

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

THURSDAY, 25 NOVEMBER 2004
9.43 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Chiara Galletti

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Kevin Tavener
Ms Adwoa Wiafe.
Ms Bianca Suciu.
Mr Mohamed Stevens
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 Charles Margai
Mr Yada Williams

1 Thursday, 25 November 2004
2 [The three accused not present]
3 [Open session]
4 [The witness entered Court]
09:34:16 5 [Upon commencing at 9.43 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel. We are
7 resuming the session and we will be asking the
8 Prosecution to call the next witness, please.
9 MS WIAFE: The Prosecution calls TF2-030. I think she is the
09:43:59 10 31st witness, Your Honour.
11 WITNESS: TF2-030, sworn:
12 [Witness answered through interpretation]
13 EXAMINED BY MS WIAFE:
14 Q. Good morning, Madam witness.
09:46:07 15 A. Good morning.
16 Q. Madam witness, how old are you?
17 A. I'm 36 years.
18 Q. Are you married?
19 A. No.
09:46:22 20 PRESIDING JUDGE: Is she testifying in English?
21 MS WIAFE: She's testifying in Krio.
22 Q. Madam witness, are you currently married?
23 A. No, I'm not married.
24 Q. Have you ever been married?
09:46:52 25 A. Yes, I was married.
26 Q. Where is your husband now?
27 A. My husband is dead.
28 Q. Do you have any children?
29 A. Yes.

1 Q. How many children do you have?
2 A. I have three children.
3 Q. Have you had any form of formal education?
4 A. Yes.
09:47:24 5 Q. And how far did you go?
6 A. Form 3.
7 Q. What languages do you speak, Madam Witness?
8 A. Krio, Temne, and a small amount of English.
9 Q. What work are you currently engaged in?
09:47:53 10 A. Now I am not working.
11 Q. Where do you reside, Madam Witness?
12 A. I'm residing at xxxxx.
13 Q. xxx xx?
14 A. xxx xx, yes.
09:48:20 15 Q. How long have you lived in xxx xxx?
16 A. I was born in xxx.
17 Q. So have you lived there all your life?
18 A. Yes.
19 Q. Madam Witness, I would like you to cast your mind back to
09:48:55 20 the beginning of 1998. Where were you at this time?
21 A. I was in xxx xx.
22 Q. And at this time who was in charge of security in xxx xx
23 at the beginning of 1998?
24 A. It was the soldiers.
09:49:32 25 Q. Who do you refer to as "the soldiers"?
26 A. The Sierra Leone soldiers.
27 Q. How long had the Sierra Leone soldiers been in xxx xx as
28 of the beginning of 1998?
29 A. They were there -- they were staying there.

- 1 Q. Did there ever come a time in 1998 that they left xxxx?
- 2 A. Yes.
- 3 Q. Do you remember the time when they left xxx, the SLA?
- 4 A. Yes.
- 09:50:35 5 Q. When did they leave xxx xxx?
- 6 A. That was the time the Kamajors entered in Bo.
- 7 Q. Do you remember the month when this happened?
- 8 A. Yes, it was in February.
- 9 Q. It was in February 1998?
- 09:51:00 10 A. Mmm-hmm.
- 11 Q. Now, how long after the soldiers had left xxxx did the
- 12 Kamajors enter?
- 13 A. It was about two days. When the soldiers heard that the
- 14 Kamajors were coming, they left.
- 09:51:40 15 Q. Where were you at this time?
- 16 A. I was in xxxx.
- 17 Q. Do you remember the time of day when the Kamajors entered
- 18 xxxx xxx?
- 19 A. I would not remember that day, but it was early morning,
- 09:52:16 20 around 5.00 o'clock. That was the time they entered xxxx.
- 21 Q. How did you know the Kamajors had entered Bo on that day?
- 22 A. Because when they came, they passed by CKC, they went
- 23 down and then entered xxxx.
- 24 Q. What do you refer to as CKC?
- 09:52:52 25 A. It is the Christ the King College. It is one secondary
- 26 school.
- 27 Q. Did you see the Kamajors coming that morning?
- 28 A. Yes, I saw them.
- 29 Q. How were they dressed?

- 1 A. They had the ronko; they had their rice bag on their
2 backs.
- 3 Q. Did they do anything as they entered xxxx?
- 4 A. No; at first they did nothing. They were glad, they were
09:53:41 5 dancing, they said they had come for peace.
- 6 Q. Did you hear any gunfire that morning?
- 7 A. No.
- 8 Q. Could you tell us whether the Kamajors came with any
9 other fighting force that day when they entered xxxx?
- 09:54:24 10 A. No, it was the Kamajors alone.
- 11 Q. Were there any soldiers in town that morning?
- 12 A. No, they had left.
- 13 Q. Madam Witness, can you tell us what the general situation
14 was in xxxx when the Kamajors entered?
- 09:55:20 15 A. Yes, the situation at first, everybody was happy, they
16 were glad -- they never did anything bad when they first
17 entered.
- 18 Q. Madam Witness, you said "at first everybody was happy"
19 and that the Kamajors "never did anything bad". Did the
09:55:56 20 situation change at any time?
- 21 A. Yes.
- 22 Q. How did this situation change?
- 23 A. About two days when they had entered, they started
24 looting, they went into people's houses, stealing
09:56:20 25 people's property and started killing people.
- 26 Q. How do you know that the Kamajors were looting and
27 killing?
- 28 A. They were looting, because our landlady's shop was broken
29 by the Kamajors and they took away all her properties.

1 Q. Madam Witness --
2 PRESIDING JUDGE: Excuse me, is she at ease? Madam, are you
3 all right?
4 THE WITNESS: Yes, sir.
09:57:25 5 PRESIDING JUDGE: Are you sure you're all right?
6 THE WITNESS: I'm all right, sir.
7 PRESIDING JUDGE: You don't look easy at all. She looks very
8 disturbed and that is why I thought I should say
9 something. Can we continue?
09:57:47 10 THE WITNESS: Yes.
11 MS WIAFE:
12 Q. Madam Witness, if at any time you feel uneasy, you can
13 let the Court know.
14 A. Yes.
09:58:06 15 Q. Madam Witness, after the Kamajors had entered xxxx, did any
16 other fighting group enter xxxx?
17 A. At the time they were there no other fighting group
18 entered there.
19 Q. Madam Witness, I would like to take you to
09:58:53 20 22 February 1998. Do you remember that day?
21 A. Yes.
22 Q. Where were you on that day?
23 A. I was in xxxx xxxx.
24 Q. Which part of xxxx xxxx?
09:59:12 25 A. By CKC.
26 Q. Who were you with at that time?
27 A. I was with my husband at home.
28 Q. Apart from your husband, was anybody else in the house?
29 A. Yes, my children were there and some other people -- the

1 owners of the house.

2 Q. Did anything happen to you on that day?

3 A. Yes.

4 Q. Can you tell this Court what happened?

10:00:14 5 A. Yes. On 22 February I and my husband were in the house
6 when he told me he was going to the town to buy food for
7 the child, as I was a young suckling mother.

8 Q. Did he come back?

9 A. Yes, he came back to the house. He brought the child's
10:00:38 10 food.

11 Q. What happened after this?

12 A. After bringing the child's food, he told me, "Oh, my
13 wife, a lot of Kamajors have entered. The Kamajors have
14 filled all xxx xxxx."

10:01:03 15 Q. Did you do anything as a result of this?

16 A. Mmm-hmm. I told him, "Let us pack and let us leave this
17 place."

18 Q. And did you pack and leave?

19 A. No, we packed our important items and we kept them and he
10:01:45 20 said, "Let us don't go anywhere," because the child was
21 too young -- the child was not even two months yet. If
22 the child had been four months or three months, we could
23 have travelled, but he said, "The child is too young, so
24 let us sit down."

10:02:03 25 Q. Did anything happen whilst you were at home?

26 A. Yes. When we sat down, he complained of hunger, so
27 I dished some food for him and he ate.

28 Q. Did anybody come to the house that day?

29 A. Yes. After eating, he went out -- he said he was going

1 to light a cigarette in the kitchen. He lit the
2 cigarette, he took his stool and sat near the kitchen and
3 was smoking.
4 Q. Where were you before your husband went to the kitchen?
10:03:03 5 A. I was in the parlour.
6 Q. And how far is the parlour from the kitchen?
7 A. It's about five to ten yards.
8 Q. Did anything happen to your husband when you went to the
9 kitchen?
10:03:30 10 A. Yes. After lighting his cigarette, he was sitting in the
11 kitchen and smoking when Kamajors surrounded him.
12 Q. How many Kamajors surrounded him?
13 A. There were many -- there were more than 15.
14 Q. How were they dressed?
10:03:56 15 A. They had their ronkos and they all had some machetes.
16 Q. Apart from the cutlasses, were they holding anything?
17 A. They had cutlasses and they had sharp irons, only they
18 didn't have guns.
19 Q. What happened at that point?
10:04:51 20 A. My husband had to run away and went to the swamp, but he
21 was struck by the -- at the swamp and there they chopped
22 him.
23 Q. How far is this swamp from the kitchen?
24 A. It was about 10 to 15 yards.
10:05:19 25 Q. Where were you at this point?
26 A. I was in the parlour.
27 PRESIDING JUDGE: What happened? You say they followed him at
28 the swamp or they arrested him at the swamp. What
29 happened?

1 MS WIAFE:
2 Q. Madam Witness, what happened to him at the swamp?
3 A. That was the area where he was chopped by the Kamajors in
4 the swamp.
10:05:53 5 PRESIDING JUDGE: When you say "chopped", I want to have a
6 really clear meaning of this chopping, chopping.
7 MS WIAFE:
8 Q. Madam Witness, what do you mean by "chopping"?
9 A. They used a machete and they started striking him with
10:06:12 10 the machete -- all parts of the body was with the
11 machete.
12 Q. Where were you when this was happening?
13 A. I was in the parlour.
14 Q. Were you with anybody else at the parlour?
10:06:53 15 A. Yes, the owners of the house were there.
16 Q. How far is the parlour from the swamp?
17 A. About 10 to 15 yards.
18 Q. Madam Witness, you said the Kamajors hacked your husband.
19 How many Kamajors were involved in this?
10:07:40 20 A. There were many -- there were more than 15.
21 Q. Did you hear them saying anything as they were hacking
22 him?
23 A. Yes. Before they hacked him, I heard one voice say
24 "Amaa" and that means in Mende, although I don't speak
10:08:11 25 Mende, "You killed him," and I knew that that word -- it
26 was their commander that uttered that word saying "Amaa"
27 -- "Kill him."
28 Q. Was anything else said by the Kamajors?
29 A. Yes, when they were hacking him they were saying, "Allah

1 Akbar, Allah Akbar."
2 Q. what happened to your husband after he was chopped?
3 A. when they had hacked him, he lay there, he was not able
4 to move. After 10 to 15 minutes when they had hacked him
10:09:01 5 when they had run away, I went there. I met him lying
6 down. He wasn't able to move any parts of the body.
7 There was blood all over his body, and he said, "Oh, my
8 wife, they have killed me."
9 PRESIDING JUDGE: Let her relax a bit before you continue.
10:09:38 10 MS WIAFE: Okay. Is there any Witness Protection Unit here,
11 please? Can you go and sooth her, please?
12 PRESIDING JUDGE: How is she? She's okay; she's ready to
13 continue?
14 WITNESS PROTECTION OFFICER: Yes.
10:12:08 15 PRESIDING JUDGE: Give her water, she wants water -- okay, the
16 earphones. Activate the microphone for her, please.
17 MS WIAFE:
18 Q. Madam Witness, we do understand that this is a very
19 difficult time for you. If you do need any assistance,
10:12:41 20 do let us know. Are you okay now?
21 A. Okay, yes, yes.
22 Q. was anything done to your husband at that time?
23 A. Yes, when he had been hacked, I waited and saw him and he
24 told me that I should take care of the children.
10:13:19 25 Q. Did you seek assistance at that point from anybody?
26 A. There was nobody. when he had been hacked, everybody had
27 gone away, everybody had run away. It was only I that
28 was there.
29 Q. So what did you do?

1 A. I drew him and put him on top of the heap and I went back
2 to the house. I sat there and held my child.
3 PRESIDING JUDGE: You say you drew him and did what?
4 MS WIAFE:
10:14:08 5 Q. what did you just say, Madam witness? Could you just
6 repeat what you said?
7 A. He said I should go to the house and take the child.
8 when he was lying down in the mud, I raised him up and
9 put him on a heap, because by then I was just a new
10:14:25 10 suckling mother. I wasn't able to take him to the house,
11 so I just managed, I drew him and put him on top of a
12 heap.
13 Q. Madam Witness, can you tell us what eventually happened
14 to your husband?
10:14:41 15 A. My husband, for the whole of the night he was calling
16 me -- he was calling my name. Around 3.00 o'clock I did
17 not hear him call any more. I looked at my watch; it was
18 3.00 o'clock. I did not hear him any more.
19 Q. You mean 3.00 a.m. in the morning?
10:15:06 20 A. Yes, in the morning -- yes, in the morning.
21 Q. Madam Witness, what happened to your husband's body?
22 A. My husband, he died. 6.00 o'clock in the morning I went
23 and met him, he was dead.
24 Q. Did you do anything?
10:15:49 25 A. Yes, I went to the house. I took my child and a few
26 things which I put into the bag and went to sister.
27 Q. was the body buried?
28 A. Mmm-hmm, yes, I met his sister, who cried, called her
29 husband, the husband had to call the brothers and

1 friends. They went and buried him in the same place --
2 that is in the swamp where he was hurt.
3 Q. Madam Witness, what day was he buried?
4 A. It was on the 23rd. That was the very day when ECOMOG
10:16:54 5 entered.
6 Q. Madam Witness, did you ever come to know why your husband
7 was killed?
8 A. Well, just because he was a Temne and he was a trader,
9 and he was a popular trader. That is why they killed
10:17:23 10 him.
11 Q. How do you know he was killed because he was Temne?
12 A. It was something that they had been saying. They said
13 they would weed all the Temnes from xxx xxx. They said
14 they did not want to see any Temne in xxx xxx. They said
10:17:48 15 because we had been in xxx xxx, we had left our own towns
16 and went to xxx xxx, we had been doing business and been
17 getting a lot of money and we were proud to them.
18 Q. Who was saying this?
19 A. It was the Kamajors.
10:18:07 20 Q. Madam Witness, on the day that your husband was chopped,
21 did you observe anything at the swamp -- anything else at
22 the swamp?
23 A. Yes. I see other people who were hacked in the same
24 swamp.
10:18:55 25 Q. Who was hacking them?
26 A. It was the same Kamajors.
27 Q. How many people did you see being hacked?
28 A. About six of them -- including my husband, that was up to
29 seven. These were the ones that they hacked in the

1 swamp.

2 Q. And did you know these people who were being hacked?

3 A. I wouldn't know them, because all my attention was

4 focused on my husband, so I did not put much attention to

10:19:59 5 that.

6 Q. Madam Witness, do you know what happened to these other

7 men eventually after they had been hacked?

8 A. No, I don't know. I don't know what happened to them.

9 Q. Madam Witness, you also said that on 23 February ECOMOG

10:20:41 10 entered **xxxx**.

11 A. Yes.

12 Q. Who was ECOMOG?

13 A. These were the soldiers from Nigeria.

14 Q. How long after the kamajors entered **xxx** did ECOMOG arrive?

10:21:13 15 A. The kamajors had already left. They had already run away

16 and, when they went, the ECOMOG entered, because the very

17 day, when they buried my husband, that was 23 February,

18 and that was the very morning that ECOMOG entered. By

19 then the kamajors had run away and they had gone into the

10:21:43 20 villages.

21 Q. And how did ECOMOG dress?

22 A. They had military fatigue.

23 Q. Madam Witness, after your husband was killed, did you

24 stay in **xxx xxx**?

10:22:26 25 A. Yes, I was in **xxxx** for one month, and my husband's family

26 came and took me to **xxxx xxxx** and I went and stayed with

27 them.

28 Q. Madam Witness, did you report the killing of your husband

29 to anybody at all?

1 A. Yes, I went to his sister and told her that they had
2 killed my husband.
3 Q. Did you report to any Kamajor?
4 A. No, I did not know any Kamajor -- I did not know them.
10:24:28 5 MS WIAFE: Your Honours, I have no further questions for the
6 witness.
7 MR YILLAH: May it please Your Honours --
8 JUDGE BOUTET: Yes, you were about to say something?
9 MR YILLAH: Yes, My Lord. We realised this morning that
10:27:32 10 Dr Jabbi is not available. The Defence Office contacted
11 him through his phone, and up to the time of my
12 addressing Your Lordships, we have had no response from
13 him. In accordance with the directive on the assignment
14 of counsel, in particular Article 25(E), I'm here as
10:27:58 15 counsel of the Defence Office, in the Office of the
16 Principal Defender attached to CDF Case 2 to continue
17 with the said case as Your Lordships may deem fit, or as
18 Your Lordships may otherwise rule.
19 JUDGE BOUTET: What text are you citing?
10:28:17 20 MR YILLAH: The directive on the assignment of counsel,
21 Article 25(E) in particular, and it entered into force on
22 3 October 2003.
23 JUDGE BOUTET: I do know that you're from the Defence Office
24 and that you have been assigned to the CDF case, and it's
10:28:40 25 my recollection that you were also part of the stand-by
26 team for Mr Norman, if I'm not mistaken, but I stand to
27 be corrected on that.
28 MR YILLAH: Very well, My Lord.
29 PRESIDING JUDGE: That was the case, was it not?

