

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

FRIDAY, 26 NOVEMBER 2004  
9.45 a.m.  
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Ms Maureen Edmonds  
Mr Geoff walker

For the Prosecution:

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

For the Principal Defender:

Mr Ibrahim Yillah  
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

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 Friday, 26 November 2004  
2 [Open session]  
3 [The witness entered court]  
4 [Upon commencing at 9.45 a.m.]  
5 PRESIDING JUDGE: Learned counsel, good morning. We're  
6 resuming our session. We have -- yes, learned counsel,  
7 Ms Wiafe, you may sit down for now because we have a few  
8 preliminary issues we want to mention before we move on  
9 to the continued examination-in-chief of this witness.  
10 And we would ask Judge Boutet to address the issues which  
11 we are all agreed on.  
12 JUDGE BOUTET: Thank you, Mr Presiding Judge. The first issue  
13 I would like to deal with is the matter that has been  
14 raised by counsel for the third accused who has raised  
15 this matter for I don't know how many times - but to my  
16 recollection, three, if not four times - having to do  
17 with the photocopying machine. The last report that we  
18 had last week was that they had not yet been provided the  
19 Defence, and I have seen and we have -- the Chamber  
20 looked at the report submitted by the Principle  
21 Defender's office, and we agree with her recommendation  
22 that there has been undue delay in providing this  
23 equipment. And today, we are taking the step of ordering  
24 the Registrar to provide this equipment immediately. By  
25 "immediately," we'll give the Registrar's office a week  
26 to procure the equipment. If they cannot buy it, they  
27 can rent it, but they have to provide it. That goes to  
28 the notion of equality of arms for both the Prosecution  
29 and the Defence. This is a matter that has been

1 outstanding for months now, and it is time that action be  
2 taken. We, therefore, order that the Registrar procure  
3 the equipment to the Defence as soon as possible.  
4 So I hope that that responds to your requests at this  
5 time, Mr Margai, and I hope that will achieve some  
6 success.

7 MR MARGAI: Thank you very much, my Lords. I appreciate that  
8 on behalf of both sides of the house. But I would want  
9 also to employ Your Lordships to include in the order  
10 furnishing this Chamber with a photocopier as well,  
11 because sometimes a document may prove necessary to be  
12 tendered. And expeditiously, we could just produce  
13 copies as has been occasioned --

14 JUDGE BOUTET: I hear you, Mr Margai. I don't do that on  
15 purpose because I have been informed that the second  
16 portion of your motion, that is the one for the Court  
17 here, has been ordered and should be installed at any  
18 moment now. So this one is in progress, and it's being  
19 activated, so that's why. But obviously, if it is not  
20 in situ within a few weeks, we will have to take action.  
21 But I agree with you that this is important for the  
22 proper work of this Court that we have the proper  
23 equipment right here in this court. When photocopies  
24 need to be done, we should have the equipment available  
25 to do so.

26 MR MARGAI: I appreciate it.

27 JUDGE BOUTET: I thank you very much.

28 The -- there are a few other matters that we would like  
29 to dispose of this morning as Friday, as you know, is

1 motion day. We do have a few outstanding matters which  
2 we don't think will require much time and much action  
3 either.

4 One has to do with the order of the Court of 27  
5 October 2004 requesting the Prosecution to submit maps.  
6 And pursuant to the order of 27 October 2004, the  
7 Prosecution has submitted the maps highlighting the  
8 specifications of the order of the -- on the 2nd of  
9 November 2004. So there are one, two, three, four, five  
10 maps that have been produced, and they highlight  
11 locations referred to in each specific count of the  
12 consolidated indictment. The Prosecution sought to have  
13 these maps admitted as exhibits.

14 The Defence were required to respond by the 9th of  
15 November 2004. No response has been received from the  
16 Defence apart from the Defence acceptance to admit Map 2  
17 as an exhibit on the 4th of November 2004 upon the  
18 initial undertaking of the court-appointed counsel for  
19 the second accused who moved to ask that one of these  
20 maps be marked as an exhibit and has been marked.  
21 So the Trial Chamber could now move and would move to  
22 accept to mark all of these maps as exhibits in this  
23 trial as they have been now produced with the Court  
24 Management.

25 So Court Management, can we get the information as  
26 to where they are in the exhibit listings at this  
27 particular moment. I think we are at Exhibit 29, but...  
28 Next one is 30.

29 So we will mark these maps as follows: So Map 1, which

1 is the one highlighting all locations referred to in each  
2 specific count of the consolidated indictment and counts  
3 6 and 7 that has been described as Map 1 will be marked  
4 as Exhibit 30.

5 Map 2 highlighting paragraphs 23 to 24 of the  
6 indictment, that one has already been marked as  
7 Exhibit 20. It may cause some confusion here, but this  
8 is the one that was tendered by the second accused on the  
9 4th of November. So as this one is already marked as  
10 Exhibit 20, there's no requirement to mark it again. But  
11 for you to follow properly, you should know that Map 2,  
12 which is part of the same group of exhibits, is already  
13 in evidence as Exhibit 20.

14 Map 3, which highlights counts 1 and 2 in paragraph  
15 25 of the indictment will be marked as Exhibit 31. Map 4  
16 highlighting counts 3 and 4 and paragraphs 26 of the  
17 indictment is marked as Exhibit 32. And Map 5  
18 highlighting count 5 and paragraph 27 of the indictment  
19 is marked as Exhibit 33.

20 And the other outstanding matter that I would like  
21 to deal with this morning has to do with the information  
22 provided to the Court by the Prosecution in the  
23 Prosecution's confidential corrigendum of Prosecution  
24 order of witnesses to be called in the third session.  
25 Filed 8 November, the Prosecution stated that "On the 1st  
26 November 2004, the Prosecution filed order of witnesses  
27 to be called in the third trial session. This gave the  
28 Trial Chamber the order of presentation and unredacted  
29 statements for witnesses numbered 37 to 43 of the witness

1 trial order. In relation to this, an amended witness  
2 list was filed on the 2nd of November 2004. With both  
3 these lists, the Prosecution also informed the Trial  
4 Chamber whether it intended to ask for any additional  
5 protective measures to individual witnesses in addition  
6 to those already granted to all Prosecution witnesses.

7 "Witness TF2-067," which is forthcoming - I think  
8 it's the third witness from now to be called - "was  
9 classed in both the above-mentioned orders as needing  
10 basic protection. However, this witness is a child  
11 witness under the age of 18, and therefore is subcategory  
12 B witness as laid out in the Trial Chamber's decision on  
13 Prosecution motion for the modification of protective  
14 measures for witnesses handed down on the 8th of June  
15 2004.

16 "As a result, the Prosecution will be seeking to  
17 have the protective measures granted to subcategory B  
18 witnesses extended to witness TF2-067."

19 In this corrigendum that I've just referred to, the  
20 Prosecution state that they will be seeking to have the  
21 protective measures granted to subcategory B witnesses,  
22 i.e., closed-circuit television, to be extended to this  
23 witness TF2-067. This corrigendum is not in the form of  
24 a request for protective measure. Given that witness  
25 TF2-067 is number 35 on the modified witness list and  
26 witness 33 is currently testifying, it might be a good  
27 idea to ask the Prosecution to formally make any  
28 submission if they are seeking these measures so to  
29 enable the Defence to give a response in this respect at

1 this time.

2 So -- and we would ask that the application for  
3 closed-circuit television as a protective measure not be  
4 left at the time when the witness will be called to  
5 testify, but should be done if at all possible and  
6 feasible now or today.

7 May I ask a response from the Prosecution on this  
8 matter. Mr Tavener.

9 MR TAVENER: Thank you, Your Honour. We will seek to make an  
10 application today. I just need to speak to the  
11 particular counsel leading that witness.

12 JUDGE BOUTET: And I would suggest that you consult with your  
13 colleagues on the Defence side so if we can proceed a  
14 little bit faster with this. I don't think there is any  
15 requirement to go into closed session scenario as we do  
16 for closed session hearing; but yet, we need to hear what  
17 the information is so we can make an informed decision as  
18 to whether to grant it or not.

19 MR. TAVENER: Certainly. I'll speak to Defence counsel at the  
20 break.

21 JUDGE BOUTET: Thank you. So those are the only matters that  
22 we have on the motions or related to motions at this  
23 particular time. Unless there's any other application at  
24 this time, we'll move forward to finish the evidence of  
25 the witness who is already sitting.

26 Just a moment, Mr Margai.

27 [The Trial Chamber confers]

28 PRESIDING JUDGE: I just want to announce for the interest of  
29 learned counsel, Dr. Jabbi, who raised the issue in Court

1 that the Hinga Norman, the decision of the Hinga Norman  
2 motion, would be known on Monday. Monday,  
3 that's -- what's the date again? The 29th, Monday, the  
4 29th of November. And the Tribunal will start sitting on  
5 that day at 9.00, please, at 9.00. May the Court  
6 Management take note of this, and all learned counsel on  
7 both sides, please, should also take note of this. We'll  
8 start meeting at 9.00 so that we may gain time. The  
9 decision will take some time, and so we would need to at  
10 least gain some time by starting earlier. So that's the  
11 announcement that I wanted to make. Yes, Mr Jabbi.

12 MR JABBI: Thank you very much, my Lord.

13 PRESIDING JUDGE: Yes, thank you.

14 JUDGE BOUTET: Mr Margai, you were about to --

15 MR MARGAI: Yes, my Lords. I have a brief oral motion if your  
16 Lordships are amenable to --

17 JUDGE BOUTET: Yes. This is motion day, and we have opened  
18 the session on motions. Are you ready to proceed now?

19 MR MARGAI: Yes, my Lords.

20 JUDGE BOUTET: Please go ahead.

21 MR MARGAI: My Lords, we are seeking the Court's determination  
22 and directive on the following issues which we consider  
23 to be of fundamental importance; namely, one, whether  
24 investigators --

25 PRESIDING JUDGE: Please, please wait.

26 MR MARGAI: Sorry.

27 PRESIDING JUDGE: One, yes.

28 MR MARGAI: One, whether investigators form part of the  
29 Defence team; if so, whether they should access



1 statements of intending witnesses for the Prosecution,  
2 which statements are served on the Defence team --  
3 PRESIDING JUDGE: Statements as --  
4 MR MARGAI: Statements as served on the Defence team.  
5 Secondly --  
6 JUDGE BOUTET: Mr Margai, you're talking of the statements  
7 42 days prior to the evidence.  
8 MR MARGAI: Yes, my Lord.  
9 JUDGE BOUTET: These are the statements prior to --  
10 MR MARGAI: These are the statements I'm referring to.  
11 PRESIDING JUDGE: Prior to the evidence?  
12 MR MARGAI: Yes, my Lords.  
13 PRESIDING JUDGE: Let's say prior to their testimony.  
14 MR MARGAI: Prior to their testimony. Secondly, if the  
15 answers to one and two are in the affirmative, ought not  
16 the investigators to be exempt as part of the public  
17 during closed session proceedings. During closed session  
18 proceedings.  
19 Thirdly, my Lords, on the question of equality of  
20 arms, statements of witnesses tendered in this Chamber  
21 have clearly manifested that some Prosecutors acted as  
22 investigators of these witnesses. And if such  
23 Prosecutors can remain in Court during closed sessions,  
24 to make the doctrine of equality of arms meaningful and  
25 equitable, ought not the same to be extended to the  
26 investigators of the Defence team.  
27 My Lords, this is of significance --  
28 PRESIDING JUDGE: Are you through with the --  
29 MR MARGAI: Yes, I'm now winding up. This is of significance

1 especially where statements furnished the Defence in  
2 advance of a witness's testimony is invariably not  
3 exhaustive, is invariably not exhaustive, but a summary  
4 of what that witness will be saying in Court.

5 And this Chamber is seized of the fact that the  
6 actual testimonies of witnesses to such statements far  
7 outweigh the statements, albeit in summary form,  
8 furnished to the Defence.

9 And my Lord, this application is made, apart from  
10 the procedure made in the Rules of Evidence and Practice,  
11 my Lords --

12 PRESIDING JUDGE: What section, please? This application is  
13 made in regards what Rules?

14 MR MARGAI: I'm referring here to Article 17.

15 PRESIDING JUDGE: Of the Statute.

16 MR MARGAI: Of the Statute captioned "Right of the accused, to  
17 wit" --

18 PRESIDING JUDGE: What subsection?

19 MR MARGAI: 4(B).

20 PRESIDING JUDGE: 4(B), yes.

21 MR MARGAI: 4(B). It reads: "To have adequate time and  
22 facilities for the preparation of his or her Defence and  
23 to communicate with counsel of his or her own choosing."

24 And also, Rule 75, my Lords, (A), which states that  
25 a Judge or a Chamber may on its own motion or at the  
26 request of either party or of a victim or witness  
27 concerned or of the witnesses -- sorry, of the victims  
28 and witnesses unit order appropriate measure to safeguard  
29 the privacy and security of victims and witnesses

1 provided that the measures are consistent with the rights  
2 of the accused.

3 My Lords, finally, your Lordships have no doubt  
4 observed the presence of --

5 PRESIDING JUDGE: Yes, Mr Margai.

6 MR MARGAI: Yes, my Lords.

7 PRESIDING JUDGE: Can you round up, please.

8 MR MARGAI: Yes, my Lords. Your Lordships have observed, no  
9 doubt, the presence of OTP interns in this Chamber, even  
10 when the Chamber moves into closed session.

11 And finally, my Lords, under the general  
12 provision - that is Rule 54 - which reads: "At the  
13 request of either party or of its own motion, a Judge or  
14 a Trial Chamber may issue such orders, summonses,  
15 subpoenae, warrants, and transfer orders as may be  
16 necessary for the purposes of an investigation or for the  
17 preparation or conduct of the trial." This, my Lords, is  
18 in furtherance of the aims of justice.

19 PRESIDING JUDGE: Article? Under Rule?

20 MR MARGAI: Rule 54, the general provision. That is all,  
21 my Lords.

22 JUDGE BOUTET: I know the Presiding Judge will have a few  
23 remarks for you, Mr Margai, but before I ask the  
24 Presiding Judge to address you, I do have some background  
25 information that I will need from you. At the end, you  
26 alluded to the fact that interns are in Chamber on the  
27 OTP side. I thought there were interns on the Defence  
28 side as well present in the Chamber. So unless they are  
29 not interns, I didn't keep the count who is what the

1 Defence team, but I don't know. With the third accused,  
2 I've seen people on the Defence side that are not counsel  
3 of record. So I presume they are interns. But I stand  
4 to be corrected on it.

5 MR MARGAI: Your Lordship is quite right. I'm also presuming  
6 that they are. Because, I mean, we have not, as you  
7 rightly stated --

8 JUDGE BOUTET: It's only because you raise that there were  
9 interns on the OTP side which I have seen in and out.

10 MR MARGAI: Well, maybe I will amend it to be interns in  
11 general.

12 JUDGE BOUTET: Yes, fine. There are interns --

13 PRESIDING JUDGE: You're not sure. You're sure of the other  
14 side, but you're not sure of this side.

15 MR MARGAI: Precisely, my Lord.

16 PRESIDING JUDGE: Yes, you better limit yourself to the side  
17 you're sure of, yes, because we are not very sure of the  
18 credentials, you know, of some learned counsel in  
19 whatever designation, you know, who are appearing -- who  
20 are sitting in this Court.

21 MR MARGAI: Yes.

22 JUDGE BOUTET: These measures, as you know and as you have  
23 rightly pointed out, have to do with the nondisclosure to  
24 the public of information that may disclose the identity  
25 and so on. So that is essentially the purpose of going  
26 into closed session because on one hand it may be the  
27 nature of the evidence, it may be other factors that  
28 would disclose the identity of a particular witness.  
29 That's the purpose essentially of these measures.

1 MR MARGAI: That's more reason why we are seeking your  
2 directive so that both sides would know exactly and would  
3 not be in breach of the Court's order, either  
4 inadvertently or otherwise.

5 JUDGE BOUTET: Just so I do understand, I take it from your  
6 application that up to now, the investigators working for  
7 whoever, any accused team as such, has not been given  
8 access to this information. Do I take it to be the case?  
9 In other words, the investigators working for the third  
10 accused - I'll use your case as an example - have not  
11 been given access to statements that have been disclosed  
12 to your client. Is it the case now?

13 MR MARGAI: No. The case is that we normally give them a  
14 resume of what is expected, and we instruct them to go  
15 and investigate.

16 JUDGE BOUTET: Because I have just been given a copy of one of  
17 our decisions on protective measures. It has never  
18 -- I'll read to you one of the subparagraph.

19 "The Defence shall maintain a log indicating the  
20 name, address, and position of each person or identity  
21 -- person or entity which receives a copy of or  
22 information from a witness statement, report, or summary  
23 of expected testimony, or any other nonpublic material,  
24 as well as the date of disclosure, and that the Defence  
25 shall ensure that the person to whom such information was  
26 disclosed follows the order of nonpublic disclosure."

27 MR MARGAI: We're aware of that.

28 JUDGE BOUTET: So that's the access to that information. I  
29 know your application had to do with closed session as

1 well. But whether it is closed session or not, any  
2 information disclosed to you or to an accused as such,  
3 investigators that are part of your team do come within  
4 that description that I've just mentioned. And all you  
5 have the obligation to do is to maintain that log and  
6 getting their name and what information they have been  
7 given access to. So there's no limit as to how much  
8 information they may be given access to pursuant to those  
9 protective measures. But we'll look into that in greater  
10 details because you've asked for a determination.

11 MR MARGAI: As my Lords please.

12 JUDGE BOUTET: The closed session, we'll look very, very  
13 attentively to that application.

14 PRESIDING JUDGE: Mr Margai, let me get you very clearly on  
15 what you appear to have stated on the record. You raised  
16 the issue of equality of arms. And that whilst  
17 PROSECUTORS who have acted as investigators are in this  
18 Court during closed sessions, you asked yourself the  
19 question "within the context of equality of arms, ought  
20 not for purposes of equity this right to be extended to  
21 the investigators of the Defence?" That is the question  
22 you asked.

23 MR MARGAI: That is the question.

24 PRESIDING JUDGE: I wanted to get that clearly on record.

25 MR MARGAI: That is the question.

26 PRESIDING JUDGE: Right.

27 JUDGE THOMPSON: Mr Margai, I'm not interested in the  
28 substantive merits of this particular motion. I have a  
29 procedural point. Considering the scope and breadth of

1           this particular application, it would seem to me, and you  
2           probably want to respond to that, perhaps this would be  
3           an appropriate motion to be filed in writing so that this  
4           Court can have the benefit of - again, extending the  
5           equality of arms concept - the benefit of some extensive  
6           research on this issue. And that would be my own purely  
7           procedural. I do not intend to examine at this stage;  
8           I'm not in a position to do the merits of the  
9           application.

10   MR MARGAI: If that is the wish of the Court --

11   PRESIDING JUDGE: As a matter of fact --

12   JUDGE THOMPSON: That's my view.

13   PRESIDING JUDGE: -- I was whispering this to my colleagues  
14           right and left to say that this motion is too heavy.

15   MR MARGAI: That was not my intention anyway.

16   PRESIDING JUDGE: It's too heavy; and legally, it poses very,  
17           very interesting issues of law which we have to address.

18   MR MARGAI: Considered, my Lord.

19   PRESIDING JUDGE: And in this light, I was really informing my  
20           colleagues that we don't have a need to call on the  
21           Prosecution to respond because we want to gain time. And  
22           so we have you on record as to what you've said. What we  
23           would be asking you, if you so wish to pursue these  
24           arguments, to come in the form of a formal, written  
25           motion which will be served on the parties as usual and  
26           which will enable the Chamber to give a proper  
27           examination of the issues you have raised.

