

THE SPECIAL COURT FOR SIERRA LEONE

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

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

WEDNESDAY, 24 NOVEMBER 2004
9.46 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

For the Prosecution:

Mr Raimund Sauter
Mr Kevin Tavener
Ms Adwoa Wiafe
Ms Leslie Murray (intern)

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi
Ms Claire da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Yada Williams

1 Wednesday, 24 November 2004
2 [The three accused not present]
3 [The witness entered court]
4 [Open session]
5 [Upon commencing at 9.46 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel. We are
7 resuming the session, and we'll be calling on the -- good
8 morning, Mr Witness.
9 THE WITNESS: Morning, sir.
10 PRESIDING JUDGE: How are you this morning? Are you all
11 right?
12 THE WITNESS: I'm fine, sir.
13 PRESIDING JUDGE: Now you will be cross-examined by the
14 Defence teams of the three accused persons. We shall
15 start with the defence team of Mr Hinga Norman.
16 Yes, Dr Jabbi, you may proceed.
17 MR JABBI: My Lords, with your leave, if I may raise two
18 issues not related to the cross-examination.
19 PRESIDING JUDGE: Yes.
20 MR JABBI: The first, My Lord, is in connection with a
21 decision in respect of the motion for the consolidated
22 indictment. It is quite some time now, and there is
23 perhaps some beginnings of concern in the public. And
24 I thought I could just mention it as a reminder for
25 today.
26 PRESIDING JUDGE: In which public, Dr Jabbi?
27 MR JABBI: My Lord, I had the opportunity over the weekend to
28 meet certain people in both the southern and eastern
29 provinces.

1 PRESIDING JUDGE: I would like to remind you -- I would like
2 to tell you straightaway that we bother about the way the
3 public perceive the proceedings in this Court. But you
4 know that writing a decision on a matter like that is not
5 as easy as the public thinks.

6 MR JABBI: Indeed, My Lord.

7 PRESIDING JUDGE: We will welcome your representations on the
8 strength from the accused person not the public. It is
9 the accused persons. All I have to say is that a
10 judicial decision is not -- particularly in matters of
11 such complexity. You think it is very, very easy.

12 MR JABBI: I don't think so at all, My Lord. I just want to
13 draw attention --

14 PRESIDING JUDGE: Or the public thinks it is not easy. But
15 tell those in the public that they will get the decision
16 when it will be ready.

17 MR JABBI: Thank you, My Lord.

18 My Lord, the second point may be a matter of ignorance on
19 my own part.

20 PRESIDING JUDGE: I hope not of the law, which will not be
21 excusable, Dr Jabbi.

22 MR JABBI: Maybe I have not been able to secure a copy of the
23 Code of Conduct for the Court, this Court. I do not
24 exactly know whether it is in existence or it is still in
25 formation.

26 PRESIDING JUDGE: I, too, do not know whether it is in
27 existence or it is still in formation. I have no -- we
28 have no information I can give you on this. But we know
29 it is somewhere. It's somewhere. I don't know whether

- 1 it is already enacted. Maybe you will know this, you
2 know, in the next couple of days.
- 3 MR JABBI: Thank you, My Lord.
- 4 PRESIDING JUDGE: Yes.
- 5 MR JABBI: My Lord, if I may now proceed.
- 6 PRESIDING JUDGE: You may proceed, Dr. Jabbi.
- 7 WITNESS: TF2-119 [Continued]
8 [The witness answered through interpretation]
- 9 CROSS-EXAMINED BY MR JABBI:
- 10 Q. Mr witness, good morning.
- 11 A. Good morning, sir.
- 12 Q. As a preliminary, I just want to ask about the very last
13 set of incidents you wanted to talk about, you briefly
14 spoke about yesterday; the one concerning a visit by the
15 first accused to your ward in the Bo Government Hospital.
16 Did you say all you wanted to say about that?
- 17 A. Repeat the question.
- 18 Q. Yesterday, the last part of your evidence in chief was in
19 connection with a visit paid by -- or you say was paid by
20 Chief Sam Hinga Norman to the ward in the Bo Government
21 Hospital in which you were staying. Do you remember
22 that?
- 23 A. Yes, My Lord.
- 24 Q. Did you say all you wanted to say about it, or do you
25 have anything more to say about it?
- 26 A. I said -- I said all I had wanted to say.
- 27 Q. And what you said was that Chief Sam Hinga Norman and a
28 few Red Cross, ECOMOG and medical officers came to your
29 ward in the Bo Government Hospital whilst you were

- 1 staying there; is that correct?
- 2 A. Yes, it is the truth.
- 3 PRESIDING JUDGE: You were in Ward 2 you were transferred to
4 Ward 3. It was in ward 3 that he visited you.
- 5 THE WITNESS: Yes, yes, My Lord.
- 6 MR JABBI:
- 7 Q. Do you remember the exact date of that visit?
- 8 A. No, I cannot remember the date, neither the day.
- 9 Q. Do you remember the month and year?
- 10 A. I can remember the year. That was in 1998, 1998.
- 11 Q. well, that was obviously before you were discharged from
12 the hospital on that occasion; is that so?
- 13 A. Yes, it is the truth.
- 14 Q. Do you remember when you were discharged from hospital
15 after that visit?
- 16 A. Yes, I can still remember the time.
- 17 Q. When was that?
- 18 A. I was discharged on the 26th of March 1998.
- 19 Q. And do you remember when you had been admitted into the
20 hospital before that time for that particular state?
- 21 A. Yes, I could still remember.
- 22 Q. Yes, could you please tell the Court?
- 23 A. The time I was admitted at the hospital it was on the
24 17th of February 1998, on a Sunday.
- 25 Q. Thank you very much. Now, would it be safe to say that
26 the visit by Chief Sam Hinga Norman to that ward, when
27 you were there, was perhaps sometime in March 1998?
- 28 PRESIDING JUDGE: It would. It would, Dr Jabbi.
- 29 MR JABBI: Well, My Lord, he has not remembered the month.

- 1 PRESIDING JUDGE: He remembered the month when he was
2 discharged and the month when he was admitted.
- 3 MR JABBI: But he was admitted on the 17th February. And
4 discharged on the 26th.
- 5 PRESIDING JUDGE: Of March.
- 6 MR JABBI: I just want a rough idea of when the chief might
7 have visited the hospital.
- 8 Q. Would you agree with me that it was perhaps sometime in
9 March 1998?
- 10 A. No, he visited the hospital during the time I was at the
11 hospital, when I was admitted. I was on the bed when he
12 visited me.
- 13 PRESIDING JUDGE: Dr Jabbi, he hasn't understood the question.
- 14 MR JABBI: Yes, I want to clarify.
- 15 Q. You say you were admitted on the 17th of February 1998
16 and discharged on the 26th of March 1998, and the chief
17 visited you during that time. Now we have the second
18 half of February and the first four weeks -- three and a
19 half weeks of March.
- 20 So I want you to jog your memory to tell the Court
21 whether perhaps that visit could have been in March when
22 you were in the hospital.
- 23 A. The visiting of Sam Hinga Norman was in the month of
24 February. In the month of February 1998.
- 25 Q. So that would be roughly between the 17th of February and
26 the end of the month. Is that correct?
- 27 A. You very, very correct.
- 28 Q. Thank you. Now, do you remember -- did Chief Sam Hinga
29 Norman talk to you directly on that visit?