1 MR YILLAH: It was, My Lord.
2 JUDGE BOUTET: Are you able and capable of carrying on the
3 cross-examination of the witness at this particular time
4 on behalf of the first accused?
10:29:04 5 MR YILLAH: We are prepared to do so, My Lord.
6 JUDGE BOUTET: You are prepared to do so?
7 MR YILLAH: Absolutely, My Lord.
8 PRESIDING JUDGE: Mr Yillah, you are prepared to move on with
9 the cross-examination of this witness?
10:29:15 10 MR YILLAH: Very well, My Lord.
11 PRESIDING JUDGE: You must have noticed that she was under
12 some emotional stress during her testimony, particularly
13 when she got to the stage where they were hacking the
14 husband when he was talking to her. I would like to give
10:29:39 15 her about 10 minutes for her to properly recover and put
16 herself together before we can continue with the
17 cross-examination. I don't see that she is still all
18 right. The Court will rise for 10 minutes, please.
19 [Break taken at 10.30 a.m.]
10:47:40 20 [On resuming at 10.48 a.m.]
21 PRESIDING JUDGE: Madam witness, are you feeling better now?
22 THE WITNESS: I feel better now.
23 PRESIDING JUDGE: I hope that we shall soon be finished. So
24 hold yourself together and we shall be through soon.
10:48:37 25 THE WITNESS: Okay.
26 JUDGE BOUTET: Is counsel from the Principal Defender's Office
27 ready to proceed?
28 MR YILLAH: Very well, My Lord.
29 CROSS-EXAMINED BY MR YILLAH:

1 Q. Madam Witness, was the situation in xxxx chaotic at the
2 time of the alleged incident -- the incident that you've
3 just narrated?
4 A. Yes, the Kamajors had been killing people.
10:49:25 5 Q. No, you have not got my question right. Did it appear
6 that there was law and order in xxxx at the time? was the
7 situation disorganised, in other words, in xxxx?
8 JUDGE THOMPSON: If you are suggesting there was a breakdown
9 in law and order, why not have that put to her directly,
10:49:52 10 rather than "disorganised" with all its nuances.
11 THE WITNESS: There was no law and order in xxxx; there was no
12 law and order in xxxx.
13 MR YILLAH:
14 Q. Do you also recall telling the Prosecutors that you did
10:50:40 15 not know who the Kamajor commanders were in xxxx at the
16 time?
17 A. I don't know them.
18 MR YILLAH: That will be all for this witness, My Lord.
19 JUDGE BOUTET: Thank you. Is counsel for the second accused
10:51:05 20 ready to proceed with the cross-examination?
21 MR BOCKARIE: Yes.
22 CROSS-EXAMINED BY MR BOCKARIE:
23 Q. Madam Witness, would I be correct to say that the
24 Kamajors were warmly received by the people of Bo when
10:51:25 25 they entered?
26 A. Yes, they were initially happy, because they said they
27 went for peace.
28 Q. Madam Witness, you said the Kamajors arrived in xxxx two
29 days after the junta had left; that's correct, isn't it?

1 A. Yes, the junta had already gone before the Kamajors came.
2 Q. And for two days the town was very peaceful; it was all
3 jubilation by the Kamajors and the civilians in xxx,
4 wasn't it?
10:53:01 5 A. Initially that is how it happened.
6 Q. The first two days?
7 A. Yes, the first two days, so everybody was happy. Later
8 on they started taking people's property and killing.
9 Q. Madam Witness, when the Kamajors were in xxxx, were they
10:53:54 10 ever driven out of xxx by the juntas?
11 A. I did not get the question properly. I don't understand
12 the question.
13 Q. Madam Witness, when the Kamajors entered xxx, were they
14 ever driven out of xxxx by the juntas, do you know?
10:54:25 15 A. It was not the junta that drove the Kamajors; it was the
16 ECOMOG.
17 THE INTERPRETER: would the witness please repeat what she
18 said, Your Honours.
19 JUDGE THOMPSON: Learned counsel [microphone not activated]
10:54:51 20 context, because are you speaking of a larger time frame?
21 According to her evidence, the Kamajors came two days
22 after the junta left, so your question relates to what
23 particular territory --
24 MR BOCKARIE: [Overlapping speakers] in xxx before the arrival
10:55:12 25 of ECOMOG.
26 JUDGE THOMPSON: You need to get that in context. Otherwise,
27 I can understand her perplexity in response to your
28 question.
29 MR BOCKARIE:

- 1 Q. Madam Witness, before the arrival of ECOMOG in xxx, were
2 the Kamajors ever driven out of xxx by the juntas?
- 3 A. I did not know. I did not know. I was in the house.
4 what I knew of is what I'm saying. By then I was a new
10:55:39 5 suckling mother. I used not to go out. I only went out
6 the time they killed my husband and on 23 February that
7 was the very first time -- that was the very day that
8 ECOMOG entered xxxx, the day they killed my husband.
- 9 Q. Madam Witness, I am putting it to you that before the
10:56:26 10 arrival of ECOMOG the Kamajors were driven out of xxx by
11 the juntas on 17 February 1998.
- 12 A. I do not know about that. What I knew is what I've just
13 explained, the 23rd, that is the one that I knew of.
14 23 February, they killed my husband and that was the time
10:56:55 15 that my husband died and that was the very day that
16 ECOMOG entered. That is all I know. That 26th that
17 you're talking about I don't know. Because they had
18 killed my husband, I did not know anything.
- 19 JUDGE BOUTET: That was her evidence. She doesn't know. She
10:57:11 20 was never out of her house before.
- 21 MR BOCKARIE: That's why I'm just putting it to her. I think
22 it's been reflected on the record, Your Honour.
- 23 JUDGE BOUTET: I think the record will clearly show that she
24 didn't know.
- 10:57:23 25 MR BOCKARIE: Yes, Your Honour, fine.
- 26 Q. Madam Witness --
- 27 PRESIDING JUDGE: Mr Bockarie, mark you, her baby was just
28 about two months old and you know what the tradition is
29 about nursing mothers.

1 MR BOCKARIE: Yes, Your Honour.
2 Q. Madam Witness, I am putting it to you that it was not the
3 Kamajors who killed your husband but the juntas.
4 A. It was the Kamajors that killed my husband. It was the
10:58:10 5 Kamajors that killed my husband.
6 Q. Madam Witness, I am putting it to you that at the time of
7 your husband's death not a single Kamajor was in xxxx xxxx.
8 A. The Kamajors were in xxxx xxxx. Kamajors were in xxxx xxxx.
9 They were the ones that took over xxxx xxx all over. They
10:59:07 10 were there -- it was all of them that were there.
11 MR BOCKARIE: Thank you very much, Madam Witness. And that
12 will be all the cross-examination.
13 JUDGE BOUTET: Thank you, Mr Bockarie. Counsel for the third
14 accused, Mr Margai?
10:59:29 15 CROSS-EXAMINED BY MR MARGAI:
16 Q. Madam Witness, where precisely were you residing in xxxx
17 when the Kamajors, according to you, entered?
18 MS WIAFE: Your Honour, I'll object to that on the basis that
19 it might reveal the identity of the witness.
10:59:58 20 JUDGE BOUTET: I agree with that.
21 MR MARGAI: I shall reformulate the question.
22 Q. I'm not asking for the address, but which section of xxxx?
23 A. xxxxxx Town section.
24 Q. xxxxxx Town.
11:00:26 25 JUDGE BOUTET: Can you spell that out?
26 MR MARGAI: x-x-x-x-x.
27 Q. And xxxx Town is quite some distance from the centre
28 of xxxx xxxx; not so -- roughly about three miles?
29 A. It's not up to three miles.

1 Q. Is it up to two miles?
2 A. No.
3 Q. What mileage would you place on it?
4 A. Let me say about one mile.
11:00:58 5 Q. From CKC to xxx xxxx, xxxx xxxx is three miles; would
6 you accept that?
7 A. I don't know the miles.
8 Q. All right. It's some distance, anyway.
9 A. Okay, we can leave it like that.
11:01:21 10 Q. And would you say from xxxxx Town to xxxxx Street,
11 xx-x-x-x, is like from here where the Court is located
12 to Cotton Tree?
13 A. You said what? Repeat the question.
14 Q. I'm saying that the distance from xxxxxx to
11:01:58 15 xxxxxx Street, which is the centre of xxxx xxxx, is almost
16 the same distance as from here to Cotton Tree.
17 A. About that.
18 Q. About that distance, thank you.
19 PRESIDING JUDGE: You said Cotton Tree?
11:02:23 20 MR MARGAI: Cotton Tree, yes, My Lord, the centre of town, by
21 the Law Courts Building.
22 PRESIDING JUDGE: There are so many of them.
23 MR MARGAI: The Law Courts Building.
24 PRESIDING JUDGE: I know there are many beautiful cotton trees
11:02:36 25 here.
26 MR MARGAI: Yes, but when they talk of Cotton Tree in
27 Freetown --
28 PRESIDING JUDGE: That's the only one.
29 JUDGE BOUTET: This is The Cotton Tree.

- 1 MR MARGAI: The Cotton Tree, thank you.
- 2 Q. And CKC to xxxx xxxxx would be the same distance from
3 here to SLBS?
- 4 A. CKC to xxxxx xxxx, about that.
- 11:03:05 5 Q. Now, you were in xxxx xxxx when the Kamajors entered?
- 6 A. Yes, I was in xxxx xxxx when they entered, when they
7 used that route, because they used many routes to enter
8 xxx. It was not from xxxx xxxx to the centre of xxxx
9 Town. They used many routes to enter xxx, so the area
11:03:55 10 where I knew, this is what I'm talking about.
- 11 Q. That is the area I'm also talking about.
- 12 A. Okay.
- 13 Q. Where you saw them enter xxxx xxxx from CKC end?
- 14 A. From CKC, yes.
- 11:04:07 15 Q. That's the northern part of xxx xx; not so?
- 16 A. Yes.
- 17 Q. The northern part of xxx xxx. Now, from the moment the
18 Kamajors, according to you, entered xxx xxxx up to the
19 time when your husband was allegedly killed, you did not
11:04:27 20 leave xxxxxx Town for the centre of xxx xxxx?
- 21 A. Let me get the question again.
- 22 Q. From the moment the Kamajors, according to you, entered
23 xxxx xxxx, up to the time your husband was killed, you did
24 not leave your house for the centre of xxx xxxx?
- 11:04:58 25 A. Yes.
- 26 [HN251104B 11.05 a.m.]
- 27 Q. And, of course, you'll agree with me that xxxx xxx is a
28 very big place?
- 29 A. Yes, a very big town, xxxx xxxx is a very big town. Not a

1 village.

2 Q. You cannot be in xxxxxxxx Town and know what is happening
3 in New London, for example?

4 A. But I knew exactly that it was the Kamajors that killed
11:02:53 5 my husband.

6 Q. We are coming to that. Let's go stage by stage. You
7 cannot be in xxxxxx Town and know what is happening in
8 xxxxx xxxx or xxx Town, except somebody tells you; isn't
9 that correct, Madam witness?

11:03:33 10 A. I'm listening to you, yes. I did not get your question.

11 Q. My question is you cannot be at xxxxxx Town and know
12 what is happening in xxxx xxxxx - xxxx xxxxx is part of
13 xxxx; not so?

14 A. Yes, it's part of xxx. Yes, it's part of xxx.

11:03:49 15 Q. You cannot be in xxxxxxxx Town and know what is happening
16 in xxxx xxxxx except somebody tells you what is happening
17 there?

18 A. Yes, by then, you see, I was a nursing mother and I used
19 not to work like that.

11:04:05 20 Q. I appreciate that, but we're here to assist the Court as
21 to the facts. As I am standing here now, I would not
22 know what is happening at the law court building, except
23 somebody comes and tells me or telephones me. That's all
24 I'm saying. I sympathise with your situation. Please
11:04:25 25 accept my sympathies.

26 JUDGE THOMPSON: She has accepted that.

27 MR MARGAI: Thank you.

28 JUDGE THOMPSON: She agrees with that.

29 MR MARGAI: She has accepted that?

1 JUDGE THOMPSON: Yes, it's just that she added that at the
2 time, of course, she was a nursing mother.
3 MR MARGAI: Yeah, she accepts that.
4 Q. So when you told the Court that at the time the Kamajors
11:04:40 5 entered **xxxx xxxx** the soldiers had left, that was what was
6 said to you by somebody, I take it?
7 A. Somebody told me that the soldiers had left? No single
8 soldier was in **xxx** during that day.
9 Q. I'm saying that you acquired that knowledge through
11:05:13 10 somebody giving you that information, because you were in
11 **xxxxxxx** Town?
12 A. I was in **xxxxxx** Town. If soldiers were in **xxxx** during
13 that time when Kamajors entered, I would have seen them.
14 And, in fact, Kamajors were many -- in fact, they
11:05:31 15 outnumbered the soldiers. Kamajors outnumbered the
16 soldiers. In fact, soldiers were afraid of Kamajors.
17 Q. That is not an issue. Now, the soldiers had their
18 brigade at the reservation; not so?
19 A. Mm-hm.
11:05:59 20 Q. That is between **xxxx xxxx** and **xxxxx** Town of **xxx**?
21 A. Mm-hm.
22 Q. And Madam witness, the soldiers were located in various
23 locations in **xxxxxxx** Town?
24 A. what I knew, during that time Kamajors outnumbered the
11:06:37 25 soldiers. The soldiers when they heard that Kamajors
26 were coming, they went out.
27 Q. That is not my concern at this moment. I may come to
28 that, if necessary. I'm putting it to you that when you
29 told this Court that when the Kamajors entered there were

1 no soldiers in xxxxx Town, that cannot be correct?
2 A. I did not see them. The ones that I saw, were the ones
3 that I'm talking about.
4 Q. I now accept this. You did not see them, that is
11:07:25 5 accepted, but that is not to say that there were no
6 soldiers. I accept that, thank you. xxxxx Town was
7 liberated in February from the juntas; would you agree
8 with me?
9 A. Let me get the question again.
11:07:56 10 Q. xxxxx Town was captured from the juntas in February of 1998?
11 A. February?
12 Q. Finally captured in February 1998?
13 A. The junta?
14 Q. Yes.
11:08:19 15 A. What was the date? I don't know.
16 Q. You don't know that?
17 A. I don't know. What I know, the Kamajors entered and they
18 killed my husband. That's all I know about.
19 Q. Madam, please try and assist this Court. We have a job
11:08:46 20 to do. Now, I am putting it to you that xxxxx Town was
21 finally captured from the junta in mid-February 1998?
22 A. February?
23 Q. Yes.
24 A. The date?
11:09:15 25 Q. Sorry, on the 24th of February 1998?
26 A. You see, at that time they had already killed my husband
27 on the 23rd of February, that was the time that ECOMOG
28 entered.
29 Q. What is your answer? Do you know or don't you know or

1 that is not the case? I'm saying that **xxxx** Town was
2 finally captured from the junta on the 24th of February
3 1998.

4 A. I don't know about that.

11:09:50 5 Q. And I'm putting it to you that ECOMOG entered **xxxx** Town
6 together with the Kamajors on the 24th of February 1998?
7 A. Kamajors left before ECOMOG entered.

8 Q. I'm putting it to you that both ECOMOG and the Kamajors
9 entered -- in fact, the CDF and ECOMOG entered **xxxx** Town on
11:10:44 10 the 24th of February 1998?
11 A. No, no. The Kamajors and the ECOMOG did not enter the
12 same day. The Kamajors entered, and when they heard that
13 ECOMOG was coming, they pulled out. That was the time
14 they killed my husband on the 23rd. The very 23rd, when
11:11:10 15 ECOMOG entered, that was the time that they killed my
16 husband -- they hacked him.

17 Q. Madam, I'm putting it to you that the Kamajors had no
18 reason to pull out of **xxx** because ECOMOG was coming?
19 A. They had a reason, they had a reason. They had a reason
11:11:33 20 why they left.
21 Q. What was the reason?
22 A. It was because they had been killing people and taking
23 peoples' properties. That is why they ran away, they
24 pulled out, yes.

11:11:44 25 Q. And I'm putting it to you --
26 JUDGE THOMPSON: Learned counsel, we're taking that down.
27 MR MARGAI: Sorry, sorry.
28 JUDGE THOMPSON: They had a reason to leave **xxxx xxxx** before
29 ECOMOG entered because they were killing people.

1 MR MARGAI: And looting, she said.
2 JUDGE THOMPSON: And looting property.
3 MR MARGAI:
4 Q. And I further put it to you that both the CDF and ECOMOG
11:12:22 5 fought side by side against the junta and the rebels?
6 A. I don't know anything about it. What I know was that the
7 Kamajors ran from the ECOMOG soldiers. That's all I
8 know.
9 Q. Thank you. Madam, are you Temne?
11:12:53 10 A. Yes, I am a Temne.
11 Q. And you've told this Court that your husband was Temne?
12 A. Yes, my husband was a Temne.
13 Q. Were you the only Temnes in xxxx xxx at that time?
14 A. It was not only I. They are there, but.
11:13:17 15 Q. Now, there were thousands and thousands of Temnes in xxxxx
16 Town at that time?
17 JUDGE BOUTET: Are you asking her the question or you are
18 arguing with her?
19 MR MARGAI: My Lord, I cannot argue with her, obviously not.
11:13:32 20 JUDGE BOUTET: Well, ask the question.
21 MR MARGAI:
22 Q. Would you agree that there were thousands and thousands
23 of Temnes in xxx xxx at that time?
24 A. No, a lot of Temnes were not there. A lot of them had
11:13:44 25 run away. In fact, I myself would have run away. It was
26 simply because -- I did not run simply because I was a
27 nursing mother. I should have gone away.
28 Q. And I'm putting it to you that the Temnes dominated the
29 trade in xxxx xxx --

1 JUDGE THOMPSON: Learned counsel, you don't seem to want us to
2 record the evidence. You had put to her that thousands
3 and thousands of Temnes were in xxxxxx xxxx at the time. She
4 has denied that.

11:14:17 5 MR MARGAI: Yes, she has.

6 JUDGE THOMPSON: You also put to her that the Temnes had run
7 away and then you put another question. We're trying to
8 get this.

9 MR MARGAI: No, I'm sorry, I thought you had taken that down.

11:14:31 10 I didn't know you were taking her verbatim. I thought
11 you were just noting serious points.

12 JUDGE THOMPSON: No, but you were putting your questions in a
13 very poignant way, to elicit poignant responses, and I
14 just wanted to follow that trend.

11:14:48 15 MR MARGAI: Very well. Sorry, My Lord.

16 JUDGE THOMPSON: She said she wanted to run away, but she
17 didn't because she was a suckling mother.

18 MR MARGAI: That was what she said.

19 JUDGE THOMPSON: Carry on, counsel.

11:15:23 20 MR MARGAI:

21 Q. I'm putting it to you, Madam witness, that at that time
22 the Temnes were the dominant traders in xxx xxxx?
23 A. During that time? It's because when they're taking all
24 that we had in our hands, so they went. In fact, I would
11:15:43 25 have gone, but we had nothing. Before that we who are
26 the business people in xxx xxx -- the business people in
27 xxxx down. But after that now, there was nothing more for
28 us.

