9 Q. That wasn't my question. If you could listen carefully,  
15:24:42 10 what was your father basing his guess on as to your age?

11 A. There was nothing -- there was -- he was really thinking  
12 for himself. There was nothing else. There are times  
13 when one gets lose -- loses memory and then after some  
14 time you regain your memory.

15:25:21 15 Q. Thank you. Can your father read and write? Does he know  
16 how to read and write?

17 A. He is not -- he cannot read or write. He's a Muslim.

18 Q. But he doesn't know how to write or to read?

19 A. No.

15:26:03 20 Q. You asked the Prosecutor, in response to a question, what  
21 type of Kamajor was he referring to. Can you tell us  
22 what types of Kamajors there are? Are there different  
23 types?

24 A. I will be able to tell you what I know.

15:26:39 25 Q. Thank you, please do.

26 A. Kondewa's Kamajors, Muniru Sherrif's Kamajors, Kamoh  
27 Lahai's Kamajors, Mama Munda's Kamajors.

28 Q. Which type were you?

29 A. I was initiated by Muniru Sherrif.



1 Q. So you were one of his Kamajors?  
2 A. Very well.  
3 Q. Did you tell the investigators that you were initiated  
4 into the Kamajors by your father after your mother had  
15:27:33 5 your stepmother and your grandmother had been killed by  
6 the rebels? Did you tell them that?  
7 A. I did not say that. It is not my statement. I did not  
8 say that.  
9 Q. Was your mother killed by the rebels?  
15:28:00 10 JUDGE THOMPSON: Can we have that answer, first.  
11 MS WHITAKER: "That is not my statement. I did not say that."  
12 JUDGE THOMPSON: I did not tell the investigators.  
13 MS WHITAKER: That was not my statement, I think.  
14 JUDGE THOMPSON: We need to know, otherwise the content will  
15:28:12 15 be so bland.  
16 [Overlapping speakers]  
17 MS WHITAKER: He said, "That was not my statement."  
18 JUDGE THOMPSON: What was not his statement? It is important  
19 that we get that.  
15:28:20 20 MS WHITAKER: I'm sorry. I asked whether he said to the  
21 investigators that his father had initiated him into --  
22 JUDGE THOMPSON: Yes, that's what we want, the whole context.  
23 MS WHITAKER: I'm so sorry, Your Honour. My mistake. Whether  
24 his father had initiated him into the Kamajor society  
15:28:34 25 after his mother, his stepmother and his grandmother had  
26 been killed by the rebels.  
27 JUDGE THOMPSON: Then follows, "That is not my statement."  
28 MS WHITAKER: Yes, Your Honour.  
29 Q. Did you tell the investigators that the rebels had burnt

1 down all your houses and your father became desperate and  
2 so he decided to make you and your brother a Kamajor?  
3 A. I did not say that.  
4 JUDGE THOMPSON: Please repeat that for us.  
15:29:52 5 MS WHITAKER: I asked whether he had told the investigators  
6 that the rebels had burnt down all their houses and that  
7 his father had --  
8 JUDGE THOMPSON: Slowly, counsel.  
9 MS WHITAKER: Whether the rebels had burnt down all their  
15:30:15 10 houses.  
11 JUDGE THOMPSON: And?  
12 MS WHITAKER: And his father became desperate and decided to  
13 make him and his brother Kamajors.  
14 JUDGE THOMPSON: And the response was?  
15:30:47 15 MS WHITAKER: "I did not say that. I did not tell them that."  
16 JUDGE THOMPSON: Thank you.  
17 MS WHITAKER:  
18 Q. Was your mother, in fact, killed by the rebels?  
19 A. My mother was killed by rebels.  
15:31:25 20 Q. Was your stepmother killed by the rebels?  
21 A. I did not say anything about my stepmother.  
22 Q. Was your stepmother killed by the rebels?  
23 A. Not my stepmother. My sister, my elder sister. That --  
24 the one that came for me with my father and my brother,  
15:31:58 25 but my father hid away. That was the time they killed my  
26 mother, that she released my father to go. Even when  
27 I joined the Kamajor, let us forget about my father. He  
28 was not there.  
29 JUDGE THOMPSON: So what -- counsel, what is the answer to

1           that question? That --

2   MS WHITAKER: "My stepmother want killed." It was his sister,  
3           I think, in summary, he elder sister.

4   JUDGE THOMPSON: "I did not say that my stepmother was killed  
15:32:33 5           by the rebels. It was my sister."

6   MS WHITAKER: And let's leave my father out of it. He wasn't  
7           there.

8   JUDGE BOUTET: I'm not sure he said that his sister was  
9           killed. He said his mother was killed at a time --

15:32:47 10   JUDGE THOMPSON: He did say that. "That was before my mother  
11           was killed by the rebels."

12   JUDGE BOUTET: I'm not sure if he's saying that his sister had  
13           been captured or his sister had been killed. I'm not  
14           clear.

15:32:55 15   MS WHITAKER:

16   Q. Was your sister killed or captured?

17   A. She was killed.

18   JUDGE THOMPSON: He said, "It was my sister."

19   JUDGE BOUTET: Thank you.

15:33:13 20   MS WHITAKER:

21   Q. And your grandmother, was she killed?

22   A. I didn't -- that time I did not see my grandmother.

23   Q. Did she live there?

24   JUDGE THOMPSON: What is the answer?

15:33:34 25   MS WHITAKER: "I did not see my grandmother at that time. At  
26           that time I did not see my grandmother."

27   A. What did you say?

28   Q. Did your grandmother live in your village with you?

29   A. She was there, my grandfather -- I did not see them.

1 Really, by the time I got there, they were already dead.

2 Q. By the time you got where, sorry? Sorry, I didn't

3 understand. By the time you got where, they were already

4 dead?

15:34:13 5 A. I was young. I was young. When I grew up, I asked about

6 my grandmother and my grandfather and they told me they

7 were all dead.

8 Q. Did the rebels burn down your house?

9 A. They burned our houses. The very place where I was held

15:34:52 10 it was burnt. They burnt the mosque, the big houses. We

11 were along the road and that was the area they came from.

12 [HN091104E 3.40 p.m.]

13 Q. So they did burn your houses. And did your brother also

14 become a Kamajor?

15:38:19 15 A. My brother -- I don't have a brother. We were two -- my

16 elder sister who was killed and myself.

17 MS WHITAKER: Your Honour, there's a name which I would wish

18 to put to this witness, but if he's saying he doesn't

19 have a brother, I don't believe this name would identify

15:38:47 20 him, but I seek Your Honour s' guidance on this issue.

21 JUDGE BOUTET: Is it a family name, or just a first name --

22 family name?

23 MS WHITAKER: I have both in this statement. Perhaps if

24 I just put the first name.

15:39:10 25 JUDGE THOMPSON: Yes.

26 JUDGE BOUTET: Just try with the first name and we will see

27 what we get.

28 MS WHITAKER:

29 Q. Do you not then have a brother called Senesie?

1 A. Yes. There are many Senesie people. I don't know which  
2 Senesie you really mean.

3 Q. Do you have a brother called Senesie?

4 A. I don't have any Senesie in my family.

15:39:46 5 Q. Was someone called Senesie initiated with you as a  
6 Kamajor?

7 A. There were many -- that's what I'm saying, there are  
8 many.

9 Q. Was there someone called Senesie with the same last name  
15:40:05 10 as you initiated as a Kamajor when you were?

11 A. No.

12 Q. You didn't tell the investigators then that someone  
13 called Senesie with the same last name as you was  
14 initiated with you, who was your brother?