1 A. No.

2 PRESIDING JUDGE: You mean talking to him personally or
3 directly to him, personally?

4 MR JABBI: Both, My Lord.

5 PRESIDING JUDGE: No, be precise as to which.

6 MR JABBI: If he spoke to him personally, I'm sure it could be
7 direct as well. And if he spoke directly, I also believe
8 --

9 PRESIDING JUDGE: It's not like that. Directly --

10 MR. JABBI:

11 Q. In any case, Mr Witness, did Chief Norman speak directly
12 to you on that occasion?

13 PRESIDING JUDGE: Let me clear my doubts. Personally, did he
14 talk to you personally as an individual?

15 THE WITNESS: Not at all. Not at all.

16 MR JABBI:

17 Q. He did not talk to you personally?

18 A. Not at all.

19 Q. Did he say anything to your hearing during that visit?

20 A. Yes, he said something that I can repeat now.

21 Q. Yes, please, carry on. wait a little bit, please. Yes,
22 I believe you can tell us now what he said to your
23 hearing?

24 A. During his visit at the hospital, he told us that he and
25 his troops captured Tongo Field, he said, and then they
26 captured Kenema Town, he said, and then they have finally
27 captured Bo Town again. He said his troops had further
28 advanced to the city of Freetown. And he further said
29 that he has seen the condition of the hospital in Bo. It

- 1 is the sequence of war. When they see "war", either you
2 live or you die. He said -- he said but there is only
3 one thing he can tell all of them. He will ensure that
4 the bad elements in the country are wiped off. Then he
5 last said that we should all pray to the All Mighty God
6 for the thing of this sort not to reoccur again. Then he
7 stopped there, shook our hands, and then he left.
- 8 Q. Now, to whom was the chief saying all this? To whom did
9 he say all this?
- 10 A. Chief Hinga Norman was addressing with the patients at
11 ward 3. We were all awoken from our sleep. I sat up on
12 my bed. He addressed us in ward 3.
- 13 Q. And did he shake hands with all of you in ward 3 after he
14 finished talking to you?
- 15 A. Yes, he shook.
- 16 Q. Did he make any specific promise in regard to the
17 condition of the hospital, what he would do?
- 18 A. In my presence, he did not make any promise of the sort.
- 19 Q. Thank you very much. Now, if we may go back to the
20 beginning of your testimony, you said you were not --
- 21 PRESIDING JUDGE: I thought you were concluding with the end.
22 I didn't know you were still coming.
- 23 MR JABBI: My Lord, I was completing his story for him to give
24 us a complete context.
- 25 PRESIDING JUDGE: Okay.
- 26 MR JABBI:
- 27 Q. Yesterday you said you were married. How many wives or
28 spouses do you have?
- 29 A. I have two wives.

- 1 Q. And you said you had six children; is that so?
- 2 A. You are very correct.
- 3 Q. Can you tell the Court the ages of these children?
- 4 A. Yes.
- 5 Q. Please begin with the eldest?
- 6 MR TAVENER: I object to this question, Your Honour. One, I
7 don't understand how it assists; and two, by going into
8 such detail, it may well assist in identifying the
9 witness. I don't know how names address the issues that
10 are in question before the Court. There is simply no
11 need for it, and it may provide identification of the
12 witness.
- 13 MR JABBI: My Lords, I have not asked for the names or the
14 addresses or appearance or anything of that nature. I'm
15 asking for the ages of the children and that is, I
16 believe, completely neutral with respect to the issue of
17 identity, My Lord. I just want to get the correct
18 perspective of the domestic content and character of his
19 family life, which is crucial in further questions I'm
20 going to ask later on.
- 21 PRESIDING JUDGE: Mr Tavener, the objection will be overruled
22 and he will proceed. We will know where to put some
23 brakes on him if he ever touches on the red line.
- 24 MR TAVENER: Your Honour understands my concern.
- 25 PRESIDING JUDGE: We do.
- 26 MR JABBI: I would like to show my learned friend that I am
27 very awake and sensitive to the concerns of the
28 prosecution with respect to witnesses.
- 29 Q. Now, you were going to tell us the ages, not the names -

- 1 don't tell us the names - just the age of each child.
2 First child, second child, in that order down the line.
- 3 A. The first son was born on the 28th of May 1989; 28th of
4 May 1989, my first son. He's nine years, this one [as
5 interpreted]. The second one on the 1st of October 1992.
6 He's 12 years, this one. The third one was born on the
7 16th of August 1998. 16th of August 1998.
- 8 MR JABBI: I think notwithstanding I asked for the six, I'm
9 satisfied with the three, My Lord, the third having been
10 born on the 16th of August 1998, which is already outside
11 the time frame I shall be dealing with, unless, of
12 course, Your Lordships want a complete story.
- 13 PRESIDING JUDGE: It is you who asked the question.
- 14 MR JABBI: Yes. My Lord, I'm satisfied with the three he has
15 given.
- 16 PRESIDING JUDGE: Yes. And he talks like a typical African.
17 He says, "I delivered them." "I delivered them."
- 18 MR JABBI:
- 19 Q. Okay, now, Mr Witness, when did you join the police
20 force?
- 21 A. I joined the force on 11th day of December 1990. 11th of
22 December 1990.
- 23 PRESIDING JUDGE: 1990, you say?
- 24 THE WITNESS: Yes, My Lord. 1990, 19-9-0. 1990, My Lord.
- 25 MR JABBI:
- 26 Q. And when were you posted to Bo?
- 27 A. I left Freetown for Bo on Wednesday, the 26th of
28 September 1991.
- 29 PRESIDING JUDGE: 26th or 25th?

1 THE WITNESS: 26th of September 1991.
2 MR JABBI:
3 Q. I see you have a very good memory indeed; is that so?
4 A. Yes.
5 MR JABBI: Some people forget the days, but know the dates.
6 PRESIDING JUDGE: He's policeman, and it concerns his career.
7 MR JABBI:
8 Q. So you have a very good memory, don't you?
9 A. Yes, you are very correct.
10 Q. Now, you had been in Bo since the 26th of September 1991
11 and you said yesterday you were in Bo when the AFRC
12 overthrew the constitutionally elected Government of
13 Ahmed Tejan Kabbah?
14 A. Yes, it is the truth.
15 Q. Can you also tell the Court when that event took place,
16 the overthrow of the Tejan Kabbah government?
17 A. I can tell the Court the year. The day and the date, I
18 cannot recollect, but it was sometime in 1997.
19 Q. If I may just a little bit jog your good memory. Would
20 you agree that perhaps it was in May 1997?
21 A. Well, I cannot exactly remember, as I have told you, but
22 it was sometime in the year 1997.
23 Q. Thank you. By that time, you have been in Bo as a police
24 officer for about six years; not so, by the time of
25 overthrow?
26 A. Well, I cannot check as of now. But since I've given you
27 the time, I hope you can recollect.
28 PRESIDING JUDGE: Dates.
29 [Overlapping speakers]

1 MR JABBI:

2 Q. Now from September 1991 to around May 1997, that was when
3 you were in Bo until the overthrow. Can you tell the
4 Court when the rebel war started?