29 JUDGE THOMPSON: She agrees with you.

- 1 MR MARGAI: Thank you, My Lord.
- 2 Q. And I'm putting it to you that even as we stand here
3 today, the Temnes are the dominant traders in xxxx xxxx?
4 A. Yes, we are traders; I don't deny that. Now that I am
11:16:27 5 sitting here, I'm a trader; I will not deny it. We are
6 traders. And it's because of this trade that they said
7 they were going to rid us of xxxx, 'cause we had gone to xxxx
8 Town, would have -- we get a lot of money and became very
9 proud.
- 11:16:48 10 Q. Now, Madam witness, you said after the killing of your
11 husband you stayed in xxx for one month and then went to
12 stay with your in-laws?
13 A. Yes.
- 14 Q. Where did you go to?
11:17:56 15 A. I went to xxxx xxxxx.
- 16 Q. Did you return to xxxx xxxx to take up residence from xxxxx
17 xxxxx at any time?
18 A. Yes, I went there. Yes, because that's my place of
19 birth, yes. You see, I'm used to xxxx. They say I cannot
11:18:23 20 stay forever with my people, so I had to go back to xxxx,
21 because that is where -- the place that I was born.
- 22 Q. Are you living happily in xxxx Town?
23 A. Now?
24 Q. Now, yes.
- 11:18:51 25 A. I'm managing, because I don't have any husband, and all
26 that we had is finished. Now we are trying to manage
27 life. I'm trying to manage with my children. So I
28 cannot live happily now.
- 29 Q. So Madam witness, in spite of the resentment against the

1 Temnes, you still went back to live in xxxx Town?
2 A. So what should I do? That's my place of birth. If they
3 hate me or did not hate me, I have to stay there.
4 Q. Finally, Madam Witness, I'm putting it to you that your
11:20:01 5 husband was not killed by the Kamajors as you want this
6 Court to believe?
7 A. It was the Kamajors that killed him. It was the Kamajors
8 that killed my husband. They killed him.
9 Q. I said finally; I'm sorry My Lords. Madam Witness, just
11:20:36 10 two more questions. Now, Madam Witness, you've heard of
11 the CDF, Civil Defence Forces?
12 A. The question again?
13 Q. You've heard of the CDF, meaning Civil Defence Forces?
14 A. Yes, yes, so they said, but they did not defend us, the
11:21:04 15 civilians.
16 Q. Madam Witness, I would appreciate if you would confine
17 yourself to questions put, please. Now, do you know that
18 the CDF comprises of people from the northern province,
19 meaning the Kapras and the Gbethis?
11:21:30 20 A. All round xxxx? I don't think that all of them were in xxxx.
21 what I know of are the Kamajors. In fact, in the
22 Kamajors there are no Temnes. They had all Mendes.
23 Q. I have not asked you whether they were in xxx at that
24 time. I said the CDF comprises of fighters from the
11:21:50 25 north, Kapras and Gbethis -- Temnes to be precise. Do
26 you know or don't you know?
27 A. I know nothing about that. In fact, I have not been
28 hearing about all these things you're talking about. I
29 only heard about the Kamajors.

1 JUDGE BOUTET: So you don't know about that, Madam Witness?
2 MR MARGAI: That's what she's saying, My Lord.
3 Q. Now, finally, when the CDF entered xxx xxx alongside
4 ECOMOG on the 24th of February 1998, the CDF comprised of
11:22:37 5 Gbethis and Kapras?
6 A. They said when the ECOMOG entered? I don't know.
7 JUDGE BOUTET: I don't know how she can really answer that
8 question, Mr Margai, because she has denied knowing that
9 ECOMOG and Kamajor entered together on the 24th.
11:22:59 10 MR MARGAI: I'm putting it to her for the record. She can say
11 she doesn't know, My Lord; I'll accept it.
12 JUDGE BOUTET: It's because now you're putting together many
13 factors. She may say yes to one and no to the other. It
14 is very difficult to follow your questions in that sense.
11:23:18 15 MR MARGAI: No, she has answered the question of ECOMOG and
16 the CDF entering together.
17 JUDGE BOUTET: That's right.
18 MR MARGAI: So this is no longer a factor. The only factor
19 now is that the CDF comprised Gbethis and Kapras.
11:23:31 20 JUDGE BOUTET: Because now you've lumped that together, that
21 ECOMOG entered with the Kamajors and --
22 MR MARGAI: She has denied that.
23 JUDGE BOUTET: But if you put that to her she will deny that
24 again and maybe she can answer yes to the latter part of
11:23:47 25 the question. How is she answer it?
26 MR MARGAI: I believe she will deny it.
27 JUDGE BOUTET: It is only because the way your question --
28 MR MARGAI: I am prepared to place a bet on it that she will
29 deny it.

1 JUDGE BOUTET: But split your question, otherwise we may not
2 get anywhere.
3 MR MARGAI: As Your Honour please.
4 Q. Now, Madam, when the CDF entered ~~xxxx~~ ~~xxxx~~ on the 24th of
11:24:11 5 February 1998, it comprised of Kapras and Gbethis as
6 well?
7 A. There are no Gbethis.
8 JUDGE BOUTET: That's fine. You expected the answer, you have
9 the answer.
11:24:31 10 MR MARGAI: No, I expected her to say that I don't know, but
11 be that as it may, that's her answer, thank you very
12 much. Thank you very much, Madam Witness.
13 JUDGE BOUTET: Madam Prosecutor, do you have any questions in
14 re-examination?
11:24:50 15 MS WIAFE: No, Your Honour.
16 JUDGE BOUTET: Thank you very much. Is the Prosecution ready
17 to proceed with their next witness at this particular
18 time?
19 MS WIAFE: Yes, Your Honour.
11:26:00 20 JUDGE BOUTET: Is the next witness the one I have on the list,
21 being witness TF2-156?
22 MS WIAFE: Yes, Your Honour.
23 JUDGE BOUTET: So you are ready to proceed when we have dealt
24 with this witness now?
11:26:14 25 MS WIAFE: Yes, Your Honour.
26 PRESIDING JUDGE: Madam Witness, we are finished with you.
27 Thank you very much for coming -- for mustering the
28 courage to come. I want to let you know that your
29 testimony will contribute to the making of the decision

1 in this matter, and once again we thank you for coming.
2 we wish you a safe journey as you go back to xxxx where you
3 say you reside. Although you are going, don't exclude
4 the fact that we may still ask you to come back here.
11:27:09 5 You never know. If we do, we hope that they'll get in
6 touch with you through the normal channels, but for now
7 you can go back home. Again, we thank you very much for
8 coming.

9 The Court will rise to allow the witness to retire
11:27:31 10 and to have the next one installed for a continuation of
11 the proceedings. The Court will rise, please.

12 [Break taken at 11.30 a.m.]

13 [The witness withdrew]

14 [The witness entered court]

11:41:39 15 [Upon resuming at 11.45 a.m.]

16 JUDGE BOUTET: Mr Prosecutor, you're ready to proceed with
17 witness TF2-156?

18 MR KAMARA: Yes, Your Honour.

19 JUDGE BOUTET: And the witness will testify in --

11:43:05 20 MR KAMARA: Krio.

21 JUDGE BOUTET: Krio.

22 PRESIDING JUDGE: This is the 32nd witness?

23 MR KAMARA: Yes, Your Honour, it is. We wish to notify the
24 panel that the next witness, 007, has been moved further
11:43:22 25 down in the witness list.

26 JUDGE BOUTET: So who will be the next one?

27 MR KAMARA: 088.

28 JUDGE BOUTET: 088.

29 MR KAMARA: Yes, and I've discussed it with my learned friends

1 on the other side.

2 JUDGE BOUTET: And after 088 will it be 007?

3 MR KAMARA: It will be 057 and 067, and thereafter 007.

4 JUDGE BOUTET: So 007 will come just before 062?

11:43:57 5 MR KAMARA: Yes, Your Honour, thank you.

6 JUDGE BOUTET: So I take it on the Defence, first accused,
7 second accused and third accused, that you have been
8 consulted on this and you have no problem? Thank you.

9 WITNESS: TF2-156 SWORN

11:45:10 10 JUDGE BOUTET: Please proceed, Mr Prosecutor.

11 EXAMINED BY MR KAMARA:

12 MR KAMARA:

13 Q. Good day, Mr Witness.

14 A. Yes, how are you?

11:45:26 15 Q. Take your time, their Lordships are writing down your
16 answers; okay?

17 A. Okay.

18 Q. Mr witness, how old are you?

19 A. I am 24 years.

11:45:42 20 Q. where were you born?

21 A. '77 in xxx. I was born in 1978.

22 Q. where?

23 A. In xxxx.

24 Q. what do you do for a living?

11:46:10 25 A. I'm a businessman.

26 Q. what kind of business?

27 A. I sell articles.

28 Q. when you say articles, are you referring to provisions?

29 A. Provisions, yes, because I have done both before.

1 Q. When you say both, what do you mean?
2 A. I didn't have a shop, I had a table.
3 Q. Mr witness, you said you were selling articles,
4 provisions. Were you selling any other thing else?
11:47:08 5 A. No.
6 Q. Are you married?
7 A. Yes.
8 Q. Do you have children?
9 A. Yes.
11:47:26 10 Q. How many?
11 A. One.
12 Q. Do you have brothers?
13 A. I had brothers, but now they are no longer living.
14 Q. How many brothers did you have?
11:47:58 15 A. Well, I had two brothers.
16 Q. Do you know how they died?
17 A. Yes.
18 Q. Will you like to tell this Court the circumstances
19 leading to their death?
11:48:24 20 A. Yes.
21 Q. Mr witness, do you know the year that they died?
22 A. Yes.
23 Q. What year was that?
24 A. In 1998.
11:48:44 25 Q. Where were you when this incident happened?
26 A. We are all staying together inside xxxx.
27 Q. While you were staying together at xxxx, did anything
28 happen?
29 A. Yes.

1 Q. Go ahead and tell this Court?
2 A. When we are in xxxx -- during the time we are in xxx --
3 [Interpretation incomplete]
4 Q. Hold on, hold on. You said you were in xxx when they
11:49:35 5 overthrew the Pa?
6 A. Pa Tejan Kabbah. Should I continue?
7 Q. Yes.
8 A. When Tejan Kabbah was overthrown, we were in town,
9 soldiers were in town. When soldiers were in town --
11:49:56 10 Q. Their Lordships are writing down what you're saying.
11 A. Okay, okay.
12 Q. You were saying the soldiers were in town?
13 A. Yes, sir.
14 Q. Yes, carry on.
11:50:19 15 A. When soldiers were in the town, they looted. Shall I go
16 on?
17 Q. Yes.
18 A. When the soldiers looted -- [Interpretation incomplete]
19 Q. And then pulled out, what do you mean by pull out?
11:50:34 20 A. And they left xxxx.
21 Q. So when they left xxxx?
22 A. I don't know the date when they left xxx.
23 Q. Did anything happen after they left?
24 A. Yes, when they left, the youths -- they tried to clear
11:51:07 25 the balance that was left. They went out.
26 Q. When you say clear the balance, what are you referring
27 to?
28 A. That was the small soldiers that remain there, they were
29 passing from one stall to another. I continue? When

1 they were removed, the youths then went, the Kamajors,
2 along CKC.

3 Q. wait. After the soldiers have left the youths and
4 Kamajors, what happened?

11:51:41 5 JUDGE BOUTET: I am just trying to follow now. The witness
6 says when they left, meaning the soldiers, then he said
7 the youths tried to clear up and the small soldiers went
8 from one stall to the other. when he's talking of
9 youths, he's talking of young soldiers or small soldiers?

11:52:03 10 MR KAMARA: No, he was referring to the youths in the town --
11 the youths.

12 JUDGE BOUTET: Can you ask him to clarify that, please?

13 MR KAMARA:

14 Q. Mr witness, you mention that the youths were trying to
11:52:12 15 clear the balance, to use your words. who were you
16 referring to when you said "youths"?

17 A. These are human beings.

18 Q. Did they belong to any faction?

19 A. Yes, these were communities that were made in town.

11:52:31 20 Q. You say these youths belonged to the community?

21 A. Yes.

22 MR MARGAI: My Lords, I'm confused here because when the
23 witness said -- after he had said that the soldiers
24 looted and then left the town, and he went on to say that
11:52:47 25 the youths continued to clear the balance, that is what
26 he submits.

27 JUDGE BOUTET: That's what I was trying to --

28 MR MARGAI: I thought that was what you wanted clarified.

29 JUDGE BOUTET: I thought I heard the witness to say words like

1 small soldiers there. I may have misunderstood, but I
2 was trying to clear my understanding on this.

3 MR KAMARA: You're right, Your Honour. That's what I'm trying
4 to get through with the witness. Firstly, establishing
11:53:17 5 who were these youths, and, then, what they were doing.

6 JUDGE BOUTET: Fine.

7 MR KAMARA:

8 Q. Now, Mr witness, having identified the youths, what did
9 these youths do?

11:53:26 10 A. The youths were trying to defend their own land.

11 Q. How did they defend this land?

12 A. During the time they have us -- their work was taking
13 place, the youths came down to the street. They organise
14 themselves to say this bad thing that is happening, it
11:53:57 15 has to stop, and want to stop those who are doing it.

16 Q. Now you refer to bad things. what sort of bad things?

17 A. well, the havoc they were causing was stealing, because
18 they were not -- things that do not belong to them, they
19 will take them away.

11:54:27 20 Q. who was doing these things?

21 A. It was the soldiers.

22 Q. Now, Mr witness, you did mention that the Kamajors came
23 into town. I want you to -- [Overlapping speakers]

24 A. Okay.

11:54:49 25 Q. From what end of town did they come?

26 A. The Kamajors came by CKC end. Should I continue?

27 Q. wait. where were you when you saw this?

28 A. where I was when I saw them?

29 Q. Yes.

1 A. I was in the area.
2 Q. CKC area?
3 A. Yes. We are all with them when we went.
4 Q. When you say, "We are all with them," who are the "them"?
11:55:37 5 A. The youths.
6 Q. And where did you go?
7 A. I went to the CKC area.
8 Q. To do what?
9 A. To go and meet the Kamajors, so that they can come to
11:56:07 10 town and secure the town.
11 Q. At the time of this entry of the Kamajors, where were the
12 soldiers?
13 A. The soldiers were not in town again.
14 Q. So now, Mr Witness, tell this Court what happened to your
11:57:05 15 brothers?
16 A. Well, when the Kamajors came, they looted my things. My
17 brother -- the things of my brother were removed from the
18 house. We went and stayed in the next house.
19 Q. You said the Kamajors came and looted. What are the
11:57:54 20 things they took away?
21 A. Well, the clothes and the business, the shoes and the
22 kitchen things, and some other properties that were in
23 the house.
24 PRESIDING JUDGE: Did he say and business things?
11:58:21 25 MR KAMARA: Yes.
26 PRESIDING JUDGE: Business things like what?
27 MR KAMARA:
28 Q. What sort of business things are you referring to?
29 A. A business.

- 1 Q. Your business, what was it?
- 2 A. The market I was selling. These are articles,
3 provisions.
- 4 Q. [Overlapping speakers] were taken, is that it?
- 11:58:41 5 A. Yes.
- 6 Q. Do you know the worth of that market that you had?
- 7 A. I started it with 800,000.
- 8 Q. Are you referring to leones?
- 9 A. Leones, yes, leones. That was what I started with.
- 11:59:10 10 Q. You said to this Court that the Kamajors came to your
11 house and looted. How do you know they were Kamajors?
- 12 A. Even from themselves, they were saying it. After that I
13 know them, I know that they are Kamajors.
- 14 Q. You said you sought refuge in the neighbouring house; is
12:00:07 15 that so?
- 16 A. Yes.
- 17 Q. Did you have cause to come back to your house again?
- 18 A. Yes, after they have taken all they wanted I came back.
- 19 Q. So when you came back, did you decide to do anything?
- 12:00:49 20 A. what would I do? I only cried.
- 21 Q. How many of you were living in that house, do you know?
- 22 A. well, my mother, my sister and my two brothers.
- 23 Q. So for how long did you stay in that house after you
24 discovered these things have been removed?
- 12:01:29 25 A. I don't understand that, repeat it.
- 26 Q. You said you came back to the house, right. For how long
27 were you there?
- 28 A. well, I was born there.
- 29 Q. All right, Mr witness. You came back to the house and

1 you discovered these items missing or you said they were
2 looted. Did you decide to do anything as a result?
3 A. I did not decide anything, because when the people we
4 thought were coming to hold the town, they have turned
12:02:16 5 against us.
6 Q. And Mr witness, did you have cause to leave your house
7 for any other place else?
8 A. Yes. During the time we are in town for about two or
9 maybe three, the hunters hit the soldiers.
12:02:40 10 Q. wait, wait. You say after two to three days?
11 A. Yes.
12 Q. And what happened?
13 A. The soldiers hit the town -- they attacked.
14 Q. Can you describe the attack for us?
12:03:10 15 A. They came with guns -- they had some machine guns, they
16 fired. kamajors also were exchanging fire.
17 Q. After this attack what did you do?
18 A. well, we saw that the town was not calm, so we all ran to
19 the bush. we hid in one village called xxxxxxx. That's
12:03:42 20 the place we went and hid ourselves.
21 MR KAMARA: Your Honours, the spelling for that village is
22 x-x-x-x-x-x-x-x.
23 Q. And do you know how far was this xxxxxxx to the xxxx xxxx?
24 A. Yes.
12:04:09 25 Q. How far was it?
26 A. It is about 8 to 10 miles or about.
27 Q. How long were you at xxxxxxx?
28 A. when I talk of xxxxxxx, it was not in xxxxxxx Town. It
29 was right inside the bush.