28   MR MARGAI: I --

29   PRESIDING JUDGE: We consider these issues very, very

1 important.

2 MR MARGAI: I couldn't agree more with you. I mean, the  
3 points raised are far-reaching, and perhaps it would do  
4 justice to all sides if that course were to be adopted.  
5 We shall endeavour to do that.

6 PRESIDING JUDGE: Please.

7 MR MARGAI: Yes, my Lords.

8 PRESIDING JUDGE: The earlier the better. Because of the  
9 implications, I think you need to move fast with your  
10 motion so that you give us enough time to really  
11 deliberate on it and come out with what we think are the  
12 right replies and the right directives which should be  
13 given for the purposes of enabling everybody here to  
14 proceed with the work and the business of the Tribunal.

15 MR MARGAI: Thank you.

16 PRESIDING JUDGE: All right.

17 JUDGE BOUTET: So unless there are other motions that I am not  
18 familiar with, we're going to go back to the business  
19 that we had on schedule for this morning, which is the  
20 continuation of the evidence of the witness who is on the  
21 stand at this particular moment.

22 So Madam Prosecutor, you were about to embark into a  
23 new direction with the witness. So we'll ask you to just  
24 go back to where you were and take it from there, please.

25 MS WIAFE: Thank you, Your Honour.

26 JUDGE BOUTET: So we're back, for the record, with witness  
27 TF2-088.

28 MS WIAFE: Yes, Your Honour.

29 WITNESS: TF2-088 [Continued]



- 1 [Witness answered through interpretation]  
2 EXAMINED BY MS WIAFE:
- 3 Q. Mr witness, we are continuing your story this morning. I  
4 would like you to endeavour as much as possible to speak  
5 slowly so the interpreters can interpret properly what  
6 you are saying.
- 7 A. Okay.
- 8 Q. So witness, before we adjourned yesterday, you told this  
9 Court that you went to xxxxxxx; and specifically, that you  
10 went to xxxxxxx xxxxxxx compound. You also said that you  
11 found a number of Kamajors assembled there. Can you tell  
12 this Court what happened when you got to xxxxxxx xxxxxxx  
13 compound.
- 14 A. Yes.
- 15 Q. Please tell us.
- 16 A. When I went there, I met my nephew and his mother in the  
17 middle -- in the middle of the Kamajors.
- 18 Q. Did anything happen to them?
- 19 A. Yes.
- 20 Q. Tell the Court what happened.
- 21 A. As I was looking at my nephew and his mother, then Alhaji  
22 Hassan Sherrif and the other four came down, alighted  
23 from a vehicle and went there.
- 24 Q. who came?
- 25 A. Alhaji Hassan Sherrif , the battalion commander, and  
26 chief Kamajor, and the sentry to the Kamajors and the  
27 four commanders.
- 28 Q. You mean they came to the compound?
- 29 A. They came to xxxxxxx xxxxxxx compound where we were.

1 PRESIDING JUDGE: Can you take the enumeration of those people  
2 again, slowly, please.  
3 MS WIAFE:  
4 Q. Can you go over the names again.  
5 PRESIDING JUDGE: Slowly.  
6 MS. WIAFE: Slowly this time.  
7 PRESIDING JUDGE: Alhaji Sherrif.  
8 THE WITNESS: The battalion commander James Bundu, the chief  
9 Kamajor.  
10 MS WIAFE:  
11 Q. What was the name of the battalion commander?  
12 A. Alhaji Hassan Sherrif. Alhaji Hassan Sherrif. That's  
13 the name.  
14 PRESIDING JUDGE: And Bundu, the chief Kamajor?  
15 THE WITNESS: Yes. Yes, sir.  
16 PRESIDING JUDGE: Who else?  
17 THE WITNESS: Then Gibril Mansaray, their clerk. Then Sundifu  
18 Samuka and Joseph Kulagbanda.  
19 PRESIDING JUDGE: Kulagbanda, how do you spell that one,  
20 please?  
21 THE WITNESS: K-U-L-A-G-B-A-N-D-A.  
22 PRESIDING JUDGE: [Microphone not activated]  
23 THE WITNESS: Yes. They alighted from the vehicle. They went  
24 where we were.  
25 MS WIAFE:  
26 Q. What, if anything, did they do when they arrived?  
27 A. They called the battalion commander that they met at the  
28 scene that they should all enter the parlour. Then they  
29 went there.

1 JUDGE BOUTET: which battalion commander?  
2 THE WITNESS: Earnest Blango Kandapa.  
3 MS WIAFE:  
4 Q. Can you spell the name.  
5 A. Earnest, E-A-R-N-E-S-T. Blango, B-L-A-N-G-O. Kandapa,  
6 K-A-D-A-N-D-A [as interpreted].  
7 PRESIDING JUDGE: Kadanda?  
8 THE WITNESS: Kandapa. K-A-N-D-A-P-A.  
9 MS WIAFE:  
10 Q. And he was battalion commander of what locality?  
11 A. Base 2, Mandu.  
12 Q. Did you go into this parlour with them?  
13 A. Never. I didn't go there.  
14 Q. And did they come out again?  
15 A. Yes, they came out. All of them that entered came out.  
16 Q. What happened when they came out?  
17 A. Then the chief Kamajor said: "You, Jeneba, you were the  
18 town mother."  
19 Q. Can you spell Jeneba.  
20 A. Yes.  
21 Q. Spell it.  
22 A. J-E-N-E-B-A.  
23 Q. And who was Jeneba?  
24 PRESIDING JUDGE: She was the town mother.  
25 THE WITNESS: Yes. They asked her if she was the town mother.  
26 PRESIDING JUDGE: You said Jeneba was whose mother?  
27 THE WITNESS: She is Daddy's mother?  
28 PRESIDING JUDGE: who is Daddy? Say "nephew," please. Jeneba  
29 is your nephew. Your nephew was captured.

- 1 JUDGE THOMPSON: You say Jeneba was your xxxxxxxx child?
- 2 THE WITNESS: Yes, my xxxxxxxx child.
- 3 JUDGE THOMPSON: xxxxxxxx xxxxxxxx
- 4 THE WITNESS: Yes.
- 5 PRESIDING JUDGE: And what is he to your niece? what is she  
6 to your nephew?
- 7 MS WIAFE:
- 8 Q. what is the relationship between Jeneba and your nephew?
- 9 A. It is the child.
- 10 JUDGE BOUTET: I'm slightly confused. Is Jeneba the witness's  
11 sister?
- 12 PRESIDING JUDGE: I'm not sure it extends like that, you know.
- 13 MS WIAFE: He's some relation. I'm not sure what the exact  
14 relationship is, Your Honour. But he's related to her in  
15 a way.
- 16 JUDGE BOUTET: He's related to Jeneba, and she is the mother  
17 of the xxxxxxxx nephew?
- 18 PRESIDING JUDGE: As a matter of fact, the nephew is not the  
19 sister's child.
- 20 JUDGE BOUTET: Let's move on.
- 21 MS WIAFE: Thank you, Your Honour.
- 22 Q. So Mr Witness, what happened after this? You were saying  
23 what the Kamajors told Jeneba. And you said they said  
24 she was a town mother. who is a town mother? what do  
25 you refer to as "town mother"?
- 26 A. Town mother is a person that got captured by the rebels,  
27 under their custody, and she was not allowed to go  
28 anywhere. She was a cook for them.
- 29 Q. Do you know which village Jeneba was town mother of?

1 A. Yes, yes.  
2 Q. which village was this?  
3 A. xxxxxxxx.  
4 MS WIAFE: Your Honours, that is spelled xxxxxxxx  
5 Q. Did anything happen to Jeneba?  
6 JUDGE THOMPSON: Learned counsel, I'm a little confused here  
7 because the evidence, as far as I recollect it, is that  
8 they accused her or they questioned her whether she was  
9 town mother, and then your question said -- without any  
10 kind of intervening question, you asked of which town was  
11 she town mother.  
12 MS WIAFE: Yes.  
13 JUDGE THOMPSON: Of course, you asked who is a town mother.  
14 But how do we make this leap from the accusation that she  
15 was a town mother, which we don't know whether was true  
16 or not, to what -- where was she town mother of.  
17 MS WIAFE: I just wanted to clarify the record.  
18 JUDGE THOMPSON: Yes, because I was left with that kind of  
19 difficulty.  
20 PRESIDING JUDGE: I was, too.  
21 JUDGE THOMPSON: Because it's an accusation. We don't know  
22 whether she admitted it.  
23 MS WIAFE: Okay.  
24 Q. Now, Mr witness, what was Jeneba's response to this  
25 accusation?  
26 A. She told them that I was captured by the rebels. They  
27 said if I escaped from them, they would kill me. They  
28 asked me to be cooking for them. On account of that,  
29 they made me the town mother.

1 JUDGE THOMPSON: All right. Good, thank you.  
2 MS WIAFE:  
3 Q. So, witness, what happened at this point?  
4 A. Then they said they would kill me for that because they  
5 said she had joined them.  
6 Q. They said they would kill you?  
7 A. They said they would kill Jeneba. They would kill her  
8 because she had joined the rebels, because she was the  
9 town mother.  
10 Q. Who said this?  
11 A. The chief Kamajor, James Bundu.  
12 PRESIDING JUDGE: I'm afraid I'm lost here. She was the town  
13 mother for who? I don't have it on the notes that she  
14 was town mother for the area --  
15 MS WIAFE: For the rebels.  
16 PRESIDING JUDGE: Yes, she was town mother for the rebels.  
17 And what did she say?  
18 MS WIAFE: And then she said she was forced to be town mother,  
19 according to the witness's response.  
20 PRESIDING JUDGE: That was the reply she gave to them?  
21 MS WIAFE: Yes.  
22 PRESIDING JUDGE: what I have here is she said the rebels  
23 captured her. That is what she replied.  
24 MS WIAFE: Yes.  
25 PRESIDING JUDGE: Mm-hmm. Yes, you may proceed, please.  
26 MS WIAFE:  
27 Q. And Mr witness, what did the Kamajors do after Jeneba's  
28 response?  
29 A. They said they would kill her. They removed her from

1 where she was. They took her under a mango tree.  
2 Q. And who took her to under a mango tree?  
3 A. Joseph Kulagbanda and Sundifu Samuka.  
4 Q. What happened at the mango tree?  
5 A. They called Philip Mboma to shoot at her. Then he shot  
6 her.  
7 Q. Philip Mboma?  
8 A. Philip Mboma.  
9 Q. Can you spell that, please.  
10 A. Philip, P-H-I-L-I-P, Mboma, M-B-O-M-A.  
11 Q. And who was this Philip Mboma?  
12 A. He was another battalion commander based at Mandu.  
13 PRESIDING JUDGE: Another battalion commander based at --  
14 THE WITNESS: He was a commander.  
15 MS WIAFE: He was a commander.  
16 THE WITNESS: A commander.  
17 PRESIDING JUDGE: Based in?  
18 MS WIAFE: Mandu.  
19 THE WITNESS: Based at Mandu.  
20 MS WIAFE:  
21 Q. So did Philip Mboma shoot Jeneba?  
22 A. Yes, he shot her.  
23 Q. Did she die?  
24 A. He shot -- when he shot her, she did not fall down. She  
25 said: Hey, you have killed me. He took a cutlass, and  
26 then cut her neck.  
27 Q. So what happened to Jeneba after she was cut?  
28 PRESIDING JUDGE: That is the same Philip Mboma took a  
29 cutlass?

1 MS WIAFE:  
2 Q. Was it the same Philip Mboma --  
3 A. Yes, the same Philip Mboma.  
4 PRESIDING JUDGE: And cut her neck?  
5 THE WITNESS: Yes.  
6 PRESIDING JUDGE: How did he cut her neck?  
7 THE WITNESS: On the side.  
8 MS WIAFE:  
9 Q. And what happened to Jeneba after they cut?  
10 A. She fell down on the ground and died.  
11 Q. Mr witness, how far was the mango tree from where you  
12 were standing?  
13 A. It would not be up to 7 yards.  
14 Q. Did anything else happen after Jeneba was killed?  
15 A. Yes.  
16 Q. What happened?  
17 A. Then they came down to Daddy, and "were you the one that  
18 was shot at yesterday that did not die? Now, you're  
19 going to die."  
20 Q. And who said this?  
21 A. The same James Bundu, the chief Kamajor.  
22 [HN261104B 10.43 a.m.]  
23 Q. Did Daddy give you any response?  
24 A. Daddy didn't say anything. The only Daddy said a word.  
25 PRESIDING JUDGE: Please, remove the word "Daddy". You said  
26 nephew.  
27 THE WITNESS: My nephew.  
28 PRESIDING JUDGE: [Overlapping speakers] understand the  
29 context in which the word "nephew" is used.



1 MS WIAFE:  
2 Q. what if anything happened to Daddy?  
3 A. They said, "You, the rebel's king, Joseph, was sending  
4 you to go and fetch fish -- catch fish for him. Now  
5 we're going to kill you." He was held by his foot.  
6 Q. Mr witness, who said this?  
7 A. The same James Bundu was cross-examining him.  
8 Q. And what did James Bundu say again?  
9 A. He said, "You were the one Smith Joseph, the rebel king,  
10 used to send to catch fish for him. So you, too, are  
11 part of the rebels, because you have been working for  
12 them. So we're going to kill you."  
13 PRESIDING JUDGE: [Overlapping speakers] what name has he  
14 called?  
15 MS WIAFE: Smith Joseph.  
16 PRESIDING JUDGE: Smith Joseph is who?  
17 MS WIAFE: A rebel king.  
18 THE WITNESS: The rebel king for all of Valunia Chiefdom.  
19 PRESIDING JUDGE: Please, hold on. Smith who?  
20 THE WITNESS: Smith Joseph, Smith Joseph.  
21 MS WIAFE:  
22 Q. who's a rebel king?  
23 A. [Interpretation interrupted]  
24 PRESIDING JUDGE: The rebel king used him to go and catch fish  
25 for him?  
26 MS WIAFE: Yes.  
27 THE WITNESS: Yes.  
28 MS WIAFE:  
29 Q. who is a rebel king?

- 1 A. He's a person when the rebels came and settled in  
2 Nyandehun, he was one of the citizens appointed to be the  
3 overall boss in charge of them. So he was -- so they  
4 appointed Smith Joseph to be their superior leader and  
5 called him rebel king.
- 6 PRESIDING JUDGE: When they settled where again?
- 7 THE WITNESS: Nyandehun, the same Nyandehun.
- 8 MS WIAFE:
- 9 Q. Was anything else said after this?
- 10 A. Yes. So they held him by his hands and his two feet.  
11 They took him and placed him over the corpse of his  
12 mother's corpse.
- 13 Q. What happened to your nephew?
- 14 A. The same Philip Mboma that killed his mother brought a  
15 cutlass and then cut him into two.
- 16 Q. What happened to him after he was cut into two?
- 17 PRESIDING JUDGE: When he says he was cut into two, I mean,  
18 it's not that easy to cut somebody into two.
- 19 THE WITNESS: When he was cut, the head went one way and then  
20 the foot the other way.
- 21 MS WIAFE:
- 22 Q. What was used in cutting him?
- 23 A. A long cutlass that was with them.
- 24 PRESIDING JUDGE: So it would be right to say that he cut off  
25 his neck?
- 26 MS WIAFE: I'm not sure whether it was the neck.
- 27 PRESIDING JUDGE: Because he says that the head fell one way  
28 and the body remained one way.
- 29 MS WIAFE:

- 1 Q. At which part of the body was cut?
- 2 A. It is here, it was cut off completely. The feet went the  
3 other -- right in the middle, the other way. He was cut  
4 off.
- 5 PRESIDING JUDGE: Then it must have taken some time.
- 6 THE WITNESS: when he was cut off, he was bowed down on the  
7 ground by Sherrif. All the intestines came out. The  
8 other part went this way and the other, the other way.
- 9 MS WIAFE:
- 10 Q. Did he die?
- 11 PRESIDING JUDGE: Please, wait, wait. Yes, please?
- 12 MS WIAFE:
- 13 Q. So did Daddy die?
- 14 A. Yes, he die straight off.
- 15 PRESIDING JUDGE: Please, the Witness Protection Unit, please.  
16 Can you take care of the witness, please?
- 17 JUDGE BOUTET: Close the mike. Mr witness, you're okay?  
18 Thank you.
- 19 MS WIAFE:
- 20 Q. Mr witness, can I carry on?
- 21 A. Yes.
- 22 Q. what did you do after this incident?
- 23 A. My other child was called. They called my other child,  
24 with whom I had gone to the place.
- 25 Q. who called your other son -- your other child?
- 26 A. This now was Gibril Mansaray, the clerk of the Kamajors.
- 27 Q. Do you know why he was called?
- 28 A. when they spoke was the time I heard that I knew.
- 29 Q. what did they say?

1 A. They said, "You are a civilian. we'll call another  
2 civilian to go and dig a grave for the civilians killed."  
3 PRESIDING JUDGE: who said so? Not "they". Let him be  
4 specific.  
5 MS WIAFE:  
6 Q. who said this?  
7 A. Gibril Mansaray, the clerk.  
8 PRESIDING JUDGE: And that, as a civilian, he will do what?  
9 MS WIAFE: Dig a grave.  
10 THE WITNESS: They will dig a hole to bury.  
11 MS WIAFE:  
12 Q. was a hole dug?  
13 A. Yes.  
14 PRESIDING JUDGE: Are you referring to it as a hole or a  
15 grave?  
16 MS WIAFE:  
17 Q. Was a grave dug?  
18 PRESIDING JUDGE: was it a grave or a hole? Please, let us  
19 know.  
20 THE WITNESS: I didn't go there, but they went there and dig a  
21 grave. They went there and dug a grave.  
22 MS WIAFE:  
23 Q. As far as you know, were they buried?  
24 A. I saw them come and take Jeneba away.  
25 PRESIDING JUDGE: who came? Please, learned counsel, guide  
26 him on specificities. We need them. Not, "they came".  
27 who came? We need to know who attended and who did what.  
28 It is important.  
29 MS WIAFE: Yes, Your Honour.

1 THE WITNESS: The two civilians who had dug the grave, I don't  
2 know them.  
3 PRESIDING JUDGE: Who were the two civilians who went to dig  
4 the grave?  
5 MS WIAFE:  
6 Q. Who were the two civilians who dug the grave?  
7 A. My son and other four civilians were appointed to go and  
8 dig the grave, but the others I don't know them. I  
9 didn't know who they were.  
10 Q. And who took Jeneba away?  
11 A. After they had finished, they came and reported and they  
12 said they should take the body along. Two of the five  
13 people who had dug the grave came and held her by the  
14 hand, dragged her along till they took her away.  
15 PRESIDING JUDGE: The two who?  
16 THE WITNESS: Two of the grave diggers.  
17 PRESIDING JUDGE: That is your nephew and the other civilian  
18 who you do not know?  
19 THE WITNESS: My son -- [Interpretation interrupted]  
20 PRESIDING JUDGE: It's not your son. Call him your nephew.  
21 He's not even your nephew.  
22 MS WIAFE: Your Honour, the nephew was the one who was killed.  
23 JUDGE BOUTET: It was his son.  
24 PRESIDING JUDGE: The people, you know, who came and carried  
25 the --  
26 JUDGE BOUTET: That was his son.  
27 THE WITNESS: I don't know them. One of my sons was among.  
28 MR MARGAI: [Overlapping speakers] -- the Presiding Judge,  
29 because as per the evidence his two sons had been killed.