15:40:40 15 A. No, I did not say that. There are many Senesies in our  
16 family. We go out to hunt with them, but we don't have  
17 the same surname. There is Senesie Massaquoi.

18 Q. Did you tell the investigators that on the same day of  
19 your initiation you were given to your boss Eddie  
15:41:16 20 Massallay?

21 A. The very day I was initiated, that was the day we went to  
22 Zimmi. My boss was called Small -- Small Boss. Small  
23 Boss was at the end -- he was the overall boss.

24 Q. So did you not tell the investigators that you were  
15:41:52 25 trained by Eddie Massallay for two months before you went  
26 into battle?

27 A. No. Two months?

28 Q. That's not correct; you weren't trained by Eddie  
29 Massallay for two months after initiation then?

- 1 A. No. In fact, Small trained me at Gofor. We went to  
2 hunt. We were there when we learnt the art of war.
- 3 Q. When the investigators came -- do you remember the  
4 investigators coming to take your statement at the  
15:42:57 5 beginning of 2003; do you remember that?
- 6 A. That time, I know it, but I don't know the month --  
7 I don't know the month.
- 8 Q. But you remember them coming to take a statement from  
9 you, writing down what you were saying; do you remember  
15:43:26 10 that?
- 11 A. Yes, in Kenema.
- 12 Q. And they were writing down, were they -- as you spoke,  
13 were they writing down on a piece of paper?
- 14 A. Yes, they were writing, but I don't know really what  
15:43:50 15 I was saying was what they wrote down. I cannot tell  
16 what I was saying was what they wrote down.
- 17 Q. Did they read the statement over to you at the end of it?  
18 When they'd written it all down, did they read it back to  
19 you?
- 15:44:11 20 A. Can you clarify?
- 21 Q. Did they read the statement they had written down back to  
22 you afterwards?
- 23 A. No.
- 24 Q. Did they ask you to put your thumbprint on anything?  
15:44:33 25 A. I did not do anything.
- 26 Q. You did not put your thumbprint on any document for the  
27 Prosecution -- for the investigators -- no document  
28 there; is that correct?
- 29 A. No, I didn't sign.

1 Q. You did not place your thumbprint on any document that  
2 they took from you?

3 A. No.

4 MS WHITAKER: I would seek Your Honours' guidance at this  
15:45:11 5 point. I think my application would be either to call  
6 the investigator, or to submit this statement as a  
7 potentially previous inconsistent statement for Your  
8 Honours to determine what weight to give it. But I have  
9 a statement with a thumbprint which has been given to us  
15:45:23 10 on the basis -- by the Prosecution -- that that was  
11 presumably the thumbprint of this witness. I can't tell  
12 thumbprints, obviously, but I assume the Prosecution are  
13 acting in good faith when they assert the thumbprint to  
14 be that. I would seek Your Honours' guidance as to  
15:45:38 15 whether I am able to tender this statement as an exhibit  
16 in these circumstances, or whether in fact the  
17 investigator ought to be called as to whether this  
18 statement was ever made.

19 JUDGE BOUTET: You would tender that as a prior inconsistent  
15:45:54 20 statement, presumably?

21 MS WHITAKER: Yes.

22 JUDGE BOUTET: I would be tempted to go that route, but  
23 I would ask you to ask a few more questions of the  
24 witness in respect of this particular document. I know  
15:46:04 25 it was in Kenema some time in 2003, he doesn't remember  
26 the date or the month, but how many people? I mean --

27 MS WHITAKER: Certainly.

28 JUDGE BOUTET: -- and what language, these kind of things.

29 MS WHITAKER: Certainly.

- 1 Q. When they came, what language did they speak to you in  
2 when the Prosecution people came?
- 3 A. Where?
- 4 Q. When they came to talk to you in Kenema and they wrote  
15:46:42 5 down notes -- wrote down what you were saying, what  
6 language did they speak to you in?
- 7 A. Their language, because I am a Mende.
- 8 Q. Did they speak to you in Mende?
- 9 A. No, they spoke to me in Krio, and there was somebody who  
15:47:10 10 interpreted -- somebody who interpreted in Mende to me.
- 11 Q. So you heard someone asking something in Krio, and then  
12 it would be translated into Mende for you; is that  
13 correct?
- 14 A. Yes.
- 15:47:31 15 Q. And how many people were there when they came to speak to  
16 you -- how many people came?
- 17 A. I saw four of them.
- 18 Q. Can you describe these people? Were they men or women;  
19 what did they look like?
- 15:48:06 20 A. I cannot describe, but there was a woman, there was a  
21 man, but I did not recognise them, so I cannot describe  
22 them as they were.
- 23 Q. And were they Sierra Leoneans, or were they foreigners --  
24 did you know?
- 15:48:37 25 A. When I saw them, I can't say that they were from this  
26 country.
- 27 Q. They looked like foreigners, did they, or you can't say?  
28 Were they white people?
- 29 A. There was a white man at that time.



1 Q. One white man and a woman, and two others, you think.  
2 A. Yes.  
3 MS WHITAKER: I don't know whether Your Honour would be  
4 assisted by the location of where this statement was  
15:49:09 5 taken, or whether that's not an appropriate question.  
6 Yes?  
7 Q. In Kenema, where were you when they -- where was the  
8 statement taken, whereabouts in Kenema?  
9 A. I can't tell it -- I can't say. I went to my brother,  
15:49:35 10 but I did not see him, but it was just by chance that  
11 these people met me there. I don't know the area.  
12 Q. Was it in an office, or was it in a house?  
13 A. The way we entered, the way I saw it, it was an office.  
14 Q. And approximately how long were they with you? Was it  
15:50:01 15 for a few minutes, or for a few hours?  
16 A. We didn't take an hour -- some minutes, but we did not  
17 take an hour. I don't know, so I don't know hours.  
18 Q. They didn't come and collect you then to take you to the  
19 place to give the statement -- the Prosecution didn't  
15:50:33 20 come and take you in a car there?  
21 A. They can't take me -- where we were, it was in the same  
22 compound -- it was in this same compound that this office  
23 was, close to a carpentry workshop, and it was there that  
24 I was taken.  
15:50:58 25 Q. Close to a workshop, did you say, the office is?  
26 A. It was in the workshop where one Mr Mustafa works -- near  
27 where Mr Mustafa works.  
28 MS WHITAKER: Your Honours, I don't know if that's sufficient  
29 for you. I am not sure I can pursue --

1 JUDGE BOUTET: What do you intend to do? Do you wish to show  
2 him a document? I don't know how many pages it has.  
3 I see it's several pages, but --  
4 MS WHITAKER: Your Honour, my difficulty is that I'm told he  
15:51:38 5 neither put a thumbprint on any document nor was anything  
6 ever read back to him, but I nonetheless --  
7 JUDGE BOUTET: But I would still suggest you show it to him.  
8 All he can say is, "This is not me," because this is what  
9 he said, so at least show him this document.  
15:51:54 10 MS WHITAKER:  
11 Q. Now, I know you can't read, Mr Witness, and if you forget  
12 the yellow colour, but have you seen something looking  
13 like that before?  
14 A. I cannot read, I don't know. I cannot read or write.  
15:52:25 15 Then you have come and placed a paper before me. What  
16 can I see there?  
17 JUDGE BOUTET: But you can certainly see you have papers in  
18 front of you. Mr Witness, listen to me, please. You may  
19 not be able to write or read, but you can see.  
15:52:44 20 THE WITNESS: I cannot see anyway. My eyes are really shining  
21 bright, but I cannot see anything.  
22 JUDGE BOUTET: Do you have papers in front of you now?  
23 THE WITNESS: Look at them here, I can see papers lying there.  
24 My eyes can see them.  
15:53:06 25 JUDGE BOUTET: That's what I'm saying, your eyes can see the  
26 papers.  
27 THE WITNESS: Yeah, my eyes are bright, they can see.  
28 JUDGE BOUTET: But your eyes have never seen these papers  
29 before?