1 Q. Okay. It was the bush close to the town of xxxxxxxx?
2 A. Yes.
3 Q. How long were you there in the bush?
4 A. well, the bush is about -- well, I don't know really the
12:05:01 5 distance. The distance was long.
6 Q. Mr Interpreter, the question is how long did you stay in
7 xxxxxx, not the distance?
8 A. Okay, well, I was there for one week.
9 Q. And after that period what did you decide to do?
12:05:34 10 A. After that we heard that the ECOMOG had arrived in xxxx.
11 Q. Did you have cause to come to xxxx?
12 A. Yes.
13 Q. Did anyone travel with you to xxxx?
14 A. Yes, because I left my mother and my sister and my two
12:06:00 15 brothers, because there was nothing in the bush again.
16 we are only finding bush yams to eat. we had nothing
17 else. So I took my two brothers, so we join to come to
18 town. We came to xxxx. We came and we didn't see ECOMOG
19 in town.
12:06:20 20 Q. So you came to xxxx with your two brothers?
21 A. Yes.
22 Q. You mentioned that you did not see ECOMOG?
23 A. Yes.
24 PRESIDING JUDGE: You mentioned that he did not see what?
12:06:37 25 MR KAMARA: ECOMOG. He didn't see ECOMOG.
26 Q. And when you came back to xxxx, where did you go?
27 A. I went to our house. I continue?
28 Q. Yes.
29 A. When I came to the house, I didn't go to the town hall, I

1 was in my house. So in the evening we went to our aunt
2 and told her --
3 Q. Okay, wait. Where was your aunt's house?
4 A. Well, we are all in the same area.
12:07:28 5 Q. How far was it from your house?
6 A. Well, let me see. From there to my aunt's house is about
7 hundred feet.
8 Q. So you went to this aunt's house. Did anything happen
9 there?
12:07:47 10 A. Yes, we told her the next morning we had to return
11 because the town was not secured, so we'll go back. So
12 in the evening we're washing --
13 Q. Please take your time. In the evening what were you
14 doing?
12:08:08 15 A. We are washing.
16 Q. You were taking showers?
17 PRESIDING JUDGE: Mr Kamara, did I hear you say shower?
18 MR KAMARA: The interpreter was saying that they were washing.
19 PRESIDING JUDGE: I hope you saw the shower.
12:08:36 20 MR KAMARA:
21 Q. So Mr Witness, you're having a bath?
22 A. Yes.
23 Q. What happened at that point?
24 A. From there we saw Kamajors running after him with cutlass
12:08:57 25 and gun, but when --
26 Q. You saw someone running, being chased by Kamajors?
27 A. Yes.
28 Q. Who's Sorie?
29 PRESIDING JUDGE: Sorie?

1 MR KAMARA: Sorie, S-O-R-I-E, Your Honour. He saw one Sorie
2 being chased by Kamajors.
3 Q. Who is this Sorie?
4 A. This Sorie was a local.
12:09:46 5 Q. What happened to him?
6 A. When they came, they passed us at first.
7 Q. Yes, carry on.
8 A. When they pass us, they held him -- the Kamajors held
9 him. When the Kamajors held him, we did not run, we are
12:10:14 10 still washing. So the Kamajors came and held us all.
11 Q. Now, Mr witness, how many Kamajors are we talking about
12 here, that captured you and your brothers?
13 A. There were many. There were many. I cannot tell you
14 their count.
12:11:09 15 Q. Were they carrying anything on them?
16 A. Yes.
17 Q. What were they carrying with them?
18 A. They took us to a place near the street.
19 Q. Mr Interpreter, but the question is were the Kamajors
12:11:31 20 carrying anything with them at the time they were
21 captured?
22 A. Yes, they had cutlass, they had knives, they had guns.
23 Q. And you say they took you to the street?
24 A. Yes.
12:11:55 25 Q. Did anything happen there?
26 A. Yes.
27 Q. Take your time, Mr witness. Yes, tell this Court.
28 [HN251104C 12.15 p.m.]
29 A. We were removed from the streets. They started asking us

1 in Mende, even though it was not my language, I was asked
2 in -- I talked Mende. So they told us --
3 Q. Wait, Mr witness. You said they asked you questions.
4 what questions were asked?
12:12:35 5 A. well, they asked us -- they told me that when they met us
6 here we have nothing, only to kill us.
7 Q. Was any question put to you by the Kamajors?
8 A. Yes, they asked me which nation I belonged to.
9 Q. When you say "nation", what do you mean?
12:13:19 10 A. I am of what tribe, tribe?
11 Q. Did you respond to that question?
12 A. Yes, I told them I'm a Loko.
13 Q. Yes, so what happened?
14 A. From then he told us that anybody who is found in xxxx xxx
12:13:54 15 should be killed. They started chopping me. They
16 chopped me in my --
17 Q. Now, you said they started chopping. What do you mean by
18 that?
19 A. They used machete.
12:14:39 20 Q. And how many of you were captured were at that scene?
21 A. We were five.
22 Q. If I get it, you, your two brothers, Sorie and who else?
23 A. The next person I didn't know him.
24 Q. Now, tell this court how were you chopped? How were you
12:15:20 25 chopped?
26 A. I was chopped on my foot. Should I remove this so that
27 you can see?
28 MR KAMARA: Your Honours, there are physical indications of
29 the chopping that the witness is referring to and

1 I wonder whether with the direction of the panel.
2 PRESIDING JUDGE: You're referring to the scars?
3 MR KAMARA: Yes, scars, yes, the huge scars that the witness
4 has not only on the foot, but in some other areas.
12:15:51 5 JUDGE BOUTET: well, maybe we can have a description first of
6 all and then we can come back to that.
7 MR KAMARA: Certainly, Your Honour.
8 Q. So you said you were chopped on the foot. which foot?
9 A. On my right foot.
12:16:08 10 Q. And where particularly on the foot?
11 A. It is why I said let me remove it so that you can see.
12 JUDGE BOUTET: Let him do that, then, if it is easier that
13 way.
14 MR KAMARA:
12:16:26 15 Q. Okay. Take off your tennis shoes and show the court?
16 MR KAMARA: I wonder whether the camera can focus on the
17 witness so he does not have to get up. Your Honours.
18 I wonder whether you were able to see.
19 JUDGE BOUTET: From where I sit it is difficult, because of
12:17:17 20 the table, but I wonder if he could not be helped by the
21 witness protection unit here. Maybe you can put the
22 table aside so we can see a bit more clearly to the
23 witness. All right, yes, okay. I think the witness is
24 not very tall. He could stand up, I think. Yes, okay.
12:18:21 25 This is your right foot.
26 PRESIDING JUDGE: Is the defence -- you can move there.
27 MR KAMARA: You can move across to the other end so the
28 defence could see.
29 JUDGE BOUTET: Yes.

1 MR KAMARA: Your Honours, while we're at this stage, I wonder
2 whether we could go ahead and show the different parts
3 where --
4 JUDGE BOUTET: May as well, yes. Ask him to describe it as he
12:19:12 5 is showing.
6 MR KAMARA:
7 Q. Mr witness, as you're showing us where else were you
8 stabbed. Show us please.
9 JUDGE BOUTET: On your stomach, yes.
12:19:23 10 MR KAMARA: The stomach, the chest all the way down to the
11 stomach.
12 JUDGE BOUTET: And you were also pointing to something on your
13 neck.
14 MR KAMARA: And your neck?
12:19:36 15 JUDGE BOUTET: It's on the right-hand side of your face and
16 neck.
17 MR KAMARA:
18 Q. And what about your face?
19 A. My face and my nose. The nose is split and my lips. My
12:19:53 20 lip was cut three sides, three parts. Two teeth were
21 removed and one broken.
22 JUDGE BOUTET: So on your body -- [microphone not activated].
23 MR KAMARA:
24 Q. Is there any other scar on your body relating to those
12:20:14 25 wounds? Is that all?
26 THE INTERPRETER: My Lord, the witness does not have his mic.
27 THE WITNESS: No, there is no other site except the ones I
28 have shown you.
29 MR KAMARA: Thank you, Mr witness.

1 THE WITNESS: It is only the pain that is in my body now.
2 JUDGE BOUTET: Thank you, Mr Witness.
3 THE WITNESS: Okay.
4 PRESIDING JUDGE: He said he lost two teeth.
12:20:51 5 MR KAMARA: Yes, Your Honour.
6 JUDGE BOUTET: Two or three?
7 MR KAMARA:
8 Q. Witness --
9 A. I lost two teeth and the one broken. And the one that is
12:21:02 10 broken is disturbing me. Yes.
11 PRESIDING JUDGE: The Witness Protection Unit should take care
12 of that.
13 MR KAMARA: Yes, Your Honour.
14 Q. Mr witness, what about your brothers?
12:21:36 15 A. well, my brothers I've lost them. They are dead.
16 Q. were they at the scene where you've been chopped. I'm
17 asking what happened to your brothers at that time?
18 A. My brothers, they were also -- they are killed. They
19 have been axed with cutlass. They have been killed.
12:22:03 20 Q. Did you see that happen?
21 A. Yes.
22 Q. Now, after you've been chopped what happened to you?
23 A. well, I dragged -- went to my aunt. I called my aunt.
24 She came out and saw me and cried for me.
12:22:51 25 Q. wait. And where were the Kamajors at this time?
26 A. Repeat that. I don't understand that.
27 Q. where were the Kamajors that caused this havoc; where
28 were they?
29 A. They were in the village. They came from the village to

1 the town.

2 Q. So you crawled to the house and then your aunt was
3 crying. So what happened then?

4 A. From that time my aunts cried and they were afraid. They
12:23:53 5 left the house. I don't know where they went.

6 PRESIDING JUDGE: Mr Kamara, he said they chopped his
7 brothers. I am not very sure that we know what happened
8 after them after they were chopped. He said they are
9 dead.

12:24:17 10 MR KAMARA: Yes.

11 PRESIDING JUDGE: I mean, did they die on the spot or what
12 happened?

13 MR KAMARA: We're coming to that, Your Honour. Slowly, Your
14 Honour. Thank you, Your Honour.

12:24:27 15 Q. So your aunt and the rest left you there?

16 A. Yes.

17 Q. What did you do?

18 A. So I was lying near my brothers who were dead.

19 PRESIDING JUDGE: He went to the aunt.

12:25:04 20 MR KAMARA:

21 Q. You crawled to the house where your aunt was and then you
22 told this court that your aunt cried because she was
23 scared. What did you do? You're telling us that you
24 went to your brothers where they were dead. Please fill
12:25:21 25 in the gaps, because now you are at the aunt's house.
26 Did you have cause to come back to the scene?

27 A. Yes, I returned there. I went there for water. There
28 was no water, so I went and drank the dirty water, the
29 water with which we were washing. I drank the soap

1 water, then I crawled back to near my brothers where they
2 had been killed.

3 Q. So for how long were you lying beside your dead brothers?
4 A. I slept there 'til the other day.

12:26:45 5 Q. Now, Mr witness, you did mentioned another person which
6 is this Temne man. what happened to that Temne man?
7 A. well, that Temne man he was also crying at that time. He
8 didn't die that same moment, but when the Kamajors left
9 he was crying. I was hearing his voice. He was crying,
12:27:11 10 but I didn't know where he was.

11 Q. So you said you were there 'til the next day. what
12 happened on that next day?
13 A. well, the next day the ECOMOG came -- ECOMOG came the
14 next morning. They found me lying there. One ECOMOG
12:27:39 15 came down. He had a camera with him.

16 Q. Yes, now this ECOMOG officer came and you said he had a
17 camera, what did he do?
18 A. He snapped us.

19 Q. Were you taken to the hospital?
12:28:41 20 A. Yes, well, they took me to the hospital during that time.

21 PRESIDING JUDGE: Yes, us? Who and who?
22 MR KAMARA: Yes, camera.

23 Q. whose photograph was taken?
24 A. well, they snapped the corpse.

12:29:14 25 PRESIDING JUDGE: That was the corpses of the brothers.

26 MR KAMARA: Of the brothers, yes.

27 THE WITNESS: He was taking a photograph of all of us, because
28 he thought that I was also dead.

29 JUDGE BOUTET: How many of you are there at that moment?

1 THE WITNESS: We are five.
2 MR KAMARA:
3 Q. So when you say five, I take it yourself, your two
4 brothers, Sorie and this unknown Temne man?
12:30:07 5 A. Yes.
6 Q. You said you were taken to the hospital. Do you know who
7 took you to the hospital?
8 PRESIDING JUDGE: What was that question, again? There were
9 five.
12:30:39 10 MR KAMARA: Yes.
11 PRESIDING JUDGE: You said there were five. We know that the
12 two brothers had died. He was alive. What about the
13 others?
14 MR KAMARA:
12:30:53 15 Q. Now, Mr Witness, you mentioned that the five of you were
16 lying there. You confirmed the death of your two
17 brothers and you being alive. What about the other two,
18 what was their state?
19 A. The other two were dead. Four of them died.
12:31:14 20 Q. So you were the only survivor?
21 A. Yes, I was the only one that lived.
22 Q. So who took you to the hospital; do you know?
23 A. Well, when the ECOMOG had been taking the photograph of
24 us, I had to call the ECOMOG and he scared and he asked
12:31:51 25 who called him and I said it was I that was calling him.
26 So he came closer to me and he asked if I was a soldier,
27 or a Kamajor or a devil.
28 Q. The ECOMOG asked you questions?
29 A. Yes.

- 1 Q. whether you were what?
- 2 A. If I was a Kamajor, if I was a soldier --
- 3 Q. If you were?
- 4 A. If I was a Kamajor, a rebel or a soldier.
- 12:32:34 5 Q. were you able to answer to any of those questions?
- 6 A. Yes, I was able to answer and I told him that I was a
7 civilian.
- 8 Q. So, Mr witness, did you yourself during this conflict
9 belong to any fighting group?
- 12:33:00 10 A. No.
- 11 Q. So back to the issue of the hospital, who took you to the
12 hospital?
- 13 A. well, it was my friend that took me to the hospital.
- 14 Q. And which hospital was it?
- 12:33:48 15 A. ~~xxxx~~ Government Hospital.
- 16 Q. Do you know for how long you were in that hospital?
- 17 A. Yes. I don't know the real date that I was taken to the
18 hospital, because by then I had lost my consciousness.
- 19 Q. So you don't know how long you spent at the hospital.
12:34:29 20 when you regained consciousness, for how long were you
21 there?
- 22 A. well, I was there for about two months and some days.
- 23 PRESIDING JUDGE: He was in the hospital for two months?
- 24 MR KAMARA: Two months and some days, Your Honour.
- 12:35:05 25 Q. Now, Mr witness, while you were at this hospital, did
26 anything happen there?
- 27 A. Yes.
- 28 Q. Tell this Court.
- 29 A. well, where I was admitted was where policemen were

1 found. They admitted me where policemen were found.
2 Q. when you say "where policemen" -- what do you mean by the
3 place where policemen were found. who were these
4 policemen?
12:35:33 5 A. well, these policemen were fellow human beings.
6 Q. what were they doing there?
7 A. I met them with some wounds.
8 Q. Okay. They were patients in the hospital?
9 A. Yes, they were patients.
12:35:51 10 Q. Yes, tell us.
11 A. well, so I was put there. I was among them. I saw a
12 Kamajor that was -- that was -- they said the fragment
13 entered his leg and all of us were admitted. Should I go
14 on?
12:36:12 15 Q. Yes.
16 A. So after all of us had been admitted, I saw some
17 Kamajors. They came and took their brother and went with
18 him. Later the Kamajors said that the policemen that
19 were in the hospital were all junta and they should be
12:36:30 20 killed, so they opened fire in the hospital. So patients
21 started moving from the beds and they started falling on
22 the floor.
23 JUDGE BOUTET: I would like to have some clarification on
24 this. I understand there was a Kamajor that came at the
12:36:49 25 same time.
26 MR KAMARA: Yes.
27 JUDGE BOUTET: That Kamajor was injured and some fellow
28 Kamajors came to take him outside of the hospital.
29 MR KAMARA: That's right.

1 JUDGE BOUTET: And after that they decided, because they were
2 police, to open fire.
3 MR KAMARA: Yes, Your Honour.
4 JUDGE BOUTET: These are the same Kamajors.
12:37:13 5 THE INTERPRETER: Your Honours, this witness is too fast.
6 will he please slow down so we can do our work.
7 MR KAMARA: Mr witness, take your time in telling your story.
8 There is an interpreter that has to interpret what you
9 are saying to Their Honours. And, also, they have to
12:37:29 10 write down everything you're saying, okay. Slowly tell
11 your story and we'll get to the end of it.
12 JUDGE BOUTET: Can you take the witness back through, please.
13 MR KAMARA: Yes, Your Honour.
14 Q. Mr witness, you did mention that a Kamajor was removed
12:37:41 15 back again out of the hospital by his fellow Kamajors,
16 right? And then after that Kamajors came again. Are
17 they the same Kamajors that removed this Kamajor away
18 from the hospital or was it another set of Kamajors?
19 A. This was the same Kamajors.
12:38:01 20 Q. So when these Kamajors came again the second time, you
21 were saying something that they said to you in the
22 hospital. What was it?
23 A. Well, they had guns and cutlasses, because they had been
24 shooting.
12:38:31 25 MR KAMARA: Your Lordship, if I may be guided by your records,
26 if you have the statement that the Kamajors made, then I
27 wouldn't cover that ground again any more.
28 PRESIDING JUDGE: We don't have that statement. We don't have
29 that statement. That is what I was expecting. I know he

1 talked of policemen or so --

2 MR KAMARA: Yes.

3 Q. Mr witness, the question I'm asking is when these

4 Kamajors came again, they said something about policemen.

12:38:58 5 what is it that they said before they opened fire?

6 A. They said that all the policemen were junta and they

7 should be killed.

8 Q. So were you still at that hospital after that attack?

9 A. Yes.

12:39:33 10 PRESIDING JUDGE: Should be killed. Did they kill them?

11 JUDGE THOMPSON: Did they kill him?

12 MR KAMARA: Yes, Your Honour.

13 Q. was anyone killed during that attack?

14 A. No, they did not kill anybody. Nobody died, because we

12:39:51 15 were outside while firing. So the ECOMOG came and

16 repelled them.

17 Q. No one died in that attack?

18 A. where I was lying I did not see anybody die, because the

19 ward was so big.

12:40:30 20 Q. And did you say that ECOMOG came?

21 A. ECOMOG came and they tried and pushed them out.

22 Q. Did the firing stop after that?

23 A. Yes, the firing stopped.

24 Q. So after the two-month period you were there, you were

12:41:04 25 eventually discharged, I suppose?

26 A. Yes. I was discharged and I went to the house.

27 Q. So what was life like after your discharge?

28 A. well, when I left the hospital, I was in the house.

29 I would go to town. I would go to the hospital to

1 continue with my medication. The Kamajors they attacked
2 us, because by then there was a checkpoint in town. They
3 said they will always attack me violently and when
4 I dressed to go to church, I was always arrested by the
12:42:04 5 Kamajors. They will disturb me.

6 Q. wait. wait. You mentioned checkpoint. what happened in
7 this checkpoint?

8 A. well, those checkpoints, when you reached these
9 checkpoints, you would be intercepted and they would ask
12:42:24 10 you for your ID card they would ask you for these things,
11 and from there -- and if they --

12 Q. wait, wait. You're going too fast. You were telling
13 this Court about your movement and that if you were going
14 to the hospital, Kamajors harass you. what are you
12:42:48 15 trying to say here?