1 PRESIDING JUDGE: Of course.  
2 MS WIAFE: Your Honour, that's not the evidence.  
3 JUDGE THOMPSON: That's not correct.  
4 MS WIAFE: The evidence is that his nephew was killed and he  
5 went to Mandu with his son. That is the evidence.  
6 JUDGE THOMPSON: Quite right.  
7 PRESIDING JUDGE: It is this son who was now transporting --  
8 who became the grave digger.  
9 JUDGE THOMPSON: Yes.  
10 MS WIAFE: Yes. He was requested by Gibril Mansaray  
11 specifically to dig the grave.  
12 PRESIDING JUDGE: The specificity I wanted was who? They had  
13 gone to dig the grave. Who now came to take the corpses  
14 for burial?  
15 MS WIAFE: He was saying that there were five people and two  
16 civilians that he did not witness -- but I'll allow the  
17 witness to clarify that.  
18 Q. Mr witness, who took the body away?  
19 A. The civilians who had dug the grave, two of them came,  
20 and they asked them to take the woman along. So they  
21 dragged her by the hand till they took her away.  
22 PRESIDING JUDGE: who were the two civilians?  
23 THE WITNESS: Out of the five who had come to dig the grave.  
24 I don't know them at all.  
25 PRESIDING JUDGE: Your son was not among those who came?  
26 THE WITNESS: My son stayed at the graveside with two others.  
27 There were five: My child and four others.  
28 PRESIDING JUDGE: [Overlapping speakers] -- to collect the  
29 corpses for burial? It's two civilians.

1 THE WITNESS: They left at the grave -- they stayed at the  
2 grave site - my child and the other two civilians. The  
3 other two came.  
4 JUDGE BOUTET: There were a total of five doing the digging?  
5 MS WIAFE: Yes.  
6 JUDGE BOUTET: Of those five, two civilians took Jeneba --  
7 MS WIAFE: Jeneba away.  
8 JUDGE BOUTET: They took her away. The three others remained  
9 by the grave or the hole?  
10 MS WIAFE: Yes, that's as far as I have established.  
11 JUDGE BOUTET: And of those three, one was his son?  
12 PRESIDING JUDGE: It's quite clear now.  
13 MS WIAFE: Yes.  
14 Q. Where did they take Jeneba?  
15 A. They took her towards the place where they had dug the  
16 grave, but I didn't go there.  
17 Q. Do you know what happened to Daddy's body?  
18 PRESIDING JUDGE: Please. Why don't you wait a bit, please.  
19 MS WIAFE:  
20 Q. Mr witness, do you know what happened to your nephew's  
21 body?  
22 A. Yes.  
23 Q. What happened to the body?  
24 A. The other two civilians who were taking Jeneba away, came  
25 back to bury Daddy. They protested that he had sheets on  
26 him. So they said they should remove the clothing that  
27 was on his mother, so they could wrap it around him. So  
28 they brought the dress and they took the two parts of his  
29 body and put it in those dresses and took it away.

- 1 Q. Mr witness, how long did you stay in Mandu that day?
- 2 A. I was there from 9.00 o'clock till 1.00.
- 3 Q. Did you leave after 1.00?
- 4 A. Yes.
- 5 Q. where did you go?
- 6 A. My child came -- my son came and he told me that, "Papa,  
7 we've buried the corpses, Jeneba." Straightaway we moved  
8 and came to Bomaru [sic].
- 9 Q. where?
- 10 A. Guma -- Gumahun. We came to xxxxxxxx from where we were.
- 11 Q. You went from Mandu to where? You were at Mandu. where  
12 did you go from Mandu?
- 13 JUDGE BOUTET: To his village.
- 14 THE WITNESS: We came back to xxxxxxxx.
- 15 PRESIDING JUDGE: It will be correct to say that his son must  
16 have told him that they've buried both Jeneba and the  
17 nephew, because he's only related the report to Jeneba.
- 18 THE WITNESS: They killed them there and they buried them  
19 there.
- 20 MS WIAFE:
- 21 Q. Did anything else happen that day?
- 22 A. When we returned to xxxxxxxx at night, at 7.00, they  
23 summoned us to the court barri.
- 24 Q. who summoned you to the court barri?
- 25 A. It was James Bundu who sent John Rainbo, another  
26 commander, who called us to the court barri.
- 27 PRESIDING JUDGE: 7.00 a.m. or 7.00 p.m.?
- 28 THE WITNESS: 7.00 p.m. at night.
- 29 PRESIDING JUDGE: And who called them -- Bundu?



- 1 MS WIAFE:  
2 Q. who called you?  
3 A. It was James Bundu who sent John Rainbo, another  
4 commander, whom he sent to come and collect me to go to  
5 the court barri.  
6 Q. Can you spell Rainbo?  
7 A. Yes, R-A-I-N-B-O.  
8 Q. Did you go to the court barri?  
9 A. Yes.  
10 Q. what did you find when you went to the court barri?  
11 A. I see many commanders and other Kamajors.  
12 Q. So what happened when you got to the barri?  
13 A. They asked me, "were you the one that was calling us  
14 cannibals?"  
15 Q. who asked you?  
16 A. James Bundu, the Chief Kamajor.  
17 Q. Did you give any reply?  
18 A. Yes, I answered.  
19 Q. what did you say?  
20 A. when they asked me, I stood for a while. I didn't want  
21 to answer. And they said if I didn't answer they would  
22 give me FM. Then I said, "Yes, I said it."  
23 Q. when did you say this?  
24 A. At the same time they called me. I said it when I was  
25 coming from Mandu, coming on the way. I was discussing  
26 with my son. Then I said to him that the attitude of the  
27 Kamajors were just like cannibals. That was on the  
28 roadside on our way to Gumahun.  
29 PRESIDING JUDGE: He said it only to his son?

1 MS WIAFE: He said it to his son on their way.  
2 THE WITNESS: To my son, and other peoples were at the back  
3 whilst we were coming on the way.  
4 MS WIAFE:  
5 Q. What did the Kamajors do when you said this?  
6 A. They said, "we'll show you what cannibalism is. We'll  
7 show you that we are cannibals now."  
8 Q. Did anything happen to you?  
9 A. Yes.  
10 Q. Tell us what happened?  
11 A. In the first place they had wanted to put me in a cell.  
12 If you want me to describe the cell, I'll describe it.  
13 They said they would put me up in the cell first.  
14 Q. Did they put you in the cell?  
15 A. No, they didn't put me there. They said they had another  
16 punishment which was heavier than the cell.  
17 Q. I want to know what they actually did to you?  
18 A. I was grabbed by my feet and placed on the ground. They  
19 stripped me naked, they tore my trousers, everything. I  
20 didn't have anything on my body.  
21 Q. What happened to you after they stripped you naked?  
22 A. They called for an FM and they brought it. My hands were  
23 placed at my back and they tied me with that FM rope.  
24 Q. Who tied you with this FM rope?  
25 A. Gibril Mansaray was there, Joseph Kulagbanda, John  
26 Rainbo, Sundifu Samuka.  
27 PRESIDING JUDGE: Who tied you?  
28 THE WITNESS: Gibril Mansaray, he brought the rope. And it  
29 was held by the others: Joseph Kulagbanda, Sundifu

1 Samuka, John Rainbo. Then they started tying me up.  
2 PRESIDING JUDGE: Gibril Mansaray brought the rope and who  
3 were those who were tying you? Let's have the names.  
4 THE WITNESS: Joseph Kulagbanda, Sundifu Samuka and John  
5 Rainbo.  
6 PRESIDING JUDGE: Joseph Kulagbanda --  
7 THE WITNESS: Sundifu Samuka and John Rainbo.  
8 MS WIAFE:  
9 Q. What happened after you were tied?  
10 A. Then James Bundu brought a lot of charcoal and it was  
11 being broken on the cement.  
12 Q. What was done with the charcoal?  
13 A. They brought white clay and put it in the charcoal and  
14 they soaked it with water, and they started painting my  
15 body with this all over.  
16 Q. Mr witness, can you go a little bit more slowly?  
17 PRESIDING JUDGE: They brought the charcoal to the place and  
18 they started breaking it on the ground?  
19 THE WITNESS: It was being broken by stone. It was ground to  
20 a fine beat.  
21 MS WIAFE:  
22 Q. And you said something else was added to the charcoal?  
23 A. They brought some ashes from a fireplace and it was mixed  
24 with it.  
25 Q. What was done with the mixture?  
26 A. They added water to it and they smeared it on my body to  
27 disguise me.  
28 Q. Did they do anything else to you?  
29 A. Yes.

- 1 Q. what did they do -- the Kamajors do?
- 2 A. They brought pepper, they put it in a tin metal cup and  
3 rubbed it on my penis. They said it's Vaseline.
- 4 Q. who brought this pepper?
- 5 A. It's the same James Bundu, the Chief Kamajor.
- 6 Q. Mr witness, what else happened to you?
- 7 A. I lay down there for a while and they told me that they  
8 wanted to release me but I should pay 5,000 leones.
- 9 Q. Did you pay the 5,000 leones?
- 10 A. Before I paid, I asked them to bring the shirt which they  
11 had removed from me, that there was money in the shirt,  
12 41,000 leones.
- 13 Q. Go on, Mr witness, what happened?
- 14 A. Then they started asking one and other, "who took his  
15 shirt? who took his shirt?" Then I said, "Yes, I know,  
16 it's James Bundu who took my shirt."
- 17 Q. Did anybody bring the shirt?
- 18 A. Yes, he call one of his bodyguards. James Bundu had a  
19 bodyguard -- one of his bodyguard. He brought the shirt,  
20 then they give it to him.
- 21 Q. what happened to the shirt?
- 22 A. I told them to open the pocket on the chest and I said,  
23 "There is money there -- was 41,000." I asked them to  
24 take the 5,000 leones and return the difference to me.
- 25 Q. Did this happen?
- 26 A. Yes. when they opened it, they saw an envelope, and they  
27 said it's only an envelope. Then I told them to open the  
28 envelope. They opened it and they saw the sum of 41,000  
29 leones in it.

- 1 Q. what happened to the 41,000 leones?
- 2 A. James Bundu stepped on my stomach and told me that I was  
3 not the owner of the money, that I came here without any  
4 shirt on my body. So I told him that I couldn't be  
5 walking around without any clothes on my body. I told  
6 him, "It's my shirt," and he said, "No, you're not the  
7 owner. In fact, you're not the owner of this money."  
8 They didn't give it to me.
- 9 Q. So what eventually happened to the 41,000 leones,  
10 Mr witness?
- 11 A. They didn't give it to me, because they said it's not my  
12 money, and they beat me up for it.
- 13 Q. Mr witness, were you ever released by the Kamajors that  
14 day?
- 15 A. Yes, they released me, but something happened.
- 16 Q. Tell the Court what happened?
- 17 A. They called about 13 commanders, that they should queue.
- 18 Q. who called 13 commanders?
- 19 A. James Bundu, the Chief Kamajor.
- 20 Q. Called 13 commanders to do what?
- 21 A. He told them that, "This man had called me a thief,  
22 because that money that he had in his pocket, which he  
23 laid claims to -- so he has told lies." He said I am  
24 lying. "So each one of you should give him 10 lashes."
- 25 Q. were you given those lashes?
- 26 A. Yes.
- 27 Q. How many lashes were you given in total, if you remember?
- 28 A. Each one of them beat me ten. And someone come - one,  
29 two, three, four, five, six, seven, on different parts of

- 1 my body. Each ten. I was almost going to die and if I  
2 shook at all, they beat me some more.
- 3 Q. Mr witness, you said the Kamajors asked for 5,000 leones  
4 for your release. was that ever paid?
- 5 A. After they have beaten me up, one lady came and said,  
6 "This is my sister's husband. I volunteer to pay that  
7 money." And they said, "Pay, pay." And the woman took  
8 her lappa and they can give it to them, that she was  
9 going to collect the money from her house.
- 10 Q. what did she give to them?
- 11 A. She came and paid the 5,000 leones and her dress was  
12 given back to her. So they asked her to bring razor  
13 blade to remove the rope that had gone into my skin. So  
14 she brought the razor blade and they started cutting the  
15 rope which had gone into my skin. The scars are here  
16 where they wounded me.
- 17 Q. were you released after this?
- 18 A. Yes, they released me and I went to my house.
- 19 PRESIDING JUDGE: You say you have the scars. Where are they?
- 20 THE WITNESS: Look at it, sir, many of them.
- 21 PRESIDING JUDGE: Please, can the Defence -- where are they?  
22 Let's see them. Are you seeing them there?
- 23 JUDGE BOUTET: The scars are on both of your arms at the upper  
24 part of your arms.
- 25 THE WITNESS: Yes, sir.
- 26 JUDGE BOUTET: Around the elbow.
- 27 PRESIDING JUDGE: The Court has verified and seen the scars  
28 shown by this witness, for the records.
- 29 MR MARGAI: I beg your pardon, My Lords?

1 PRESIDING JUDGE: I said the Court has seen the scars.  
2 MR MARGAI: We who are closest to him have difficulty in --  
3 PRESIDING JUDGE: I have seen them from here.  
4 MR MARGAI: As My Lord pleases.  
5 PRESIDING JUDGE: I have seen them from here. Raise your hand  
6 again. It's very accurate. Look at them there. I'm  
7 seeing them there. Are you contesting them? You could  
8 do that, you know, during your cross-examination.  
9 MR MARGAI: As My Lord pleases.  
10 PRESIDING JUDGE: For the records, please.  
11 MS WIAFE:  
12 Q. Mr witness, I'd like to take you to April 22nd of 1999.  
13 Do you recall that date?  
14 A. Yes.  
15 Q. Where were you on that date?  
16 PRESIDING JUDGE: April what?  
17 MS WIAFE: 22nd, 1999.  
18 Q. Where were you at that time?  
19 A. I was at xxxxxxx, a small village.  
20 Q. Can you spell xxxxxxx?  
21 A. Yes, xxxxxxx  
22 Q. Which district is xxxxxxx?  
23 A. Bo District, xxxxxxx Chiefdom.  
24 Q. Who was in charge of security at xxxxxxx in April of  
25 1999?  
26 A. It was the Kamajors who were on the ground in the whole  
27 of Valunia Chiefdom.  
28 Q. Did anything important happen on that day?  
29 A. Yes.

- 1 Q. Please tell this Court what happened?
- 2 A. But before the 22nd April something else happened.
- 3 Q. I just want you to focus on 22nd April 1999.
- 4 A. Yes, I'll say that.
- 5 Q. What happened on that day?
- 6 A. Around 3.00 o'clock I left Kpetewoma for xxxxxxx. I had  
7 three penny pans husk rice.
- 8 Q. You went to xxxxxxx?
- 9 A. xxxxxxx.
- 10 MS WIAFE: Your Honour, Sembehun is S-E-M-B-E-H-U-N.
- 11 Q. What district is Sembehun?
- 12 A. It's the same Bo District.
- 13 Q. What chiefdom?
- 14 A. xxxxxxx Chiefdom.
- 15 Q. Why did you go to xxxxxxx?
- 16 A. I went to beg my sister for three penny pans husk rice.
- 17 Q. Did you stay in xxxxxxx?
- 18 A. I was there for one hour and I returned.
- 19 Q. Where did you return to -- xxxxxxx?
- 20 A. Late in the evening.
- 21 Q. You said you returned. Where did you go? Back to  
22 xxxxxxx?
- 23 A. That's where I was going, there.
- 24 Q. Did anything happen on your way to xxxxxxx?
- 25 A. Yes.
- 26 Q. Please tell this Court what happened?
- 27 PRESIDING JUDGE: This is on his way to --
- 28 MS WIAFE: Kpetewoma from xxxxxxx.
- 29 THE WITNESS: As I was on my way, I heard my child screaming,



- 1 "Leave me, leave me, I didn't steal that chicken. It was  
2 given to me by my sister."
- 3 MS WIAFE:
- 4 Q. which son are you referring to?
- 5 A. My last son with whom I left Mandu, with whom I was  
6 together.
- 7 Q. where were you when you heard this?
- 8 PRESIDING JUDGE: It was given to him by whom -- the chicken?
- 9 MS WIAFE: His sister.
- 10 THE WITNESS: He said, "It was given to me by my sister,  
11 baby -- my sister baby. I didn't steal it."
- 12 MS WIAFE:
- 13 Q. where were you when you heard this?
- 14 A. I was within the range of 50 yards to where the boy was  
15 screaming, en route to where I was going. And I pointed  
16 a torch towards that end.
- 17 Q. where was your son? You said you were 50 yards from  
18 where your son was. where was this?
- 19 A. He was screaming. He was in the hands of the Kamajors  
20 who had captured him and he was shouting, "Leave me,  
21 leave me."
- 22 Q. Mr witness, please listen to the question. I said, do  
23 you know where he was? You said you were 50 yards from  
24 where he was. was this a specific place that you know  
25 of?
- 26 A. I was on my way towards the direction where my child was  
27 screaming.
- 28 Q. And where were the screams coming from?
- 29 A. In front of me, towards the direction where I was going.

- 1 Q. You pointed your torchlight and what did you see?
- 2 A. I saw the crowd and they said, "Put off your torchlight."  
3 Then I put it off.
- 4 Q. When you say "crowd", what do you mean?
- 5 A. I know them all, I know all of them. They were Kamajors.  
6 The lot of them were in front of me, and when I pointed  
7 the torchlight I saw all of them. When they said, "Put  
8 it away, put it off," and my child was screaming. He was  
9 screaming, saying, "Leave me, leave me, I didn't steal  
10 that chicken. It was given to me by my sister."
- 11 Q. And how did you know this was your son?
- 12 A. I gave birth to him at the age -- I gave birth to him at  
13 the age of 23, so I know his voice. So when I heard the  
14 screaming, I knew it was my son. I know his voice.
- 15 Q. So what happened when you came to the scene?
- 16 A. When I say -- when they say, "Put out the torchlight,"  
17 and when I put it off, I heard the gunshot -- an  
18 explosion: Boom.
- 19 Q. Did you hear anything else apart from that gunshot --  
20 that one gunshot?
- 21 A. Yes.
- 22 Q. What else did you hear?
- 23 A. One among them was my student. He said, "He has not died  
24 properly. Give me the machete, give me that machete.  
25 It's sharper. Let me cut him."
- 26 Q. What was the name of this person again?
- 27 A. Borbor Aruna. He asked Borbor John for machete, "Give me  
28 the machete, he's not yet dead properly."
- 29 PRESIDING JUDGE: Who asked for the machete? Borbor Aruna?

1 THE WITNESS: Borbor Aruna.  
2 PRESIDING JUDGE: Was that your student, you said?  
3 THE WITNESS: Yes, my former student.  
4 PRESIDING JUDGE: "One of them was my former xxxxxxxx."  
5 MS WIAFE: This is Borbor Aruna.  
6 Q. What did Borbor Aruna say?  
7 A. He said, "He's not dead yet. You, Mr Robin, you don't  
8 know how to shoot properly. You should have shot him in  
9 his head. You didn't shoot him properly. You, Mr Robin.  
10 Let me cut off his throat. He's not yet dead properly."  
11 So he cut off his throat, because I came there and I saw  
12 it all.  
13 Q. Who cut off his throat?  
14 A. Borbor Aruna.  
15 Q. Whose throat was cut?  
16 A. My son, who was screaming.  
17 Q. What did you do when this happened?  
18 A. Then they said now he would pass by, so I didn't say  
19 anything. I stood still.  
20 Q. Who would pass by?  
21 A. They called me, "Teacher, come and pass now."  
22 Q. Who called you?  
23 A. It was Kinii, Mr Robin, him who had shot the boy.  
24 Q. Now, Mr witness, after you saw that your son had been  
25 killed, did you do anything?  
26 A. Yes.  
27 Q. What did you do?  
28 A. When he was killed that night -- that night that they  
29 killed him, in the morning I came back there with other

1 people and we saw him. Then we returned. We came there  
2 at 7.00 o'clock, we saw a group of people coming towards  
3 the direction and we ran away.