1 THE WITNESS: My eyes can see papers. My eyes can see papers,  
2 but I cannot read and I can't write. My eyes can see  
3 paper. Even when I'm seated here, I can see the papers.  
4 JUDGE BOUTET: If you look at these papers with your eyes,  
15:53:48 5 there's a thumbprint on one of those papers.  
6 MS WHITAKER: On every page, Your Honour.  
7 JUDGE BOUTET: On every page?  
8 MS WHITAKER: Yes.  
9 JUDGE BOUTET: If you look at the paper on top in front of  
15:54:01 10 you, you see a thumbprint?  
11 THE WITNESS: Well, me, I did not sign them. Even when they  
12 ask me, they did not read them back to me. I'm saying  
13 the truth.  
14 JUDGE BOUTET: That's okay. We're only asking you some  
15:54:34 15 questions about these papers. Thank you.  
16 MS WHITAKER: Your Honours --  
17 JUDGE THOMPSON: Learned counsel, speaking for myself, I would  
18 say that jurisprudence does not prohibit documents of  
19 this nature, even if that paper had not been signed or  
15:54:54 20 on-stamped, or whatever, from being received in evidence.  
21 At the end of the day, it's a question of what probative  
22 value we'll attach to the statement in the final  
23 evaluation of the entire piece of evidence. In fact,  
24 I think more than enough legal foundation has been laid  
15:55:13 25 for the reception of this document into evidence.  
26 MS WHITAKER: I'm grateful, Your Honour. In the light of that  
27 indication, I would seek to tender this document as an  
28 exhibit. Could I have the statement?  
29 JUDGE THOMPSON: As long as, of course, the relevant portions

1 are highlighted.

2 MS WHITAKER: Indeed.

3 JUDGE THOMPSON: Of course, if the Prosecution intends to make  
4 an objection, I'm ready to respond.

15:55:37 5 MR TAVENER: Your last comment reassured me, Your Honour.  
6 With regard to that portion that has been put to the  
7 witness, the Prosecution has no difficulty with the  
8 statement being tendered on the basis previously  
9 outlined. Thank you.

15:55:51 10 JUDGE BOUTET: Ms Whitaker, I know you're underlining some  
11 portion of the statement now. Which portion of the  
12 statement are we talking about now? In addition to the  
13 thumbprint, obviously the witness has said he's not put  
14 his thumbprint on any of that, but in addition to that,  
15:56:06 15 there are portions of the statement in question?

16 MS WHITAKER: Indeed.

17 JUDGE BOUTET: And these are the portions you have put to the  
18 witness up to now?

19 MS WHITAKER: Yes. They are all from page 9766, Your Honours,  
15:56:32 20 lines 2 to 10.

21 JUDGE BOUTET: Page 9776?

22 MS WHITAKER: Page 9766, Your Honour, and lines 2 to 10.  
23 I put more, sorry -- 2 to 14 -- sorry, effectively, the  
24 whole of that page.

15:56:55 25 JUDGE BOUTET: So it's line 2 to 14, the whole page.

26 MS WHITAKER: Yes, which is effectively the whole page, save  
27 for the first name at the top. I've just noticed there  
28 is also a signature purporting to be this person's  
29 signature -- purporting to be an affirmation that he'd

1           either read or had the statement read back to him.  
2           I don't know whether, in fairness, I also ought to ask  
3           him whether that's his signature.  
4   JUDGE BOUTET: I think we're going nowhere with this, because  
15:57:35 5           he can't read, he can't write.  
6   MS WHITAKER: This does purport to be his signature presumably  
7           done by him.  
8   JUDGE BOUTET: You've seen his reaction when we only ask him  
9           to look at a piece of paper. You can ask him if he has  
15:57:50 10          signed -- I don't think he has. I think his evidence is  
11          he has not signed, nor put his thumbprint.  
12   MS WHITAKER:  
13   Q. Can you write your name, Mr Witness?  
14   A. I don't know how to read or write. I don't know how to  
15:58:07 15          write my name.  
16   Q. You don't know how to write your name; is that correct?  
17   A. No.  
18   MS WHITAKER: I'd also seek to put the signature in as well as  
19          the thumbprint.  
15:58:21 20   JUDGE BOUTET: Is it on the same page?  
21   MS WHITAKER: No, it's on the last page, 9772, where there's  
22          an affirmation purportedly signed --  
23   JUDGE THOMPSON: Are you sure it's not the signature of a  
24          witness?  
15:58:34 25   MS WHITAKER: No, Your Honour. It appears to be this  
26          witness's name.  
27   JUDGE THOMPSON: Of a witness to the document, or the  
28          translator or the interpreter?  
29   MS WHITAKER: It is this witness's name, Your Honour, and the

1 affirmation is in terms that he has read, or has had the  
2 statement read back to him in the English language, and  
3 he agrees that he understands and he will give evidence  
4 to the Special Court.

15:58:54 5 JUDGE BOUTET: This purports to be his signature at the bottom  
6 of that statement?

7 MS WHITAKER: It does.

8 JUDGE BOUTET: Mr Prosecutor, other than the comment you had  
9 before --

15:59:05 10 MR TAVENER: No, Your Honour, there's nothing further I can  
11 say. I have no difficulty with the affirmation and the  
12 signature being put to him. I just think that that would  
13 be appropriate, if that signature is put to the  
14 witness --

15:59:16 15 MS WHITAKER: He just told me he couldn't write his own name.

16 MR TAVENER: Sorry, okay.

17 JUDGE BOUTET: Madam Court Management, we are at Exhibit 22  
18 I think.

19 MS EDMONDS: Yes, Your Honour.

15:59:34 20 JUDGE BOUTET: So this will be marked, for the purpose of a  
21 prior inconsistent statement, as Exhibit 22.

22 [Exhibit No. 22 was admitted]

23 PRESIDING JUDGE: Of course, the Tribunal, because of what the  
24 witness has said, will assess the probative value of that  
15:59:57 25 statement. He not only contests it was not read to him,  
26 he didn't sign it and so on and so forth -- anyway,  
27 that's how we will proceed. We'll admit it and we'll  
28 look at the probative value at a later stage.