16 A. I don't understand what you said.

17 Q. That when you dressed to go to church and the Kamajors
18 will harass, what do you mean? what do you mean by being
19 harassed?

12:43:08 20 A. well, they will capture me and they would put me
21 somewhere where I feel that I was not supposed to be
22 there, because that would disturb my life. They would
23 say that I was a soldier so they could accuse me of being
24 a junta. The next time they captured me and they said
12:43:28 25 they were going to eat me.

26 Q. Now, Mr witness, let me take your mind to your brothers.
27 were they buried?

28 A. Yes, my brothers were buried. I was in the hospital when
29 I was told that they had buried my brothers, so I had to

1 say thanks to them.

2 Q. Were you ever shown their graves?

3 A. Yes, after I was discharged I went to the house. I did
4 not reach the house. I went there and from there
12:44:34 5 I marched and I went to my house.

6 Q. Mr witness, did you ever see the bodies of your brothers
7 after you were discharged?

8 A. Yes, I saw them at the time when I was in the village.
9 In this village I was living my life and I had all of my
12:45:13 10 uncles.

11 Q. Wait, Mr witness. You said you saw their bodies. When
12 did you see their bodies?

13 A. During the time when they said they were to be exhumed
14 from the graves.

12:45:34 15 Q. Who sent for the exhumation; do you know?

16 A. Well, they said it was Special Court people.

17 Q. Were you there when these bodies were exhumed?

18 A. Well, I was there when they started exhuming them, but I
19 was not there when they finally did the observation.

12:46:10 20 Q. Did you identify any of those bodies to the Special Court
21 people?

22 A. I don't understand what you mean.

23 Q. Were you asked if you know them, the bodies that were
24 removed?

12:46:25 25 A. If I would know them?

26 Q. If you knew them?

27 A. Yes, I told them that they are my brothers, but the next
28 man I did not know him.

29 Q. Thank you.

1 MR YILLAH: May it please My Lords, I'm a bit confused with
2 the sequence of the evidence. The witness in answer to
3 the penultimate question said he was not there when --
4 until the end of the exhumation and now learned counsel
12:46:57 5 is asking whether he identified the body. I don't see
6 the nexus between the two pieces of evidence. I don't
7 know. I don't know.
8 JUDGE BOUTET: Mr Prosecutor.
9 MR KAMARA: Yes, Your Honour.
12:47:10 10 JUDGE BOUTET: There is a bit of confusion.
11 THE WITNESS: Sir?
12 MR KAMARA: Indeed the witness did state that he was not there
13 for the entirety of the exhumation.
14 JUDGE BOUTET: Yes, but the question was did he identify the
12:47:24 15 body.
16 MR KAMARA: But I pointed -- that's what he's saying now,
17 "That at the end of day I was able to show", yes.
18 Q. So, Mr witness, did you show these bodies to the Special
19 Court people?
12:47:39 20 A. Yes.
21 JUDGE BOUTET: Ask him --
22 JUDGE THOMPSON: Perhaps to be more precise, at what stage did
23 he do that?
24 MR KAMARA: Thank you, Your Honour.
12:47:54 25 JUDGE BOUTET: And as well, what exactly did he do?
26 MR KAMARA:
27 Q. Mr witness, at what time did you -- or what exactly did
28 you do at that time with the special court people?
29 PRESIDING JUDGE: Tell him this. Tell him this: He has said

1 when they started the exhumation process, they didn't
2 finish, he left. He was not there.

3 MR KAMARA: Yes.

4 PRESIDING JUDGE: And what happened? How does he identify --

12:48:24 5 THE WITNESS: wait. When they were digging the graves of my
6 brother I was there

7 JUDGE BOUTET: slowly, slowly, please.

8 MR KAMARA:

9 Q. Take your time.

12:48:41 10 JUDGE BOUTET: Okay.

11 MR KAMARA:

12 Q. Yes.

13 A. During the time I was not there. They sent for me and
14 they came with me. And I came and went and saw where my
12:48:50 15 brothers were being exhumed. I stood by the grave and
16 cried. Because I --

17 Q. Take your time.

18 THE INTERPRETER: Your Honours, this witness is too fast.

19 MR KAMARA: [Overlapping speakers] -- feel about this, but

12:49:03 20 take your time, please.

21 PRESIDING JUDGE: Let the translation be patient with him.
22 I'm sure that is the way he speaks. All you need to do
23 is to put some brakes, you know, on the way he proceeds.

24 Mr witness, you'll go softly, okay. You will go
12:49:23 25 gently, because we want to know clearly what happened.

26 Yes, Mr Kamara.

27 MR KAMARA: Yes, Your Honour.

28 Q. Mr witness, you were telling us. Take your time and
29 explain to the Court. You came to the scene where the

1 exhumations were being done.
2 A. When I saw how they were exhumed, my brothers, I cried.
3 From that one white man was there. He had been asking me
4 questions, you know, how I managed to know that these are
12:49:56 5 my brothers, and I told him we had the same mother and
6 same father. And it was from there that they had to tell
7 me that I should go to Kenema to one of their people who
8 was also a worker of the special court. I went there. I
9 was not there. So I left them exhuming the bodies. When
12:50:14 10 I came from Kenema I made statements in Kenema. I did
11 not meet them any more. The people that I met there --
12 the language that you're talking. I did not understand.
13 I did not understand my own language so I decided that
14 I should go to the house.
12:50:33 15 Q. That's okay.
16 MR KAMARA: Your Honours, he was not there when the exhumation
17 was completed, the exercise.
18 JUDGE BOUTET: Yes, but he has stated somehow, somewhere in
19 his evidence that he did identify, other than standing by
12:50:51 20 the grave and that's the portion -- he came back to the
21 house. Did he see the bodies later on or -- I mean --
22 JUDGE THOMPSON: For me the evidence seems to suggest that he
23 did some identification. It may not have been formal at
24 the time that he was there, because they asked him
12:51:10 25 questions about who the corpses were. And he mentioned
26 that, so it is the stage at which -- I mean, it would
27 seem to me reasonable to infer that he identified before
28 he left.
29 MR KAMARA: Before he left for Kenema.

1 PRESIDING JUDGE: But he should tell us.
2 JUDGE THOMPSON: But if it is not clear, then you need to
3 clear this up.
4 MR KAMARA: Certainly, Your Honour.
12:51:36 5 PRESIDING JUDGE: I mean, up to what point did they dig, you
6 know, before he left? Mr Kamara, please, let him clarify
7 us on this.
8 MR KAMARA:
9 Q. Mr witness, now tell us, at what point did you leave?
12:51:52 10 was any body removed from the grave before you left?
11 A. No. The bodies after they were exhumed there was water
12 in the grave, because they buried them in the swampy
13 area. So when I had gone I had seen and tried to bathe
14 water. I was suffering from my wounds to that is why the
12:52:18 15 white people -- they started asking me questions and I
16 had been answering these questions. From there, they
17 told me that I should go to Kenema.
18 Q. Slowly. So the time they asked you these questions, no
19 body was removed from the grave?
12:52:30 20 A. They did not finish exhuming the bodies.
21 Q. Thank you, Mr Witness.
22 JUDGE BOUTET: Mr Prosecutor.
23 MR MARGAI: May I be guided as to the answer.
24 JUDGE BOUTET: I'm trying to clarify that. I was going to ask
12:53:03 25 one question to see if -- maybe it will help you as well.
26 In his evidence he did say to one of your -- in answer to
27 one of your questions, that did he see - I use the word
28 "see" - the bodies of his brothers after he had been
29 discharged from the hospital.

1 MR KAMARA: Yes.

2 JUDGE BOUTET: This is the evidence I heard and then you move
3 into this exhumation. So he did use the word "see".

4 MR KAMARA: Yes, what he meant there was the graves, not the
12:53:32 5 physical.

6 PRESIDING JUDGE: He left the hospital straightaway and went,
7 because the brothers were buried before --

8 MR KAMARA: Yes.

9 PRESIDING JUDGE: -- you know, whilst he was still
12:53:44 10 hospitalised. Before going to the house after discharge
11 he went to the graves. It was after that the exhumation
12 process took place; is that correct?

13 MR KAMARA: That is correct, Your Honour.

14 JUDGE BOUTET: Mr witness, did you at the grave, when they
12:53:59 15 were exhuming the bodies, did you see the bodies of your
16 brothers at any time?

17 THE WITNESS: Yes, I saw them when they were taking them off.
18 They took them to one of the local chiefs in a veranda.
19 They put the bodies there and they gave them a snapshot
12:54:25 20 and they gave us the pictures. They decided what we
21 should do. Do we take the bodies home or are we going to
22 bury them in xxxx? And we said there was no way. The
23 family asked me, they said, yes, these are our brothers.

24 PRESIDING JUDGE: This happening was earlier on? This
12:54:44 25 snapping?

26 THE WITNESS: It was not before me. The family asked me
27 whether they should take the bodies or we should bury
28 them in xxxx, and I said that they should be buried in xxxx.

29 MR KAMARA:

1 Q. Was this after you came from Kenema?
2 A. Yes, after coming from Kenema.
3 Q. So when you came from Kenema. I'm not asking what
4 happened in Kenema. Now we're back in xxxx. Okay, you
12:55:09 5 came back to xxxx. What happened when you came back?
6 A. When I came, I found out that they had already finished
7 exhuming my brothers, so I heard that they went to the
8 local chiefs and I went there.
9 Q. Now, these bodies were exhumed. You met the bodies when
12:55:29 10 you came back from Kenema?
11 A. Yes, I met the bodies.
12 Q. Did you point out these bodies or identify them to the
13 team that was there?
14 A. The team that went, no.
12:55:42 15 Q. Did they ask you your relationship to these bodies?
16 A. Yes.
17 MR MARGAI: My Lords, there has been a finality to that
18 question. He said "no".
19 THE WITNESS: Sir?
12:55:54 20 JUDGE BOUTET: Well, he didn't say no. Maybe you heard he has
21 said no, and he said yes. He is still trying to clarify
22 what it is. He may have said no to the Special Court
23 people, but he said yes to others. That's what we're
24 trying to clarify.
12:56:09 25 MR MARGAI: No, he said no to the question after he had come
26 from Kenema back to xxxx whether he saw the body. He said
27 yes and the question that followed was did you show --
28 identify these bodies? He said no.
29 JUDGE BOUTET: Well, that is not --

1 MR MARGAI: To the Special Court people.
2 JUDGE BOUTET: To the Special Court people, but he did
3 identify the bodies. That's what we're trying to
4 understand. I hear what you are saying, Mr Margai. I do
12:56:39 5 not dispute what you're saying, but what I'm suggesting
6 to you is it is far from being clear to whom he has said
7 or made the identification to.
8 MR MARGAI: I don't know whether that was what your brothers
9 heard, but I clearly heard him say no.
12:56:57 10 THE WITNESS: Wait.
11 PRESIDING JUDGE: I have a reply here. They did not finish
12 pulling the bodies from the grave before he left.
13 JUDGE BOUTET: Yes, but he came back from Kenema.
14 MR KAMARA: Yeah, he came back from Kenema and met the bodies
12:57:14 15 out of the graves and that is where we are now. We are
16 trying to get him to narrow down to the facts. Now he
17 said that -- I was asking him what was -- did anyone ask
18 him the relationship.
19 PRESIDING JUDGE: Well, Mr Kamara, it is 1.00. I'm afraid we
12:57:31 20 have to rise.
21 MR MARGAI: My Lords, I really was going to ask and, indeed,
22 I'm asking, if we could lay this particular question to
23 rest before the break. It is very crucial.
24 JUDGE BOUTET: It is not to be laid to rest, because it is not
12:58:06 25 clear. We were trying to clarify your understanding.
26 We've been asking these questions.
27 PRESIDING JUDGE: You never know how long it will take us to
28 rest it -- to lay it to rest, rather. So we would rise
29 and resume at 2.30, please. The Court will rise, please.

1 [Luncheon recess taken at 1.02 p.m.]
2 [HN251104D]
3 [Upon commencing at 2.44 p.m.]
4 JUDGE BOUTET: Are you ready to conclude your
14:41:22 5 examination-in-chief?
6 MR KAMARA: Exactly, sir.
7 PRESIDING JUDGE: Were you anywhere near conclusion?
8 MR KAMARA: Almost. I was almost there.
9 JUDGE BOUTET: That's what we thought.
14:41:34 10 PRESIDING JUDGE: I am not very optimistic with all of these
11 learned counsel here.
12 MR KAMARA: I give you my assurance, Your Honour.
13 PRESIDING JUDGE: When it comes to timing. They can go and go
14 and go and keep going.
14:41:51 15 MR KAMARA: Yes. To make the records tidy, Your Honours, I
16 just want to lead this witness when he left Kenema for
17 xxx, and I'll be done with him.
18 Q. Mr. Witness, before we broke for lunch, you told this
19 Court that you left Kenema for xxx after you made a
14:42:16 20 statement. Is that so? Could you speak up a bit, sir.
21 THE INTERPRETER: Your Honours, the witness's mic is not on.
22 THE WITNESS: Go ahead.
23 MR KAMARA:
24 Q. Will you tell this Court what happened when you got back
14:42:48 25 to .
26 A. Yes. When I went to xxx --
27 Q. Slowly, please.
28 A. Okay. When I came to xxx, so the special Court people
29 asked me about my brothers, and I described my brothers

1 to them. Ati Jamba, with my uncle who was called Sorie,
2 and I told them they were my own brothers. It was from
3 there -- should I go ahead?
4 Q. Yes.
14:43:38 5 JUDGE THOMPSON: So the special Court people contacted you.
6 THE WITNESS: Yes.
7 MR. KAMARA:
8 Q. You were explaining something that His Lordship wanted.
9 JUDGE THOMPSON: So when you came to xxx, the special Court
14:44:00 10 people contacted you, and you were telling them what?
11 MR KAMARA:
12 Q. You were explaining to them something. And what is it
13 you were explaining? You said the special Court people
14 contacted you, and they asked you -- did they ask you
14:44:11 15 anything?
16 A. Yes.
17 Q. what did they ask you?
18 A. They asked me whether they were my brothers, and I said
19 yes, they were my brothers. So I had to --
14:44:28 20 JUDGE BOUTET: He said brothers and uncle.
21 MR KAMARA:
22 Q. Did you say brothers and uncle?
23 A. Yes. Yes.
24 Q. which one was your uncle?
14:44:37 25 A. Sorie.
26 MR YILLAH: May it please you, my Lords. My Lords, I'm a bit
27 confused, if I can seek the guidance of the Bench. I'm a
28 bit confused with where the evidence is leading. Is my
29 learned friend leading the witness to testify to facts

1 after he has returned from Kenema or before he went to
2 Kenema?
3 JUDGE BOUTET: It's my understanding anyhow that we are in the
4 process of hearing evidence after Kenema, back in xxx from
14:45:10 5 Kenema.
6 MR YILLAH: Thank you, Your Honour.
7 JUDGE BOUTET: This is my understanding of your questions to
8 the witness.
9 MR KAMARA: Yes.
14:45:23 10 PRESIDING JUDGE: Can you confirm that, because that is my
11 understanding of it, too.
12 MR KAMARA: Yes.
13 Q. Witness, have you already come from Kenema?
14 A. For the Special Court?
14:45:35 15 Q. [Previous translation continues]... meeting with them
16 and them asking you questions. Where was it?
17 A. During that time?
18 Q. Yes.
19 A. At that time, I didn't go to Kenema.
14:45:48 20 Q. My question to you, Mr. Witness, was after you came from
21 Kenema -- listen to my question carefully, okay?
22 A. I'm listening.
23 Q. [Previous translation continues]... you made a
24 statement. You came back from Kenema.
14:45:59 25 A. Yes.
26 Q. That is where I want to focus your attention.
27 A. Yes.
28 Q. Wait, wait. Are you with me? Are we back from Kenema?
29 A. Yes.

1 Q. Now, tell this Court what happened once you came back
2 from Kenema.
3 A. That's what I am saying. When I came from Kenema, they
4 handed over the bodies to our own elder brothers. When
14:46:32 5 they handed over the bodies to our people, so I saw
6 special Court people, they come with them. And they
7 handed over the bodies --
8 Q. Yes. You came from Kenema.
9 A. Yes.
14:46:52 10 Q. You say that the bodies were handed over to who?
11 A. To my father's brother, who was a chief.
12 Q. And who handed over these bodies?
13 A. Those were the ones who went and exhumed them from the
14 graves.
14:47:17 15 Q. The special Court people?
16 A. Yes.
17 Q. And where was this handing over done?
18 A. It was in xxxx.
19 Q. Where in xxx, do you know?
14:47:29 20 A. Yes. In -- I've forgotten the name of the street, but if
21 you ask me, I'll show the area.
22 Q. [Previous translation continues] ...
23 A. xxxxx.
24 JUDGE BOUTET: what's the name?
14:48:00 25 MR KAMARA: How do you spell it?
26 JUDGE BOUTET: Mr. Margai, can you assist in the spelling of
27 that?
28 MR MARGAI: I believe it's x-x-x-x-x. x-x-x-x-x.
29 MR KAMARA: I appreciate that.

1 Q. And how many bodies were handed over to these
2 authorities?
3 A. Three bodies.
4 Q. What happened to those bodies once they were handed over?
14:48:40 5 A. Well, the bodies that they handed over were the skeletons
6 that were handed over. So they asked us whether we are
7 going to bury them there or whether we are going to take
8 them to our home.
9 Q. So what did you do?
14:49:00 10 A. We decided that if we took them to our home, there would
11 be a lot of crying. So because of that, we decided to
12 bury them in xxxxx.
13 Q. You buried them in xxxxx.
14 A. Yes.
14:49:11 15 Q. Were you there when they were buried?
16 A. When they were buried, I was not there.
17 Q. Thank you, Mr. Witness.
18 MR KAMARA: Your Honour, at this point, the Prosecution seek
19 to tender this document, which is a medical report for
14:49:36 20 identification purposes. It has been shown to the
21 Defence, and so that it could be marked for
22 identification.
23 Down the road, in the course of this trial, once the
24 expert who will be giving -- testifying as to the facts
14:49:54 25 of this document, we should be able to relate this
26 document to this witness. That is why we are seeking
27 that this document be admitted and marked for
28 identification.
29 JUDGE BOUTET: And what is this document about?