5 A. No, I cannot tell. I don't know the time the rebel war
6 started.

7 Q. That is, the RUF invasion of Sierra Leone. Can you tell?

8 A. I was in the training school up to the part of 1991. By
9 then, the rebel war had started. They had entered Sierra
10 Leone. I was in Freetown here training part of 1991. I
11 was at the training school. I cannot exactly tell much
12 about it.

13 Q. Was there any evidence of that war in Bo Town when you
14 arrived there in 1991?

15 A. Yes, during the time we went to Bo, they were seen
16 sometimes running up and down from the nearby villages,
17 people running to Bo Town.

18 Q. Now, can you tell the Court, if you know, the sort of
19 interaction, if any, that existed between the formal
20 forces, that is, the police and army on the one side, and
21 the Kamajors during that time?

22 A. Yes, the time when the war had extended, later, the
23 Kamajors were not -- were not called there. There was no
24 cordial relationship between the military by then. There
25 was no confrontation between the Kamajor and the police.
26 It was the police that was trying to create a cordial
27 relationship between, unless later -- unless when later
28 the Kamajors came to turn against the police as well. It
29 was a surprise to us.

- 1 Q. Okay. Now, according to you, the police at some stage
2 made effort to deal with the relationship between the
3 army, the soldiers, and the Kamajors. Do you know when
4 that relationship between the soldiers and the Kamajors
5 went bad enough to require the attention of the police?
- 6 A. Yes. Within that time, it was the time when Chief Hinga
7 Norman was Deputy Defence Minister. It was the time when
8 their relationship came worst right from the time when
9 the force was internal. Later, when he was deputy
10 defence, it was the time the relationship became worst
11 more and more.
- 12 Q. Okay. Now, can you also tell the Court what - if you
13 know; you may not know, but just in case you know - can
14 you tell the Court what was the nature of the Kamajor
15 movement up to the time Mr Kabbah was overthrown?
- 16 A. No, I cannot tell you anything in connection with that,
17 because I was on duty. Nearly almost every day I was on
18 duty.
- 19 Q. Okay. So let's come to your being on duty. According to
20 you, on that crucial day of the 15th of June 1997, you
21 were on duty as the night guard at a supermarket in Bo;
22 correct?
- 23 A. Yes.
- 24 Q. And that is Sabbah supermarket?
- 25 JUDGE BOUTET: It is what, you say? A suburb?
- 26 MR JABBI: Sabbah.
- 27 Q. Is that correct?
- 28 A. You are very correct.
- 29 PRESIDING JUDGE: How do you spell Sabbah? Is it S-A-B-A?

- 1 MR JABBI: Maybe the witness can help us, but I can try.
- 2 Q. Do you know the spelling of the Sabbah supermarket, the
3 Sabbah part?
- 4 A. Yes. Capital S-A-A-B-A-H. S-A-B-B-A-H.
- 5 MR JABBI:
- 6 Q. May I suggest that it is probably S-A-B-B-A-G-H, Sabbah.
- 7 A. Not correct.
- 8 Q. Now, the Sabbah supermarket in Bo, is it a government
9 institution?
- 10 A. It is not a government institution. It belongs to a
11 member of the public.
- 12 Q. It is a private commercial institution, is it?
- 13 A. Um, yes, you are very true.
- 14 Q. Was your night duty there an official engagement or a
15 private contract?
- 16 A. It was an official duty as requested by members of the
17 public.
- 18 Q. Now, I put it to you that it was not an official duty but
19 a private arrangement between yourself and that private
20 businessman?
- 21 A. You are not correct. Let me tell you one thing. During
22 the time in question the crime rate was very high in Bo
23 Town. So, as a result, the public called the attention
24 of the police and cried to them to provide security
25 within the township. The businessmen also requested.
26 There were town patrol men. Others were sent to banks
27 like Commercial -- I mean Barclays Bank, Commercial, and
28 Standard Bank. Others were sent to WFP, welfare program
29 office, BTO offices. So the security was very much

- 1 encouraging. So it was not a matter of private
2 arrangement. You are not correct.
- 3 Q. Thank you very much. By that time, the AFRC was in
4 control of Bo; is that correct?
- 5 A. Well, I started working at the place during the time of
6 President Kabbah's government, three months in Kabbah's
7 government. And later, after they were overthrown,
8 I continued working.
- 9 Q. Okay. The night of the attack you're talking about, you
10 say it was by 3.00 to 3.30 a.m. that you heard sounds of
11 breakage outside the supermarket; is that correct?
- 12 A. You are very correct, very correct.
- 13 Q. When did you start duty that night?
- 14 A. I normally report at 6.00 p.m. and off at 8.00 a.m. the
15 following morning.
- 16 Q. By the time you were alerted to the break-in there was
17 already a car parked with bags of rice, according to you?
- 18 A. Yes, the time I came outside, that was the time I saw the
19 car parked outside. You are very true.
- 20 Q. You obviously concluded that the rice in the car was from
21 the store you were guarding; is that correct?
- 22 A. Well, before my conclusion, I watched within --
- 23 Q. Excuse me. My question is whether you made that
24 conclusion. You concluded that the rice in the car was
25 from the store; not so?
- 26 A. Yes, because look at the store, look at the rice, and the
27 place was damaged. It was broken.
- 28 Q. Thank you. What part of the supermarket was the car? On
29 the main road or where?

- 1 A. No. The car was parked right at the edge of the veranda
2 by the side -- by the side of the foundation, right
3 inside the compound.
- 4 Q. [Previous translation continues]...
- 5 A. Yes.
- 6 Q. How far from the store itself?
- 7 A. It was just about 3 yards.
- 8 Q. Were you normally outside the supermarket itself or
9 inside the supermarket when you were on guard?
- 10 A. The supermarket is a compound. It has a compound, and it
11 is built with a cement wall. Sometimes I patrol inside
12 so that thieves will not jump inside from the back, and
13 I also patrol outside within the vicinity.
- 14 Q. When you say you patrol -- sometimes you patrol inside,
15 you mean inside the compound, not inside the supermarket
16 building itself; not so?
- 17 A. The supermarket is -- was locked. I said it is a
18 compound. It has a fence right round it, so sometimes
19 I'm inside to ensure that thieves don't jump from the
20 rear. And I also sometimes come outside to patrol. That
21 is how I normally do my patrol throughout the night.
- 22 Q. Okay. Thank you. Now, one of the set measures you
23 adopted when you observed all that was as follows:
24 According to you, you looked into the car and saw that
25 the key was in the ignition switch, and that also you
26 searched for the insurance policy. And you took both the
27 key and the insurance policy; is that correct?
- 28 A. You are very correct.
- 29 Q. And you took the precaution of giving both of those items

1 to some other person so that it is not on your person; is
2 that correct?

3 A. Yes, I decided to give it to him because considering the
4 situation, as I was expecting a rebellion from the
5 thieves at any time because --

6 Q. Fine. Fine. Well, what about the tyres? You said you
7 deflated the tyres; is that correct?

8 A. You are very correct.

9 PRESIDING JUDGE: Because he has given the reasons, Dr Jabbi.
10 I hope that this line of cross-examination is relevant to
11 a certain issue you are driving at.