29 MS WHITAKER: I'm grateful. I've nothing further, thank you.

1 JUDGE BOUTET: Ms Whitaker, the statement you are tendering is  
2 a statement of four pages, so Exhibit 22 consists of a  
3 statement -- is it November 2003 -- of four pages?  
4 MS WHITAKER: Seven pages, Your Honour. It is the statement  
16:00:47 5 of 13 January 2003.  
6 JUDGE BOUTET: 2003, of seven pages?  
7 MS WHITAKER: It's seven pages, yes.  
8 JUDGE BOUTET: It goes from page 9766 --  
9 MS WHITAKER: 9766 to 9772.  
16:01:04 10 JUDGE BOUTET: Thank you.  
11 PRESIDING JUDGE: This is a seven-page statement?  
12 MS WHITAKER: A seven-page statement, Your Honour.  
13 JUDGE BOUTET: And this is a statement of 13 January 2003?  
14 MS WHITAKER: Indeed, taken at Kenema.  
16:01:57 15 PRESIDING JUDGE: Ms Whitaker, why don't you take your time to  
16 really highlight the portions which you think -- have you  
17 highlighted them?  
18 MS WHITAKER: I believe I have.  
19 PRESIDING JUDGE: You have already?  
16:02:09 20 MS WHITAKER: Yes, I have.  
21 JUDGE BOUTET: Do you have any further questions?  
22 MS WHITAKER: No, thank you, Your Honour.  
23 JUDGE BOUTET: Mr Bockarie, for the second accused, do you  
24 wish to proceed with your cross-examination of this  
16:02:21 25 witness?  
26 MR BOCKARIE: Yes, Your Honour. Can I please have Exhibit 22?  
27 JUDGE BOUTET: You want to have Exhibit 22?  
28 MR BOCKARIE: Yes, Your Honour. I just want to seek guidance  
29 from Your Honour whether I need to go over and lay the

1 necessary foundation.

2 JUDGE BOUTET: It is already an exhibit for --

3 MR BOCKARIE: Thank you, My Lord.

4 JUDGE BOUTET: [Overlapping speakers] unless you are tendering  
16:02:45 5 for other purposes.

6 MR BOCKARIE: Yes.

7 PRESIDING JUDGE: It's an official record. You can refer to  
8 it.

9 MR BOCKARIE: Thank you, Your Honour.

16:02:54 10 CROSS-EXAMINED BY MR BOCKARIE:

11 Q. Mr Witness, you told this Court that you were initiated  
12 into the Kamajor Society at Liya; am I correct?

13 A. Liya, yes.

14 Q. Mr Witness --

16:03:38 15 A. Yes.

16 Q. -- do you recall telling the investigators in your  
17 statement dated 13 January 2003, and I'll read briefly:  
18 "I joined the Kamajor Society in 1996 in Bo."  
19 Did you say this to the investigators?

16:04:15 20 A. I did not say it today, and even tomorrow I will not say  
21 it.

22 PRESIDING JUDGE: What town is that, Mr Bockarie?

23 MR BOCKARIE: Bo, in 1996.

24 Q. Mr Witness --

16:04:41 25 JUDGE THOMPSON: Just a minute, I'm trying to get the answer  
26 down. "I did not say that to the investigators" -- is  
27 that it?

28 MR BOCKARIE: Yes, Your Honour.

29 JUDGE THOMPSON: "I did not say that to the investigators, nor



1 will I say it today."  
2 MR BOCKARIE:  
3 Q. Mr Witness --  
4 A. Yes.  
16:05:11 5 Q. -- [microphone not activated] at the time of your  
6 abduction by the rebels?  
7 A. At the time I was staying in -- I did not get you well.  
8 Q. Mr Witness, did you tell this Court that you were in  
9 Foindu [sic] - excuse me for the pronunciation - at the  
16:05:41 10 time of the rebel attack and your abduction?  
11 A. No. Foindu [sic]?  
12 Q. Probably I didn't pronounce the town properly. Now, can  
13 you tell us which town you were at the time of your  
14 abduction by the rebels?  
16:06:10 15 A. Yes.  
16 Q. Tell us, please.  
17 A. The rebels caught me in Fainda.  
18 Q. Mr Witness, do you recall making a statement to the  
19 investigators on 19 October 2004?  
16:07:09 20 A. Yes.  
21 Q. And the place of that interview was at the Office of the  
22 Prosecutor here in Freetown?  
23 PRESIDING JUDGE: Just bring him closer to the time frame.  
24 THE WITNESS: I don't know the years. I don't know the time.  
16:07:26 25 MR BOCKARIE:  
26 Q. Last month, October -- last month, less than a month ago.  
27 A. I don't know years, I don't know months, I don't know  
28 weeks -- I don't know ages.  
29 Q. It's last month.

1 A. That is what I'm saying. I don't know years, and I don't  
2 know months and I don't know time.

3 PRESIDING JUDGE: Did he come to this office here recently --  
4 last month -- ask him.

16:08:10 5 JUDGE BOUTET: Maybe ask him how long since he's been in  
6 Freetown.

7 MR BOCKARIE:

8 Q. Now, Mr Witness, did you ever make a statement into the  
9 Office of the Prosecutor last month?

16:08:37 10 A. I have indeed given a statement, but I don't know the  
11 year, I don't know the week, I don't know time.

12 Q. Well, I am putting it to you that that statement was made  
13 on 19 October 2004; do you agree with me?

14 A. He has said it. I'm not saying it. He said it. I said  
16:09:14 15 I don't know years, I don't know months and that he has  
16 said it. What can I say? I cannot deny it.

17 JUDGE BOUTET: He tells you he doesn't know about month, year,  
18 so although you asked that, he may not confirm that.  
19 That's why I said try to get to him about the statement  
16:09:31 20 without making reference to any specific month, because  
21 this is --

22 MR BOCKARIE: Well, it will go into the evidence, Your Honour.

23 Q. That is what I'm putting to you and in that statement you  
24 had this to say, and I'll read briefly:

16:09:48 25 "My mother called for me and I stayed in Liya,  
26 Pujehun, for four months. The rebels came there and held  
27 my entire family. They attacked the whole town."

28 A. What town?

29 Q. Liya?

1 A. No.

2 Q. So you did not make that statement?

3 A. Not in Liya that we were captured.

4 Q. But this is what was contained in your statement of  
16:10:32 5 19 October 2004. Did you make this statement or not,  
6 Mr Witness?

7 A. That statement is not really going the way -- it's not  
8 the same statement I made.

9 Q. Now, Mr Witness --

16:11:05 10 JUDGE THOMPSON: So what is that statement saying -- what are  
11 you seeking to contradict?

12 MR BOCKARIE: Yes, that in his evidence-in-chief he said his  
13 abduction was at Fainda and in the statement of  
14 19 October 2004 he says --

16:11:24 15 JUDGE THOMPSON: There's a different location.

16 MR BOCKARIE: Yes, Your Honour.

17 JUDGE THOMPSON: And that is?

18 MR BOCKARIE: Liya.

19 JUDGE THOMPSON: So you're alleging that there's an  
16:11:33 20 inconsistency.

21 MR BOCKARIE: Yes.

22 JUDGE THOMPSON: Of course, he said that he didn't say that.

23 MR BOCKARIE: Yes. At this stage may I apply that this  
24 portion of the statement be admissible in evidence -- the  
16:11:45 25 statement of the 19th --

26 JUDGE BOUTET: I have a bit more difficulty with this one,  
27 simply because, first, he doesn't even recognise making  
28 that statement. The previous one, there were a lot of  
29 differences, but at least he did recognise it. This

1 one -- that's why I was telling you try to have him say  
2 anything about has he met with investigators some time  
3 before coming to Court, and who were they -- these kind  
4 of questions at least that can put some substance behind  
16:12:15 5 what you're alleging at this particular moment,  
6 otherwise --

7 MR BOCKARIE: I will endeavour, Your Honour.

8 Q. Mr Witness, for how long have you been in Freetown?

9 A. Three weeks.

16:12:37 10 Q. In the course of these three weeks did you ever talk to  
11 investigators?

12 A. What sort of talk are you talking about?

13 Q. Did you talk to investigators in respect of the evidence  
14 you've just given in-chief?

16:13:08 15 A. Apart from what I have explained, that is what I said.