1 MR KAMARA: It is a medical report from the forensic analyst,
2 and the pathologist, in particular, as to the cause and
3 manner of death of the victims from the graves. It is
4 part of the report prepared by the expert which has been
14:50:29 5 served on the Defence. And the purpose of this document,
6 the intention of which is to be marked for identification
7 so that we should be able to relate this document to this
8 witness when it comes to its use for exhibit as in
9 evidence.

14:50:48 10 JUDGE BOUTET: It's only that I don't see how the mere fact of
11 marking that for identification purposes at this stage
12 will assist you in any way to -- the mere fact that it
13 has been marked for identification when this witness is
14 there does not really relate it any more to this witness
14:51:08 15 when your expert comes in. So I mean, your expert will
16 come in as to testify as to what he has observed himself,
17 what he has done or not done.

18 Anyhow, I'll ask if Defence have any comments before
19 I come back to you.

14:51:26 20 MR YILLAH: On behalf of the first accused, my Lord, I share
21 wholeheartedly with the comments Your Lordship has made.
22 I was also of the view that he could lay the proper
23 foundation when the expert comes to tender that report,
24 my Lord, but not at this stage. And for identification,
14:51:44 25 I don't see what purpose it serves as well, my Lord.
26 Because certainly, the Court would place absolutely no
27 weight on it if it's for identification purposes only,
28 my Lord. Those would be my comments.

29 JUDGE BOUTET: Counsel for the second accused.

1 MR BOCKARIE: Yes, Your Honour, I share the views expressed by
2 counsel for the first accused.
3 JUDGE BOUTET: Mr. Margai.
4 MR MARGAI: My only comment here is that definitely there is a
14:52:15 5 lacuna somewhere. I mean, my understanding of the law
6 dealing with tendering a document for identification,
7 somebody, that is the witness, must identify the
8 document. And it is tendered for identification because
9 the witness is not the fit and proper person to tender
14:52:35 10 the document. But this witness has not looked at that
11 document, not to mention identifying it. I don't know
12 whether counsel is identifying the document and asking
13 for it to be tendered. That is the procedure that I know
14 of.
14:52:54 15 JUDGE BOUTET: That is essentially the one I know as well.
16 MR MARGAI: That is what my learned friend desires as well.
17 MR KAMARA: Thank you, Your Honours. And to start with your
18 last point --
19 JUDGE THOMPSON: Just a minute. Clearly, the law has been
14:53:17 20 most authoritatively expounded. There is clearly no
21 legal nexus between that document and this witness. And
22 as Mr. Margai has said, as far as I understand the law,
23 there is clearly lacuna, and I think it would be more in
24 tune with proper procedure that we wait for the expert
14:53:30 25 who prepared that document - or whether he prepared it or
26 not - to come and testify. Because I don't really see
27 the purpose, unless counsel has some creative purpose
28 which he wants to elucidate for us.
29 I mean, why should this witness, in fact, you know

1 -- why should this document be tendered at this stage
2 when it has no nexus with the witness.

3 MR KAMARA: Thank you, Your Honours. It is my submission that
4 there is a nexus, and there is a distinction, starting
14:54:06 5 with Mr. Yillah's point, my learned friend Yillah,
6 between tendering a document for identification and
7 tendering a document to form part of the evidence. And I
8 take his point in good faith, together with the other
9 points my learned friend has raised: If it is the
14:54:18 10 intention of the Prosecution to tender this document as
11 an exhibit to form part of the evidence of this Court,
12 then their objections are well in place. And that is why
13 for those issues, we wait for the expert. But if it has
14 been only been tendered for identification purposes, then
14:54:35 15 the argument that they have raised are redundant.

16 JUDGE THOMPSON: Let me ask the question? Who identifies it?
17 who is to identify this document for the purposes of
18 being received in evidence for the limited purposes of
19 identification? The distinction is taken. The law makes
14:54:58 20 distinction between tendering a document for
21 identification and tendering it to be part of the full
22 records. But the question really is who is to identify
23 this document, and who are you asking to identify, the
24 Court --

14:55:14 25 MR KAMARA: Yes, Your Honour.

26 JUDGE THOMPSON: Why? Is it the usual process that the Court
27 identifies the document? The usual procedure is for the
28 witness to identify the document, and then it's tendered
29 and marked so-and-so for identification purposes. And

1 that's what we are complaining about. There doesn't seem
2 to be a nexus here between that document and this witness
3 for the limited purpose of identification.

4 MR KAMARA: I agree with you, Your Honours, that usually,
14:55:42 5 normally, it is the witness who identifies a document.
6 In an International Tribunal setting pursuant to
7 Rule 89(C) under the extensive admissibility rule, it is
8 not necessarily the witness that has to identify, or even
9 if it comes to tendering this document as an exhibit, it
14:55:57 10 does not necessarily have to be tendered by the witness.
11 And my authority for that, Your Honours, is "Archibald
12 International Criminal Court Practice on Procedure and
13 Evidence," paragraph 9 to 18, that even if we were to
14 tender this document as an exhibit to form part of the
14:56:14 15 evidence, it is not necessary for this witness to put it
16 in. The Prosecution can tender it in.

17 And also, pursuant to that, pursuant to 89(C), we
18 are seeking that this document be admitted for
19 identification by the Court so that at the end of the
14:56:31 20 day, once the expert is here, it is able to relate the
21 testimony of this witness to this record for
22 identification. That is all.

23 JUDGE BOUTET: There is something missing in what you're
24 submitting. I'm not disputing that we could accept this
14:56:45 25 document just because of you tendering it as such, but
26 I'm trying to see, other than the fact that this witness
27 has testified, obviously, to certain matters that are
28 probably in this document that you're trying to, but what
29 have we achieved by having this document in court at this

1 stage marked for identification?
2 Let's assume we do that. What have we achieved,
3 other than to say we have a document marked for
4 identification? When your expert will come, whenever, as
14:57:13 5 such, whether it's marked for identification now or just
6 shown to him at that time, what is the difference? Why
7 should we mark that now?
8 MR KAMARA: Your Honours, that's a very good question. When
9 the expert is here, he will testify to a plethora of
14:57:24 10 evidence that will involve several witnesses, and this
11 will be helpful now because we are able to relate this
12 aspect to this witness, so when even it gets to that
13 point, it's easy for the Court to relate --
14 JUDGE THOMPSON: Mr Kamara --
14:57:39 15 PRESIDING JUDGE: Mr Kamara, the records sufficiently identify
16 -- will at the proper time identify whichever witness
17 with this particular record. We already have it in
18 evidence that the people of the Special Court came, did
19 an exhumation, and a report was prepared by the
14:57:57 20 pathologist or the experts as the case may be. And at
21 the proper time, the record of the evidence of this
22 witness is in the court records. And when -- this
23 document certainly will be used, will be used at a
24 certain stage, to tender this document properly in
14:58:20 25 evidence, not just for identification.
26 wouldn't you think -- wouldn't you think that it
27 would be proper to tender it not only for identification,
28 but as an exhibit at the proper time?
29 MR KAMARA: [Microphone not activated]

1 PRESIDING JUDGE: wouldn't you think so? This is the way, you
2 know, we are looking at it, because --
3 MR KAMARA: Sorry, Your Honour.
4 I was only trying to be helpful to the Court.
14:58:52 5 JUDGE BOUTET: We appreciate, but we are not prepared to take
6 it at this time. In spite of your effort, Mr Kamara, we
7 understand, we accept that the approach is a fairly
8 liberal approach in these kind of matters, and relating
9 to Rule 89 of the Rules as well. However, we don't feel
14:59:10 10 it would add to our -- in fact, it will just complicate
11 the process rather than what you're suggesting. So we'll
12 wait until we get to this stage. And if we get confused,
13 please draw attention to that issue, and we'll come back
14 to the evidence of this witness, if that is your fear.
14:59:30 15 PRESIDING JUDGE: Mr Kamara, there is -- I'm sure going into
16 the technicalities of that report, there is nothing in
17 evidence here from this witness - from this witness -
18 that would go into leading us to admitting it for
19 purposes of identification. Because we look at it, I
14:59:44 20 think it should come at the proper time. We are not
21 saying we are rejecting the document in evidence;
22 certainly not. What we are saying is that the issue of
23 the admissibility of this document will come up at the
24 proper time and through the proper channels.
15:00:02 25 MR KAMARA: Thank you. That is all for this witness,
26 Your Honour.
27 JUDGE BOUTET: Thank you, Mr Prosecutor.
28 MR KAMARA: Your Honours, just before cross-examination
29 starts, during the lunch break, the Prosecution was able

1 to take a proper look at section -- Article 25(E) quoted
2 by, cited by my learned friend Yillah as regards his
3 status this afternoon. And it is our submission that we
4 are yet unaware under which rule Mr Yillah's is -- under
15:00:36 5 which rule he appeared this morning. And looking at
6 Article 25(E), it could be one of two: Either he is
7 assigned counsel or he is duty counsel.

8 And if he's assigned counsel, does Mr Yillah have
9 the authority of assigned counsel that is coming from the
15:00:57 10 Court? And from the records of this Court, it is clearly
11 seen that there was a point when he was appointed standby
12 counsel, and that appointment lapsed after there was
13 Court-appointed counsel for the first accused.

14 And if Mr Yillah is duty counsel, then the article
15:01:15 15 requests that he has instructions from the assigned
16 counsel, and we were not made known about those
17 instructions except this afternoon.

18 We discussed it during lunch with the Defence team,
19 and he was able to tell us that he had instructions from
15:01:28 20 the assigned counsel. And for record purposes, we would
21 want it to be reflected that, indeed, he has instructions
22 from the assigned counsel and he was acting pursuant to
23 the article.

24 JUDGE BOUTET: We thank you for that clarification. And if
15:01:45 25 that is the case, Mr Yillah, you will confirm that,
26 presumably that discussion you've had with the
27 Prosecution on that issue.

28 MR YILLAH: Yes, my Lord. I was approached this afternoon by
29 my learned friend regarding this issue. And I told him

1 categorically that I had instructions from Dr. Jabbi and
2 that these instructions were given in the presence of two
3 other colleagues.
4 what I would seek the Chamber's guidance on is
15:02:17 5 whether such instructions should be in writing in the
6 future, or whether such instructions should emanate from
7 assigned counsel to the Chamber beforehand. If the
8 Chamber can give a guidance on that, that would be
9 helpful, my Lord.

15:02:33 10 JUDGE BOUTET: I'm not sure we want to do that now, to answer
11 your question on that issue. I am quite satisfied with
12 the explanation and the information you provided to the
13 Court at this moment, and we can carry on. But we would
14 like to clarify the issue for the future in the
15:02:45 15 relationship you have vis-a-vis the first accused and
16 others, as the case may be. We just want to avoid any
17 difficulties in the future.

18 so we will discuss the issue as well with the
19 Principle Defender to make sure that the record is,
15:03:03 20 indeed, clear for future references. But for this case
21 today as such, I take it that we have certainly no
22 problem. If there was any ambiguity, it has been cleared
23 for the record.

24 MR YILLAH: Thank you very much, my Lords. May I proceed,
15:03:21 25 my Lords?

26 PRESIDING JUDGE: Yes, you may proceed, please.

27 CROSS-EXAMINED BY MR YILLAH:

28 Q. Mr Witness.
29 A. Yes.

1 Q. From your own observations, was there a breakdown of law
2 and order in xxxx at the time of the alleged incidents
3 you're testifying to?
4 A. Say what you said. I did not seem to understand.
15:04:01 5 Q. From your observations, from what you observed, was there
6 a total breakdown of law and order in xxxx at the time?
7 A. What happened with me or what I saw in xxxx?
8 Q. What you observed, what you saw in xxxx. Was there a
9 breakdown of law and order in xxxx at the time?
15:04:31 10 A. There was no law and order during that time.
11 Q. During this time, Mr Witness, did control of xxxx change
12 hands -- I mean, in the month of February of 1998, did
13 control of xxxxx change hands between the Kamajors and the
14 juntas?
15:05:24 15 A. Yes.
16 Q. Mr Witness, do you recall telling the investigators in
17 your statement that you do not know the Kamajors who
18 allegedly inflicted physical injury on you? Do you
19 recall saying that to the investigators?
15:06:22 20 A. Yes, I told them that I did not understand the Kamajors
21 who inflicted the wounds on me, but I knew the ones who
22 were harassing me.
23 Q. That's not my question. My question is, do you recall
24 telling the investigators that you do not know the
15:06:43 25 Kamajors who inflicted physical injury on your person?
26 JUDGE BOUTET: Has he testified yet that he did not? Are you
27 trying to contradict him?
28 THE WITNESS: Yes.
29 MR YILLAH: He gave an earlier answer, my Lord, according to

1 the interpretation. But he digressed from what I asked
2 him. So that's why I was repeating the question.
3 JUDGE BOUTET: Okay. I'm sorry, I just interrupted your
4 question. The answer to your question was he did say to
15:07:19 5 the investigator that he did not recognise --
6 MR YILLAH: He does not know the Kamajor.
7 JUDGE BOUTET: Does not know these Kamajors, yes. So is his
8 evidence that he recalls saying that to the
9 investigators, but does he also say now in Court that he
15:07:44 10 does not know these Kamajors?
11 MR YILLAH: My Lord, according to the answer that I have is
12 that he agrees with me that he doesn't recall. He
13 recalls telling the investigators that he does not know
14 the Kamajor, the Kamajors who inflicted physical injury
15:07:59 15 on his person. That's the answer that I have.
16 Q. Mr witness, do you also recall telling the investigators
17 for the Prosecution that you do not know who was giving
18 these orders to the Kamajors?
19 A. At all not.
15:08:29 20 PRESIDING JUDGE: What is the answer?
21 MR YILLAH: The interpretation is "at all not."
22 PRESIDING JUDGE: "At all not," that's what he said? "At all
23 not"? Please, translate properly. Don't leave us in the
24 air. Say "No, I don't know," or "yes."
15:08:53 25 "At all not," what does that mean? What does "at
26 all not" mean?
27 THE WITNESS: I did not know them.
28 PRESIDING JUDGE: Did not know the Kamajors who did what
29 again, Mr Yillah?

1 MR YILLAH: My Lord, my question was does he recall telling
2 the investigators for the Prosecution that he does not
3 know who was giving orders to the Kamajor, the Kamajor
4 did not say who gives them orders.

15:09:48 5 JUDGE THOMPSON: I would have thought that the translation
6 should get that nuance right, because it's a question of
7 recalling saying to the investigators, not whether he did
8 not know the Kamajors. I thought that was the thrust of
9 your question, not whether the translation is getting it
15:09:54 10 right.

11 MR YILLAH: Should I put the question again, my Lord?

12 JUDGE BOUTET: But in addition to the remarks of my brother,
13 I'm trying to follow your questions. Why don't you ask
14 the witness if he knows who gave the orders, if he knew
15:10:10 15 those Kamajors. Why do you go to the statement he has
16 given to the investigators? If you're trying to
17 contradict him, if that is the case -- I'm just trying to
18 follow your line of question.

19 MR YILLAH: My Lord --

15:10:28 20 JUDGE BOUTET: If he said today something different, then
21 that's a different issue. But I don't think these
22 questions have ever been asked of him, so that's why I'm
23 a bit puzzled as to why you go to the statement now.

24 MR YILLAH: My Lord, the reason why I am putting to him
15:10:40 25 whether he said that is if he denies saying that now,
26 then I will be in a position to confront him with a
27 statement, except if Your Lordships direct otherwise.

28 JUDGE THOMPSON: Yes, it's a question of methodology, how you
29 go about it.

1 JUDGE BOUTET: It would be nicer, I would suggest, if you ask
2 him. Obviously you don't need to go to the statement if
3 he admits to all of that. Then you can refresh his
4 memory if that is the case, or whichever way you want to
15:11:09 5 go. But ask him the question directly, rather than the
6 statement. As I say, I do not recall that the witness
7 testified to that at all in examination-in-chief.
8 MR YILLAH: My Lord, I will take the cue, and I will put the
9 question again.
15:11:21 10 Q. Mr Witness, did you say to the Prosecutors that the
11 Kamajors did not say who gave them orders?
12 A. I don't know who gave them the orders.
13 Q. My question is, did you say that to the Prosecutors?
14 A. I don't understand what you mean.
15:11:52 15 MR YILLAH: My Lord, maybe this would be a convenient --
16 THE WITNESS: Speak a little bit louder. I don't hear what
17 you say.
18 JUDGE BOUTET: It appears there might be a problem with
19 translation again. But go ahead, try it again.
15:12:11 20 MR YILLAH:
21 Q. Mr Witness.
22 A. Yes.
23 Q. At the time you were talking to the Office of the
24 Prosecutor, were you being recorded? What you said, was
15:12:21 25 it being recorded?
26 A. Yes.
27 Q. Was that statement read over and explained to you? Was
28 it?
29 A. Yes.

1 Q. Now, do you remember saying in that statement that the
2 Kamajors -- that the Kamajors did not say who gave them
3 orders?
4 A. No Kamajor told me that somebody gave him orders.
15:13:45 5 MR YILLAH: [Previous translation continues] ... the response
6 is that he agrees with me.
7 PRESIDING JUDGE: He agrees, yes.
8 MR YILLAH:
9 Q. Mr Witness.
15:14:22 10 A. Yes.
11 Q. Do you know whether there was a Kamajor office in xxxxx at
12 the time?
13 A. At that time, yes.
14 PRESIDING JUDGE: At the time you were receiving the injuries?
15:14:52 15 At the time you were received these injuries?
16 THE WITNESS: Yes.
17 MR YILLAH:
18 Q. Mr Witness, did you report what you're now testifying to
19 in this Court to the leaders -- to the holders of that
15:15:21 20 office in xxxx? Did you?
21 A. At the CDF office?
22 Q. Yes.
23 A. No.
24 MR YILLAH: That will be all for this witness, my Lord.
15:16:01 25 JUDGE BOUTET: Thank you.
26 Mr Bockarie, for the second accused.
27 CROSS-EXAMINED BY MR BOCKARIE:
28 Q. Mr Witness.
29 A. Yes.