4 PRESIDING JUDGE: After the incident, where did he go to?

5 MS WIAFE:

6 Q. Where did you go after?

7 A. I went to my village that very night. When I pointed the  
8 torchlight and I saw his throat cut, bleeding -- I saw  
9 him bleeding and gasping. I pointed the torchlight there  
10 about three minutes; then I run away. I went to my  
11 village.

12 Q. So you said that you went back to the place where your  
13 son was the next morning?

14 A. Yes.

15 Q. Who did you go with?

16 A. One stranger who had come from Bo. They came to me very  
17 early in the morning about 6.30.

18 Q. And so you went to that location together?

19 A. Yes. When he came, he said, "Teacher, jubilation was at  
20 Gumahun yesterday. I wanted to come to you that very  
21 night, but they told me not to come. Something was  
22 happening in your village, so they kept me in Gumahun."  
23 Late in the night, he said, around 10 o'clock, there was  
24 a lot of jubilation that they have killed my son. So the  
25 ash of the child was going to be used to initiate  
26 Kamajors with.

27 Q. Mr witness, so did you go to that location that morning  
28 where your son was?

29 A. Yes, this stranger who had come went along with me, with

- 1 my other three nephews.
- 2 Q. Did you do anything to the body?
- 3 A. Yes.
- 4 Q. what did you do?
- 5 A. we turned him around where they had shot him and we saw
- 6 his throat cut.
- 7 Q. Did you bury the body?
- 8 A. we left it there and we ran away when we saw some people
- 9 approaching. we heard their voices, so we ran away.
- 10 Q. why did you run away?
- 11 A. we heard the voices of the Kamajors and I knew them,
- 12 they're my brothers from the same village. I know their
- 13 voices and I said, "They were the ones coming, I'm afraid
- 14 of them."
- 15 Q. And when you ran away, where did you go?
- 16 A. we came to the swamp, about 120 yards from where the boy
- 17 was. we stood under the tree called wanda. we stood
- 18 there looking in that direction. It was about a one year
- 19 old farm.
- 20 [HN261104C 11.48 a.m.]
- 21 Q. what did you see from where you were standing?
- 22 A. we all saw. Myself and the others we saw Chief Mulai
- 23 Nyandehun.
- 24 Q. Just take your time. How do you spell Mulai?
- 25 A. M-U-L-A-I.
- 26 Q. who else?
- 27 A. David Joseph, the camp commander of Nyandehun.
- 28 Q. Did you see anybody else?
- 29 A. And his assistant, Borbor Aruna and Eddy Sorboi, my

- 1 nephew.
- 2 Q. How do you spell Eddy Sorboi?
- 3 A. E-D-D-Y, S-O-R-B-O-I.
- 4 PRESIDING JUDGE: Sorboi.
- 5 MS WIAFE:
- 6 Q. What, if anything, did they do?
- 7 A. Eddy Sorboi came to our direction and he saw me and he
- 8 sat on the roadside. Where we had seen this corpse,
- 9 Chief Mulai, David Joseph from the Gumahun they went
- 10 there.
- 11 Q. You mean these three people went to where the corpse was
- 12 lying?
- 13 A. Yes, they went there.
- 14 Q. What happened after that?
- 15 A. They were there for over 30 minutes and they left. As
- 16 they were leaving, I saw all wrapped in polyethylene
- 17 plastic bag, black one, Aruna was holding it, carrying it
- 18 in his hand in. Chief Mulai was in front, Borbor in the
- 19 middle, and David at the back.
- 20 PRESIDING JUDGE: Can you -- can he go slowly, please.
- 21 MS WIAFE:
- 22 Q. Mr witness can you take it slowly. What did you see?
- 23 Can you go over it again?
- 24 PRESIDING JUDGE: As they were going, I saw who with a plastic
- 25 bag? I saw who? He saw who?
- 26 MS WIAFE:
- 27 Q. Who was holding the plastic bag?
- 28 A. Borbor Aruna.
- 29 Q. Who else was there?

- 1 A. Chief Mulai and David Joseph. They left and went towards  
2 the town where they had come from.
- 3 PRESIDING JUDGE: Towards which town where they had come from?
- 4 THE WITNESS: Nyandehun, Nyandehun. Then Eddy Sorboi followed  
5 them.
- 6 MS WIAFE:
- 7 Q. What did you do after they left?
- 8 A. Then Baba said that they must have done something there.  
9 Let's go there. We went there.
- 10 Q. Who was Baba?
- 11 A. A stranger, my son's -- my daughter's boyfriend who had  
12 come from Bo.
- 13 Q. So when you went back to that spot, what did you see?
- 14 A. When we went there they had opened his stomach up to the  
15 throat, from his penis up to his throat, closer to his  
16 throat, wide -- open widely.
- 17 Q. What else did you see?
- 18 A. His abdomen had been removed up to his ribs. They were  
19 all removed. His heart was not there, the lungs were all  
20 not there. His intestine it was cut in bits and the oil  
21 dropped on leaves. Then they were drawing it, some were  
22 longer, some four yards, some one foot. It was cut in  
23 bits. There was no oil in the -- there was no oil. They  
24 had removed the oil. It was cut in bits.
- 25 Q. Now, Mr witness, did you do anything to the body?
- 26 A. No, no, we left it there.
- 27 Q. Why did you leave it there?
- 28 A. The Kamajor law that was in the place that if Kamajor  
29 killed anybody, no civilian has the right to remove that

- 1 body, because you too would be killed. It had happened  
2 to other people and I have seen that, so I couldn't do  
3 it.
- 4 Q. Mr witness, do you know what eventually happened to the  
5 body?
- 6 A. Yes.
- 7 Q. Tell the Court what happened.
- 8 A. The other day --
- 9 Q. When you say the "other day", what do you mean?
- 10 A. He was killed on the 22nd. His belly was opened on the  
11 23rd and on the 24th they came and said they were going  
12 to burn his body.
- 13 Q. Who came and said they were going to burn his body?
- 14 PRESIDING JUDGE: Repeat that, please. He was killed on the  
15 22nd.
- 16 MS WIAFE: On the 23rd he was cut up and on the 24th they came  
17 and said they were going to burn the body.
- 18 Q. Who do you refer to as "they"?
- 19 A. Gibril Mansaray, James Bundu , David Joseph, Sundifu  
20 Samuka, Chief Mulai Abu of Nyandehun and many other grand  
21 commanders from the other surrounding villages and most  
22 of their Kamajors.
- 23 Q. And how did you know they were going to burn the body?
- 24 PRESIDING JUDGE: Learned counsel, please let me take you  
25 back. Theses date you were mentioning, 22nd, 23rd, and  
26 24th were of what year?
- 27 MS WIAFE: April of 1999.
- 28 THE WITNESS: April.
- 29 PRESIDING JUDGE: Of April of 19 --



1 MS WIAFE: 1999.  
2 Q. Mr witness, how did you know that the Kamajors were going  
3 to burn the body?  
4 A. I saw a circular at the checkpoint at Bomaru which had  
5 been written by the Kamajor clerk.  
6 Q. And who was the Kamajor clerk?  
7 A. Gibril Mansaray.  
8 Q. which checkpoint are you talking about?  
9 A. Grima checkpoint. That's where he was based.  
10 Q. Grima?  
11 A. Yes, Grima checkpoint that is where he was based. I saw  
12 the circular at Bomaru checkpoint.  
13 Q. Can you spell Grima?  
14 A. Yes, G-R-I-M-A.  
15 PRESIDING JUDGE: Grima checkpoint?  
16 THE WITNESS: That is where Gibril Mansaray stayed.  
17 MS WAIFE:  
18 Q. Is Grima a village or --  
19 A. It is a town.  
20 Q. In Valunia Chiefdom?  
21 A. Yes.  
22 Q. And you said you saw the circular at some other  
23 checkpoint. which checkpoint is this?  
24 A. Gumahun checkpoint.  
25 Q. And what did the circular say?  
26 A. It was -- the circular was written to five checking  
27 points. It read: "Please checkpoint commanders, we saw  
28 a chicken with" -- we saw the chicken with my son. The  
29 circular was about that, that of my son. Order that my

- 1 son should be killed immediately. And it is this ash  
2 that they were going to do the last initiation in  
3 Mongeray Town in Hinga Norman's compound. That was the  
4 content of the letter I saw at Grima checkpoint, because  
5 he stole a chicken. That was the content of the letter I  
6 saw at the checkpoint.
- 7 Q. Mr witness, and who showed you this circular?  
8 A. Gibril, Gibril, Gibril. He was the checkpoint commander  
9 at Gumahun. He was my former ~~xxxxxxx~~.
- 10 Q. And who wrote this circular?  
11 A. The Kamajor clerk, Gibril Mansaray.
- 12 Q. who was the circular addressed to?  
13 A. The circular was addressed to checkpoint commanders  
14 Gumahun, checkpoint commander Mongeray, checkpoint  
15 commander Talato, and checkpoint commander, Kpakimbu.
- 16 Q. How do you spell Talato?  
17 A. T-A-L-A-T-O.
- 18 Q. And Kpakimbu?  
19 A. K-P-A-K-I-M-B-U.
- 20 Q. So this is how you got to know that your son was going to  
21 be burned?  
22 A. Yes.
- 23 Q. And was he burned?  
24 A. On the 24th they came and burnt it. We saw it.
- 25 Q. who burnt the body?  
26 A. These people whom I have named; they were the  
27 ringleaders. They were all there and so many other  
28 Kamajors.
- 29 Q. where were you when the body was burnt?

- 1 A. They were doing it in a valley. They were doing the  
2 burning in a valley. I went up a hill about 120 yards  
3 distance. We were lying on top of a stone.
- 4 Q. Was this at xxxxxxxx?
- 5 A. Yes, xxxxxxxx, very close to my village.
- 6 Q. You said your son was burnt. Was he burnt at the same  
7 location where he was killed?
- 8 A. In the same place, yes.
- 9 Q. Mr witness, did the kamajors do anything else on that  
10 day?
- 11 A. Yes.
- 12 Q. What did they do?
- 13 A. After he was burnt, by 5.30 they came to my village.
- 14 Q. Who came to your village?
- 15 A. Gibril Mansaray, James Bundu and most of the kamajors.
- 16 Q. Did they do anything when they came to your village?
- 17 A. Yes.
- 18 Q. What did they do?
- 19 A. They said nobody will sleep in this village. Everybody  
20 move out. They started beating my children, the Limba  
21 people who had escaped from Kono; they were with me.  
22 They started beating them.
- 23 Q. Mr witness, apart from the beating, did they do anything  
24 else?
- 25 A. Yes.
- 26 Q. What did they do?
- 27 A. They said, "You will have to feed us today." They took  
28 everything from us. We didn't even sleep there, 25 of  
29 us. At night we left. They burnt one of my houses.

- 1 Q. Mr witness, who do you refer to as "they"?
- 2 A. These Kamajors, Gibril Mansaray, James Bundu and the  
3 group that he brought.
- 4 Q. Mr witness, you said they took your property. What  
5 specifically did they take?
- 6 A. At that time we were paid for three months. They took  
7 all that money away.
- 8 Q. Mr witness, you said they paid you. Who paid you?
- 9 A. I am a teacher, the government paid us for three months.  
10 They owed us for several months, then they brought three  
11 months salary.
- 12 Q. How much was there?
- 13 A. The money was many, but the one that was kept in the  
14 house was 250,000 that was stolen.
- 15 Q. When you say "stolen", stolen by who?
- 16 A. They came and drove us from the place, so whatever  
17 property that was missing, it was them that took it. I  
18 was not there, but when we came back, I didn't see  
19 anything there.
- 20 Q. When you say "they", who do you refer to?
- 21 A. The Kamajors that came and drove us from our village. We  
22 left them there.
- 23 Q. Mr witness, did you report any of these incidents to  
24 anybody?
- 25 A. Yes.
- 26 Q. Who did you make the report to?
- 27 A. xxxxxxx came to Alhaji Hassan Sherrif.
- 28 Q. When did xxxxxxx go to Alhaji Hassan Sherrif?
- 29 A. This was on the 24th April after we were driven and we

- 1 had gone to xxxxxxx at night, that very night. Just 3  
2 miles from Mongeray back in Bo.
- 3 Q. Where was Alhaji Hassan Sherrif?  
4 A. Back in Bo. That is his home place.  
5 Q. So is that where you went to?  
6 A. Yes.  
7 Q. Did you meet Alhaji Hassan Sherrif when you went to back  
8 in xxxxxxx?  
9 A. Yes.  
10 Q. What did you tell him?  
11 A. xxxxxxx told him, "Your kamajors have killed my child. They  
12 have taken all my properties; they have burnt it. They  
13 have gone to my village. They said I will have to feed  
14 them. They have taken everything from me and driven us  
15 from there. That is what they've done to me."  
16 Q. Mr witness, should we take a break?  
17 PRESIDING JUDGE: Witness Protection, we will take a break,  
18 please. Let him receive some assistance. We shall break  
19 for five minutes, please. The Court will rise.  
20 [Break taken at 12.15 p.m.]  
21 [On resuming at 12.37 p.m.]  
22 PRESIDING JUDGE: Yes, please, you may proceed. Mr Witness,  
23 how are you feeling now?  
24 THE WITNESS: Fine. Yeah.  
25 MS WIAFE:  
26 Q. Mr witness, just before the break, you said you made a  
27 report to Alhaji Hassan Sherrif. Did he do anything?  
28 A. Yes, I met him.  
29 Q. I said, did he do anything?

- 1 A. Yes.
- 2 Q. what did he do?
- 3 A. When I reported to him, he said -- he said "Chief Hinga  
4 Norman had come and warned us to leave you, you in  
5 particular, not to harm him."
- 6 Q. Mr witness, can you repeat what you said?
- 7 A. Alhaji Hassan Sherrif said, "There is now a ceasefire.  
8 The police are now in their various stations.
- 9 PRESIDING JUDGE: He said Chief Hinga Norman said --
- 10 THE WITNESS: Chief Hinga Norman had warned us not to kill  
11 anybody any longer. Even the rebels that is captured, we  
12 should take them to the police. And he said this one  
13 will not go untouched.
- 14 MS WIAFE:
- 15 Q. who were you saying was not going to go untouched?
- 16 A. Alhaji Hassan Sherrif said they are the battalion  
17 commanders. The grand commanders will not do anything  
18 that they would not know about. So the one that happened  
19 they don't know, so they will deal with them accordingly.
- 20 Q. who were the grand commanders going to deal with?
- 21 JUDGE BOUTET: Is it the grand commanders or ground  
22 commanders?
- 23 MS WIAFE:
- 24 Q. Mr witness, are you saying "grand" or "ground"?
- 25 A. Grand.
- 26 Q. Can you spell it?
- 27 A. G-R-A-N-D, grand commanders, that is the way they used to  
28 call him.
- 29 Q. Mr witness, can you clarify - I'm a bit confused here -

- 1           you said Hassan Sherrif said he was going to deal with  
2           who?
- 3    A.    When I reported, I said Gibril Mansaray, James Bundu and  
4           all others -- Chief Mulai and all others who have burnt  
5           my town and killed my son and have taken some of my  
6           properties, burnt them and drove me from my village and  
7           taken everything away from me. I reported, and then he  
8           said --
- 9    Q.    Mr witness, I'm interested in what Alhaji Hassan Sherrif  
10           said. What did he say?
- 11   A.    Hassan Sherrif said: "We now have a ceasefire." The  
12           police are now in their various stations. Chief Norman  
13           had warned us, even the rebel that is captured, we should  
14           take him to the police, so we should not kill anybody any  
15           longer.
- 16   Q.    Wait, Mr witness. Who do you refer to as "Chief Norman"?
- 17   A.    He is the -- he is the chief Kamajor coordinator for all  
18           the Kamajors in the country.
- 19   Q.    So after Hassan Sherrif had told you this, what did you  
20           do?
- 21   A.    He said, "What they did to you, we don't know, so I will  
22           send some people to go and investigate." So he sent  
23           people to investigate.
- 24   JUDGE BOUTET: Madam Prosecutor, do we know when this is  
25           taking place. Presumably it is after the --
- 26   MS WIAFE: He had said the 24th of April, but I will clarify  
27           again the day.
- 28   JUDGE BOUTET: The day he had seen the circular and all this,  
29           it is not clear. You may have assumed that, but --

1 MS WIAFE:  
2 Q. Mr witness, when did xxxxxxx make this report to Alhaji  
3 Hassan Sherrif?  
4 A. At night on the 24th that we went there.  
5 Q. what month?  
6 A. April.  
7 Q. what year?  
8 A. April 24th 1999. So in the morning on the 25th, then the  
9 delegate he sent to investigate came to my village and we  
10 went to the scene.  
11 Q. So how many people went to the scene?  
12 A. They gave me three Kamajors.  
13 Q. what happened at the scene?  
14 A. The man that they came with is an old policeman from CID.  
15 PRESIDING JUDGE: At what scene are we now?  
16 MS WIAFE: Mr witness, where did you go?  
17 Q. where did you go? You said you went to make the report  
18 to Hassan Sherrif and then he sent you with three  
19 investigators to go to the scene. what are you referring  
20 to as the scene?  
21 A. In my village where the havoc was burned -- where my son  
22 was burnt.  
23 Q. what is the name of this village?  
24 A. xxxxxxx.  
25 PRESIDING JUDGE: So the scene is where his son was burnt?  
26 MS WIAFE: Yes.  
27 THE WITNESS: Yes.  
28 PRESIDING JUDGE: In his village xxxxxxx.  
29 MS WIAFE: Yes.



- 1 Q. what did you do at the village?
- 2 A. After he went into all the rooms, the chicks that -- the  
3 eggs -- we gathered all the feathers together.
- 4 PRESIDING JUDGE: After he did what?
- 5 MS WIAFE:
- 6 Q. Mr witness, what happened when you got to the scene?
- 7 A. well, we went to where he was burnt, the wood that they  
8 brought we saw where it was thrown at the side.
- 9 Q. Mr witness, what do you -- what are you referring to as  
10 "the wood that was brought". who brought this wood?
- 11 A. The people -- the people that he sent to investigate,  
12 they saw the place that I reported about. we saw a lot  
13 of woods packed outside and charcoals and three stones,  
14 like fire stones and we saw the sight where he was  
15 burned, a lot of charcoal packed.
- 16 Q. Mr witness, where who was burnt?
- 17 A. where my son was burnt. There we met the fire setting  
18 where he was laid when he was killed. we met the ash and  
19 a lot of charcoal.
- 20 Q. Did you do anything at the scene?
- 21 A. I only showed them the place to the people that Alhaji  
22 Hassan Sherrif sent. They were going around the areas  
23 writing down what they saw.
- 24 PRESIDING JUDGE: And did he say they were accompanied by an  
25 old police officer? Did I hear him say so?
- 26 THE WITNESS: It was the intelligence branch officer in the  
27 Kamajors.
- 28 MS WIAFE:
- 29 Q. Mr witness, did you go anywhere else on that day?