16 Q. So you did talk to them?

17 A. Who?

18 Q. The investigators?

19 A. I didn't say that. I have explained here what I did.

16:13:33 20 JUDGE BOUTET: Mr Witness, you have explained that you met  
21 investigators in Kenema.

22 THE WITNESS: Yes.

23 JUDGE BOUTET: Now, the question is have you also met the  
24 investigators here in Freetown after Kenema. On a

16:13:48 25 different occasion, in the last three weeks have you met  
26 investigators in Freetown?

27 THE WITNESS: In Freetown here?

28 JUDGE BOUTET: Yes.

29 THE WITNESS: Yes.

1 MR BOCKARIE:  
2 Q. Yes. Whilst talking to them, was it ever recorded?  
3 A. If they were writing it down?  
4 JUDGE BOUTET: Yes, were they writing something down when you  
16:14:21 5 were talking to them?  
6 THE WITNESS: Well, yes, they were writing it down.  
7 MR BOCKARIE:  
8 Q. How did you talk to them? You spoke in Mende, Krio, or  
9 some other languages?  
16:14:39 10 A. The same Mende that I'm speaking here, that is what  
11 I spoke, because I don't know how to read and write.  
12 Q. [Microphone not activated] in English; am I correct?  
13 A. Yes, because I can't read and write.  
14 Q. At the end, was it read over to you?  
16:15:03 15 A. Yes, they read it to me.  
16 Q. And you confirmed that what you said was correct?  
17 A. What they read to me, the one that I didn't say if it was  
18 true, then I'll accept it -- as long as it is what I said  
19 that they read to me, then I'll accept it.  
16:15:30 20 MR BOCKARIE: Yes, Your Honour, I think the necessary  
21 foundation has been laid. I now apply that the statement  
22 of 19 October, lines 3 to 5, be admissible in evidence.  
23 JUDGE BOUTET: What's the page number on top of that?  
24 MR BOCKARIE: It's page 1 of --  
16:15:53 25 JUDGE BOUTET: No, there's a record number on it  
26 somewhere, 9 --  
27 MR BOCKARIE: Your Honour, it's 10522.  
28 JUDGE BOUTET: And that's a statement allegedly made  
29 in October 2004?

1 MR BOCKARIE: Yes, Your Honour.  
2 JUDGE BOUTET: What's the date in October again?  
3 MR BOCKARIE: 19 October, reference to lines --  
4 JUDGE BOUTET: Lines 3 to 5.  
16:16:41 5 MR BOCKARIE: Yes, Your Honour.  
6 JUDGE BOUTET: Which is the portion you've read to the  
7 witness.  
8 MR BOCKARIE: In Court, Your Honour.  
9 JUDGE BOUTET: Thank you.  
16:16:51 10 MR BOCKARIE:  
11 Q. Mr Witness --  
12 JUDGE BOUTET: Do you wish this to be marked as an exhibit for  
13 the purpose again of showing prior inconsistencies?  
14 MR BOCKARIE: Yes, Your Honour.  
16:16:59 15 JUDGE BOUTET: This document referred to as a statement by the  
16 witness of 19 October 2004 is marked as Exhibit 23 now.  
17 [Exhibit No. 23 was admitted]  
18 MR BOCKARIE:  
19 Q. Mr Witness, did you ever fight alongside the Sierra  
16:17:28 20 Leonean Army, Guinean Army and Nigerian Army against the  
21 rebels in Pujehun?  
22 MR TAVENER: I object to that question. I understand what my  
23 learned friend is saying --  
24 THE INTERPRETER: Your microphone is not on.  
16:17:48 25 MR TAVENER: My objection is, if my friend could just be a bit  
26 more precise. Rather than using the word "army", the  
27 actual word is "soldier", I understand.  
28 MR BOCKARIE: Yes, My Lord, I'm making a conscious effort not  
29 to use any terminology other than the "Sierra Leonean

1 Army".

2 MR TAVENER: But "army" is too big. If you can make it --

3 MR BOCKARIE: The SLA, which is distinct from the RUF and the  
4 junta, Your Honour. This is my point.

16:18:20 5 Q. Mr Witness, did you at any time fight alongside the  
6 Sierra Leonean Army, the Guinean Army, and the Nigerian  
7 Army against the rebels in Pujehun?

8 A. No, we didn't do that once. No, we didn't fight  
9 together. The Kamajors were fighting against the rebels.

16:19:05 10 Q. So are you telling this Court you never fought alongside  
11 the Sierra Leonean Army, the Guinean Army and the  
12 Nigerian Army against the rebels; is that what you say?

13 A. Not in the least -- not in the least. We fought against  
14 the rebels.

16:19:32 15 Q. Mr Witness, did you tell the investigators this in your  
16 statement of 13 January 2003 under the rubric "Pujehun  
17 Town", and this is exactly what you said --

18 A. How can you say that that is what I said?

19 Q. I was not there. And this is --

16:20:10 20 JUDGE BOUTET: You have to recognise he does not admit saying  
21 this. You can put it to him --

22 THE WITNESS: Yes, if that is what I said, I'll say that is  
23 what I said. If that is not what I said, there's no way  
24 I can accept it here.

16:20:24 25 MR BOCKARIE:

26 Q. You said:

27 "We fought this battle against the rebels and won.  
28 Then Eddie Massallay went to Bo to ask for the support of  
29 soldiers to maintain the wing. The soldiers were from

1 Sierra Leone, Guinea and Nigeria."  
2 Did you say that?  
3 A. I didn't say that.  
4 MR BOCKARIE: Your Honour, may I apply that this portion of  
16:21:14 5 the statement of 13 January 2003 --  
6 JUDGE BOUTET: That's Exhibit 22, which page?  
7 MR BOCKARIE: Exhibit 22, page 9768, the last paragraph, under  
8 the rubric "Pujehun Town". That is line 6 from the  
9 bottom.  
16:21:34 10 JUDGE BOUTET: And this is the last paragraph of that page?  
11 MR BOCKARIE: Yes, Your Honour.  
12 MR TAVENER: My objection is restated. If my friend could put  
13 the question -- he put it in terms of armies from Sierra  
14 Leone, Guinea and Nigeria. If it could be put in terms  
16:21:49 15 of the actual statement, which is "soldiers from Sierra  
16 Leone, Guinea and Nigeria," it does make a difference.  
17 JUDGE BOUTET: I thought, obviously, if you are putting a  
18 statement to the witness, you have to read the statement  
19 as it exists, and not improvise an addition. I took it  
16:22:09 20 that's what he was doing.  
21 MR TAVENER: It's the first question that was put incorrectly.  
22 If that could be asked of the witness now.  
23 MR BOCKARIE: My Lord --  
24 JUDGE BOUTET: Mr Bockarie, you've heard the objection.  
16:22:24 25 MR BOCKARIE: Please, can you go over it?  
26 MR TAVENER: Certainly. If the witness simply could be asked,  
27 "Did you fight with soldiers from Sierra Leone, Guinea  
28 and Nigeria" rather than "armies" from those places -- if  
29 it could be put in those terms, please.



1 MR BOCKARIE: I'll take the cue.

2 Q. Now, Mr Witness, did you fight alongside soldiers from  
3 Sierra Leone, Nigeria, and Guinea against the rebels in  
4 Pujehun?