12 MR. JABBI: Indeed, My Lord.

13 PRESIDING JUDGE: Otherwise, I read a lot of futility in it,
14 and I'm just cautioning as we're -- we're dragging our
15 feet around one spot and turning around. This witness
16 has said why he deflated the tyres.

17 JUDGE BOUTET: I would like --

18 MR JABBI: Unless authority is being given, that perhaps we
19 were running around in a circle.

20 JUDGE BOUTET: Dr Jabbi, I would like to be reassured, too,
21 that it is really relevant to your cross-examination that
22 we know how many hours he spent in the store, whether he
23 took this door or this door, how many bags of rice. All
24 of this, to my understanding, is -- please let me finish.
25 All of this evidence that was led was to bring into the
26 factual situation of concern of this court.

27 So I mean, up to now, you've spent an enormous
28 amount of time about this, and I am questioning and
29 trying to understand how relevant this is to the position

1 of the first accused. If you're telling me it is, I'll
2 listen to you, but I am really scratching my head to see
3 the relevancy of that in this respect.

4 MR JABBI: My Lord, I assure you that it is. It is deliberate
5 and calculated, and I hope it will not be long when the
6 relevance will be apparent.

7 JUDGE BOUTET: Very well.

8 JUDGE THOMPSON: Let me add my own little caution: My concern
9 is that in the process of conducting your
10 cross-examination, based on your instructions, you do not
11 really end up with an unnecessary multiplication of the
12 issues.

13 MR JABBI: Not at all. If anything, My Lord, in fact, that is
14 one of the reasons for this line of cross-examination.
15 I want to reduce the multiplicity of issues the witness
16 has proffered, and I'm laying the foundation for that
17 reduction.

18 JUDGE THOMPSON: I'm reassured at this point.

19 MR JABBI: Thank you, very much.

20 PRESIDING JUDGE: I would like to feel reassured as well at
21 this point.

22 MR JABBI: My Lord, just a little bit of patience, I beg.

23 Q. Now about the tyre, the tyres, you said you deflated
24 them. Let us leave the why aside. But at least how did
25 you deflate the tyres? How?

26 A. I used my rifle -- I used my rifle. It was my rifle
27 I used, and I fired the four tyres.

28 Q. The four tyres. Now, after you had taken the key from
29 the switch and secured it with some other person so that

1 it was not on your own person, was it necessary for you
2 to deflate any of those tyres at all by slashing them
3 with your rifle?

4 A. Yes, it was very necessary.

5 Q. Now, I put it to you that so long as you had secured the
6 driving key it was not necessary to deflate the tyres in
7 order to ensure its immobility?

8 PRESIDING JUDGE: That is a matter of your opinion.

9 MR JABBI: My Lord, I just wanted to check whether he agrees
10 --

11 PRESIDING JUDGE: It is a matter of your opinion on the issue,
12 learned counsel.

13 JUDGE BOUTET: But again, I'm questioning the relevancy of
14 that. If it is one tyre, three tyres or four with his
15 rifle, how is this really advancing your case?

16 PRESIDING JUDGE: Excuse me, Mr Jabbi. The police act -- they
17 arrest and act on reasonable suspicion that we are
18 dealing with a thief of stolen property, and I think that
19 where he meets a car -- it is a matter which can always
20 be debated -- where he meets a car and suspects, like has
21 said, that the bags of rice inside, he suspected, were
22 from the store which had been broken, we have before him
23 a clear case of a possible commission of an offence. And
24 if he wanted to immobilise that vehicle, it is a matter
25 of argument as to whether he was within or he went
26 beyond. So it is argumentative.

27 JUDGE THOMPSON: I think, if learned counsel is so concerned
28 about pressing that point, we can have expert evidence on
29 that. I mean, here was a police officer making a

1 judgment as to a possible scene of crime, what had
2 happened, possibility of probable cause, and he decided
3 to take certain measures. I accept your questioning his
4 judgment as a police officer, because I don't see any
5 rule precluding you from doing that except that you want
6 to be very sure how you're treading.

7 PRESIDING JUDGE: Especially where the witness has stated that
8 he found it necessary to do what he did in the
9 circumstances.

10 MR JABBI: I am satisfied with his confirming the extent of
11 the act of immobilisation, and I just wanted that fact,
12 also.

13 PRESIDING JUDGE: Dr Jabbi, let me tell you: we're used to
14 the society in which we live, be it in the west or the
15 east or wherever. When you secure the key of the car,
16 you necessarily have not secured the car because he could
17 bring a duplicate key and drive the car away. Is that
18 true or not?

19 MR JABBI: That is true, My Lord.

20 PRESIDING JUDGE: Okay, all right.

21 MR JABBI: Although it can be improbable on individual
22 occasions. But also, if he deflated the car without
23 slashing the tyre, the car could also not go. All he was
24 interested in was the car not to go. I just want to put
25 these little facts across to allow Your Lordships to
26 assess the matter in the end.

27 JUDGE THOMPSON: But not to question his professional
28 judgment, is it? Because there would be a distinction
29 here between the facts as he was able to determine at

1 that particular point in time and his own response in
2 terms of his professional judgment. As a police officer,
3 he is trained that when he comes to a crime scene,
4 certain procedures have got to be adopted if there is
5 reasonable suspicion or probable cause that a crime has
6 been committed. And unless you're saying that what he
7 did was against some manual that he may well have been
8 acting on, then I don't think I'll be satisfied with your
9 kind of approach.

10 [HN241104B 10.45 a.m.]

11 MR JABBI: My Lord --

12 JUDGE BOUTET: Again, Dr Jabbi, I would like to come back to
13 the relevancy of that. As far as I understand this
14 witness's evidence, he has not come here to testify about
15 his powers of arrest and his powers as a police officer.
16 He has come here to testify as a victim who has been the
17 subject of brutality. That's his evidence.

18 I concede to you that you are in cross-examination
19 and we're trying not to limit your cross-examination, but
20 it has to have some relevancy at some given time with the
21 subject matter of the evidence of this witness. Unless
22 you are telling me that what you are questioning now is
23 to probe the credibility of the witness, I'm prepared to
24 listen to that, but I'm getting lost now to see where we
25 are, whether he had authority or not, because it
26 absolutely has no relevancy to his evidence per se to the
27 charges here.

28 MR JABBI: As I said earlier, the witness has given evidence
29 as to several atrocities practised upon him.

- 1 JUDGE BOUTET: That is right. We're not there yet with your
2 cross-examination.
- 3 MR JABBI: That's exactly where I'm going. There are two
4 aspects of those atrocities that I'm focusing attention
5 on. My Lord, really, if you can give me some time,
6 I don't want to anticipate orally what I want to do,
7 because it can undermine the questions I want to pose and
8 the target I'm driving at. I just crave for a little bit
9 of patience, My Lord. It will be clear very soon.
- 10 JUDGE BOUTET: Very well, proceed.
- 11 MR JABBI: Generally, there are two aspects of those
12 atrocities narrated for which I want to lay a foundation
13 and then I will --
- 14 JUDGE BOUTET: Proceed, thank you.
- 15 MR JABBI:
- 16 Q. Mr witness, after you had immobilised the car in the
17 manner in which you did, you said two vans came with AFRC
18 soldiers commanded by one Captain Abubakar Kamara; not
19 so?
- 20 A. I said three vans.
- 21 Q. I also have three vans in my notes, but at some stage
22 yesterday I had two and I thought that that was wrong.
23 Three vans came with AFRC soldiers on the scene commanded
24 by one Captain Abubakar Kamara; is that correct?
- 25 A. Yes, very correct.
- 26 Q. His first question was who released the shot; is that so?
- 27 A. Yes.
- 28 Q. Now, you will agree that at that time Bo was in a tense
29 security situation; is that correct?