- 1 A. I was with a man until he finished writing. We came back  
2 to my village. He collected some specimens of the  
3 feathers.
- 4 Q. What feathers are you referring to?
- 5 A. I did agriculture education at xxxxxxxx xxxxxxxx, so I was  
6 doing -- I had a poultry. I had so many chickens, so it  
7 was those chickens when they drove us that night.
- 8 Q. Yes, continue.
- 9 A. When they drove us, we left our chickens behind. When we  
10 came back later with those people that night we only saw  
11 their feathers and the entrails.
- 12 Q. So who picked the feathers?
- 13 A. And he told me and the children had brought everything  
14 together.
- 15 PRESIDING JUDGE: Learned counsel, where are we? We were at  
16 this -- we were at the scene where the son was burnt.  
17 There is a description of the scenery, charcoal, wood and  
18 what have you. They did all that. Now we're talking of  
19 feathers, which they discovered, you know, after they had  
20 been driven away and they came back and so on.
- 21 MS WIAFE: Your Honour, the witness had said they went to the  
22 location where his son was burnt and they took some notes  
23 and then I asked him where they went from there then he  
24 said they went to his village and they found some  
25 feathers, because --
- 26 JUDGE THOMPSON: Does the investigation continue from one  
27 location to the other?
- 28 MS WIAFE: Yes.
- 29 JUDGE THOMPSON: So this is location two.

1 MS WIAFE: Yes, that is what I gathered from the evidence.  
2 JUDGE BOUTET: We are now back at his home where he was forced  
3 to leave, and when he is describing the chicken he -- it  
4 is my understanding that when he left he had a poultry  
5 farm of chicken and when he came back he only found  
6 feathers.  
7 MS WIAFE: Yes.  
8 PRESIDING JUDGE: You see, the confusion comes from the fact  
9 that the son was carrying a chicken which he was  
10 defending. He said it was given to him by the sister, so  
11 I was caught between the scenarios and thought that maybe  
12 the feathers were those of the chicken that he was  
13 carrying at the time he was allegedly killed.  
14 MS WIAFE:  
15 Q. Now, Mr witness, where did you find the feather that you  
16 refer to?  
17 A. I had --  
18 JUDGE THOMPSON: [Microphone not activated] -- the  
19 investigation continued with a visit to his home. Is  
20 that what it is?  
21 MS WIAFE: Yes, I just wanted him to clarify where he found  
22 those feathers.  
23 JUDGE THOMPSON: But aren't we at his home now? The  
24 investigation continued with a visit to his home from the  
25 scene of where his son was burnt.  
26 MS WIAFE: Yes, yes, Your Honour. But since Honourable Judge  
27 Itoe had raised the issue of whether the feathers were  
28 found at the location where his son was killed or at his  
29 house, I just wanted the witness to clarify what he is

- 1 referring to.
- 2 JUDGE THOMPSON: Okay, okay.
- 3 MS WIAFE:
- 4 Q. Mr witness, where did you find these feathers?
- 5 A. In my village we raised chickens and goats.
- 6 PRESIDING JUDGE: Please, where did you find the feathers?
- 7 THE WITNESS: In my compound in the village.
- 8 MS WIAFE:
- 9 Q. what happened when those feathers were found?
- 10 A. I reported to the man. I said, "well I left over 100  
11 chickens. When we were driven yesterday, we left  
12 everything behind."
- 13 Q. who did you report to? who did you refer to as "the  
14 man"?
- 15 A. The investigator that came with me that we left -- we  
16 left the sight where my son was burnt. We've come back  
17 to the village.
- 18 Q. Yes, can you hold on. So what happened when you told him  
19 what happened?
- 20 A. I told them, "You see these huts, this is where my  
21 chickens were." They have taken all of them unless --  
22 the chicks. I was having eggs, more than 50, even those  
23 we didn't see any.
- 24 Q. what did the investigator do?
- 25 A. He said, "I have seen the feathers. There are so many."  
26 He said if there was any other thing. I said even the  
27 pots I didn't see, even the dishes. My clothings were  
28 all not in the room.
- 29 Q. Did the investigator write all these down?

- 1 A. Yes, he wrote down everything. Five bags of rice, two --  
2 three bags of rice and two clean ones, even those we  
3 didn't see any.
- 4 Q. Mr witness, did you go to any other location that day?
- 5 PRESIDING JUDGE: Learned counsel, it is 1.00. We would be  
6 adjourning for you to continue with your  
7 examination-in-chief at 2.30, please. So before you go  
8 to the next location we had rather take a deserved break  
9 before we continue in the afternoon at -- or rather at  
10 2.30. We're already in the afternoon anyway. The Court  
11 will rise, please.
- 12 [Luncheon recess taken at 1.00 p.m.]  
13 [HN261104D]  
14 [Upon resuming at 2.45 p.m.]
- 15 JUDGE BOUTET: Madam Prosecutor, are you ready to proceed?
- 16 MS WIAFE: Yes, Your Honour.
- 17 JUDGE BOUTET: Thank you.
- 18 MS WIAFE:
- 19 Q. Mr witness, just before the break, you were telling this  
20 Court about an investigation that was carried out after  
21 you made a report to Alhaji Hassan Sherrif. You told  
22 this Court that you went to your village Gumahun where  
23 your house was. Was then your report sent back to Alhaji  
24 Hassan Sherrif?
- 25 A. Yes.
- 26 Q. Who sent this report?
- 27 A. The Kamajors who were sent to investigate what had  
28 happened in the village. They went back with a specimen,  
29 what they saw happened.

- 1 Q. Did you go with them?
- 2 A. No.
- 3 Q. As far as you know, was any action taken by Alhaji Hassan  
4 Sherrif after this investigation?
- 5 A. Yes.
- 6 Q. what did he do?
- 7 A. Two days after the people had gone, the investigators,  
8 one morning I saw one Kamajor who came to me and asked me  
9 to go to Gumahun, that I was needed in Gumahun urgently.
- 10 Q. Did this happen in April of 1999 --
- 11 PRESIDING JUDGE: what's the spelling of Gumahun, Ms Wiafe?
- 12 MS WIAFE: G-U-M-A-H-U-N, Gumahun.
- 13 Q. Did you get this information in April of 1999?
- 14 A. Yes.
- 15 Q. Did you go to Gumahun?
- 16 A. Yes.
- 17 Q. what happened in Gumahun?
- 18 A. When I went there, they invited xxxxxxxx to the barri. Then xxxxxxxx  
19 went there, to the court barri in xxxxxxxx.
- 20 Q. who invited to xxxxxxxx the court barri?
- 21 A. Earnest Blango Jr, alias Kandapa.
- 22 PRESIDING JUDGE: Alias?
- 23 MS WIAFE: Kandapa, K-A-N-D-A-P-A.
- 24 JUDGE BOUTET: And what was the name before that?
- 25 MS WIAFE: Earnest Blango Jr, I think he has mentioned that  
26 name before.
- 27 Q. Did you go to the barri?
- 28 A. Yes.
- 29 Q. Tell the Court --

1 PRESIDING JUDGE: He's a Kamajor as well, is he? Earnest  
2 Blango, is it the same Kamajor?  
3 THE WITNESS: He was the assistant battalion commander to the  
4 chief battalion commander.  
5 MS WIAFE:  
6 Q. This is the same person that you mentioned earlier?  
7 A. Yes. Mm-hmm, yes.  
8 JUDGE BOUTET: The witness just mentioned that he was the  
9 assistant to the chief battalion commander. Which  
10 battalion commander?  
11 MS WIAFE:  
12 Q. Which battalion commander are you talking about,  
13 Mr witness?  
14 A. He was based in Mandu. He was at Base 2 in Mandu. He  
15 was the assistant battalion commander to the chief  
16 battalion commander, Alhaji Hassan Sherrif.  
17 Q. Mr witness, this man was assistant battalion commander to  
18 who?  
19 A. Alhaji Hassan Sherrif.  
20 Q. Now, what happened at the court barri?  
21 A. He asked me --  
22 PRESIDING JUDGE: [Previous translation continues] ...  
23 mention the names of who asked him.  
24 THE WITNESS: Earnest Blango Jr, aka Kandapa, asked ~~xxxxxxx~~.  
25 MS WIAFE:  
26 Q. What did he ask ~~xxxxxxx~~?  
27 A. He said: "Are you the one who reported to Alhaji Hassan  
28 Sherrif, battalion commander, that they've killed your  
29 son, that they've taken his parts and burnt them?"

- 1 Q. Did he say anything else?
- 2 A. He said: "You said they looted your home and took all  
3 the property away?" And I said "yes."
- 4 Q. Mr witness, what else happened at the court barri?
- 5 A. "I was sent in relation to this case. That is why I'm  
6 here."
- 7 Q. Did he tell you who sent him?
- 8 A. Yes.
- 9 Q. what did he say?
- 10 A. He said: "Alhaji Hassan Sherrif, chief battalion  
11 commander, has asked me to come and look into this case."
- 12 Q. And did the commander do anything at the court barri?
- 13 A. Yes.
- 14 Q. what did he do?
- 15 A. He asked me: "Have you seen all these Kamajors who were  
16 here, who have come here?"
- 17 Q. who is this speaking?
- 18 A. The investigator, Earnest Blango Jr he asked me this:  
19 "Have you seen all these Kamajors in their numbers"?
- 20 Q. Carry on.
- 21 A. He said: "That report which you made to Alhaji Hassan  
22 Sherrif, he asked me to invite all these people whose  
23 names you mentioned to him."
- 24 Q. Mr witness, what did the commander do?
- 25 A. After he had said if I knew all these -- the people whom  
26 he'd brought, he spoke to the people on the panel. And  
27 he said: "You've seen those people who are sitting by  
28 me? They told me that, in fact, we had come together to  
29 come and look into this case."



- 1 Q. Mr witness, after the commander had said all these  
2 things, did he do anything?
- 3 A. Yes.
- 4 Q. what did he do?
- 5 A. He said: "The report which you took to Alhaji Hassan  
6 Sherrif, who are the main leaders?" He asked me this  
7 question.
- 8 Q. what did you say?
- 9 A. Then I named them.
- 10 Q. who did you name?
- 11 A. I named James Bundu, Gibril Mansaray, Sundifu Samuka,  
12 Joseph Kulagbanda, Chief Mulai Abu of Mandu, and others.
- 13 Q. was anything done to these people after you named them?
- 14 A. Yes.
- 15 Q. what was done?
- 16 A. He invited them to come in front of him.
- 17 Q. Mr witness, what was done to these people?
- 18 A. Then he asked me that you name the persons, and he asked  
19 me to explain what exactly these people did to me.
- 20 Q. who asked you to explain?
- 21 A. Earnest Blango Jr, aka Kandapa.
- 22 Q. And did you explain?
- 23 A. Yes.
- 24 Q. Did anything happen after your explanation?
- 25 A. Yes.
- 26 Q. Tell the Court what happened.
- 27 A. After I had explained, he told me not to talk too much.  
28 Let me just hit on the main points. Then I spoke.
- 29 Q. what did you say?

- 1 A. I said these people, they killed my child, they took his  
2 parts, they burnt them, and they drove me from my village  
3 in the night, and my people.
- 4 Q. Mr witness, I'd like to you to listen to the question and  
5 answer it directly. The question is: was anything done  
6 to these people after you made your report?
- 7 A. Yes.
- 8 Q. what was done?
- 9 A. They asked them whether what I have said is true.
- 10 Q. what did they say?
- 11 A. At first, they denied, but they later answered.
- 12 Q. And what was their answer?
- 13 A. They said they had killed him. we burnt him. we drove  
14 him out of his village.
- 15 Q. So, witness, did anything happen to these people after  
16 your explanation -- after they accepted that they did  
17 these things?
- 18 A. Yes.
- 19 Q. what was done to them?
- 20 A. And he asked them why they had driven me from my village.
- 21 Q. what did they say?
- 22 A. They said, when they had burnt my child, they were  
23 hungry. Their father had done a good job for me, so that  
24 is the reason that I was supposed to feed them. That is  
25 why they asked me out of my village.
- 26 Q. Mr witness, were these people punished?
- 27 JUDGE BOUTET: Could he repeat that.
- 28 MS WIAFE: Okay.
- 29 Q. Mr witness, could you repeat your answer.

- 1 A. When he asked them, "why did you drive him out of his  
2 village," they said, "kamajor never does wrong." what  
3 they had done is something good for me, so I should feed  
4 them.
- 5 Q. Who do you refer to as "them"?
- 6 A. The chief kamajor, James Bundu.
- 7 Q. Mr witness, were these people punished after they  
8 accepted that they did these things to you?
- 9 A. Earnest Blango asked them again: I am the assistant  
10 battalion commander to the chief battalion commander --
- 11 Q. I'd like you to answer directly to the question I'm  
12 asking you. My question is: were these people punished  
13 after they accepted that they did these things to you?
- 14 A. They didn't punish them.
- 15 Q. So witness, how long did this meeting last?
- 16 A. 12.00 to 5.00.
- 17 Q. 12.00 in the afternoon?
- 18 A. 12.00 to late in the day.
- 19 Q. Until 5.00 p.m.?
- 20 A. Yes.
- 21 Q. And after 5.00 p.m., what did you do?
- 22 A. At the end of the meeting, the investigator was asked by  
23 Earnest Blango Jr, that I should itemise all the things  
24 that they took away from me.
- 25 Q. Did you itemise these things?
- 26 A. Yes.
- 27 Q. What did the commander do after you itemised the things?
- 28 A. They calculated it. They calculated the amount.
- 29 Q. Who calculated the amount?

- 1 A. The clerks were there, a pastor Joseph Earnest. He was  
2 there. He did the overall counting.
- 3 Q. The pastor?
- 4 A. Yes. And the Kamajor.
- 5 Q. What was his name again?
- 6 A. Joseph Earnest.
- 7 Q. And after this counting was done, what did the Kamajors  
8 do?
- 9 A. The money they issued went up to 2 million, and he said  
10 he was going to round it up. They took all the golds  
11 from the Limbas. Everything would be in their  
12 calculation.
- 13 Q. Mr witness, can you go over this -- your answer again.  
14 what did the Kamajors do after you listed?
- 15 A. Earnest Blango Jr told them that they would pay for  
16 everything that they had taken away from me.
- 17 Q. And who did he tell?
- 18 A. The chief Kamajor. He said he was the leader. Then he  
19 said something.
- 20 Q. Mr witness, did they pay for what you lost?
- 21 A. They said, as we were standing there: "Now that this man  
22 has confessed to me that two days now he has been living  
23 on wild yams in the bush, he has no pepper and no salt,  
24 and you give him something today that he can use to feed  
25 his family." They went and brought 20,000 leones and 5  
26 gallons of oil, and they gave it to me.
- 27 Q. And was the remainder of the 2 million ever paid to you?
- 28 A. He instructed them that there are many. Every two weeks,  
29 they could give the teacher 500,000, every two weeks.

- 1           They never did.
- 2   Q.   Mr witness, apart from Alhaji Hassan Sherrif, did you  
3           report the incidents to any other Kamajor leader?
- 4   A.   Yes.
- 5   Q.   Who did you report this to?
- 6   A.   Later I had access to be in Freetown here. I wrote to  
7           Chief Hinga Norman and made a report.
- 8   Q.   So, witness, do you remember the time when you wrote?
- 9   A.   Exactly.
- 10   Q.   And when did you write this letter?
- 11   A.   5th october 2001.
- 12   Q.   Mr witness, did you send this letter to Mr Chief Hinga  
13           Norman?
- 14   A.   Yes.
- 15   Q.   And when did you send this letter? when? what time?
- 16   A.   The day I wrote it, that was the very day I took it. The  
17           sooner I finished writing it, I took it to his house.
- 18   Q.   Where was his house?
- 19   A.   At Spur Road, wilberforce.
- 20   Q.   Is this Freetown?
- 21   A.   Freetown.
- 22   Q.   When you went to Spur Road, did you give this letter to  
23           Hinga Norman personally?
- 24   A.   He was not there. I gave it to his wife, Mamie.
- 25   PRESIDING JUDGE: To his wife, who?
- 26   MS WIAFE: Mamie.
- 27   Q.   Mr witness, can you spell Mamie?
- 28   A.   Mamie, M-A-M-I-E.
- 29   Q.   After you gave the letter to Mamie, what did you do?

- 1 A. She said: "My husband is not here now. He's sleeping at  
2 the hotel. I'll take it to him in the evening."  
3 Q. And do you know what hotel was being referred to?  
4 A. She didn't make any description to me.  
5 Q. After Mamie told you this, what did you do, Mr Witness?  
6 A. I went back to my house where I had come from.  
7 Q. Did you ever go back to the house after this?  
8 PRESIDING JUDGE: He said he went back to the house where he  
9 came from.  
10 MS WIAFE: Yes.  
11 Q. Where was this house?  
12 PRESIDING JUDGE: He went back to the house where he came  
13 from.  
14 MS WIAFE: Yes, I was asking whether he went back to the  
15 Norman residence.  
16 PRESIDING JUDGE: Oh, okay.  
17 THE WITNESS: After I had given the letter to Mamie and she  
18 said that she was taking it to the hotel, I returned to  
19 my house where I came from.  
20 MS WIAFE:  
21 Q. Mr Witness, after this first visit, did you visit the  
22 house again?  
23 JUDGE BOUTET: You mean Norman's house.  
24 MS WIAFE:  
25 Q. Mr Norman's house again?  
26 A. Yes. After two days, I came back there.  
27 Q. That's two days from the time you sent the letter?  
28 A. Yes, yes. I came back.  
29 Q. What day was this, do you remember?

- 1 A. I can only remember the date. I was there on the 5th,  
2 the 6th, and the 7th I came back there.
- 3 Q. What happened when you went back?
- 4 A. I met his wife Mamie, and I asked her if she gave my  
5 letter to her husband.
- 6 Q. And what was her response?
- 7 A. She said: "When I took the letter along, I gave it to  
8 him myself. And he opened it and he read it, and he  
9 shook his head. He didn't say anything to me."
- 10 Q. Mr witness, just to clarify, what did you write in the  
11 letter?
- 12 A. I said that the Kamajors had killed many of my family  
13 members. I said I should have made this report earlier.  
14 I said but at that time, 1997, 1998, those were the  
15 glorious years in the provinces.
- 16 Q. Whose glorious years?
- 17 A. The Kamajors. The police stations were all banned. They  
18 were the supreme rulers of the southern part of the east.  
19 So everybody feared them. The courts were closed. There  
20 was no courts chairman, there was no chief to pass any  
21 decision.
- 22 Q. So, witness, after Mamie told you this, what did you do?
- 23 A. I said the man didn't do anything, so I went back. I  
24 went back to my lodging where I was for two days. I went  
25 back to my village.
- 26 Q. So, witness, did you have any encounter with Mr Hinga  
27 Norman after this?
- 28 A. Yes.
- 29 Q. Where did this take place?