16:23:11 5 A. No, it was only when the Kamajors -- Pujehun District  
6 Kamajors who were fighting against the rebels. It was  
7 just us fighting against the rebels. Yes, we were just  
8 fighting against the rebels.

9 JUDGE BOUTET: That's okay.

16:23:24 10 MR BOCKARIE: Yes, Your Honour.

11 JUDGE BOUTET: Obviously your objection is overruled,  
12 Mr Tavener.

13 MR TAVENER: Thank you.

14 JUDGE BOUTET: Mr Bockarie, that portion of the statement in  
16:23:36 15 any event is admitted for the purpose that you're seeking  
16 that to be admitted.

17 MR BOCKARIE: Yes, prior inconsistency, Your Honour, and it's  
18 on page 9768, lines --

19 JUDGE BOUTET: Do you have further questions in  
16:23:51 20 cross-examination?

21 MR BOCKARIE: No, Your Honour.

22 JUDGE BOUTET: Thank you very much. The third accused?

23 CROSS-EXAMINED BY MR WILLIAMS:

24 PRESIDING JUDGE: You have Exhibits 22 and 23?

16:24:24 25 MR WILLIAMS: Yes, it's only one page.

26 JUDGE BOUTET: Exhibit 23 is only one page, 9768.

27 MR WILLIAMS: It's not only a one-page statement, Your Honour.  
28 I don't know why only one page was tendered. I think  
29 it's --

1 JUDGE BOUTET: That's all the Court was asked to accept as an  
2 exhibit.

3 MR BOCKARIE: That was the only portion I was interested in.

4 MR WILLIAMS: I believe the procedure has been that the entire  
16:24:48 5 statement would be tendered and then those -- I mean, the  
6 entire statement would go into evidence --

7 JUDGE BOUTET: I have no problem with that. All I'm saying is  
8 I haven't seen the statement. I took it there was a  
9 one-page statement. If you're telling me it has more  
16:25:05 10 than one page, I don't have any problem to mark the whole  
11 of it as an exhibit -- in fact, it should.

12 MR WILLIAMS: As My Lord pleases.

13 Q. Mr Witness, I'm putting it to you that you were never  
14 initiated into the Kamajor Movement.

16:25:28 15 A. No, I wouldn't tell lies. I'm saying the truth. I know  
16 that I was initiated into the Kamajor.

17 Q. You'll agree with me that Liya is a very small fishing  
18 village; is that correct?

19 A. No, it's not a small town -- it's a very large town.  
16:26:00 20 It's not a small town -- it's a large town, Liya.

21 Q. It's a fishing village; is that correct?

22 A. Yes, there's a stream there, they do fishing -- there's a  
23 stream there.

24 Q. And I would put it to you that at no time during the war  
16:26:26 25 did initiation take place at Liya.

26 A. I'm telling you the truth. In fact, in Liya there was a  
27 Kamajor base there. I'm saying the truth. I wouldn't  
28 tell lies.

29 Q. Liya -- the complete name is Liya Kpaka; is that correct?

- 1 The village is called Liya Kpaka Village; is that  
2 correct?
- 3 A. Liya Kpaka, it's in Pujehun District. I don't know  
4 whether --
- 16:27:17 5 Q. You only referred to the village as Liya. What I'm  
6 saying to you is that the complete name is Liya Kpaka; is  
7 that correct?
- 8 A. Liya Kpaka. Well, if it's Kpaka, it's Kpaka, I think so,  
9 because it's on the Kpaka side -- on Kpaka section.
- 16:27:48 10 Q. And Kpaka is K-P-A-K-A. And that is by the Atlantic  
11 Ocean; is that correct?
- 12 A. By the Atlantic Ocean, yes, I do hear about that, but  
13 it's not closer to the Atlantic Ocean, but you do hear  
14 the Atlantic Ocean -- you do hear the sound of the sea.
- 16:28:26 15 Q. Were you told certain things that you cannot do as a  
16 Kamajor? I mean, you said you were initiated. Were you  
17 told certain things that you were proscribed, that you  
18 were forbidden from doing?
- 19 A. Yes.
- 16:29:01 20 Q. Did you keep to those laws?
- 21 A. Oh, yes, I did observe them. Hadn't I done so, maybe  
22 I would have lost my life.
- 23 Q. Could you tell the Court what those laws are?
- 24 A. Oh, yes, the laws that I was told to abide by.
- 16:30:03 25 Q. Yes, tell the Court -- name them.
- 26 A. The first one was I should not eat palm kernel oil --
- 27 THE INTERPRETER: He's going too fast, My Lords. Can he take  
28 it --
- 29 MR WILLIAMS: Mr Witness --

1 JUDGE BOUTET: Would you please repeat again the first one and  
2 please go slowly -- the first one about palm oil.  
3 THE WITNESS: Nut oil, nut oil -- nut oil. I should not eat  
4 nut oil.  
16:30:51 5 JUDGE BOUTET: What was it he said? Please repeat what you  
6 said.  
7 THE WITNESS: I should not eat nut oil. I should not eat  
8 electric fish.  
9 MR WILLIAMS:  
16:31:16 10 Q. Yes, go on.  
11 A. I should not eat pumpkin.  
12 Q. Yes.  
13 A. I should not jump over a mortar pestle.  
14 JUDGE BOUTET: Would you repeat the last one, please?  
16:31:48 15 A. I should not jump over a pestle.  
16 MR WILLIAMS:  
17 Q. Yes.  
18 A. I should not sit on a pestle.  
19 Q. Yes.  
16:32:16 20 A. I should not sit on the mortar.  
21 Q. Could you now tell the Court what [sic] and what you  
22 should not do if you went into combat?  
23 A. That's what I've explained -- if you don't follow up  
24 those laws, when you go to the battlefield you'll be  
16:33:05 25 affected by the bullet and when you go there you wouldn't  
26 return.  
27 Q. For example, were you told you should not loot; that it  
28 was against the laws of the Kamajor Movement that you  
29 should not loot people's property?

1 A. Nobody told me not to loot.  
2 Q. Were you told not to kill innocent people?  
3 A. Nobody told me that.  
4 Q. All right. You said your father was a Kamajor; is that  
16:33:37 5 correct?  
6 A. What type of Kamajor are you talking about?  
7 Q. I want you to tell me that.  
8 JUDGE BOUTET: Mr Williams, there's no evidence from this  
9 witness that he said -- there was reference to it in a  
16:33:53 10 statement, but in his evidence here he didn't say that  
11 his father was a Kamajor.  
12 MR WILLIAMS:  
13 Q. Was your father a Kamajor?  
14 A. He was not a Kamajor -- he was not a Kamajor at the time.  
16:34:07 15 He was just a hunter -- a hunter with a single barrel --  
16 just a hunter. No, he was not initiated in the Kamajor  
17 Society.  
18 Q. And did you ever meet Eddie Massallay in person?  
19 A. Eddie Massallay? At that time, yes, I met with Eddie  
16:34:44 20 Massallay. At that time, yes, I saw him.  
21 Q. How many times?  
22 A. Yes, I met him at Ngendema -- we did meet him at Ngendema  
23 -- we even met him at Ngendema, because he was based at  
24 Ngendema.  
16:35:03 25 Q. Was food provided for Kamajors during the war by the  
26 Government of Sierra Leone -- they provided food for  
27 Kamajors --  
28 PRESIDING JUDGE: Food first.  
29 MR WILLIAMS: I wanted --