- 1 A. Yes, during the time we were experiencing harassment,
2 suppression, and all the rest of it.
- 3 Q. The question really was that at that time Bo Town was in
4 a tense security situation just after the overthrow of
5 the constitutional government.
- 6 A. What do you mean by "tense"?
- 7 Q. The place was not calm for some time after the overthrow;
8 is that correct?
- 9 A. Yes, the place was not quiet; it was not quiet at all.
- 10 Q. There were also instructions, both to soldiers and the
11 police, against indiscriminate shooting of firearms by
12 that time.
- 13 A. Well, they passed the order, but not including we, the
14 securities, that were sent outside, because we are in to
15 detect crimes and apprehension of offenders. We are in
16 to save lives and property, so by then the war was on, so
17 if you observe any attack at night, you have to defend
18 yourself. That is why you were given the weapon.
- 19 Q. What order was on at that time, according to you? You
20 say the order was on but not for you people who were on
21 police security duty. What order are you talking about?
- 22 A. The order that was on was you as an officer, if you are
23 not on duty, you should not carry your rifle, be you
24 police or soldier -- that was the order, especially at
25 night, because the crime rate was very high by then.
- 26 Q. I also put it to you that part of that order was that you
27 should not, without very good reason, discharge firearms
28 at night.
- 29 A. No, that was not the case, because that was not the

1 allegation put across. That was not the allegation put
2 before me by the captain. That was not the case, because
3 by then we were the securities outside and we have arms
4 and we are expecting rebellion at any time -- that was
5 not the case. The man said, "why should I deflate the
6 car simply because he commanded his men to run the
7 mission for him?" He was against what I did, simply
8 because it's like I have deprived him from running his
9 mission.

10 JUDGE THOMPSON: Learned counsel, isn't this line of
11 cross-examination getting very argumentative? I am
12 interested in the question where he denied that it was
13 not part of that order that one should not discharge
14 firearms at night. whose order was that, according to
15 you?

16 MR JABBI: My Lord, he himself said it. He said there was an
17 order, and I only asked him to specify the order.

18 JUDGE THOMPSON: And he specified it by saying that at the
19 time the order was that a police officer not on duty was
20 not to carry a weapon.

21 MR JABBI: Yes, that is what he said.

22 JUDGE THOMPSON: And then you injected some supplementary part
23 of that; namely, that it was also part of the order that
24 one should not discharge firearms at night without good
25 cause.

26 MR JABBI: My Lord, he did say yesterday that Captain Abubakar
27 Kamara, when he came on that scene and asked who released
28 the shot, also said he had disobeyed these orders.

29 JUDGE THOMPSON: That's the point I'm trying to make. I'm not

1 sure which orders you were putting to him.
2 PRESIDING JUDGE: Disobeyed his orders --
3 JUDGE THOMPSON: Whose orders?
4 PRESIDING JUDGE: Including claiming that he sent the people
5 with a taxi to collect rice.
6 JUDGE THOMPSON: I want to be clear about which order was
7 this?
8 PRESIDING JUDGE: To collect the bags of rice from a broken
9 store.
10 MR JABBI: My Lord, that is obviously part of what the witness
11 is saying. I am trying to --
12 PRESIDING JUDGE: That is the evidence now.
13 MR JABBI: That is the evidence before us.
14 JUDGE THOMPSON: And this witness has also --
15 MR JABBI: I am trying to prove --
16 JUDGE THOMPSON: Just a minute. This witness has also said
17 there was a rebellion and he, as a police officer, was
18 acting in the course of his employment as a police
19 officer, observe a crime scene, comes there and was in
20 fact making an evaluation of what had happened and then
21 you are saying there was some superior order. From which
22 authority?
23 MR JABBI: Captain Abubakar Kamara --
24 JUDGE THOMPSON: Who was a representative of what?
25 MR JABBI: Of the AFRC. That was a ruling --
26 JUDGE THOMPSON: That's why I'm saying that the whole thing is
27 getting so argumentative, because it is really implying
28 that a police officer regularly, in the course of his
29 duty, who was working for a constitutionally-established

1 government, was --

2 MR JABBI: [Overlapping microphones] he was, My Lord, I am
3 sorry to interject.

4 JUDGE THOMPSON: I don't know; it's a question of argument.
5 The whole thing is getting to multiplying the issues. If
6 it was the order of an AFRC captain, it is possible to
7 argue from one perspective that was an illegal order.

8 MR JABBI: That is perfectly --

9 JUDGE THOMPSON: And whether it was binding on a police
10 officer who actually, from his own observation, observed
11 it as a crime scene and was acting in consonance with
12 what his profession has taught him in dealing with a
13 crime scene.

14 MR JABBI: I concede that, My Lord.

15 JUDGE THOMPSON: So to put it to him --

16 MR JABBI: My Lord, I was only interested in trying to verify
17 whether, as a matter of fact, part of the order was
18 against the discharge of firearms.

19 JUDGE THOMPSON: And whether he was under an obligation to
20 obey an illegal order.

21 MR JABBI: That is a matter of judgment.

22 JUDGE THOMPSON: I just wanted to say that is very
23 argumentative, it is multiplying the issues, and the
24 answers you get are not going to help us to evaluate the
25 factual situation.

26 MR JABBI: Noted, My Lord. If I may continue.

27 Q. Now, Captain Bangura was very --

28 PRESIDING JUDGE: Please do. Let's come close to the issues
29 that concern you. Let's move fast to those issues. We

- 1 still have quite an ocean separating us between now and
2 when you get there.
- 3 MR JABBI: Let me say nothing to that for now, My Lord.
- 4 Q. Captain Abubakar Kamara was very angry on that occasion
5 with you; is that correct?
- 6 A. Yes, the man said he was vexed. He said who was I to
7 counteract his orders.
- 8 Q. He immediately ordered your arrest?
- 9 A. Yes, he said I was to be arrested and disarmed and then
10 tied up.
- 11 Q. And following that, various threats of violence upon your
12 person were made; is that correct?
- 13 A. Indeed, and they did it.
- 14 JUDGE BOUTET: You call them "threats". [Microphone not
15 activated]
- 16 MR JABBI: Both, My Lord.
- 17 JUDGE BOUTET: He was threatened, but he carried on their
18 threats to him.
- 19 MR JABBI: Yes, indeed, My Lord. I said various threats of
20 personal violence to his person.
- 21 JUDGE BOUTET: And they did violence to his person.
- 22 MR JABBI: And they did, yes, I agree, My Lord.
- 23 Q. According to you, they also threatened to cut your throat
24 at the cemetery.
- 25 A. You are very correct.
- 26 Q. And you did specifically say that Captain Kamara himself
27 shot you in your left leg and broke the bones, the bullet
28 going out the other way.
- 29 A. Yes, he shot at me on the right leg.