- 1 A. Late in December, when he went to spend Christmas in his  
2 village.
- 3 Q. You said December. Of what year?
- 4 A. 2001.
- 5 Q. And where was this? Where was this encounter?
- 6 A. In xxxxxxxx Town.
- 7 Q. Mr witness, what happened during this encounter?
- 8 A. I heard that he had invited all the commanders, that he  
9 wanted to address them, and all these people that he had  
10 come for Christmas for holidays. So he wants to address  
11 the people about the current issues in the country. Then  
12 I went there.
- 13 Q. How did you get this information?
- 14 A. I came to Gumahun. When I came, I met them at the court  
15 barri --
- 16 Q. Mr witness, my question was how you got this information.
- 17 A. I came to Gumahun one morning. I met people in the barri  
18 discussing. They said: "Chief has invited all of us to  
19 xxxxxxxx," so they were all going there. And I said I was  
20 going there. Then I went there.
- 21 Q. So when you went to xxxxxxxx, what happened?
- 22 A. And he started talking to his kamajors.
- 23 Q. Mr witness, when you got to Mongare, what did you first  
24 see?
- 25 A. I went to his compound. I met a lot of kamajors. Some  
26 from Bo, some people from Bo.
- 27 Q. Whose compound are you talking about?
- 28 A. Chief Hinga Norman's compound.
- 29 Q. And what happened at Chief Hinga Norman's compound when



1           xxxxxxx got there?

2    A.    I met him addressing the people, talking to them.

3    Q.    Who was addressing the people?

4    A.    Chief Hinga Norman.

5    Q.    What did he say?

6    MR MARGAI: My Lords, I'm sorry. I think I have no  
7           alternative but to interject. My understanding of this  
8           line of examination-in-chief is as a result of a  
9           complaint made to Chief Norman in a letter, the sequence  
10          of which has been narrated amply in this Court and the  
11          witness said Chief Norman went for Christmas in his  
12          village in Mongare. The question of going into a meeting  
13          at the court barri, I would have thought that the issue  
14          here is whether, having had the opportunity of seeing  
15          Chief Norman in his village in Mongare, he accosted the  
16          chief about the letter. I mean, learned counsel has  
17          conduct of her case, but I'm worried about the circuitous  
18          route we seem to be taking to get to where we want to get  
19          to.

20   PRESIDING JUDGE: Mr Margai, like you've rightfully said, she  
21          has control of her case.

22   MR MARGAI: Indeed, my Lord.

23   PRESIDING JUDGE: And she knows how to get to where she wants  
24          to get to. I think it is fundamentally important that,  
25          for the fairness of the proceedings, that she be allowed  
26          to get to wherever the way she is getting to it. The  
27          Bench will be very hesitant to inhibit the Prosecution,  
28          which has a very heavy burden, unless we find just cause  
29          and just reasons to interrupt or to cut, you know, the

1 evidence, you know, of the Prosecution short, to  
2 interfere with the way they are adducing their evidence.  
3 MR MARGAI: I do not really expect the Bench to impede her. I  
4 mean, it's just that sometimes --  
5 PRESIDING JUDGE: When you say, Mr Margai, that she is taking  
6 a very long distance --  
7 MR MARGAI: Circuitous route --  
8 PRESIDING JUDGE: Circuitous route, to quote you, to get to  
9 where she has to get, I think that the way she is  
10 proceeding with her cross-examination [sic] is proper.  
11 MR MARGAI: The examination-in-chief.  
12 PRESIDING JUDGE: I'm sorry. The examination-in-chief is  
13 proper. And I think that carrying the heavy burden of  
14 proof requires that we allow the Prosecution to proceed  
15 with examination-in-chief with a certain latitude, which,  
16 of course, we'll check from time to time.  
17 MR MARGAI: I appreciate that, my Lord.  
18 PRESIDING JUDGE: We appreciate your comment, and I'm sure she  
19 herself has taken note of that. But we think that, you  
20 know, she is within the Rules the way she is conducting  
21 her cross-examination.  
22 MR MARGAI: And I suppose when it comes to our turn, carrying  
23 the heavier burden, there will be reciprocity.  
24 PRESIDING JUDGE: Of course. We have never inhibited --  
25 MR MARGAI: No, no, no, I'm not suggesting that for once. As  
26 my Lord pleases.  
27 JUDGE THOMPSON: I share the same view as the Presiding Judge.  
28 She has not exceeded the scope of examination-in-chief.  
29 MR MARGAI: I'm not complaining that she has. That is not my

1 complaint, but I take my cue from the Bench.  
2 JUDGE THOMPSON: Yes, quite. And I think she is perfectly on  
3 the right track.  
4 MS WIAFE: Thank you, Your Honours.  
5 Q. Mr witness, what happened at this meeting?  
6 A. He said, "I came here to warn you."  
7 PRESIDING JUDGE: To warn who?  
8 THE WITNESS: The Kamajors.  
9 PRESIDING JUDGE: Does that part of the evidence interest the  
10 Defence?  
11 MR MARGAI: Yes, yes.  
12 THE WITNESS: Yes.  
13 PRESIDING JUDGE: well, please proceed.  
14 MS WIAFE:  
15 Q. Mr witness, what else did he say?  
16 A. He said: "I've got a lot of complaints against you, the  
17 Kamajors."  
18 Q. what else did he say?  
19 A. He said: "The war has almost come to an end." He said:  
20 "I have one complaint from one teacher," and he mentioned  
21 ~~xxxxxxx~~ name.  
22 Q. And did he say anything about you?  
23 A. Yes. Yes.  
24 Q. what did he say?  
25 A. He said: "You don't know, but this teacher is your  
26 brother. Some of you, he's your father."  
27 Q. what else did he say?  
28 PRESIDING JUDGE: Ms Wiafe, I'm taking down the notes.  
29 Please.

- 1 MS WIAFE: Mr witness, hold on a moment, please.
- 2 PRESIDING JUDGE: He told them that this teacher is your  
3 brother, and for some of you, he's your father. Is  
4 that --
- 5 THE WITNESS: Yes, yes.
- 6 MS WIAFE:
- 7 Q. what else did he say?
- 8 A. He said: "This war will be over."
- 9 Q. Yes. please continue.
- 10 A. He said: "When the war is over, anybody who had done  
11 something bad to his companion would regret it if the  
12 companion comes and overtakes him."
- 13 Q. Anything else?
- 14 A. He said: "Those days that you did those things, there  
15 was no place to report you. But now, the law is here."
- 16 Q. what else was said, Mr witness?
- 17 A. I left there and came back to my house. I went back to  
18 my village.
- 19 Q. And why did you leave?
- 20 A. Because he has ended it. Because he has said that when  
21 you did those things, there was no place to report you.  
22 But that's over.
- 23 Q. Mr witness, the people that you mentioned, the Kamajors  
24 whose names you mentioned, do you know where they are?
- 25 A. Except for today, but I know their villages, their homes,  
26 their houses, many.
- 27 Q. Have you seen any of them since this happened to you?
- 28 A. Yes, I do pay some of them to go and brush in my farm.  
29 Many of them. They are now powerless, without money.

1 Q. And as far as you know, was any of them punished for what  
2 they did to you?  
3 A. Nothing, nothing.  
4 MS WIAFE: Your Honours, I have no more questions for this  
5 witness.  
6 JUDGE BOUTET: Thank you.  
7 Are we ready to proceed with the cross-examination?  
8 First accused. Dr. Jabbi.  
9 MR JABBI: Yes, my Lord.  
10 CROSS-EXAMINED BY MR JABBI:  
11 JUDGE BOUTET: You may proceed, Dr. Jabbi.  
12 MR JABBI: Thank you, my Lord.  
13 Q. Now, Mr Witness, I first take you --  
14 PRESIDING JUDGE: Mr Witness, Mr Witness?  
15 THE WITNESS: Yes.  
16 PRESIDING JUDGE: The lawyer, the lawyer for the first  
17 accused, Mr Hinga Norman, is going to ask you some  
18 questions. Do you understand?  
19 THE WITNESS: I'm ready for him.  
20 PRESIDING JUDGE: Dr. Jabbi, he's ready for you.  
21 MR JABBI:  
22 Q. So, Mr Witness, I first take you to the 24th of April  
23 1999 when you reported certain incidents to Alhaji Hassan  
24 Sherrif. You remember that?  
25 A. Hundred per cent.  
26 Q. According to you, when you made that report, Hassan  
27 Sherrif said: "Chief Norman had already told them a few  
28 things."  
29 A. Mm-hmm.

- 1 Q. Can you explain to the Court again what Hassan Sherrif  
2 said Chief Norman had already told them?
- 3 A. Yes.
- 4 Q. Carry on, please.
- 5 A. Hassan Sherrif said -- he said he had come to Chief  
6 Norman in Freetown. He said I should go back and warn  
7 the Kamajors that whatever they are doing, they should  
8 consult the leaders.
- 9 Q. Yes.
- 10 A. He said: "Look, now they have killed your child. And I  
11 don't know. Battalion commander chief, for that matter."  
12 [HN261104E 3.45 p.m.]
- 13 Q. I just want you to say what Sheriff said Chief Norman had  
14 told them. Just that. Not Sheriff's own further  
15 comments?
- 16 A. They said Chief had told them that the war is over and  
17 that they should stop. He should warn the Kamajors to  
18 stop harassing the civilians. He said Chief had told  
19 them that. He said now he is the Chief in command, now  
20 they have done that and they have not approved of it, so  
21 he's going to send investigators for that.
- 22 Q. When, after your visit to Freetown, Chief Norman spoke to  
23 the people and the Kamajors again, in your own presence,  
24 did he in fact say almost everything that Hassan had said  
25 they had been told by Chief Norman?
- 26 A. He only said, "I've come to warn them. So many  
27 complaints are there against you people; I've come to  
28 warn you." Then he brought in my own case.
- 29 Q. Were you, in fact, pleased with what Chief Norman said

- 1 about your case in that X-mas meeting of 2001?
- 2 A. I left there disgruntled.
- 3 Q. Let me take you back --
- 4 PRESIDING JUDGE: Please wait. Just wait, Dr Jabbi. He said
- 5 he was not happy when he left that meeting; he was
- 6 disgruntled.
- 7 JUDGE THOMPSON: He said he left disgruntled.
- 8 PRESIDING JUDGE: Yes, he left disgruntled really, that's the
- 9 word. It's because you're putting -- Dr Jabbi asked him
- 10 whether he was happy with the way the meeting went. He
- 11 replied, you know, that certainly I'm not happy, but I
- 12 left there disgruntled.
- 13 MR JABBI: Yes, My Lord.
- 14 PRESIDING JUDGE: In reply to his question somehow.
- 15 JUDGE BOUTET: The question was: were you pleased with that
- 16 meeting?
- 17 PRESIDING JUDGE: He wasn't; he left disgruntled. It's
- 18 implied.
- 19 JUDGE BOUTET: Yes, Dr Jabbi, go ahead.
- 20 MR JABBI:
- 21 Q. Now, Mr witness, I also take you back to the incident at
- 22 Brima Sheki's compound. Was that incident part of the
- 23 report you made to Hassan Sheriff on the 24th of April?
- 24 A. Hassan Sheriff was highly involved in this, so no need to
- 25 report to him.
- 26 Q. I will ask the question slightly differently. When you
- 27 made your report to Hassan Sheriff on the 24th of April
- 28 1999, did it include the Brima Sheki compound incident --
- 29 that report on the 24th of April 1999 -- yes or no?

1 A. It was not included.  
2 Q. Okay, I just want to know if it was included.  
3 JUDGE BOUTET: Dr Jabbi, please, let the witness finish his  
4 answer before you carry on, because we're going to get  
5 into trouble with the translation.  
6 MR JABBI: As My Lordship pleases. But, My Lord, he said he  
7 didn't put it there and that was all I wanted as an  
8 answer, My Lord.  
9 JUDGE BOUTET: I know that's all you wanted, but you have that  
10 tendency to just ask your next question before it is  
11 translated. Please wait; that's all I'm saying.  
12 PRESIDING JUDGE: And, Dr Jabbi, you should not only seek to  
13 stop at answers which suit you. Allow the witness to  
14 really express himself as to what he knows about the  
15 matter.  
16 MR JABBI: My Lord, I'm asking specific questions for  
17 specific --  
18 PRESIDING JUDGE: That's just a comment, Dr Jabbi. It's a  
19 comment, you know, because it is also in the interests of  
20 justice that the answers are not only confined to what  
21 either the Prosecution or the Defence wants from the  
22 witness.  
23 MR JABBI: My Lord, in examination-in-chief the witness has  
24 had a lot of opportunity to explain as much as he likes.  
25 I am now trying to elicit specific answers to specific  
26 questions; not to repeat an entire narrative by the  
27 witness, My Lord.  
28 PRESIDING JUDGE: Please, you may proceed.  
29 MR JABBI: Thank you, My Lord.



1 Q. Now, again, I take you even further back. On  
2 November 29, 1997 you said you sent your son and three  
3 nephews to a farm to get some cassava and also to bring a  
4 gun you had hidden there as far back as May 1994. At  
5 that time when you sent for the gun, what was the general  
6 state of security in that area?

7 A. The Kamajors were in control.

8 PRESIDING JUDGE: The question is not answered. Dr Jabbi, can  
9 you put the question to him again, please. Kamajors were  
10 in control. It doesn't mean that -- it doesn't give us  
11 an idea of the security, which is I am sure what you  
12 want.

13 MR JABBI:

14 Q. I will ask the question again, Mr Witness. At that time  
15 when you sent for this gun, what was the general state of  
16 security in the area where you were?

17 A. The Kamajors were in charge of security.

18 PRESIDING JUDGE: No, the question is still not answered.

19 MR JABBI:

20 Q. Was there, for example, a general peace in the area?

21 A. At that time when I sent for the gun, there were no  
22 rebels there. They never came there. It was only us  
23 that was around.

24 Q. The rebels had gone?

25 A. They had gone. They were now towards Makeni, coming  
26 towards western area.

27 Q. How long before that had the rebels gone?

28 A. I was not taking account of it.

29 Q. You've been very good with dates and all that. Can you

- 1 try a little bit, even a rough general estimate. How  
2 long before you sent for the gun had the rebels left the  
3 area?
- 4 A. The rebels had left the area -- the rebels were -- my  
5 brother was one of the battalion commanders. He told me  
6 to bring the gun that used to kill monkeys from the bush  
7 and bring it to town.
- 8 Q. would you say that there was general law and order at  
9 that time in that area?
- 10 A. The law -- whatever the Kamajors had wanted is what they  
11 will do. They were in control. They were in charge of  
12 the law. whatever thing they say is what they do.
- 13 PRESIDING JUDGE: Mr Witness, was there peace in that area?  
14 was the area peaceful? You have said that the Kamajors  
15 were in control. You have also said that the rebels had  
16 left.
- 17 THE WITNESS: They had left.
- 18 PRESIDING JUDGE: was there security there? was there peace?
- 19 THE WITNESS: The place was fairly calm.
- 20 MR JABBI:
- 21 Q. Now, why were you wanting to recover this gun?
- 22 A. My brother was one of the commanders. He told me not to  
23 leave the gun there to get rot. He said to go for it so  
24 that he'll be using it. And then -- [Interpretation  
25 interrupted]
- 26 PRESIDING JUDGE: He was one of which commanders?
- 27 THE WITNESS: They were the only people that had access.  
28 Kamajor commanders.
- 29 MR JABBI:

- 1 Q. Your brother was one of the Kamajor commanders; is that  
2 what you said?
- 3 A. Yes.
- 4 Q. And he asked you to send for the gun?
- 5 A. That's true.
- 6 PRESIDING JUDGE: Let us get the name of his brother, the  
7 Kamajor commander?
- 8 MR JABBI: My Lord, I didn't want to pose that question  
9 because of the witness protection issue.
- 10 JUDGE BOUTET: Thank you, Dr Jabbi.
- 11 PRESIDING JUDGE: well, that's all right, okay.
- 12 MR JABBI:
- 13 Q. It was your brother who asked you to send for the gun;  
14 not so -- that battalion commander?
- 15 A. Yes.
- 16 Q. Were you yourself a Kamajor at any time at all?
- 17 A. Never in my life will I be.
- 18 Q. No, my question is whether you were?
- 19 A. No.
- 20 Q. Thank you. Of the four people you sent for the gun, was  
21 any of them a Kamajor?
- 22 A. Not at all. Something I don't want to become, my child  
23 will not become.
- 24 Q. Did you in fact hate the Kamajors?
- 25 A. At the beginning I loved them, but as time went by they  
26 became my bitterest enemies.
- 27 Q. At the beginning, when you liked it them, did you  
28 encourage any of your children to join?
- 29 A. I said they will not join, because my first brother who

- 1 joined became a commander. He told me the purpose and  
2 the motive. So I said, "Eh."
- 3 Q. What did your brother, the Kamajor commander, tell you  
4 about the purpose of the Kamajor movement?
- 5 A. He said the Kamajor business involved certain  
6 cannibalism.
- 7 Q. Your brother said that was the purpose of the Kamajor  
8 movement?
- 9 A. He said the mark that is being put on the body is human  
10 ash that is being put on it.
- 11 Q. When did your brother join the Kamajors?
- 12 A. When I left Bo, I met him as ground commander. I was not  
13 there when he joined, but when I came back, I met him in  
14 that position.
- 15 Q. When was it that you went back and found him in that  
16 position? When was that?
- 17 A. It was 1997.
- 18 Q. Can you just give us what month it was?
- 19 A. It was 1997. I cannot recollect.
- 20 Q. You recollected the beginning of your narrative in  
21 November 1997. Was it before that?
- 22 A. Well, that one, it greatly affected me. That's why I was  
23 recording.
- 24 Q. My question is whether this period, when you went back  
25 and found your brother as a ground commander, was before  
26 this date that you clearly recollected -- November 1997?  
27 Was it before November 1997?
- 28 A. Yes.
- 29 Q. Now, coming back to the gun, for whom did you want to

- 1 recover the gun?
- 2 A. It was for this, my very brother, that told me that same  
3 one. He told me to send for it. My brother from the  
4 same father.
- 5 Q. He asked you to get the gun for his own use; not so?
- 6 A. Yes, because he's a Kamajor.
- 7 Q. And you were quite pleased to do that -- get the gun and  
8 give it to him; not so?
- 9 A. For the gun not to get rot under the ground, so I  
10 accepted.
- 11 Q. When you sent for that gun, you sent those four men --  
12 your son and three nephews for the gun, did you have any  
13 fear that something might happen to the gun when they  
14 recover it?
- 15 A. There was no fear with me, because by then there was --  
16 peace was coming, rebels were not there. It was rebels  
17 that we were afraid of. This time, these were our  
18 brothers.
- 19 Q. In view of your dislike of the Kamajors who were then in  
20 control, why did you not send your own brother, the  
21 Kamajor, or other Kamajors to recover the gun?
- 22 A. I used to see other civilians going for their own guns  
23 and bringing them. It was on the basis of that I decided  
24 to do so, because they used to ask any civilians that,  
25 "If you have a gun, bring it." I decided to follow suit.
- 26 Q. So there was a general request by the Kamajors that  
27 civilians could go and recover their guns?
- 28 A. Yes, and bring it to them.
- 29 Q. And bring it to the Kamajors?