- 1 Q. You told this Court that the juntas were in town, and
2 they fled. Am I correct?
- 3 A. Yes.
- 4 Q. Later on, the youths took over the town. Am I correct?
- 15:16:53 5 After the junta fled, the youths took over the town?
- 6 A. Yes.
- 7 Q. Mr witness, can you please tell us --
- 8 A. Yes, yes.
- 9 Q. Mr witness, can you please tell us --
- 15:17:19 10 JUDGE BOUTET: Go ahead.
- 11 MR BOCKARIE: Thank you.
- 12 Q. Mr witness, can you please tell us how long the youths
13 were in control of the town before the arrival of the
14 Kamajor?
- 15:17:34 15 A. well, it was from the -- it was from morning to the next
16 day, around 4.00.
- 17 Q. Mr witness, can you please tell this Court what was the
18 situation like in xxxx when the youths were in control
19 before the arrival of the Kamajor?
- 15:18:31 20 A. well, the system in xxxxx, it went down a little bit. so
21 when they called the Kamajors, the Kamajor came, and they
22 changed their attitude towards us. We saw six Kamajors
23 who wore blacks and they called themselves Black
24 December. The civilians were very happy about that --
- 15:18:54 25 Q. Okay, okay, all right. When the Kamajors were in town,
26 was the town ever taken again by the juntas?
- 27 A. After two days -- the third day, the junta came, and they
28 took over the town.
- 29 Q. Mr witness, will I be correct to say that the juntas,

1 when taking over the town from the Kamajors, disguised
2 themselves as Kamajors by wearing wrong clothes?
3 A. I only saw them when they put out -- they took their
4 clothes, and they turned it upside-down and they tied it
15:20:25 5 around their waists. That is what I saw.
6 PRESIDING JUDGE: So the answer is, Mr Bockarie, that they did
7 not?
8 MR BOCKARIE: Yes, Your Honour.
9 PRESIDING JUDGE: They did not disguise themselves as
15:20:48 10 Kamajors.
11 MR BOCKARIE: They did not.
12 Q. Mr witness, when the juntas took over the town, they
13 remained in occupation until they were chased out by
14 ECOMOG. Am I correct?
15:21:20 15 A. Yes. That's the evening that the Kamajors entered. At
16 that time -- it was in the morning that I saw the ECOMOG.
17 MR BOCKARIE: That will be all for him, sir.
18 JUDGE BOUTET: Thank you, Mr Bockarie.
19 Mr Margai or Mr Williams.
15:22:01 20 CROSS-EXAMINED BY MR WILLIAMS:
21 Q. Mr witness.
22 A. Yes.
23 Q. During the time the juntas occupied xxxx, you said that the
24 youths put up resistance to them.
15:22:31 25 A. Yes.
26 Q. And then this resistance lasted all throughout the junta
27 period?
28 A. Yes.
29 Q. And the youths were based in xxxx? They were based in xxxx

1 at that time?

2 A. Yes.

3 Q. But the Kamajors were -- during the junta period, the
4 Kamajors were based out of xxxx. Is that correct?

15:24:11 5 A. Yes. They were not there.

6 PRESIDING JUDGE: Is it that they were not there, or they were
7 based outside xxxx?

8 MR WILLIAMS: They were not based in xxxx, my Lord.

9 PRESIDING JUDGE: They were not based in xxxx. You said they
15:24:32 10 were not there. But your question was were they outside
11 Bo, in the neighbourhood or peripheries of xxxx? I thought
12 that was your question.

13 MR WILLIAMS:

14 Q. Do you agree with me the Kamajors were not based in xxxxx
15:24:47 15 during the junta period? They were based out of xxxx. Is
16 that correct?

17 A. Yes, they were not in the town. They were around the
18 villages.

19 Q. These youths, were they referred to by any particular
15:25:28 20 name?

21 A. well, for me, I only heard them calling them "youths".

22 Q. were they also referred to as "vigilantes"?

23 A. Yes.

24 Q. And these vigilantes, were they armed?

15:26:12 25 A. They didn't have guns. The youths had sticks. They were
26 using sticks.

27 Q. Did they also use any cutlasses?

28 A. well, some of them had cutlasses. Some didn't have at
29 all.

1 Q. Could you tell the Court how these vigilantes, how they
2 used to dress?
3 A. Well, they were civilians. It's just like us. They
4 were -- they just were in a certain group. They wear
15:27:13 5 civilian attire.
6 Q. And were they large in numbers?
7 A. There were many.
8 Q. Could you tell the Court why they resisted the junta?
9 A. Yes.
15:27:54 10 Q. Go on.
11 A. Because the juntas were breaking shops; they were
12 stealing. That was the reason why they never agreed with
13 them.
14 Q. Would it be correct to say that a lot of these vigilantes
15:28:45 15 were killed by the RUF and the AFRC?
16 A. I don't understand what you mean.
17 Q. These youths or vigilantes, I mean the ARFC and the RUF,
18 they would kill them whenever they were caught. Is that
19 correct?
15:29:15 20 A. Yes.
21 Q. Could you tell the Court why the junta did not like these
22 youths?
23 A. If I should tell the Court the juntas --
24 Q. Let me ask you this question before that. You would
15:30:07 25 agree with me that the junta and the youths were not
26 seeing eye to eye.
27 A. We were seeing each other because we all stayed together.
28 MR WILLIAMS: [Previous translation continues] ...
29 PRESIDING JUDGE: Seeing eye to eye, you mean?

1 MR WILLIAMS: Yes.

2 PRESIDING JUDGE: Mr Williams, you better check your "see eye
3 to eye."

4 MR WILLIAMS: I think the interpretation was a little more
15:30:54 5 figurative interpretation than I wanted. But I think
6 he's answered the question.

7 PRESIDING JUDGE: I don't know whether he understands the
8 figurative connotation of "eye to eye".

9 MR WILLIAMS: It was for the interpreters. But I think they
15:31:07 10 put it right, and he said they were in disagreement.

11 JUDGE THOMPSON: They were not in agreement.

12 PRESIDING JUDGE: They were not in agreement, okay. So they
13 were not seeing to eye to eye.

14 MR WILLIAMS: As my Lord pleases.

15:31:17 15 Q. And could you tell the Court the reason or reasons for
16 that?

17 A. Yes.

18 Q. [Previous translation continues] ...

19 A. During the time the juntas were in xxxx, they were doing
15:31:36 20 violation of people. They burned people's houses. They
21 drove people from their houses and stole from their
22 shops. And because of that, the youths were not in
23 agreement with them.

24 Q. And would it be correct to also say that -- I mean, these
15:32:02 25 vigilantes were also hostile to those people they thought
26 were friends of the juntas?

27 A. That one, I don't know about it now.

28 Q. And what don't you know?

29 A. What you asked me.

1 MR WILLIAMS: If my Lord pleases.
2 Q. Mr witness --
3 PRESIDING JUDGE: Ask him again the one you asked him and see
4 if he'll answer.
15:32:53 5 MR WILLIAMS:
6 Q. You would agree with me that the vigilantes also disliked
7 those people that were very friendly to the juntas?
8 A. Repeat it.
9 Q. That the vigilantes did not like those people --
15:33:26 10 PRESIDING JUDGE: No, put it this way: The vigilantes did not
11 like the friends of the juntas?
12 THE WITNESS: Yes.
13 MR WILLIAMS:
14 Q. And you will agree with me that that particular group,
15:34:07 15 the vigilantes, they also did bad things to people. Is
16 that correct?
17 A. No. I did not see it.
18 PRESIDING JUDGE: He does not know. Mr Williams, he does not
19 know.
15:34:31 20 MR WILLIAMS: Yes.
21 [HN251104E 3.40 p.m.]
22 Q. You would agree with me that when you returned from
23 ~~xxxxx~~, it was because you thought that ECOMOG had
24 entered Bo; is that correct?
15:38:11 25 A. I don't understand what you're saying.
26 Q. When you came from ~~xxxxx~~ with your brothers, it was
27 because you thought, or you were informed that ECOMOG had
28 taken over ~~xxxx~~; is that correct?
29 A. Yes.

1 Q. But when you came to xxxx, you saw that soldiers were still
2 occupying xxxx -- that is what you discovered?
3 A. Yes.
4 MR KAMARA: I am not sure that is what the witness said, but
15:39:29 5 if the question is clear to the witness, Your Honours, as
6 the evidence that they came, they did not find ECOMOG,
7 and if counsel is asking now what he found out when he
8 came to xxxx, that is fairly understandable, but the
9 evidence does reflect that when he came to xxxx they did
15:39:49 10 not find ECOMOG. I do not recall him saying that they
11 found the soldiers in the --
12 MR WILLIAMS: I'm putting my instructions across to the
13 witness.
14 JUDGE THOMPSON: I think it is a perfectly legitimate question
15:40:02 15 to the point. Remember, it is not examination-in-chief,
16 it is cross examination.
17 MR WILLIAMS: Exactly, and the witness has answered that he
18 found soldiers there.
19 Q. Did you find --
15:40:16 20 PRESIDING JUDGE: Mr Kamara, you can re-examine when it comes
21 to that time. Just take note of those slips and see how
22 you can mend them during your re-examination, if it is
23 really necessary.
24 MR KAMARA: Thank you, My Lord.
15:40:35 25 MR WILLIAMS:
26 Q. Were the vigilantes still around on or about this time?
27 A. During the time we came to look for ECOMOG?
28 Q. [Microphone not activated]
29 A. When I came from xxxxxx, I didn't go there again,

1 because the time I came to check for ECOMOG, the Kamajors
2 chopped me, so I didn't go back there.

3 Q. I think you did not get my question. My question is
4 this: when you returned to xxxx from xxxxxxxx -- you had
15:41:23 5 left xxxxxxx, you came to xxx. My question is whether
6 vigilantes were still active in xxxx at that time.

7 A. No.

8 Q. Do you know where they had gone to?

9 A. well, everybody was scattered.

15:42:08 10 Q. Did they subsequently resurface, these vigilantes -- did
11 they subsequently resurface?

12 A. Yes, they returned back when everything was settled, when
13 ECOMOG had gone, so they came back.

14 Q. And it was the day before you had the terrible experience
15:42:59 15 that you've explained that ECOMOG came; in other words,
16 ECOMOG came the day before all those terrible things were
17 done to you?

18 A. No. The ECOMOG came after they have chopped me. In the
19 morning, that was the time I saw the ECOMOG.

15:43:30 20 Q. would it be correct to say that the vigilante group --
21 these youths -- I'll just consult my learned friends, My
22 Lord.

23 Mr witness, would it be right to say that after
24 these youths returned, they also patrolled xxxxx?

15:45:09 25 PRESIDING JUDGE: Mr Williams, let me have that question
26 again.

27 MR WILLIAMS: That when the vigilantes returned, they also
28 patrolled xxxx, My Lord.

29 THE WITNESS: well, during that time I was not in good

1 condition.

2 PRESIDING JUDGE: So the answer is he does not know.

3 MR WILLIAMS: He does not know, My Lord.

4 Q. Mr witness, you would agree with me that after you had
15:45:57 5 been discharged from the hospital, apart from the
6 Kamajors, you also came across these vigilantes?
7 A. Repeat that.

8 Q. That after you had been discharged from the hospital, you
9 did not only come across Kamajors but you also came
15:46:23 10 across vigilantes?
11 A. At the time I came from the hospital, I saw Kamajors.
12 Q. Did you also see vigilantes around?
13 A. Well, I never saw them again.

14 Q. Finally, Mr witness, these vigilantes -- these youths --
15:47:22 15 did they man checkpoints in xxxx?
16 A. The youths?
17 Q. Yes.
18 A. Yes. They had checkpoints, but later, when the Kamajors
19 came, they stopped their checkpoints. It was only the
15:47:41 20 Kamajors that had checkpoints.
21 MR WILLIAMS: That is all for this witness.
22 JUDGE BOUTET: Thank you, Mr Williams.
23 MR KAMARA: No re-examination, Your Honour.
24 JUDGE BOUTET: Thank you, Mr Kamara.

15:48:17 25 PRESIDING JUDGE: Are you sure, Mr Kamara?
26 MR KAMARA: Yes, Your Honour, positive.
27 PRESIDING JUDGE: Okay.
28 JUDGE BOUTET: Mr Kamara, are you prepared to proceed with
29 another witness after this one has been discharged?

1 MR KAMARA: Yes, My Lord.
2 JUDGE BOUTET: The next one is TF2-088?
3 MR KAMARA: Yes, Your Honour.
4 JUDGE BOUTET: The next one will testify in English?
15:49:15 5 MR KAMARA: In Krio, Your Honour.
6 PRESIDING JUDGE: Mr Witness, we have finished with you, but
7 it may become necessary for us in future to call you back
8 here. We're not saying that we will, but we may call you
9 back here, if the necessity arises. But, for the time
15:49:45 10 being, you may go, and we want to thank you for coming to
11 testify before this Court and to help us to arrive at the
12 proper decision in this case. We wish you and your
13 family all the best. So have a safe journey. You are
14 still in Bo?
15:50:12 15 THE WITNESS: Yes, I am still in Bo.
16 PRESIDING JUDGE: Have a safe journey back. The Court will
17 rise for a few minutes to allow the Prosecution to bring
18 in the next witness. The Court will rise, please.
19 [Break taken at 3.50 p.m.]
15:51:44 20 [The witness withdrew]
21 [On resuming at 4.07 p.m.]
22 PRESIDING JUDGE: This will be the 33rd witness?
23 MS WIAFE: Yes, Your Honour.
24 PRESIDING JUDGE: If we go at this rate, we should finish by
16:08:40 25 January.
26 MS WIAFE: I couldn't guarantee that. I'll have to take
27 instructions.
28 PRESIDING JUDGE: The first instructions can come from
29 Mr Kamara.

1 MS WIAFE: The Prosecution calls TF2-088.
2 WITNESS: TF2-088, sworn:
3 [Witness answered through interpretation]
4 EXAMINED BY MS WIAFE:
16:09:44 5 Q. Good afternoon, Mr witness.
6 A. Good afternoon.
7 Q. Mr witness, how old are you?
8 A. 54.
9 Q. Are you married?
16:10:04 10 A. Yes.
11 Q. How many wives do you have?
12 PRESIDING JUDGE: why do you start from the plural?
13 THE WITNESS: I have two.
14 PRESIDING JUDGE: You should start from the normal to the
16:10:27 15 abnormal.
16 MS WIAFE: That is debatable as to whether --
17 JUDGE BOUTET: what was the answer -- two?
18 MS WIAFE: Two, yes, Your Honour.
19 Q. Do you have any children?
16:10:40 20 A. Yes.
21 Q. How many children do you have?
22 A. 11.
23 Q. Mr witness, have you had any form of formal education?
24 A. Yes, I went to school.
16:11:08 25 Q. How far did you go?
26 A. Form 5.
27 Q. Do you hold any certificate?
28 PRESIDING JUDGE: Up to what -- form 5?
29 MS WIAFE: Form 5, yes, Your Honour.

1 Q. Do you hold any particular certificate?
2 A. Yes.
3 Q. What certificate --
4 PRESIDING JUDGE: I'm not getting the translation properly.
16:11:42 5 It's very, very faint. You may go on. It's not you
6 controlling it there, Ms Wiafe.
7 MS WIAFE:
8 Q. Mr witness, do you hold any particular certificate?
9 A. Yes.
16:12:04 10 Q. What kind of certificate do you hold?
11 A. HTC secondary.
12 Q. What does "HTC" stand for?
13 A. Higher Teacher's Certificate in Secondary Education.
14 Q. Mr witness, what is your current occupation?
16:12:45 15 A. Teaching.
16 Q. And where do you teach?
17 A. xxxxxxx, xxxxx xxxxx Chiefdom, xxxx District.
18 MS WIAFE: The spelling of xxxxxxxx I think is
19 x-x-x-x-x-x-x in the xxxxxxx xxxxx Chiefdom.
16:13:33 20 Q. Mr witness, I would like to take you to November 1997.
21 Do you recall that time?
22 A. Mmm-hmm, yes.
23 Q. Where were you at this time?
24 A. I was in that one village that was called xxxxxxx.
16:14:04 25 Q. The spelling of xxxxxxx is x-x-x-x-x-x. In what
26 district is xxxxxxx?
27 A. xxxxx District.
28 MS WIAFE: Your Honours, the interpretation is still faint.
29 I'm not sure --

1 PRESIDING JUDGE: Yes, it is very faint.
2 MS WIAFE:
3 Q. Mr witness, who were you with at xxxxxxxx in November
4 1997?
16:15:19 5 A. I was with my two children and three of my nephews and
6 other occupants of the house.
7 Q. And at this time in xxxxxxxx, who was in charge of
8 security?
9 A. It was the Kamajors -- it was their second base.
16:16:04 10 Q. Mr witness, who were these Kamajors you referred to?
11 A. Kamajors -- these were a faction that was created by
12 Hinga Norman with the aim of saving us, but these
13 Kamajors were disorganised. They are not under control.
14 They had been looting our property. They had been using
16:17:14 15 a rope that was called FM.
16 MS WIAFE: Your Honours, I'm not really hearing the
17 interpretation very clearly. I wanted to know if the
18 situation could be rectified.
19 PRESIDING JUDGE: [Microphone not activated] why don't you
16:17:57 20 take the other microphone?
21 MS WIAFE:
22 Q. Mr witness, do you know why the Kamajors were in xxxxxxxx
23 at that time?
24 A. Yes.
16:19:51 25 PRESIDING JUDGE: We were at a stage where he was telling us
26 that the Kamajor Movement was created by Mr Hinga Norman
27 to save them, but that thereafter they were not organised
28 and they started doing that. Can we have a repeat of
29 what he said? They started looting or doing whatever.

1 Please, let us have what he said before we proceed.
2 JUDGE THOMPSON: It ended with something about a rope called
3 FM.
4 PRESIDING JUDGE: They used to use the FM.
16:20:30 5 JUDGE THOMPSON: He didn't complete that sentence.
6 MS WIAFE:
7 Q. Mr witness, I asked you who the Kamajors were, and you
8 were explaining to the Court. Can you repeat your
9 explanation?
16:20:46 10 A. Yes. I said the Kamajors were a faction that was created
11 by Hinga Norman, which was not organised. They came and
12 told us that they were coming to save us. But when they
13 came, the people that they said they were fighting
14 against, they came and they turned over to us, the
16:21:12 15 civilians. They looted our property. They would tie us.
16 PRESIDING JUDGE: Tie them with a rope called FM.
17 MS WIAFE:
18 Q. What did this FM rope look like?
19 A. It is a small cord that is sold at the markets and is
16:21:40 20 used to set traps to kill small animals. It is just like
21 a small wire. It's very small. When they tie you with
22 it, it goes into your flesh. The rope that --
23 Q. Witness, we will come to that point. Mr witness, do you
24 know why the Kamajors were in xxxxxx at that time?
16:22:46 25 A. Yes.
26 Q. Why were they there?
27 A. They were there to save our lives -- we, the civilians,
28 against the rebels.
29 Q. Who do you refer to as "rebels"?