- 1 Q. On the right leg, was it?
- 2 A. Yes, the right leg -- not the left but the right.
- 3 Q. And that is the one you displayed yesterday?
- 4 A. Yes.
- 5 Q. [Microphone not activated]. Mr witness, I'm putting it
6 to you that the injuries that produced the scars on your
7 body and which you displayed to the Court yesterday were
8 all sustained on this occasion and not thereafter?
- 9 A. No, you are not correct. During the time of the AFRC,
10 after I was shot at on the leg, I had a bone fracture.
11 For that bone fracture I was admitted. I lost sensation
12 because the bullet -- I had two knives cut -- I had a
13 dropped foot -- I got a dropped foot with a loss of
14 sensation. That was my only problem. It was the
15 Kamajors.
- 16 Q. You spent four months in the hospital after that
17 incident.
- 18 A. From 15 June to 14 October 1997.
- 19 Q. That is what I'm calling four months.
- 20 A. Okay, you are very correct. Okay, you are very correct.
- 21 Q. Now, I put it to you again that you stayed in hospital
22 for that long not only because of your leg, but for the
23 entire number of wounds that you displayed yesterday.
- 24 A. That is not correct. Let me tell you one thing --
- 25 Q. [Microphone not activated]
- 26 A. Okay.
- 27 PRESIDING JUDGE: Dr Jabbi, please wait.
- 28 MR JABBI:
- 29 Q. Did Abubakar Kamara and his men on that occasion tell you

- 1 at any stage that they were going to kill all the
2 policemen because you were against the AFRC government?
- 3 A. Yes. So he has showed us that we are working against
4 them, so they were going to kill all the police. In
5 fact, he further threatened that when they are policemen
6 who refuse to work will be held responsible, and then
7 you'll not be paid and then you will indicate why you
8 refused to work.
- 9 Q. So I put it once more to you that it was in execution of
10 that threat that all those wounds you displayed
11 yesterday -- all the wounds -- were inflicted on you that
12 night.
- 13 A. No, it is not so.
- 14 Q. So we go on then to your encounter with the Kamajors whom
15 you said arrived on a Saturday, 16 February 1998 in Bo
16 Town; is that correct?
- 17 A. You are very correct.
- 18 Q. On that first day, your only encounter with them in the
19 afternoon was when a group of them went to your house and
20 said they were searching for arms, ammunition and
21 soldiers in all houses; is that correct?
- 22 A. Yes, on that first day, that was the only way they met me
23 when they contacted me -- that was the point they put
24 across.
- 25 Q. They did not threaten any violence upon your person, did
26 they?
- 27 A. Well, on that day they went I was threatened.
- 28 Q. In the afternoon when they said they were searching --
29 there is a night incident which I'm coming to -- I'm

- 1 talking about the afternoon incident when the first group
2 of Kamajors visited your house.
- 3 A. It started right in the afternoon hours when they went to
4 my house and met me. They said they were searching.
5 Four of them surrounded me. They left them there to
6 surround me. The others went outside the place, so if
7 they discovered anything that they are against, they
8 ordered the others to kill me on the spot. So the four
9 surrounded me. I was under threat right in the parlour,
10 and then the others were searching.
- 11 Q. And they searched and, according to you, they did not see
12 what they were looking for by way of arms, et cetera, and
13 they decided to leave; not so?
- 14 A. No, they didn't go and did not discover anything of the
15 sort, but they didn't go. It was the time they asked me
16 to open all the boxes [inaudible], so that was the issue.
- 17 Q. Yes, I mean that was the very incident in the day time.
18 After searching -- because even opening the boxes was
19 searching, but after they had done that, they left; not
20 so?
- 21 A. Yes, they went with some of my items -- the most valuable
22 ones. They took everything -- after they damaged all the
23 suitcases for that afternoon hours, they went.
- 24 Q. We are coming to the items. Where was your family during
25 that search?
- 26 A. At that time, after my family -- my wife, I sent her to
27 go and fetch food in my home town. We had a lack of
28 food. There was no food with us -- by that, those disturbed
29 from the hospital. Then the children went out and 'cause of the

- 1 accident, my mother sent for them, because I was not
2 working. There was no way I was realising anything.
3 I was at the house with my wife and three friends. My
4 children were with my parents, but later on, the time
5 they came in the afternoon, they didn't meet my wife. By
6 then they had just gone to the village to get some --
- 7 Q. You say you had two wives.
- 8 A. Yes, the one I've just wooed her in marriage recently.
- 9 Q. She was not then your wife at the time of this
10 incident -- the second one?
- 11 A. Not at all. And even the children, they were only two in
12 number at that time.
- 13 Q. Now, up to the time that the Kamajors, according to you,
14 also searched your boxes and took away valuables -- up to
15 the time that they left, they did no violence to your
16 person, did they?
- 17 A. To what, to me?
- 18 Q. Physical violence to yourself?
- 19 A. Not at all during that noon. It was only the threat.
- 20 Q. Thank you. Now, I am putting it to you that the valuable
21 items that you say the Kamajors took away on that
22 occasion are a figment of your imagination; that did not
23 happen.
- 24 A. I am a policeman. I've worked for many years -- some
25 years. I'm a bluffable man; I'm very responsible.
- 26 PRESIDING JUDGE: Did he say "bluffable man"?
- 27 MR JABBI: He said "bluffable", My Lord.
- 28 PRESIDING JUDGE: He's a bluffable man, so you see he must
29 have lost a lot of precious property.

- 1 MR JABBI:
- 2 Q. So in fact I put it to you that you are only bluffing
3 this Court and the public in claiming that you had
4 valuables that they were taken away; there was nothing to
5 be taken away.
- 6 A. No, that was not so.
- 7 PRESIDING JUDGE: Learned counsel, looking at him, don't you
8 have the impression that he's a bluffable man?
- 9 MR JABBI: My Lord, that is a physical bluff he's been
10 explaining, but he also wants [inaudible] bluffed, that's
11 what I'm putting to him, that even by that time he was in
12 possession of so many valuables.
- 13 Q. Mr witness, according to you the Kamajors went back to
14 you a second time between 9.00 and 10.00 p.m.; is that
15 correct?
- 16 A. Yes, that's true.
- 17 Q. Did you know any of these Kamajors?
- 18 A. Yes, I know one of them like Lamin --
- 19 Q. No names right now; I just want to know if you know any
20 of them.
- 21 A. Yes.
- 22 Q. That is the ones who went the second time at night?
- 23 A. Yes.
- 24 Q. You knew some of them personally?
- 25 A. Yes, I know some of them.
- 26 Q. What about the ones who went in the day time, did you
27 know any of them personally?
- 28 A. Yes, I know some -- I know the chiefdoms they came from
29 in fact.