1 PRESIDING JUDGE: Food first and then the second lap.  
2 MR WILLIAMS: No, it was one question, My Lord.  
3 PRESIDING JUDGE: Was food supplied to the Kamajors during the  
4 war -- let him answer that first.  
16:35:40 5 MR WILLIAMS: Yes, okay.  
6 Q. Was food supplied to the Kamajors?  
7 A. Yes, we did have supplies, but I can't say whether it was  
8 from the government.  
9 Q. According to you, before you joined -- okay, let me put  
16:36:15 10 it this way. Whilst you were with the RUF you fought  
11 battles; is that correct?  
12 A. Yes, when I was with the rebels we didn't fight except  
13 that we did go on food-finding missions.  
14 Q. Were you trained in the use of guns whilst you were with  
16:36:48 15 the rebels?  
16 A. No.  
17 Q. You've mentioned that you fought at Telu Bongor.  
18 A. Yes, I fought my first battle there.  
19 Q. Were you armed?  
16:37:46 20 A. At that time, I had not been initiated, but I had a  
21 machete.  
22 Q. Did you fight?  
23 A. Yes, I fought -- I had a machete, I fought.  
24 Q. How many times were you initiated into the Kamajors --  
16:38:15 25 was it once?  
26 A. Yes, once -- just once. My own priest who initiated me,  
27 I didn't go through any other initiation.  
28 Q. Did you tell the investigators that you were initiated at  
29 Pujehun?

1 A. Pujehun, no, I didn't say that.

2 Q. Okay. I refer you to a portion of your statement -- that  
3 is Exhibit 23, My Lords -- which you made quite recently.

4 JUDGE BOUTET: Mr Williams, just for greater clarity of the  
16:39:21 5 record, because this is 23, your colleague had asked for  
6 the one page, 9768, if I'm not mistaken, so it has more  
7 than just one page from what you're stating. So there is  
8 no confusion and more tidiness of the record, can you  
9 inform the Court as to how many pages exactly and from  
16:39:43 10 what page to what page? The one we have now is 9768.

11 MR WILLIAMS: It's a four-page statement.

12 JUDGE BOUTET: 9768 to 9772?

13 MR WILLIAMS: 10522 to 10525, paragraph 5, line 1 of page 3.  
14 Sorry, it's page 10524, My Lords.

16:40:47 15 JUDGE BOUTET: Thank you.

16 MR WILLIAMS:

17 Q. Did you tell the prosecutors that, "We went to Pujehun  
18 where I was initiated"?

19 A. I didn't say that.

16:37:38 20 [HN091104F 4.40 p.m.]

21 Q. And that there were more than 300 people present?

22 A. Where we were initiated, is that where you're talking  
23 about?

24 Q. You spoke of Pujehun, so I'm, you know, telling -- or  
16:38:17 25 reading --

26 A. I was not initiated in Pujehun, that's what I'm saying.

27 Q. Yes, well, I'm reading your statement to you now, that  
28 there were more than 300 people there.

29 A. Where?

1 Q. At Pujehun?

2 A. No.

3 Q. And that there were those of your age, as well as those  
4 of 15, 16 and 17 years old?

16:38:58 5 A. Liya. Where I was initiated, my age groups were there.  
6 There were some 15, some 16. It was in Liya where I was  
7 initiated. That's what I'm saying.

8 Q. You did not tell the prosecutors that when you were  
9 initiated at Pujehun, you had boys that were age 15, 16  
16:39:31 10 and 17.

11 JUDGE THOMPSON: Which particular feature of that statement  
12 are you putting to him -- the entire thing?

13 MR WILLIAMS: That paragraph, My Lord.

14 JUDGE THOMPSON: The entire paragraph?

16:39:47 15 MR WILLIAMS: Yes, I mean --

16 JUDGE THOMPSON: In other words, where is the -- in respect of  
17 which clause or issues or statements is the alleged  
18 inconsistency? Pujehun as against Liya?

19 MR WILLIAMS: As against Bo.

16:40:08 20 JUDGE THOMPSON: Or as against Bo?

21 MR WILLIAMS: Yes.

22 JUDGE THOMPSON: And then are you saying, also, did he testify  
23 about the number of new initiates in his testimony,  
24 because I think -- you seem to be putting that too; not  
16:40:26 25 so?

26 MR WILLIAMS: Yes, My Lord. In that paragraph he said a lot  
27 of things that transpired whilst he was initiated.

28 JUDGE THOMPSON: Which you are alleging are contradictory to  
29 what he has said here?



1 MR WILLIAMS: Yes, My Lord.

2 JUDGE THOMPSON: But I'm a little troubled about that  
3 approach, because it seems as if, really, you're  
4 multiplying issues here. It seems to me that your  
16:40:48 5 initial complaint was about the location of the  
6 initiation, so won't we move on that level first.

7 MR WILLIAMS: My Lord, believe I'm dealing with that. He has  
8 denied that he did not -- he was not initiated at  
9 Pujehun.

16:41:06 10 JUDGE BOUTET: I share the concerns of my brother here,  
11 because in his evidence-in-chief he has testified that  
12 when he was -- I'm not talking of location here; talking  
13 of number of people, the age group and so on. He is not  
14 denying this. In fact, this is his evidence-in-chief.

16:41:22 15 Where there is a difference, and what he is taking issue  
16 with, is the location you put to him. In the statement  
17 he says Pujehun; this is not that. So if you're putting  
18 all of it, as my brother Judge Thompson is saying, that's  
19 causing the confusion, because he does not dispute the  
16:41:34 20 other facts. At least - put it to him again - that  
21 doesn't appear to be the case. Yes, Mr Prosecutor?

22 MR TAVENER: Sorry, Your Honour, I'm geographically challenged  
23 here. Is Liya in Pujehun?

24 JUDGE THOMPSON: Well, that's the point. I was coming to  
16:41:52 25 that. I was coming to that to say counsel needs to  
26 persuade me, because I think when this witness was  
27 testifying, he did talk about Liya being in Pujehun  
28 District.

29 MR WILLIAMS: [Microphone not activated]

1 JUDGE THOMPSON: Well, I mean, clearly --

2 JUDGE BOUTET: Open your mike, please; I didn't hear what you  
3 were saying.

4 JUDGE THOMPSON: I think when you contrast Liya and Pujehun,  
16:42:19 5 you're probably mixing apples and oranges, because one is  
6 a town, the other is a district. Geographically  
7 speaking, and if we take judicial notice of that, if he  
8 was initiated in a part of the whole geographical area --

9 MR WILLIAMS: I didn't say that he did not -- I'm not au fait  
16:42:50 10 with, you know, the geography.

11 JUDGE THOMPSON: Yes.

12 MR WILLIAMS: But he has said that "I was not initiated in  
13 Pujehun," so I appreciate that.

14 JUDGE THOMPSON: Well, he is being specific.

16:42:59 15 MR WILLIAMS: Yes, that he knows that Liya is not the same as  
16 Pujehun.

17 JUDGE THOMPSON: No, but I'm only saying to you that if Liya  
18 is a geographical constituent of Pujehun, is it really  
19 contradictory to allege --

16:43:11 20 MR WILLIAMS: No, but going back --

21 JUDGE THOMPSON: Shall I finish with this right now?

22 MR WILLIAMS: Yes, sorry, My Lord.

23 JUDGE THOMPSON: Is it really a contradiction to allege that,  
24 if someone says "I was initiated in Liya," which of  
16:43:24 25 course geographically is in Pujehun District, and not  
26 Pujehun, is there really a geographical contradiction?