1 A. Rebels are people -- these are the people who came to
2 fight against the government, so they were there. They
3 would come to our area.
4 Q. If who came to an area; who are you referring to by the
16:23:45 5 wording?
6 A. The rebels, they used to come to our area.
7 Q. And what would they do when they came to your area?
8 A. They would ask us to feed them and, if we did not give
9 anything, they would take all our property. They would
16:24:09 10 put these loads on our heads and ask us to come with
11 them.
12 Q. Mr witness, I would like to draw your attention
13 specifically to 29 November 1997. Do you recall that
14 date?
16:24:56 15 A. Yes.
16 Q. Where were you on that date?
17 A. I was at xxxxxx.
18 Q. Did anything happen to you or your family on that date?
19 A. Yes.
16:25:24 20 Q. Can you tell the Court what happened?
21 A. I will explain what happened to me that day.
22 Q. Mr witness, could you repeat your answer again?
23 A. I will explain what happened to me that day.
24 Q. And what happened on that day?
16:26:21 25 PRESIDING JUDGE: what was your last question, please,
26 Ms wiafe?
27 MS WIAFE: Where he was on the 29th.
28 PRESIDING JUDGE: He said something happened to him and to his
29 family on 29 November 1997.

1 MS WIAFE: Yes, Your Honour.
2 Q. Could you tell this Court what happened on that day?
3 A. Yes.
4 Q. Please go ahead.
16:26:57 5 A. I sent one of my sons and my nephew [sic] to go and put
6 some cassava in my village.
7 PRESIDING JUDGE: [Microphone not activated]
8 MS WIAFE: Yes, three of his nephews.
9 PRESIDING JUDGE: [Microphone not activated]
16:27:28 10 MS WIAFE:
11 Q. Mr witness, who did you send to your farm; how many
12 people did you send to your farm?
13 A. Four.
14 Q. And who were these people?
16:27:38 15 A. One was my son; the other three my nephews.
16 Q. And where was this farm?
17 A. Half a mile from xxxxxx.
18 Q. Apart from the cassava, was there any other reason why
19 you sent your sons to this farm?
16:28:18 20 A. Yes.
21 Q. What was the reason?
22 A. It was to bring my gun where I hid it -- it was because
23 I wanted my son to bring my gun. I put it in there --
24 I dug and put it and kept it and I didn't want it to get
16:28:48 25 rotten, so I asked him to bring it for me.
26 Q. When did you say you buried this gun? When did you bury
27 this gun?
28 A. In the month of May 1994.
29 Q. Did you also say that this was during the time when the

1 rebels were there?
2 A. Yes. That was the time that they are coming to --
3 PRESIDING JUDGE: May, what -- May 1994?
4 MS WIAFE: Yes, May 1994.
16:29:33 5 THE WITNESS: Yes.
6 MS WIAFE:
7 Q. Mr witness, why did you send your son and your three
8 nephews?
9 JUDGE THOMPSON: He didn't complete the sentence, that this
16:29:46 10 was during the time when the rebels were -- that's an
11 incomplete sentence.
12 MS WIAFE: I thought I heard it.
13 Q. Mr witness, you were saying that this was during the time
14 when the rebels were doing what?
16:30:00 15 A. It was the month of May. They came and attacked ~~xxxxx~~.
16 It was so close to us, so we started hiding our property.
17 Q. And this was the time that you hid this gun?
18 A. Yes.
19 Q. Now, Mr witness, can you tell this Court why you sent
16:30:51 20 your three nephews and your son to go for this gun?
21 A. Yes.
22 Q. Please tell us.
23 A. The Kamajors who came to us wanted guns -- they had no
24 guns. One of my brothers joined the Kamajors and he was
16:31:22 25 made a commander. He was the one that asked me to give
26 him my gun. That is why I sent -- so that my gun could
27 be brought so I could give it to him.
28 Q. Mr witness, what type of gun was this?
29 A. It was a double-barrelled gun.

1 Q. And do you remember the time of day when you sent your
2 sons to the farm?
3 A. Yes.
4 Q. What time did you send them?
16:32:44 5 A. It was early in the morning, around 7.
6 Q. Now, these four people that you sent, did they come back
7 to xxxxxx, to your house?
8 A. I wasn't able to see all of them again. It's only one
9 that I saw.
16:33:33 10 PRESIDING JUDGE: Is anybody here from the Witness Protection
11 Unit, please?
12 [HN251104F 4.35 p.m.]
13 PRESIDING JUDGE: Put off the microphone, put off the
14 microphone.
16:31:30 15 JUDGE BOUTET: Maybe we should break for five minutes.
16 PRESIDING JUDGE: The Court will break for five minutes so as
17 to allow the witness protection unit to resuscitate the
18 witness. What is he saying? We'll break for five
19 minutes, please.
16:32:30 20 [Break taken at 4.35 p.m.]
21 [Upon resuming at 4.56 p.m.]
22 MS WIAFE:
23 Q. Mr witness, are you feeling much better now?
24 A. Yes.
16:53:25 25 JUDGE BOUTET: Just wait a few seconds, please.
26 MS WIAFE: Yes.
27 PRESIDING JUDGE: So he says he's feeling better, good. We'll
28 resume the session.
29 MS WIAFE:

1 Q. Mr witness, just before the break I asked you if your son
2 and your nephews came back and you said no. Do you know
3 why they didn't come back?
4 A. Yes.
16:53:59 5 Q. Can you tell us why?
6 PRESIDING JUDGE: I thought I heard him say that only one of
7 them came back.
8 MS WIAFE: He said he saw only one of them.
9 PRESIDING JUDGE: Only one came back.
16:54:17 10 THE WITNESS: He did not come to me directly. They held him
11 and took him some other site. I saw him, but it was not
12 to me that he came. I saw one.
13 MS WIAFE: Your Honours, I will clarify that issue as we go
14 down the line.
16:54:36 15 Q. Mr witness, do you know what happened to those four
16 people?
17 A. Yes.
18 Q. How did you come to know what happened to those four
19 people?
16:54:57 20 A. When I send them in the morning around 5.00 o'clock, I
21 went and met this gun with the Kamajors in the court
22 barri, and I said --
23 Q. And why did you go to the court barri?
24 A. It was my son that told me, that said, "Father" - the
16:55:51 25 other child - "the gun that you ask my brother to bring,
26 I saw it with the Kamajors in the court barri." That was
27 what made me to go there, running.
28 Q. And was this son the same son that you sent to the farm?
29 A. No. Out of my two children, one was staying at home and

1 it was my eldest son that I sent with my nephews.
2 Q. Did you go to the court barri alone?
3 A. I and my son, both of us went.
4 Q. And was this the son who informed you that the gun was at
16:57:18 5 the court barri?
6 A. Yes.
7 Q. Mr witness, what did you see when you arrived at the
8 court barri?
9 A. I saw my gun with a lot of Kamajors.
16:57:51 10 Q. And what if anything did you do when you arrived at the
11 court barri?
12 A. When I reached there, I said, "This my gun. Where is the
13 son that I sent to collect this gun?"
14 PRESIDING JUDGE: He said to who?
16:58:34 15 MS WIAFE: I was going to come to that.
16 PRESIDING JUDGE: Yes, okay.
17 MS WIAFE:
18 Q. And who did you say this to?
19 A. The Chief Kamajor.
16:59:17 20 Q. How do you know this was the Chief Kamajor?
21 A. They had introduced him to us, because one of -- a member
22 of our family and all of us ourselves.
23 Q. Was he the Chief Kamajor of Gumahun?
24 A. He was the Chief Kamajor for the whole of the Valunia
17:00:11 25 Chiefdom.
26 MS WIAFE: Your Honours, the spelling of is Valunia is
27 V-A-L-U-N-Y-A.
28 Q. Did the Chief Kamajor say anything to you?
29 A. Yes.

1 Q. what did he say to you?
2 A. He said, "That gun that you sent your children to
3 collect, you'll not get it again. It belongs to us now,
4 the Kamajors. And in fact we are going to kill all of
17:00:57 5 them."
6 Q. Mr witness, do you remember the name of this chief
7 Kamajor?
8 A. I know all of them. I know all of them. Only very few.
9 we are all living together.
17:01:54 10 Q. what was his name?
11 A. James Bundu.
12 MS WIAFE: Bundu, B-U-N-D-U.
13 Q. Mr witness, after the Chief Kamajor had told you that he
14 was going to kill your son and your three nephews, what
17:02:21 15 did you do?
16 A. I ask them, "why are you going to kill them?" They said
17 that I had not permit my children to join the Kamajor
18 society. They said, "There is no individual in this
19 section who does not join the Kamajors, and whosoever
17:02:49 20 does not join us now classed as a rebel."
21 Q. Now, Mr witness, apart from the Chief Kamajor, who else
22 was at the court barri?
23 A. There are a lot of them, but I'll name some.
24 Q. Yes, go on.
17:03:42 25 A. Alhaji Hassan Sheriff, battalion commander; Gibril
26 Mansaray.
27 JUDGE BOUTET: what's the first name?
28 MS WIAFE: Alhaji Hassan Sheriff.
29 JUDGE BOUTET: The other one?

1 MS WIAFE: Gibril Mansaray.
2 THE WITNESS: Gibril Mansaray, secretary to the Kamajors.
3 Sundifu Samuka, another battalion commander.
4 MS WIAFE:
17:04:35 5 Q. Mr witness, can you spell the name?
6 A. [No interpretation] And Joseph Kulagbanda, another
7 battalion commander.
8 Q. Can you spell the Kulagbanda?
9 A. K-U-L-A-G-B-A-N-D-A and many others.
17:05:22 10 Q. Having said this to you, did the Kamajors do anything?
11 A. Yes.
12 Q. What did they do?
13 A. They ask the small boy that I went with to the barri,
14 they said they should accompany them to the stream, where
17:05:49 15 they tied my children.
16 Q. What did you say again? Can you go over your response?
17 A. They asked me --
18 PRESIDING JUDGE: Who are these people?
19 THE WITNESS: The Chief Kamajor, James Bundu, said, "That son
17:06:15 20 whom is standing there, we are taking him to the stream
21 where we tied your children."
22 MS WIAFE:
23 Q. Do you know what stream they were talking about?
24 A. Yes, Taia River.
17:06:50 25 Q. What was the name again?
26 A. Taia River.
27 Q. Can you spell it?
28 A. T-A-I-A.
29 Q. And do you know how far the Taia River was from the court

1 barri?
2 A. Yes, yes.
3 Q. How far was it?
4 A. About 300 yards.
17:07:36 5 Q. And did the Kamajors go to the Taia River, as they said,
6 with your other son?
7 A. Yes, they went with my son. Said I'll not be allowed to
8 go there.
9 Q. who said you wouldn't be allowed to go there?
17:08:28 10 A. The Chief Kamajor, James Bundu.
11 Q. Did he tell you why he wouldn't allow you to go with
12 them?
13 A. Yes.
14 Q. what did he say?
17:09:07 15 A. He said, "we're taking your son and if you follow us we
16 are going to kill you."
17 Q. And your son who went with the Kamajors, did he come
18 back?
19 A. Yes.
17:09:51 20 Q. Did he tell you anything when he came back?
21 A. Yes.
22 Q. what did he tell you?
23 A. He said, "Father, did you hear the gunshot four times?"
24 I said, "Yes."
17:10:54 25 Q. where were you at this time, when your son asked you
26 whether you heard the gunshots?
27 A. I was in the house where we lodged.
28 Q. Now, Mr witness, you said you told your son you heard the
29 gunshots. where were you when you heard those gunshots?

1 A. In the house where I was staying.
2 Q. And how far is the house from the Taia River?
3 A. The same 300 yards.
4 Q. Did your son tell you anything else?
17:12:15 5 A. Yes.
6 Q. what did he tell you?
7 A. He said the gunshots that he heard, the first one was
8 Sundifu Samuka. He said, "He was the one that killed my
9 brother."
17:12:49 10 Q. what else did he say?
11 A. He said the second shot --
12 PRESIDING JUDGE: [Microphone not activated] Sundifu Samuka
13 and that he was the one who killed who? The gunshot
14 killed who?
17:13:15 15 THE WITNESS: My son.
16 MS WIAFE:
17 Q. what else did he say?
18 A. He said the second shot, Joseph Kulagbanda was the one
19 that fired at my elder nephew.
17:13:51 20 Q. Did he tell you what happened to your elder nephew when
21 he was shot at?
22 A. Yes.
23 Q. what happened to him?
24 A. They shot at them four times. Said the third shot was
17:14:31 25 wan Mohammed, he was the one that shot the other nephew.
26 They all died and they threw them into the water.
27 Q. Mr witness, how many people died?
28 A. They killed three at that same spot.
29 Q. Did your son also tell you --

1 PRESIDING JUDGE: And threw them in the river, he says?
2 MS WIAFE: Yes.
3 THE WITNESS: In the Taia River.
4 MS WIAFE:
17:15:37 5 Q. Did your son tell you what happened to the fourth person?
6 A. Yes.
7 Q. What did he say?
8 A. He said the last shot -- well, it took some time before
9 he relate; after some minutes. That last shot, that
17:16:01 10 small nephew ran away and went down the river. He was
11 trying to cross. As he wanted to cross, then they shot
12 him at the back. Then he sank into the water, but he did
13 not know whether he survived.
14 Q. What time of the day was this report given to you by your
17:17:19 15 son?
16 A. It was past 6.00 o'clock in the evening.
17 Q. Did you do anything as a result of this information?
18 A. I did not do anything.
19 Q. Did you make any attempt to go to the Taia River to see
17:18:06 20 for yourself what had happened?
21 A. Before this I had known their tactics. When the Kamajor
22 killed somebody, no civilian would be allowed to go
23 there. If he went there he'll also be killed. This was
24 something that was normal. So I did not go there.
17:18:41 25 Because they had been doing it to several people. I
26 afraid.
27 Q. Did you do anything else that evening?
28 A. I did not do anything.
29 Q. Did you ever come to know the whereabouts of the

1 nephew -- the fourth nephew?
2 A. Yes.
3 Q. How did you come to know about what happened to him?
4 A. Late at night, around 9.00 o'clock, I was in my bedroom
17:19:43 5 in the parlour.
6 PRESIDING JUDGE: 9.00 p.m.?
7 THE WITNESS: 9.00 p.m. in the night, yes.
8 PRESIDING JUDGE: On the same day?
9 THE WITNESS: Yes.
17:20:14 10 MS WIAFE:
11 Q. What happened in the parlour?
12 A. I was in my room and I heard talking on the verandah.
13 Q. Mr witness, who was talking in the verandah?
14 A. A group of Kamajors were in the verandah. That teacher's
17:20:31 15 son, he did not die. He did not die at all. I heard a
16 group of Kamajors; they came to that village and they
17 have taken him. I heard that. I said, "Oh". Then I
18 started praying to God.
19 Q. You said you overheard a group of Kamajors on the
17:20:53 20 verandah saying that your fourth nephew had not died from
21 the gunshot; is that what you're saying?
22 A. Yes.
23 Q. Did you make any attempt after this to locate him?
24 PRESIDING JUDGE: That he had not died. What did they say
17:21:32 25 thereafter? So that teacher's child had not died -- that
26 fourth child. What else did they say?
27 THE WITNESS: They said another group of Kamajors had taken
28 him to Mandu, 7 miles off.
29 MS WIAFE:

1 Q. Seven miles from where?
2 A. Seven miles from xxxxx, where we were.
3 Q. Did you make any attempt to locate him?
4 A. Yes.
17:22:18 5 Q. what did you do?
6 A. So early in the morning, the 30th --
7 Q. 30th of which month? November?
8 A. The next day.
9 Q. what did you do on that day?
17:22:43 10 A. So early in the morning, so I woke one of my children and
11 I said, "I will go to xxxxx. I heard that my smaller
12 nephew did not die." So we went on foot and went there,
13 7 miles. we left at 7.00 o'clock and we arrived at
14 9.00 o'clock.
17:23:27 15 PRESIDING JUDGE: 9.00 a.m. or 9.00 p.m.?
16 THE WITNESS: 9.00 a.m., early in the morning.
17 MS WIAFE:
18 Q. Now, Mr witness, when you arrived at xxxx, where did you
19 go specifically?
17:23:42 20 A. I went to the other battalion kamajor base.
21 Q. Can you remember where it was specifically?
22 A. Yes.
23 Q. Where was this?
24 A. At Brima Sheki's compound. All of them were there.
17:24:15 25 Q. Can you spell Brima Sheki?
26 A. Yes. B-R-I-M-A, Brima; S-H-E-K-I, Sheki.
27 Q. When you got to Brima Sheki's compound, what did you
28 find?
29 A. I saw this: My nephew and his mother, standing amongst

1 the Kamajors and a lot of civilians.
2 Q. what was the condition of your nephew when you saw him?
3 A. He was weak. He had no clothes on.
4 Q. Mr witness, can you tell this Court what happened at
17:25:39 5 Brima Sheki's compound that day?
6 A. Yes.
7 Q. Carry on.
8 PRESIDING JUDGE: How much longer do you have to conclude with
9 this witness?
17:26:00 10 MS WIAFE: I have quite a bit -- quite some time.
11 PRESIDING JUDGE: Quite some time. We are at 5.30. I think
12 we will have to adjourn to tomorrow. We will continue
13 with the examination-in-chief tomorrow at 9.30. The
14 Court will resume sitting tomorrow at 9.30, please.
17:27:23 15 [Whereupon the hearing adjourned at 5.30 p.m., to be
16 reconvened on Friday, the 26th day of November 2004, at
17 9.30 p.m.]
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-030	1
EXAMINED BY MS WIAFE	1
CROSS-EXAMINED BY MR YILLAH	14
CROSS-EXAMINED BY MR BOCKARIE	15
CROSS-EXAMINED BY MR MARGAI	18
WITNESS: TF2-156	32
EXAMINED BY MR KAMARA	32
CROSS-EXAMINED BY MR YILLAH	75
CROSS-EXAMINED BY MR BOCKARIE	80
CROSS-EXAMINED BY MR WILLIAMS	82
WITNESS: TF2-088	91
EXAMINED BY MS WIAFE	91

C E R T I F I C A T E

We Maureen P Dunn, Ella K Drury, Roni Kerekes and Joanne Mankow, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Maureen P Dunn

Ella K Drury

Roni Kerekes

Joanne Mankow