- 1 Q. Thank you, we'll save that for later. These are the
2 ones, according to you, who asked for your particulars --
3 the ones at night; not so?
- 4 A. You're very correct.
- 5 Q. And according to you they listed them meticulously in a
6 notebook they had.
- 7 A. Yes, they asked me to give my particulars. I gave my
8 particulars and it was written down in the book according
9 to the columns in the book.
- 10 Q. And, according to you, that exercise was conducted with
11 the help of a three-battery torch light; is that correct?
- 12 A. Yes, you're very correct.
- 13 Q. Was there any electricity at all at the time?
- 14 A. At the time there was electricity, but I was taken out of
15 the house and taken to a corner by the side of my block
16 where they dug potato for me. They were not at the place
17 where there was electricity.
- 18 Q. They could not decide to go to an electric light or wait
19 for the day time; they had to take you out in the dark
20 and use a torch light to write down your particulars?
- 21 A. Well, it was an order given to me that they need my
22 particulars and I was pushed there. I didn't go there by
23 my own way. I was suppressed to go there.
- 24 Q. You said that this particular set of Kamajors told you
25 that they had orders from Sam Hinga Norman to kill all
26 police officers and soldiers; is that correct?
- 27 A. It is very correct. That's the truth.
- 28 Q. I put it to you again that this other part of your
29 evidence is not true; it is a figment of your

- 1 imagination.
- 2 A. How can you say it is not the truth when the men spoke in
3 front of me and opened the exercise book. They asked me
4 and fill all the columns they are supposed to.
- 5 Q. I'm dealing with the aspect of your evidence that they
6 said they had orders to kill you. I'm not dealing with
7 the notebook now. It is not true that they told you they
8 were on orders to kill you?
- 9 A. Well, if you are contradicting, it is left with you, but
10 to me, they told me that Sam Hinga Norman gave them the
11 orders to kill all the police and before a police or a
12 soldier is killed, they must ensure that he surrenders
13 his uniform, surrender all documents pertaining to the
14 job he has, and then he should give his particulars in
15 that notebook and from there he should be executed, and
16 they did it.
- 17 Q. [Microphone not activated]
- 18 A. Indeed.
- 19 Q. [Microphone not activated] after you gave your
20 particulars, they in fact gave you a choice of life,
21 according to your own evidence. They asked you,
22 according to you, when you pleaded for mercy, to give
23 three reasons why they should not kill you.
- 24 A. Yes.
- 25 Q. Is that correct?
- 26 A. Yes, you are very correct. After --
- 27 Q. Just a minute, please. When they asked you to give those
28 three reasons, and before you started giving the
29 reasons -- very carefully please -- when they asked you

1 to give three reasons why you should not be killed, and
2 before you actually started giving the reasons, did you
3 believe that if you gave three good reasons they would
4 spare you?
5 A. well, by then I was under suppression.
6 Q. Did you believe or did you not believe that if you gave
7 those three reasons they were asking for and you
8 satisfied them, they would spare you -- did you believe
9 them?
10 A. Yes, yes.
11 Q. Thank you.
12 A. I had the belief. I was sure of that.
13 Q. If your three reasons were satisfactory to them and they
14 spared you -- if -- would they have been obeying the
15 orders they were given?
16 MR TAVENER: Objection.
17 JUDGE THOMPSON: Argumentative and speculative.
18 MR JABBI: As Your Lordship pleases.
19 JUDGE THOMPSON: Extremely controversial.
20 MR JABBI:
21 Q. Now, I put it to you that nobody on orders and military
22 orders to kill you can ask you to give reasons why you
23 should not be killed.
24 MR TAVENER: Objection.
25 JUDGE THOMPSON: Again, argumentative, highly controversial,
26 speculative.
27 MR JABBI: As Your Lordships please, I'm sorry.
28 Q. You then narrated various attacks on your person after
29 that exercise had been completed at night. Now, I put it

- 1 to you that all you claim the kamajors did to you that
2 night by way of violence and physical injury to your
3 person were not done by the kamajors.
- 4 A. I am telling you that it was the kamajors simply because
5 they told me, then I know some of them, and it was not a
6 day or two days -- I was with them for quite some time,
7 so I am telling you now that it was the kamajors that
8 dealt with me.
- 9 Q. And then ultimately -- we'll jump a little bit -- you
10 were admitted in hospital?
- 11 A. Yes, that's the truth -- very correct.
- 12 Q. Have you at any time made a report of these incidents
13 anywhere?
- 14 A. Reports, like what? Reports where?
- 15 Q. You are a police officer. You know that reports are made
16 from time to time about various things, especially of
17 such a very serious criminal nature. Have you made any
18 report anywhere as to these things that happened to you
19 that night?
- 20 A. My incident was a well-known one. The police did their
21 level best. I was issued a police medical report form.
22 Even at that, I have my medical reports from doctors
23 intact, only that within that particular time the
24 situation was beyond my control, so there was no action
25 to be taken, obviously.
- 26 Q. No action to be taken by whom?
- 27 A. Well, obviously, I was at the hospital, but my
28 authorities were in the know about it. I was at the
29 hospital there. I was trying to regain my health, so

- 1 I had not thought of going to make a report, because
2 I was unable to walk, no stamina. By then I was
3 financially poor, because everything was gone, so I was
4 trying to regain my health. That was all I was
5 interested in. I was not after any case, because I was
6 even unable to walk.
- 7 Q. Okay, but you were discharged from hospital finally in
8 March 1998 -- that's over four years ago. During that
9 time have you made any report?
- 10 A. I didn't make any report. I had the medical. The
11 report, I officially entered it in the police diary at
12 the police station. The report was officially entered
13 and I was given an official medical report, the medical
14 PF-10. I was given a medical report and I was treated
15 officially by government doctors and I was discharged.
16 I have all my medical reports. In fact, my medical
17 report is in my personal file at the headquarters, but by
18 then I had not made any follow-up, because I'm still
19 suffering from the pain, so I'm still curing myself.
- 20 Q. So for the four years since your discharge, you have not
21 made any follow-up?
- 22 A. Not at all.
- 23 Q. Okay.
- 24 A. Not at all.
- 25 Q. Let me go to a short incident that night. According to
26 you, you went in search of water in that condition in
27 which you were, and went as far as the swamp; is that
28 correct?
- 29 A. Yes, that's true.

- 1 Q. How far away was this swamp from your house?
- 2 A. The house where I was lying was an unfinished house. It
3 was just about roughly 20 metres away from the unfinished
4 house where I took refuge -- just roughly about 20 metres
5 distance.
- 6 Q. The following day, by 5 p.m., one of your friends
7 suddenly appeared at the top of the water well, is that
8 correct, whilst you were still in the well?
- 9 A. Yes, you are correct.
- 10 Q. What was the name of this friend?
- 11 A. I tell you, if I answer that question, that will disclose
12 my identity.
- 13 MR JABBI: I'm sorry; I'm sorry about that.
- 14 PRESIDING JUDGE: Mr Jabbi, how many more minutes do you think
15 you'll have to conclude this exercise.
- 16 MR JABBI: In less than 15 minutes time.
- 17 PRESIDING JUDGE: The Court will break and you will take the
18 less than 15 minutes when we resume in the next couple of
19 minutes. The Court will rise, please.
- 20 MR JABBI: If I can reduce it --
- 21 PRESIDING JUDGE: No, we are rising.
- 22 [Break taken at 11.30 a.m.]
- 23 [HN241104C]
- 24 [Upon resuming at 11.58 a.m.]
- 25 JUDGE BOUTET: Dr Jabbi, are you ready to proceed.
- 26 MR JABBI: Yes, indeed, My Lord.
- 27 JUDGE BOUTET: We remind you of your commitment before the
28 break.
- 29 MR JABBI: I will try to keep to 10 minutes, My Lord.