- 1 A. Surely.
- 2 Q. Now, did other civilians recover their guns and give them  
3 to Kamajors at that time?
- 4 A. Several of them.
- 5 Q. Several --
- 6 A. Several times.
- 7 Q. -- civilians did so?
- 8 A. Did so.
- 9 Q. In your narrative of what happened at xxxxxxxx house --  
10 compound, you were very clear about who did what among  
11 the Kamajors. You know the Kamajors that gave  
12 instructions for things to be done, you know the specific  
13 Kamajors that did certain actions which you are  
14 complaining about, all by name; is that so?
- 15 A. Yes, I know them. I've been living with them. These are  
16 my brothers and friends, and our children.
- 17 Q. And you knew them by name as well; not so?
- 18 A. Some.
- 19 Q. As far as the incident at xxxxxxxx xxxxxxxx compound is  
20 concerned -- I think that was on the 30th of November  
21 1997. As far as that incident is concerned, did you ever  
22 make any report about it?
- 23 A. I will not make it.
- 24 Q. My question is did you make a report?
- 25 A. No.
- 26 Q. You did not make any report about it anywhere at all; not  
27 so?
- 28 A. At that moment of the year?
- 29 Q. The question is you did not make any report about it

1 anywhere at all; not so?  
2 JUDGE BOUTET: Are you saying anywhere or at any time?  
3 THE WITNESS: I did it, I did it.  
4 MR JABBI: Anywhere and at any time. He said he did not make  
5 a report.  
6 JUDGE BOUTET: Yes, but you were asking anywhere, but he has  
7 report -- I'm not saying he did report this, but he has  
8 made reports, as you know, subsequent to that. I don't  
9 know if this incident was reported or not.  
10 MR JABBI: My Lord, I asked him earlier on --  
11 THE WITNESS: It was in my report on October 5.  
12 MR JABBI: Okay, he's trying to give an answer, but let me  
13 just explain to Your Lordship, My Lord.  
14 JUDGE BOUTET: Just one moment, Mr witness, please.  
15 MR JABBI: I had asked him earlier on whether the report he  
16 made on the 24th of April included this incident.  
17 JUDGE BOUTET: To Sheriff he said no.  
18 MR JABBI: To Sheriff, yes.  
19 [Overlapping speakers]  
20 JUDGE BOUTET: Subsequent to that, he has made other reports.  
21 MR JABBI: That is what I want to clarify about this incident.  
22 JUDGE BOUTET: I was not clear on your question. That's why  
23 you've got this ambiguity in the answers. Please?  
24 MR JABBI:  
25 Q. Mr witness, I will ask the question again. Talking about  
26 the incident in xxxxxxxx xxxxxxxx compound on the 30th of  
27 November 1997, did you ever make a report of that  
28 incident at any time to anyone and anywhere?  
29 A. Yes.

- 1 Q. When was that?
- 2 A. During my letter on October 5, 2001.
- 3 Q. In your letter of October 5, 2001. Apart from that  
4 letter, did you make a report about it anywhere else?  
5 Apart from what you wrote in the letter.
- 6 A. 1997 to 1998 was the glorious years of the Kamajors. All  
7 police stations were abandoned. No where to summon any  
8 Kamajors. Those two years were glorious years in the  
9 south. You take that anywhere, nothing will happen.
- 10 Q. Mr witness, notwithstanding what you have just said, you  
11 still found cause in 2001 to write a report, according to  
12 you, in a letter -- notwithstanding what you are now  
13 saying about the so-called glorious years. So my  
14 question is: Since that time, and apart from the report  
15 in the letter you spoke about, did you make a report  
16 about that incident anywhere else ever at all?
- 17 A. That one, where I report -- where action is taken, that  
18 is what I take it for granting. I will report for  
19 several years, but nothing could be done. So everybody I  
20 met, I explain to them that this is what had happened,  
21 but nothing has been done. So I cannot recollect now.
- 22 Q. Did you, for example, make any report, even after the  
23 so-called glorious years, to the police of that  
24 particular incident -- yes or no?
- 25 A. Yes, I made a report.
- 26 Q. To the police?
- 27 A. Yes.
- 28 Q. When was that and where?
- 29 A. I cannot remember the date now. I came to Bo, I went to



1 the hospital. Then I decided I need some treatment. I  
2 showed my hands. Then the doctor said, "I will not give  
3 you treatment until you go to the police." So when I  
4 went to the police, then I reported to xxxxxxxx,  
5 Commissioner xxxxxxxx, I went to. The SS's took me to him.  
6 Then he asked me what are we to do. He sent for the  
7 paramount chief.

8 PRESIDING JUDGE: what you say the name of the policeman is?

9 MR JABBI: The Commissioner I think is incorrectly named.

10 PRESIDING JUDGE: Commissioner who?

11 THE WITNESS: Commissioner xxxxxxxx. xxxxxxxx -- xxxxxxxx was there.

12 PRESIDING JUDGE: You talked of the traditional chief. what  
13 happened -- traditional chief?

14 THE WITNESS: The paramount chief.

15 PRESIDING JUDGE: what did the paramount chief do?

16 [Overlapping speakers]

17 THE WITNESS: Yes. He said, "This teacher came from your  
18 chiefdom and this is what they have done to him. I want  
19 you to look into this matter."

20 MR JABBI:

21 Q. So you, in fact, made a report and the appropriate  
22 authorities were asked to look into it; not so?

23 A. Yes.

24 Q. Now, if I may also take you to that incident itself, just  
25 one aspect of it. You did say that there was a mango  
26 tree to which your nephew was taken, and that you were  
27 standing 7 yards away from that mango tree?

28 A. About, about.

29 Q. About. About 7 yards away from the mango tree. So far

- 1 as that incident was concerned, were there other  
2 non-Kamajor civilians present on that occasion?  
3 A. They asked all the civilians to come and witness it.  
4 Q. So, in fact, there were very many civilians there; is  
5 that what you're saying?  
6 A. Yes. The daughter was called so that they ask the mother  
7 to tell her daughter goodbye -- I mean, so she bid  
8 farewell to the daughter. And the very Kamajor --  
9 [Dr Jabbi interrupts]  
10 Q. And you in particular, according to you --  
11 PRESIDING JUDGE: Dr Jabbi, please wait.  
12 MR JABBI: Sorry, My Lord.  
13 PRESIDING JUDGE: Yes?  
14 MR JABBI: I was just trying to repeat some information he had  
15 given earlier.  
16 Q. Of all these civilians who were present, you in  
17 particular went and stood about 7 yards from the mango  
18 tree?  
19 A. I was there all along when I went there. There I was  
20 just standing.  
21 Q. On that particular occasion, where your nephew and your  
22 niece -- because the woman ~~xxxxxxx~~ was also your niece;  
23 not so?  
24 A. Yes.  
25 Q. Is that correct?  
26 A. Yes.  
27 Q. Your sister's daughter; is that correct?  
28 A. It's my sister's daughter, yes.  
29 Q. Okay. On that occasion, even though your nephew and your

1 niece were the subject of what the Kamajors were doing,  
2 and you were prominently present there, did they on that  
3 occasion do anything to you, yourself?  
4 A. They were not concerned about me.  
5 PRESIDING JUDGE: That is not the question. Did they do  
6 anything to you on that day?  
7 THE WITNESS: They didn't do anything to me, unless at  
8 night --  
9 MR JABBI:  
10 Q. No, I'm asking about the time you were all around the  
11 mango tree?  
12 A. They didn't do anything to me at the place.  
13 MR JABBI: My Lord, that is all for the witness.  
14 JUDGE BOUTET: Thank you. Counsel for second accused?  
15 MR BOCKARIE: I've got no questions for this witness.  
16 JUDGE BOUTET: No questions?  
17 MR BOCKARIE: Yes.  
18 JUDGE BOUTET: Thank you, Mr Bockarie. Mr Margai?  
19 CROSS-EXAMINED BY MR MARGAI:  
20 MR MARGAI:  
21 Q. Now, Mr witness, you've told this Court that you are a  
22 teacher?  
23 A. Yes.  
24 Q. Is it also true that you were practicing xxxxxxx in your  
25 village?  
26 A. Now you've said that, but I don't know about that.  
27 PRESIDING JUDGE: Please, answer the questions directly.  
28 Please answer the questions directly. Counsel has asked  
29 you is it true that you were also practicing medicine in

1 the village? Is it true or not? Answer the questions  
2 directly the way you know them. If it is yes, you say  
3 yes. If it is no, you say no. You cannot say, in any  
4 event, that you do not know whether you were in fact a  
5 [inaudible] -- either be a yes or a no answer.

6 MR MARGAI:

7 Q. Now, is it true that you were administering injections to  
8 people?

9 A. No.

10 MR MARGAI: Mr walker, could you please show this to the  
11 Prosecution? would you show the witness, please.

12 Q. Now, apart from your real name, were you called by that  
13 name?

14 A. Yes, I'm a ~~xxxxxxx~~, I told a story.

15 MR MARGAI: My Lords, so as not to disclose the identity of  
16 this witness, I'm tendering that document.

17 JUDGE BOUTET: As an exhibit?

18 MR MARGAI: As an exhibit, yes.

19 JUDGE BOUTET: I take it the Prosecution has no objection.  
20 Mr walker, could you take that piece of paper.

21 MR MARGAI: I just want the records to reflect the name.

22 JUDGE BOUTET: we'll mark it as an exhibit for that purpose,  
23 but it will be kept from nondisclosure.

24 MR MARGAI: As My Lord pleases.

25 JUDGE BOUTET: That should be Exhibit 34 according to my  
26 notes.

27 [Exhibit No. 34 was admitted]

28 PRESIDING JUDGE: Where is the document? May I see it,  
29 please?

1 JUDGE BOUTET: Mr walker has it.  
2 MR MARGAI:  
3 Q. Mr witness, I'm putting it to you that that name was  
4 connected with the injections you were administering to  
5 people in that village; isn't that correct?  
6 [HN261104F 4.30 p.m.]  
7 A. It's a complete lie. It is not the truth at all.  
8 PRESIDING JUDGE: Mr Margai, I think we should put a date on  
9 this. Just put a date there.  
10 MR MARGAI: Today's date.  
11 PRESIDING JUDGE: Yes, put the date there.  
12 JUDGE BOUTET: But it is marked as Exhibit 34.  
13 PRESIDING JUDGE: There should be something like a date there,  
14 please.  
15 JUDGE BOUTET: Mr walker, the Exhibit is 34.  
16 MR MARGAI:  
17 Q. Mr witness, I'm putting it to you --  
18 PRESIDING JUDGE: Mr Margai, please wait.  
19 MR MARGAI:  
20 Q. Mr witness, I'm putting it to you that some people died  
21 as a result of the injections administered by you.  
22 A. If that was true, then I would have been taken into  
23 custody, or to the police, but I don't know. It's a lie.  
24 False, false, false, false.  
25 PRESIDING JUDGE: [Microphone not activated]  
26 MR MARGAI:  
27 Q. And I further put it to you that some suffered from  
28 abscess as a result of the injections administered by  
29 you?

1 A. I said you're telling lies.  
2 Q. Mr Witness --  
3 MR MARGAI: May I appeal to Your Lordships for the witness to  
4 restrain himself and be respectful.  
5 Q. And, Mr witness, I'm putting it to you that these matters  
6 were reported at the Bo police station.  
7 A. I've only heard that from you today.  
8 PRESIDING JUDGE: Mr Witness, please answer the question.  
9 THE WITNESS: Never, never, no police has ever invited me,  
10 never, nothing. I don't know.  
11 PRESIDING JUDGE: Mr Witness, please don't go into  
12 explanations. Listen to counsel and answer to his  
13 questions directly. Don't go into any fishing  
14 expeditions. Answer his questions directly, please.  
15 THE WITNESS: Yes, sir.  
16 MR MARGAI:  
17 Q. And --  
18 PRESIDING JUDGE: Mr Margai, please wait.  
19 MR MARGAI:  
20 Q. Now, Mr witness, did you know one xxxxxxxx xxxxxxxx, who  
21 used to be a member of parliament for that area. xxxxxxxx  
22 xxxxxxxx?  
23 A. Yes.  
24 PRESIDING JUDGE: Conteh is it "k" or "c"?  
25 MR MARGAI: "c", My Lord.  
26 JUDGE THOMPSON: A parliamentarian from which area or do you  
27 want to put that?  
28 MR MARGAI: A former parliamentarian for that area.  
29 Q. And she was representing the All People's Congress party

- 1 in parliament, APC?
- 2 A. Yes.
- 3 Q. And this was when President GS Momoh was president of the  
4 Republic of Sierra Leone; not so?
- 5 A. Yes.
- 6 Q. And, Mr witness, you were a strong supporter of xxxxxxxx  
7 xxxxxxxx MP, as she then was?
- 8 A. Hundred per cent.
- 9 Q. Mr witness, is it not true, that you, in particular, were  
10 involved in importing thugs into xxxxxxxx Chiefdom in  
11 support of xxxxxxxx xxxxxxxx?
- 12 A. That's not true at all. She was peacefully elected.
- 13 Q. Mr witness, do you know one xxxxxxxx xxxxxxxx?
- 14 A. Yes, in fact, he wanted to kill me.
- 15 Q. Do you know him?
- 16 A. Yes.
- 17 PRESIDING JUDGE: Is it IB?
- 18 MR MARGAI: IB, My Lord.
- 19 Q. Does he hail from xxxxxxxx Chiefdom, as yourself?
- 20 A. xxxxxxxx all came from that xxxxxxxx town.
- 21 PRESIDING JUDGE: Is it the same chiefdom or the same town?
- 22 MR MARGAI: The same chiefdom, My Lord, xxxxxxxx.
- 23 PRESIDING JUDGE: The same chiefdom.
- 24 MR MARGAI: xxxxxxxx, xxxxxxxx Chiefdom.
- 25 PRESIDING JUDGE: Is the witness adding that they are from the  
26 same town too?
- 27 MR MARGAI:
- 28 Q. Are you from the same town as well?
- 29 A. He was in Talato and I was xxxxxxxx, but we were

- 1 separated by a stream.
- 2 MR MARGAI: He was separated by a stream.
- 3 PRESIDING JUDGE: All right. Same chiefdom?
- 4 MR MARGAI: Yes.
- 5 PRESIDING JUDGE: You see these rivers are usually artificial
- 6 boundaries.
- 7 MR MARGAI: I know, creating all of these problems.
- 8 PRESIDING JUDGE: Rivers have separated nations. I remember
- 9 the example of Cameroon and Chad. You can shout over the
- 10 river and they hear N'Djamena from Cameroon. It is
- 11 interesting.
- 12 MR MARGAI:
- 13 Q. Now, Mr witness, do you also know a Mr ~~xxxxxxx xxxxxxx~~?
- 14 A. I know him very, very well.
- 15 MR MARGAI: Mansaray, M-A-N-S-A-R-A-Y, My Lords.
- 16 Q. Does he also hail from Valunia chiefdom?
- 17 A. He came from Valunia Chiefdom. In fact, he's a senior
- 18 Kamajor.
- 19 Q. Mr witness, I'm putting it to you that these people
- 20 suffered at the hands of thugs in Valunia Chiefdom; did
- 21 they not?
- 22 A. I am in doubt why they make them to kill them. If I told
- 23 them to beat me up. I was accused by them. [As
- 24 interpreted] now, that I have said that they are all
- 25 Kamajors, so you want to make an opposite statement
- 26 against me.
- 27 Q. Thank you very much, Mr witness. Will you now answer the
- 28 question: Did these people suffer at the hands of thugs
- 29 in Valunia Chiefdom?



- 1 A. I was never aware.
- 2 Q. Mr witness, was your elder son not a Kamajor?
- 3 A. Never. They were all not Kamajors.
- 4 Q. Mr witness, I'm putting it to you that he was a Kamajor  
5 initiated by Alhaji Hassan Sherrif in 1996?
- 6 A. In fact, Alhaji Hassan Sherrif was not an initiator. He  
7 was not. It is false.
- 8 PRESIDING JUDGE: Learned counsel, what dates?
- 9 MR MARGAI: In 1996, My Lord.
- 10 PRESIDING JUDGE: In 1996.
- 11 MR MARGAI: Sorry, Mr Walker, would you show this to the  
12 Prosecution and then to the witness.
- 13 THE WITNESS: I don't see it.
- 14 MR MARGAI: Would you mind using my glasses to see it? We're  
15 only after the truth. That's all. The fourth bullet.  
16 Mr Walker, please, help him, the fourth bullet, one, two,  
17 three, four.
- 18 PRESIDING JUDGE: Since he is looking at the document, let's  
19 rise for a few minutes. We will resume, very, very  
20 shortly, so that he has time to examine the document.
- 21 MR MARGAI: Right.
- 22 PRESIDING JUDGE: The Court will rise, please.
- 23 [Break taken at 4.45 p.m.]
- 24 [On resuming at 4.55 p.m.]
- 25 JUDGE BOUTET: Yes, Mr Margai please continue.
- 26 MR MARGAI: Thank you.
- 27 Q. Mr witness have you now looked at that document?
- 28 A. I seen it. I have the right to answer for it.
- 29 Q. Mr witness, please, we're not here to quarrel. Just

- 1 answer the questions. Have you looked at the document?
- 2 A. Yes.
- 3 Q. Is it your statement?
- 4 A. Not exactly.
- 5 JUDGE BOUTET: Ask him, Mr Margai, what this document is all  
6 about. That may help us.
- 7 MR MARGAI: Yes, My Lord.
- 8 Q. What is that document about?
- 9 A. The document that I'm saying is telling me that my child  
10 was a Kamajor. The statement that I gave was that my son  
11 was used as a Kamajor; that is what I said. And the  
12 Kamajors had power over the civilians, so they used him  
13 as a Kamajor, but he never joined them. I never paid his  
14 initiation fees.
- 15 Q. What I want to know at this stage is did you make that  
16 statement, dated the 21st of May 2003?
- 17 A. The statement I made to xxxxxxxx was that he questioned  
18 me and I said my son was used as a Kamajor, but he was  
19 not a Kamajor.
- 20 JUDGE BOUTET: But you did make a statement to investigators,  
21 Mr Witness?
- 22 THE WITNESS: Once, yes.
- 23 JUDGE BOUTET: This is -- maybe you could clarify the record  
24 for the Court, as well, Mr Margai. I'm not sure what  
25 statement you're talking about, when it was made, so do  
26 some background with the witness.
- 27 MR MARGAI: Very well.
- 28 Q. Now, did you make a statement to the investigator of the  
29 Special Court on the 21st of May, 2003?

- 1 A. Yes.
- 2 Q. 21st May 2003, My Lords. And was the interview conducted  
3 by xxxxxxxx xxxxxxxx?
- 4 A. I want to believe so, because by then I was not used to  
5 them.
- 6 Q. Tell this court, you did talk about a Mr xxxxxxxx xxxxxxxx.
- 7 A. Yes, yes.
- 8 PRESIDING JUDGE: xxxxxxxx xxxxxxxx questioned you?
- 9 THE WITNESS: Yes, yes, one time, yes.
- 10 MR MARGAI:
- 11 Q. And this interview took place at xxxxxxxx Guest House in  
12 xxxxxxxx?
- 13 A. Yes, yes, um-hum. Um-hum.
- 14 JUDGE BOUTET: Ask him --
- 15 JUDGE THOMPSON: Mr Margai, could you spell that again.
- 16 MR MARGAI: xxxxxxxx Guest House in xxxxxxxx.
- 17 JUDGE BOUTET: [Overlapping speakers] -- about the language  
18 used during the interview. Please do the whole to see --
- 19 MR MARGAI: Yes, I'm going to assist him.
- 20 Q. Now, in what language was the interview conducted? Was  
21 it Mende, Krio, English?
- 22 A. I was saying it in Mende and in Krio.
- 23 Q. And it was recorded in English, was it?
- 24 A. Yes.
- 25 Q. At the conclusion of that statement was it read over and  
26 explained to you?
- 27 A. Yes.
- 28 Q. By xxxxxxxx xxxxxxxx?
- 29 A. Yes.