27 MR WILLIAMS: No, My Lord.

28 JUDGE THOMPSON: Of course, you will enlighten me on that. I  
29 just wanted to point that out.

1 MR WILLIAMS: There would not be, My Lord. There would not be  
2 any inconsistency. But going by his answer, he said, "I  
3 was not initiated at Pujehun."  
4 JUDGE THOMPSON: Well, this is an unsophisticated witness. He  
16:43:54 5 is not able to make the distinction that you and I are  
6 making about geographical locations. But I thought I  
7 should point that out, that if that is really what the  
8 perceived contradiction is about, I am not persuaded.  
9 MR WILLIAMS: As My Lord pleases. My Lord, I would take the  
16:44:17 10 cue and not stretch the other bits of his evidence in  
11 that paragraph. I'll just proceed to the location where  
12 the initiation took place.  
13 JUDGE THOMPSON: Okay.  
14 JUDGE BOUTET: I'm not sure, again. Location, you mean  
16:44:44 15 Pujehun? Because what my brother Judge Thompson is  
16 saying, even Pujehun is far from being sure that the  
17 witness is being put to any contradiction of that. It is  
18 a question of how you give the interpretation of the  
19 geographic location. What is it you're trying to  
16:44:59 20 establish now - inconsistencies between what and what?  
21 MR WILLIAMS: The various places he has mentioned in which he  
22 was initiated. He's mentioned Bo in his statement, he's  
23 mentioned --  
24 JUDGE BOUTET: No, but you have taken a portion of the  
16:45:22 25 statement and read it to the witness, and you've asked  
26 him is it what he said to the investigator, presumably  
27 for the purpose of showing that what he's saying now is  
28 different to what he said. And what you read to him does  
29 not appear to contain any contradiction, if that is what

1           you're putting to the witness.

2   MR WILLIAMS: I don't quite understand.

3   JUDGE THOMPSON: And let me strengthen that by saying that

4           this witness, every time you put other locations to him,

16:45:47 5           has constantly said, "It is not my statement," virtually

6           denying and sticks to Liya. So, then, what would be the

7           contradiction between what he says here in the witness

8           box and the statement, because he has virtually said --

9           he did not admit that he said that there, says, "I didn't

16:46:20 10           tell the interrogators that." In other words, he's

11           saying there are no two sets of statements here. He's

12           virtually saying, "I did not tell them that." So where

13           would be the inconsistency?

14   MR WILLIAMS: The inconsistencies is that what was said in the

16:46:38 15           statement is different from what you see on oath.

16   JUDGE THOMPSON: Okay. Even if he denies it?

17   MR WILLIAMS: Even if he denies it. I mean, we will give more

18           credibility to what the Prosecution presents to us. I

19           mean, you know, they're honourable people, I wouldn't

16:46:57 20           expect them to tell lies on their witness. So I mean --

21           I mean, but the whole governing previous inconsistent

22           statement is what you said in a written statement is

23           different from what you see on oath.

24   JUDGE THOMPSON: And they were confronted with two

16:47:16 25           contradictory positions. In other words, putting the

26           witness to his election to say which is true.

27   MR WILLIAMS: Yes.

28   JUDGE THOMPSON: In other words, a cross-examiner puts a

29           question which is true -- which of the two is true? But

1 in your case, you're confronted with a situation where  
2 he's saying, "I never told the investigators that."  
3 MR WILLIAMS: That makes the inconsistency, My Lord. I don't  
4 know whether possibly I am not understanding  
16:47:44 5 Your Lordship.  
6 JUDGE THOMPSON: My point is that, for you to have this  
7 inconsistency or contradiction, there would be two  
8 positions which both cannot be true at the same time.  
9 Now, from the witness box, he is saying that he was  
16:48:02 10 initiated in Liya; and then when you put that to him,  
11 say, "No, you didn't say you were initiated -- you said  
12 you were initiated in Bo," he said, "No, I never told the  
13 investigators that." In other words, he's sticking to  
14 one location. But I better not pursue it too far.  
16:48:22 15 MR WILLIAMS: Okay. Your Honour, I do not have any further  
16 questions for him.  
17 JUDGE BOUTET: So that concludes your cross-examination?  
18 MR WILLIAMS: Yes, My Lord.  
19 JUDGE BOUTET: Thank you.  
16:48:45 20 MR TAVENER: Nothing arising for this witness. May he be  
21 excused?  
22 JUDGE BOUTET: Thank you, Mr Prosecutor.  
23 PRESIDING JUDGE: Mr Witness, thank you for coming. We've  
24 finished with you.  
16:50:25 25 THE WITNESS: Yes.  
26 PRESIDING JUDGE: Thank you for coming.  
27 THE WITNESS: Yes, thank you too for listening to me.  
28 PRESIDING JUDGE: To proffer your evidence and to help the  
29 cause of justice. So we are finished with you now and

1           you are free to go, but should necessity arise for you to  
2           come back here, we will let you know at any time -- if it  
3           becomes necessary.

4   THE WITNESS:  Yes.

16:51:17 5   PRESIDING JUDGE:  So have a safe journey to your place of  
6           abode.  It's getting to 5.00 o'clock.  Is there a  
7           witness, Mr Tavener?

8   MR KAMARA:  Yes, Your Honour, we do have a witness, but I'll  
9           crave the indulgence of the Court and my learned friends  
16:51:45 10   on the other size side, if we could start him tomorrow,  
11           because this witness is not only going to be testifying  
12           in the open, without any restrictive -- protective  
13           measures, but we had cause to rush him to Court this  
14           afternoon, and that is not even properly cleared.  But if  
16:52:01 15   the Court so decides, we can still proceed.

16   PRESIDING JUDGE:  Well, I think the Court will go with your  
17           suggestion that we take him tomorrow.

18   JUDGE BOUTET:  Mr Presiding Judge, may I ask, what's the  
19           description of this witness, TF what -- tomorrow?

16:52:28 20   MR KAMARA:  TF2-147.

21   JUDGE BOUTET:  TF2-147?

22   MR KAMARA:  Yes, Your Honour.

23   JUDGE BOUTET:  So this is basic protection, nothing more.

24   MR KAMARA:  No protections, Your Honour.

16:52:44 25   JUDGE BOUTET:  No protection at all?

26   MR KAMARA:  No protection at all.

27   JUDGE BOUTET:  Completely in the open?

28   MR KAMARA:  Right in the open.

29   JUDGE BOUTET:  Okay.

1 THE INTERPRETER: My Lord, can he please tell us the language  
2 he'll be testifying in?  
3 JUDGE BOUTET: Which language?  
4 PRESIDING JUDGE: [Overlapping speakers] -- testifying in what  
16:53:00 5 language?  
6 MR KAMARA: In English.  
7 JUDGE BOUTET: In English?  
8 MR KAMARA: In English, Your Honour.  
9 THE INTERPRETER: Thank you, My Lord.  
16:53:10 10 PRESIDING JUDGE: So learned counsel, the Court will rise and  
11 we'll resume the session tomorrow at 9.30.  
12 MR KAMARA: Thank you, Your Honours.  
13 PRESIDING JUDGE: The Court will rise.  
14 [Whereupon the hearing adjourned at 4.56 p.m., to be  
16:54:03 15 reconvened on Wednesday, the 10th day of November 2004,  
16 at 9.30 a.m.]  
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WITNESSES FOR THE PROSECUTION:

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EXAMINED BY MR SAUTER	1
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C E R T I F I C A T E

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

Roni Kerekes

Maureen P Dunn

Ella K Drury