- 1 JUDGE BOUTET: Thank you.
- 2 PRESIDING JUDGE: Maybe, by pleasant surprise, five.
- 3 MR JABBI:
- 4 Q. Now, Mr witness, we were just at the swamp well before
5 the break -- the well in which you said you had fallen.
6 Can you give this Court any idea of how deep that well
7 was -- any rough idea?
- 8 A. Yes, the well, the depth was twice my height roughly.
- 9 Q. The well was about two times your own height?
- 10 A. Yes.
- 11 Q. And that is the well out of which you said a friend
12 attempted to pull you out?
- 13 A. You are very correct.
- 14 Q. What device did he use?
- 15 A. He didn't use nothing. He lie down flat in the well and
16 then held my hand. He laid flat on the ground and held
17 my left hand, took me out. He struggled to draw me out.
- 18 Q. According to you, also, just as he was really about to
19 succeed, two Kamajors appeared and pulled him away; is
20 that correct?
- 21 A. You're very correct.
- 22 Q. Now, Mr witness, I put it to you that this incident of
23 your falling into a well is totally untrue, it didn't
24 happen?
- 25 A. It happened. All what I'm saying is not circumstantial
26 evidence, it's what I saw, is direct. What they said in
27 my presence and what they did to me is what I'm
28 explaining before this Court, and so it's very true.
- 29 Q. And a similar incident was about to happen on your way to

- 1 Freetown, when you were referred to the Kingtom Hospital.
2 According to you, at the back of the booth there was a
3 pit in which there were two people; is that correct?
4 A. Yes, you are very correct.
5 Q. And your fear of that led to your shouting until the
6 ECOMOG soldiers rescued you; correct?
7 A. Yes, you're very correct.
8 Q. Now, I'm also putting it to you that this incident is not
9 true?
10 A. This incident, it is very true and very correct -- very
11 true and very correct.
12 Q. According to you, the Kamajors and the ECOMOG soldiers
13 were working together; is that correct -- they were all
14 at the checkpoint together?
15 A. They were within the area, but they never sat in the same
16 hut. Their own hut was a little bit away from there.
17 But the Kamajors were at the checkpoint, the ECOMOG were
18 a little bit away, up in their own hut. The Kamajors
19 were at the checkpoint and in the hut that was closer to
20 the checkpoint, and they were checking the vehicles. No
21 ECOMOG soldier was there -- was checking those vehicles.
22 It was only the Kamajors by then.
23 Q. When there was an incident, you found cause to report to
24 the ECOMOG soldiers and they dealt with it; is that
25 correct?
26 A. Yes, it is true.
27 Q. You were actually taken to the ECOMOG brigade commander
28 at that point; is that correct?
29 A. Yes, they took me up there.

- 1 Q. The ECOMOG soldiers dealt satisfactorily with your
2 situation, did they?
- 3 A. Yes, you're very correct.
- 4 Q. And the Kamajors accepted the ECOMOG dealing with that
5 situation; is that correct?
- 6 A. well, I don't know whether they accepted, but then they
7 only had to accept, because by then ECOMOGs were the
8 superior. Although so many were grumbling in the
9 corners, because they had wanted them to hand over me to
10 them. I don't know whether they accepted or they were
11 willing or not, but it was so.
- 12 Q. But they did not object to the ECOMOG, did they?
- 13 A. well, those men, within that moment, they never
14 objected -- they never put up any objection in my
15 presence. I don't know whether they objected in my
16 absence, but in my presence they never objected.
- 17 MR JABBI: Thank you very much. That is all for the witness,
18 My Lord.
- 19 JUDGE BOUTET: Thank you very much. Yes, Mr Prosecutor?
- 20 MR TAVENER: Thank you, Your Honour. At the start of
21 Dr Jabbi's cross-examination he asked for the dates of
22 birth of particular children. Dates of birth give clear
23 indication -- or will assist in identifying. I
24 understand from Dr Jabbi's cross-examination the point of
25 that was to ask whether or not there were children
26 present at a certain event. What I'm asking the Court is
27 to remind Dr Jabbi to be careful in the way in which he
28 asks questions. He could have asked whether or not this
29 particular witness had children under a certain age,

1 rather than go through the specifics of the date of
2 birth. I am simply asking that as a reminder for the
3 purposes of not identifying the witnesses.
4 JUDGE BOUTET: I thought we had dealt with the issue at that
5 time.
6 PRESIDING JUDGE: But that issue has been resolved.
7 MR TAVENER: Yes, it --
8 PRESIDING JUDGE: It should not be raised, it had been
9 resolved.
10 MR TAVENER: With respect, it hadn't been resolved.
11 PRESIDING JUDGE: No, it had been resolved by this Court and
12 we should let the matter rest, because when an issue is
13 resolved, it should not be brought up. I mean, we can't
14 be visiting on issues when the Court has taken a decision
15 in the matter. Nor do I think that particular
16 admonishments should be made to counsel on the other
17 side. I think we should maintain some form of neatness
18 and integrity in these proceedings. The matter is dealt
19 with, please, we would not want to revisit it.
20 JUDGE BOUTET: Mr Bockarie, are you ready to proceed?
21 MR BOCKARIE: No questions for this witness, Your Honour.
22 JUDGE BOUTET: Thank you. Mr Williams for the third accused?
23 MR WILLIAMS: I don't have any questions for him.
24 JUDGE BOUTET: You don't?
25 MR WILLIAMS: I don't have any questions.
26 JUDGE BOUTET: Thank you very much. Mr Prosecutor, any
27 re-examination?
28 MR SAUTER: No re-examination, thank you.
29 JUDGE BOUTET: So that concludes the evidence of this witness.

1 PRESIDING JUDGE: Learned counsel, it is ten minutes past
2 twelve and normally we should -- well, we didn't expect
3 ordinarily that we would end so soon, but we had the
4 unexpected surprise from the Defence team of the second
5 and the third accused persons, who for strategic reasons
6 which we understand don't think it is necessary to
7 cross-examine this witness. We would not want to ask the
8 Prosecution to take on another witness at this time,
9 because I do not think we would even finish with the
10 examination-in-chief before it is 1.00 o'clock. So we
11 are of the opinion and we think we should rise and give
12 the Prosecution time to get ready the next witness for
13 tomorrow morning. I know they have a witness ready, but
14 let the witness come tomorrow, with a standby of course,
15 for us to start at 9.30.

16 So this said, Mr witness, we have finished with you.
17 Thank you very much for coming to assist the Court with
18 your testimony. We are not saying that we have totally
19 finished with you, because necessity may arise for you to
20 be called here again, you never know; we do not know. So
21 if and when the time comes, you will be contacted through
22 the usual channels. But for the time being we say thank
23 you and we wish you a safe journey to wherever you're
24 working. Thank you very much.

25 The Court will rise and resume sitting tomorrow at
26 9.30.

27 [Whereupon the hearing adjourned at 12.10 p.m., to be
28 reconvened on Thursday, the 25th of November 2004, at
29 9.30 a.m.]

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-119 [Continued]	3
CROSS-EXAMINED BY MR JABBI	3

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