1 Q. In what language was it read and explained?  
2 A. He read it.  
3 Q. In what language?  
4 A. English.  
5 Q. And did you ask him to interpret it in any language or  
6 did you accept that you understood the contents as read?  
7 A. That one I didn't do. No, I didn't do it.  
8 Q. But did you at the conclusion accept the contents as  
9 being the statement made by you?  
10 A. well, I said he was used as a kamajor. I didn't say he  
11 joined them.  
12 Q. No, I'm talking about the statement. We'll come to that.  
13 Did you accept the statement as being your statement?  
14 A. Yes, yes.  
15 MR MARGAI: Mr walker, please, with the leave of the Court.  
16 JUDGE BOUTET: And it is a document of how many pages,  
17 Mr Margai, five, six pages?  
18 JUDGE THOMPSON: Mr Margai --  
19 MR MARGAI: Four pages. Four pages, My Lord.  
20 JUDGE THOMPSON: Mr Margai, is there any evidence whether he  
21 signed it.  
22 MR MARGAI: It is not signed.  
23 JUDGE THOMPSON: It is not signed. That's okay.  
24 MR MARGAI: Could you show those to the Prosecutor. To the  
25 Prosecutor first.  
26 JUDGE BOUTET: So for the benefit of the Court, if you could  
27 pursue just one step further with the witness about --  
28 you asked him if he had -- how it was done. He said it  
29 was read back to him in English. He did not ask for any

1 interpretation.

2 MR MARGAI: He did not ask for an interpretation and then he

3 accepted the statement as being his statement.

4 JUDGE BOUTET: Was he asked to sign that statement, was to be

5 my question.

6 MR MARGAI: I think your brother asked whether it was signed,

7 Justice Thompson.

8 JUDGE THOMPSON: No, whether it was signed or given --

9 MR MARGAI: Very well.

10 Q. Did you sign the statement?

11 A. I don't remember.

12 MR MARGAI: He doesn't remember. But this one was not signed.

13 Q. Now, please look at that document. Take it and look at

14 it. My glasses are over there; make use of them. Feel

15 free.

16 A. I said my son was used as a Kamajor.

17 Q. [Previous translation continued] -- we'll come to that.

18 A. I've seen it.

19 Q. That is the statement we're talking about, you and I.

20 A. I have read it. I have read it.

21 Q. Now, did you, in that statement, say that your son was a

22 Kamajor? Look at the portion that is underlined therein

23 there. Look at it, Mr Witness, please.

24 A. This is what the letter says, but I said he was used. He

25 was used.

26 JUDGE BOUTET: What does it say?

27 THE WITNESS: He was used.

28 MR MARGAI:

29 Q. Don't call the name out, please. Just say your son.

- 1 A. My son was a Kamajor, but in my explanation I said he was  
2 used, because they were having control over all the  
3 civilians so they could use it at any time.
- 4 Q. Now, did you say that your son was killed because he was  
5 a Kamajor and was found with a shotgun owned by his uncle  
6 without reporting it to the xxxxxxxx Kamajor High  
7 Command? Did you say that in that statement, Mr Witness?
- 8 MR TAVENER: I object to that question. Perhaps it could be  
9 put in terms of: Did he say that to the investigators?  
10 We know what is written in the statement -- sorry, just a  
11 minute. The important issue is what he said to the  
12 investigators. We know what is written here. To ask the  
13 witness: Is what written here is it -- it is a  
14 rhetorical question. What could be asked is what -- "Did  
15 you tell the investigators", and then what is in this  
16 statement, not "what is in this statement"? It should be  
17 asked: what did he ask? what did he tell the  
18 investigators.
- 19 JUDGE THOMPSON: I think I support the Prosecution, because  
20 clearly he has acknowledged the statement as his. He did  
21 agree by way of foundational elements that it was read  
22 over to him.
- 23 MR MARGAI: Conceded, conceded.
- 24 JUDGE THOMPSON: Learned counsel is quite right. We need to  
25 proceed the other way.
- 26 MR MARGAI:
- 27 Q. Did you tell the investigator in that interview that your  
28 son was a Kamajor? we'll take it step by step.
- 29 A. I didn't put it that way.

1 JUDGE BOUTET: what did you say?  
2 THE WITNESS: I said he was being used by the Kamajors as a  
3 Kamajor, but he was not an initiate he was used as a  
4 Kamajor.  
5 JUDGE BOUTET: I'm sorry, Mr Margai --  
6 MR MARGAI: You see the difficulty here, My Lords, is an issue  
7 that was raised in this Court by Ms. Whitaker on behalf  
8 of all of us. You see, because this is not the first  
9 time witnesses are saying to this Court, when it suits  
10 them, that a portion which they find disturbing was not  
11 what they said, and that leaves with us no option but to  
12 seek an order from this Court for the investigators to  
13 appear in this Court and be examined as to the method of  
14 adopting -- taking the statement.  
15 JUDGE THOMPSON: Counsel, what do you intend to do with that  
16 statement?  
17 MR MARGAI: I intend to tender it for what it may be worth.  
18 JUDGE THOMPSON: In other words, as an exhibit. In other  
19 words, you are more or less adopting the procedure  
20 leading to establishing prior inconsistent statement  
21 with, in fact, oral testimony here.  
22 MR MARGAI: Exactly, My Lord.  
23 JUDGE THOMPSON: All right. And then perhaps we should  
24 confine ourselves to that and don't go into the question  
25 of the Whitaker application.  
26 MR MARGAI: No, I'm not going into that at this stage, but it  
27 may become necessary.  
28 JUDGE THOMPSON: well, I would take -- I take notice of that.  
29 MR MARGAI: We want it avoid it, if we can, but if we see that

1 we cannot effectively discharge our duty towards  
2 defending the accused persons, then that is an option  
3 open to us.

4 JUDGE THOMPSON: well, I think what you need to do is confine  
5 yourself to your cross-examination in trying to establish  
6 prior inconsistent statement and that would be  
7 appreciated at this stage.

8 MR MARGAI: I will do that.

9 JUDGE BOUTET: This is still -- even though you were not the  
10 investigator, the line of cross-examination that you're  
11 doing now is, I would suggest to you, the best possible  
12 way to deal with these kind of things and to put it to  
13 the witness, as such, and let the Court do its own  
14 appreciation of what is what and what weight to be  
15 attached. Whether we had the investigator here would not  
16 change that. You would still have to put these questions  
17 to the witness.

18 MR MARGAI: I appreciate that.

19 JUDGE THOMPSON: But I also would like to caution that we have  
20 a decision pending. And nothing here, we would like to  
21 say, should give any indication as if we've made up our  
22 mind on anything.

23 MR MARGAI: That is appreciated, My Lord, thank you.

24 PRESIDING JUDGE: I wanted to stop the debate on this matter,  
25 because it is sub judice and we would like to look at it  
26 before we get into where learned counsel wants to take  
27 us.

28 MR MARGAI: That is very telepathic. Thank you.

29 Q. Yes, did you also say to the investigator that your son



1 was found with a shotgun owned by his uncle?  
2 A. I said the gun was xxxxxxxx, that we combined and bought the  
3 gun. They asked me and I said myself and my brother  
4 combined and bought the gun. Sometimes I will use it and  
5 he would use it too, but it was with me, so I could say  
6 it was xxxxxxxx gun.  
7 JUDGE THOMPSON: So what is the answer, learned counsel?  
8 MR MARGAI: What he is saying is that he did not say that the  
9 gun found with his son was owned by his uncle.  
10 JUDGE THOMPSON: In other words, he didn't make that statement  
11 to the investigator. That's what he's saying.  
12 PRESIDING JUDGE: The gun belongs to the brother?  
13 MR MARGAI: He denies that the gun belongs to his brother.  
14 JUDGE THOMPSON: Importance, first of all, with the greatest  
15 respect, whether he did or did not tell the investigator  
16 that. That is stage one. Otherwise the whole purpose of  
17 the prior inconsistent statement thing begins to whittle  
18 away.  
19 MR MARGAI: No, I understand him as saying that he did not  
20 tell the investigator that the gun found with his son  
21 belonged to his brother.  
22 JUDGE THOMPSON: That is the first step I'm trying to  
23 emphasise, otherwise we would not understand what  
24 amplification or elaboration comes after. That is  
25 crucial for the purposes of the evidence.  
26 MR MARGAI: Yes, My Lord. And the amplification goes on to  
27 say that the gun was bought by himself and his brother.  
28 JUDGE THOMPSON: which is, of course, part of his other  
29 testimony now. He is explaining what he said to the

1 investigator.  
2 MR MARGAI: Yes, My Lord.  
3 PRESIDING JUDGE: Tell us again how that gun was acquired.  
4 JUDGE THOMPSON: It is a very important distinction and has to  
5 be reflected accurately.  
6 PRESIDING JUDGE: who paid for that gun?  
7 THE WITNESS: we bought 25,000 -- 50,000 -- I paid 40,000 and  
8 my brother paid 10,000.  
9 PRESIDING JUDGE: You paid how much?  
10 THE WITNESS: I paid 40,000 Leones.  
11 PRESIDING JUDGE: And your brother?  
12 THE WITNESS: My brother paid 10,000 Leones. He bought it for  
13 25,000 pounds [as interpreted].  
14 JUDGE THOMPSON: In other words, he's saying that the gun --  
15 what he told the investigator whether the gun was the  
16 subject of joint ownership.  
17 MR MARGAI: That was my understanding.  
18 JUDGE THOMPSON: All right.  
19 MR MARGAI:  
20 Q. Now, did you tell the investigator that your son --  
21 PRESIDING JUDGE: You said you bought it for how many pounds?  
22 MR MARGAI: 50,000 Leones.  
23 PRESIDING JUDGE: Yes, yes, yes.  
24 MR MARGAI: He paid 40 and the brother paid 10.  
25 PRESIDING JUDGE: Justice Bankole Thompson is revisiting the  
26 civil law school of thought.  
27 MR MARGAI:  
28 Q. And, Mr witness, did you say to the investigator that  
29 your son failed to report --

- 1 PRESIDING JUDGE: And he added one thing that they were using  
2 it -- this one would use it and the other one would use  
3 it.
- 4 MR MARGAI: Yes, My Lord.
- 5 PRESIDING JUDGE: Yes.
- 6 MR MARGAI:
- 7 Q. Mr witness, did you tell the investigator that your son  
8 failed to report the possession of this gun by him to the  
9 Mongeray Kamajor High Command?
- 10 A. I sent him. When he brought it, I was supposed to go and  
11 make the report. I sent him to go and bring it. He  
12 report to Mongeray High Command. We are all in Gumahun.  
13 Mongeray was totally burnt down; there were no houses  
14 there. We were at all Gumahun. The police would come  
15 for two days and they returned. They were not stationed  
16 there.
- 17 Q. Thank you. All I want to know is: Is it true that you  
18 told the investigator that your son failed to inform the  
19 Mongeray Kamajor High Command of the possession of this  
20 gun; yes or no?
- 21 A. I sent him that morning for the gun. He didn't know  
22 about it. When he brought it, it was that day that they  
23 held the gun. How can we make a report. They went for  
24 it and somebody met him on the way and took it from him.  
25 How could we report?
- 26 JUDGE BOUTET: This is not the question. The question that is  
27 being asked of you is whether or not you did say to the  
28 investigator what Mr Margai is stating. Yes or no?
- 29 PRESIDING JUDGE: Mr Margai, take the question again, please.

- 1 MR MARGAI:
- 2 Q. Mr witness, did you tell the investigator that your son  
3 failed to inform the Mongeray Kamajor High Command that  
4 he was in possession of this gun; yes or no? Either you  
5 told him so or you did not?
- 6 JUDGE THOMPSON: Perhaps the better way to help the witness is  
7 to give him the document.
- 8 MR MARGAI: He has got it there.
- 9 JUDGE THOMPSON: Show him the section.
- 10 THE WITNESS: He asked me -- he asked that the gun -- he asked  
11 me the gun they went for, if the Kamajors were informed.  
12 And I said they would have brought the gun before I could  
13 make a report, but the gun was not there. How could  
14 I make the report?
- 15 MR MARGAI:
- 16 Q. No, not that you reported. What I'm saying is that your  
17 son did not inform, not you. What is written in that  
18 statement is to the effect that you said your son did not  
19 report that he was in possession of the gun to the  
20 Mongeray Kamajor High Command. Look at the portion  
21 there.
- 22 A. This is complicated. It was not in his possession.  
23 I only sent him that morning for it. It was in my  
24 possession, but it was hidden. It was only that morning  
25 that I sent him for the gun, and the gun was removed from  
26 him. I never saw him alive again.
- 27 Q. So you did not tell the Prosecutor that?
- 28 PRESIDING JUDGE: It comes down to that.
- 29 MR MARGAI: Yes, I accept that.

1 PRESIDING JUDGE: Yes, that's right.  
2 JUDGE BOUTET: So you want this document to be marked for that  
3 purpose?  
4 MR MARGAI: Yes, my lord.  
5 JUDGE BOUTET: We'll mark this document as Exhibit 35.  
6 MR MARGAI: Mr walker, the document.  
7 PRESIDING JUDGE: Please, where is 34? Mr walker, could we  
8 have 34, please.  
9 JUDGE BOUTET: We'll complete this one.  
10 PRESIDING JUDGE: Yes, yes, I know. Let him get it ready.  
11 MR MARGAI: Mr walker, and my glasses.  
12 PRESIDING JUDGE: I thought you were giving them to the  
13 witness. He's a teacher. He needs them at all times.  
14 MR MARGAI: No, he forgot his glasses at home. We know each  
15 other very well. He did not see the need, I'm sure.  
16 JUDGE BOUTET: The document of 21 May 2003, a document of four  
17 pages is the statement of the witness is marked as  
18 Exhibit 35. And so I get it correctly, Mr Margai, this  
19 is in relation to the lines marked on the first page of  
20 the document.  
21 MR MARGAI: The first page, yes, My Lord.  
22 JUDGE BOUTET: So this document is marked for that purpose --  
23 MR MARGAI: Sorry, My Lords, it should have been five pages,  
24 I'm sorry. Here is the last page, I'm sorry.  
25 PRESIDING JUDGE: It is always good to clip the, because, you  
26 know, it could be disastrous if one page gets missing.  
27 Your evidence happens to hinge around that.  
28 MR MARGAI: It is the same, five pages.  
29 JUDGE THOMPSON: Mr Margai, did you highlight the portions.

- 1 MR MARGAI: Yes, I did, My Lord.
- 2 JUDGE BOUTET: And this is the portion that is highlighted on  
3 the first page.
- 4 MR MARGAI: That is the portion.
- 5 JUDGE BOUTET: This is the fourth bullet, thank you. So the  
6 document is marked for that particular purpose of showing  
7 inconsistency between what the statement says and what  
8 the witness is stating.
- 9 MR MARGAI: Yes, My Lord. Maybe that ought be stapled to  
10 ensure that a leaf does not fly out.
- 11 JUDGE BOUTET: But to complete the record Exhibit 34, which is  
12 the document that we have marked at your request just for  
13 better clarity and better understanding when we look at  
14 the record in the future, I want to make sure that this  
15 document, that is Exhibit 34, reflects that this is in  
16 relation to TF2-088, because the document in itself all  
17 it says is two names without any other reference.
- 18 MR MARGAI: Yes, so that there will be that nexus. May I then  
19 apply that we so indicate for clarity sake.
- 20 JUDGE BOUTET: Exhibit 34 refers to the surname of TF2-088 and  
21 we'll mark on the exhibit TF2-088.
- 22 MR MARGAI: Could you get Mr walker to do that, please.
- 23 PRESIDING JUDGE: It was supposed to be dated.
- 24 MR MARGAI: It is dated, My Lord.
- 25 JUDGE BOUTET: Thank you, Mr Margai. So we come back to you,  
26 now.
- 27 [Exhibit No. 35 was admitted]
- 28 MR MARGAI:
- 29 Q. Now, just to wrap up this aspect of the cross-examination

1 before we move on, now, Mr Witness, you have never been a  
2 doctor, a medical doctor?  
3 A. I am a xxxxxxxx.  
4 Q. No, answer the question, have you or have you not?  
5 A. No, no, no.  
6 Q. You've never been a medical doctor? Neither have you  
7 been a druggist.  
8 A. None of what you are mentioning.  
9 Q. Nor a nurse.  
10 A. I've not been in the medical field.  
11 Q. Now, Mr witness, did you receive reports?  
12 PRESIDING JUDGE: Mr Margai, it will soon be 5.30.  
13 MR MARGAI: Yes, My Lord.  
14 PRESIDING JUDGE: How long do you think we will be on this  
15 topic that you are introducing now?  
16 MR MARGAI: well, this is going to be a new topic, so I might  
17 as well leave it to start off with on the next adjourned  
18 date.  
19 PRESIDING JUDGE: If it was going to take you five or ten  
20 minutes, that's fine, we may, but if it was going beyond.  
21 MR MARGAI: It is going to go beyond, quite frankly.  
22 My Lords, may I crave your indulgence, based on the  
23 indication that you gave earlier about delivering a  
24 ruling at 9.00, I'm asking that I defer my  
25 cross-examination to about 12.00 on Monday. I regret  
26 making this application on the grounds that I have a  
27 judge's summons in the High Court at 9.00 on Monday. I  
28 will be here latest 11.00 or 11.30. If I'm here before  
29 that I'll let Your Lordships know.

1 PRESIDING JUDGE: That's fine. That's all right.  
2 MR MARGAI: I'm grateful.  
3 PRESIDING JUDGE: That's okay.  
4 [Trial chamber confers]  
5 JUDGE BOUTET: Mr Prosecutor, if I may, just so we know a  
6 little bit more about what is happening on Monday,  
7 depending how much time one will take or not, are you  
8 ready if Mr Margai is not back before, let's say -- he  
9 has asked to be -- that the cross-examination of this  
10 witness be adjourned until 12.00, which the Court has  
11 agreed to. Are you ready to proceed with another witness  
12 in the meantime?  
13 MR TAVENER: Yes, the Prosecution are ready to proceed at  
14 9.30, is it?  
15 JUDGE BOUTET: well, we'll see on Monday, but just be prepared  
16 to proceed with another witness. In the meantime,  
17 I would like to hear, not now but maybe first after these  
18 matters are disposed of on Monday, the indication about  
19 the child witness I referred to earlier this morning.  
20 MR TAVENER: Yes, I understand that person has been  
21 declared --  
22 PRESIDING JUDGE: This said, I think we can start at 9.30,  
23 okay. We started at 9.30, normal time, so that we give  
24 Mr Margai time to come back.  
25 MR MARGAI: Thank you, My Lord.  
26 PRESIDING JUDGE: Yes, okay.  
27 JUDGE BOUTET: But at 9.30 if the decisions are delivered at  
28 that particular moment, after that can we hear your  
29 application and then we'll see how we fit with the next



1 witness.  
2 MR TAVENER: Thank you.  
3 JUDGE BOUTET: Thank you.  
4 PRESIDING JUDGE: well, learned counsel, we've come to the end  
5 of the week. I wish every one of you a very happy  
6 weekend. we are adjourning and we shall be resuming at  
7 9.30 Monday, the 29th of November 2004. Thank you. The  
8 Court will rise, please.  
9 [whereupon the hearing adjourned at 5.30 p.m., to be  
10 reconvened on Monday, the 29th day of November, 2004 at  
11 9.30 a.m.]  
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EXHIBITS:

Exhibit No. 34	91
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WITNESSES FOR THE PROSECUTION:

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EXAMINED BY MS WIAFE	16
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C E R T I F I C A T E

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

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in no wise interested in the result of said cause.

Joanne Mankow

Ella K Drury

Roni Kerekes